

Minutes

MINOR APPLICATIONS PLANNING COMMITTEE

22 June 2021

Meeting held at Council Chamber - Civic Centre,
High Street, Uxbridge



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Henry Higgins (Chairman) John Morgan (Vice-Chairman) Shehryar Ahmad-Wallana Mohinder Birah Nicola Brightman Allan Kauffman John Morse (Opposition Lead)</p> <p>LBH Officers Present: Neil Fraser, Democratic Services Officer James Rodger, Deputy Director of Planning and Regeneration Meghji Hirani, Planning Contracts & Planning Information Alan Tilly, Transport Planning and Development Manager Kerrie Munro, Planning Lawyer</p> <p>Also Present: Councillors Janet Duncan and Raymond Graham</p>
4.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
5.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
6.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 20 May 2021 be approved as a correct record.</p>
7.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
8.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p>

	It was confirmed that all items would be considered in public.
9.	<p>EXTENDING WRITTEN REPRESENTATIONS IN LIEU OF PHYSICAL SPEAKING RIGHTS (<i>Agenda Item 6</i>)</p> <p>RESOLVED: That the Committee agreed to permit those parties with valid speaking rights at planning committee meetings to continue to submit written representations in lieu of attending to speak in person, as set out in the updated Protocol.</p>
10.	<p>119 CHARVILLE LANE, HAYES - 50525/APP/2021/178 (<i>Agenda Item 7</i>)</p> <p>Officers introduced the report, detailing an application for a single storey side/rear extension, with alterations to create a first floor and habitable roofspace, one rear dormer, one side dormer, two side rooflights and two front rooflights, alterations to elevations, brick wall, railing and gates, and demolition of the existing detached garage and existing railings/gates. Officers advised that there was one tree preservation order on site, detailed within the report.</p> <p>Officers considered that, by virtue of its size, scale, bulk and increased height, the proposal would present harmful and inappropriate development within the Green Belt, and would be detrimental to the character and visual amenity of the street scene.</p> <p>The addendum was highlighted, which set out an amendment to the recommendation following receipt of an appeal for non-determination. The amended officer recommendation was therefore ‘had an appeal not been received, the application would have been refused for the reasons as set out’.</p> <p>Members supported the refusal reasons outlined, and moved the officer’s amended recommendation. This was seconded, and when put to a vote, unanimously agreed.</p> <p>RESOLVED: That had an appeal not been received, the application would have been refused.</p>
11.	<p>COOKS GARAGE, FORGE LANE - 62125/APP/2021/952 (<i>Agenda Item 8</i>)</p> <p>Officers introduced the report, detailing an application for erection of a part single storey, part three storey building to provide 5 x 1-bed flats and 1 x 2-bed self-contained flat with associated parking including demolition of existing garages. Members were reminded of the relevant planning history as set out in the report, and it was confirmed that the proposal site was located within an area of Special Local Character.</p> <p>Officers advised that by virtue of its size, scale, bulk and height, the proposed development would fail to respect the traditional appearance of the Old Northwood Area of Special Local Character, and would be detrimental to the amenities of adjacent residential occupiers in the adjoining terrace at the rear of St Matthews Church and to 1 to 6 of St Matthews Court by reasons of overdominance, overshadowing, visual intrusion, loss of outlook, overlooking and loss of privacy. In addition, it was considered that the proposed development would provide insufficient amenity and access for future occupiers. For these reasons, the application was recommended for refusal.</p> <p>A petitioner objecting to the application was present and addressed the Committee, making the following key points:</p>

- The proposed development would result in poor vehicle access to the site, as the road in question was narrow – with the narrowest point of Forge Lane having a width of 350cm, not c.5 metres as noted in the report.
- St Matthew’s claim ownership of 1.6m of Forge Lane width from the Church side, and 0.8m from Church Hall-side. Total right-of-way width of Forge Lane without trespass on St Matthew’s land is therefore only 3.2m.
- The proposed development would result in a loss of amenity for nearby residential occupiers.
- The development would unduly affect St Matthew’s Church and its parishioners by impeding ingress and egress to church facilities & creating potential noise and disruption during daily religious services during the construction phase.
- The proposed development would result in a development located very close to neighbours and would overshadow and overdominate those existing dwellings.
- Due to proximity and overlook, the development would interfere unduly with the full-time residence of the Parish Clergy, with bedrooms, office and living space all overlooked.
- The proposed outdoor communal space was at eye-level of the neighbouring habitable rooms, and would result in noise and overlooking from neighbours and guests.
- The planning report listed some petitioner concerns as immaterial planning considerations, but these concerns remained.

By way of written submission, the agent for the applicant addressed the Committee, making the following key points:

- In respect of the size, scale and design of the development, officers have stated there would be no objections to the loss of the existing garage structures. However, officers have given no weight to the fact the current garage structures contribute negatively to the character and appearance of the area. The proposal represents an improvement to the character and appearance of the area when compared to the existing situation.
- Officers do not clearly state that the proposal will to overlooking and loss of privacy to windows along the first and second floors of No.1 to 6 St Matthews Court, only that it is likely or may happen.
- Unlike other London Boroughs, Hillingdon do not have any overlooking standards. The London Plan refers to privacy distances of 18-21 metres between facing windows of habitable rooms but advises to not have a rigid consideration, otherwise high-density sustainable development may not be possible. In this case, only three windows face St Marys Court, with the two nearest being over 20 metres away. Therefore, the proposed windows could not be reasonably considered to result in harmful overlooking.
- The proposal does include amenity space provision, which is closer to St Marys Court, but this amenity space provision is at first floor level and is surrounded by a 1.7 metre high obscured glaze screen.
- Officers are of the opinion that flat 2 would have a poor outlook, but the

proposed plans for flat 2, show that the outlook for this property is very good.

- The officer report criticises the provision of communal amenity space and states that the provision of communal amenity space is not generally supported by the Councils policies. This is not correct. The preamble to the policy (paragraph 5.72) refers to private amenity space, quote, “whether individual or communal”. The officers report does though advise that the non-provision of balconies could be supported if there were planning reasons to do so. The officer criticism of the size and design of the proposal demonstrates that more visual clutter provided by balconies would not be supported, and as such this is a planning reason not to provide balconies.

Members supported the refusal reasons as set out, and moved the officer recommendation. This was seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

12. **288 WEST END ROAD, RUISLIP - 26934/APP/2021/542** (*Agenda Item 9*)

Officers introduced the report, detailing an application for the change of use of the existing retail unit (Use Class E1(a)) to a hot food takeaway (Sui Generis) and installation of an extraction flue pipe to the rear.

Officers considered that, as the proposed development would be located within 400 metres of Ruislip High School, and as the parade currently had a total of nine units providing takeaway services, it would contribute to the creation of an unhealthy food environment contrary to the requirements of Policy E9 of the London Plan (2021). The proposal was therefore unacceptable in principle. In addition to this, the proposed flue was considered to be an incongruous addition to the application site, and was therefore unacceptable from a design perspective. For these reasons, the application was recommended for refusal.

The applicant’s nominated representative addressed the Committee, making the following key points:

- The applicant was a local resident who had been a part of the local community for some time,
- The unit had been purchased with a view to converting to hot food takeaway to serve the local community.
- The application for the change of use had been submitted prior to adoption of the London Plan Policy E9, and so should be considered under the policies in effect at the time of its submission.
- The siting of the flue could be resolved via design changes.

Officers advised that the London Plan Policy E9 had been adopted on 3rd March 2021, and all applications to be determined subsequent to this date must have regard to the policy.

Members had sympathy for the applicant, but agreed with the refusal reasons as set out. The officer’s recommendation was therefore moved, seconded, and when put to a

vote, unanimously agreed.

RESOLVED: That the application be refused.

13. **170 HAREFIELD ROAD - 23469/APP/2020/3612** (*Agenda Item 10*)

Officers introduced the report, detailing an application for the erection of a 3-bedroom dwelling with habitable accommodation within its roof space and associated parking and amenity space. The proposal included excavation works which would involve lowering the ground level of the land associated with the proposed dwelling by up to 1 metre.

Officers advised that, while the proposal would constitute backland development, it was considered that as the context of the site was already characterised by various backland developments, the proposal was acceptable. The matter of backland development was discussed in the Appeal Decision relating to 13A North Common Road (Application ref: 74738/APP/2019/1181), located west of the application site. Whilst the Appeal was dismissed on highway safety and ecology grounds, the Inspector stated in the Appeal Decision that, "Backland development is part of the character of the area and there is an existing access and lane. Similarly, properties and hard surfacing located behind frontage development would not be at odds with the surrounding area."

Due to its modest scale, massing and design, it was considered that the proposal would not cause harm to the character and appearance of the area, nor would it adversely impact the living conditions of adjoining occupiers. Highways officers had considered that there would be no risk to road safety, the free flow of traffic, or parking, and the London Fire Brigade had raised no objection regarding access for emergency vehicles. The application was therefore recommended for approval.

Petitioners objecting to the application addressed the Committee, making the following key points:

- 170 and 170A Harefield Road was already a subdivided plot, with the application seeking to subdivide again. This was unreasonable, with the plot built for two houses, not three.
- The housing documents showed that the occupants of 168, 170 and 170A shared responsibility for the access road, and if the application was permitted there would be questions over who would maintain the road, pay for damages during the build, or have a say in its use.
- A manhole with accompanying pipework was present at the site, but no drainage survey had been undertaken.
- 170A includes a single use access route via a private driveway with no turn around space. No safety surveys had been undertaken.
- The new build would likely contribute to increased traffic and parking requirements.
- 20 petitioners had signed the petition in objection to the application, showing the depth of feeling against the proposed development.
- Site boundary fence between 172, 170 and the main building was 11.9m long,

which would result in a face to face position around 15m, well under the policy dictating there would be a 21m separation.

- The height of the building would result in a loss of light for neighbouring properties.

The agent for the applicant addressed the Committee, making the following key points:

- The proposal was for a modest bungalow dwelling at the rear of no. 170.
- There was precedent in Harefield Road and North Common Road for subdivision of plots to create new homes beside and behind existing ones.
- Examples of developments included 12A North Common Road in 2019, and land to the rear of 15, 16 and 17 North Common Road adjoining to 170A Harefield Road.
- The proposal would utilise an existing shared access road used by 170 and 170A, and would replace a garage and parking space serving 170. No new vehicle movements would be established by the new bungalow.
- There was no requirement to demolish existing properties or build any new access road.
- The proposal would widen the roadway to provide additional passing space, and the Council's Highways officer has considered the proposal acceptable.
- The bungalow was modest in scale, and its siting would minimise the impact of overlooking or light levels of neighbouring properties.
- Windows would be positioned at angles from neighbours, and separation distance would be sufficient to comply with policy. Windows at first floor level would be obscured.
- No mature trees were present on the site, and would therefore not be lost as a result of the development.
- The proposal helped support Hillingdon's need for new housing.
- The applicant had extensive experience with similar projects and would ensure minimal disruption to residents.
- The developers would resurface the access road.
- The claim that 168 shared responsibility for the road seemed to be erroneous as there was no access to 168 from the road. The road was owned by 170.

Councillor Raymond Graham addressed the Committee as Ward Councillor, making the following key points:

- Councillor Graham supported the petitioners objecting to the proposal.
- The proposal constituted an overdevelopment of the site, and would have result in an adverse impact to the visual amenity of 170A.
- The separation distance from the development site to neighbouring properties was not sufficient and did not comply with policy.

- Responsibility for the access road was shared, and could result in issues over its use and maintenance.
- despite the Fire Brigade raising no objections, it was unclear how emergency vehicles would be able to access the property.
- It was unlikely that the road would allow for two cars to pass each other safely.
- The application should be refused, though deferral for a site visit could also be useful.

Officers advised that the responsibility for the maintenance of the road was a private matter and was not a material planning consideration. Regarding backland development, it was reiterated that the precedent for such development was established, and it was unlikely that the Council would win any appeal should the application be refused on such grounds. On the matter of impact on neighbouring properties, including window siting and separation distances, the Committee was informed that there were no grounds to refuse the application due to concerns relating to these matters.

Members discussed whether a site visit would be beneficial to the reaching of a decision. Some Members felt that a site visit was unnecessary, and that the application should be approved (perhaps with the addition of a condition to help vehicle turning on the access road.) Other Members were minded to approve a site visit.

Deferral to allow for a site visit was moved, seconded, and when put to a vote, agreed for a vote of 4 to 3.

RESOLVED: That the application be deferred to allow for a site visit to be undertaken.

14. **9 FERRERS AVENUE - 53723/APP/2021/1140** (*Agenda Item 12*)

Officers introduced the reports for agenda items 11 and 12, (Application ref. 53723/APP/2021/1141 and ref. 53723/APP/2021/1140), which sought permission for the change of use from a single-family dwelling (Use Class C3) to 7 bedroom House in Multiple Occupancy (Sui Generis).

The addendum was highlighted, which set out the applicant's submission of significantly changed plans. As the revised plans would require additional consultation and evaluation, and were submitted very late, officers advised that they would not be accepted, and that Members should base their decisions on the plans as included within the meeting papers.

Officers considered that the proposed developments would fail to provide a satisfactory residential environment for the future occupants of the HMO, given the lack of a communal living area and that the communal kitchen area was substandard in size and had no outlook or natural lighting. In addition, it was considered that the proposals would result in an overintensive use of the site to the detriment of the residential amenities of adjoining occupiers by reason of noise and disturbance. For these reasons, the applications were recommended for refusal.

By way of written submission, the agent on behalf of the applicant addressed the Committee, making the following points:

- The proposed internal accommodation would be finished to a high quality and by virtue of the proposed layout and room sizes all future occupants would benefit from a good standard of living.
- Regarding the concerns raised regarding the residential environment, that a minor amendment to the proposed scheme comprising the following is suggested:
 - a new window within the south west facing side elevation, which could be obscure glazed if necessary, and
 - the change of a proposed ground floor bedroom and en-suite to a communal living room and storage space which would reduce the scheme to a 6 bedroom HMO with a maximum of seven tenants.
- The side window now proposed would not affect living conditions at the neighbouring property no. 11 as it would only overlook the flank elevation and side passageway of the adjacent dwelling and could be conditioned to be obscure glazed and fixed shut if necessary. The window would provide an adequate outlook and natural daylight to tenants within the kitchen of the HMO.
- The minor modification would also include the change of a rear bedroom to a proposed living room which would also be of an adequate size for future occupants with a good outlook that provides direct access to the rear garden, whilst the storage space would provide a useful area for tenants.
- Regarding potential noise and disturbance, whilst the size of the bedrooms is acknowledged, the maximum number of tenants within the HMO would be seven. Consequently, the HMO would not be likely to generate any more noise and disturbance than from activities from family occupation, given that the existing five bedroom property has the potential to accommodate up to eight individuals.
- A house of this size could be occupied by a household of adults with different activity patterns or include several children of various ages, and as such the movement patterns of a large family would not be vastly different from the residents within a proposed HMO.
- A condition restricting the number of occupants to seven would be entirely enforceable. Moreover, the HMO would be licensed which would also include restricting the number of tenants. The applicant would be a responsible landlady who will employ the services of a managing agent to ensure that the property is maintained to a high standard not exceeding the permitted maximum number of tenants.

By way of written submission, Councillor Jan Sweeting addressed the Committee as Ward Councillor, making the following points:

- Both planning applications have been subject of a number of letters of objection, including a petition of residents, should be refused for the reasons as detailed within the report.
- Regarding the impact of an HMO with a capacity of 14 adults would have on immediate neighbours, with no adequate communal areas, it would be necessary for the occupants to use the outside space for meeting and dining and recreation, resulting in noise and disturbance.
- The Officer's report suggests that parking in the road would not be impacted by

the potential HMO having a capacity of 14 adults due to the fact that a Section 106 Agreement would prohibit the occupiers being able to apply for residential parking permits. However, this is unlikely to be easily enforceable as there have been instances in this road where permits have been misused, and cars parked overnight without permits.

Councillor Janet Duncan addressed the Committee as Ward Councillor, making the following points:

- The points raised by Councillor Sweeting were accurate. The road is often subject to unauthorised parking, and consequently parking was often stressed.
- The proposed development would constitute an overdevelopment out of character with what was a family road, and would result in significant noise and disturbance.

Members supported the officer's recommendation for the reasons as outlined. The recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

15. **9 FERRERS AVENUE - 53723/APP/2021/1141** (*Agenda Item 11*)

This item was considered with agenda item 11.

Members supported the officer's recommendation to refuse the application. The recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

16. **REAR OF 1-3 COLHAM MILL ROAD - 52884/APP/2020/2090** (*Agenda Item 13*)

Officers introduced the report, detailing an application seeking permission for the retention and alteration of 4 shipping containers for office use (Use Class E(g)(i)) with associated parking (Part Retrospective). Members were reminded that the application had previously been deferred to allow for a site visit, which had subsequently been held. The addendum was highlighted, which suggested an additional condition relating to vehicle access on the service road.

Officers advised that the proposal was considered acceptable on visual grounds and would not result in an unacceptable loss of amenity to neighbouring occupiers. Furthermore, the proposal would not have a detrimental impact upon highway safety. Therefore, the application was recommended for approval.

By way of written submission, Councillor Jan Sweeting addressed the Committee as Ward Councillor, making the following points:

- Although conditions have been placed on the use of the 4 shipping containers to ensure that they will only be used as office space, the recent relaxed planning rules could mean that use may change in the future to living space, so the Council could be giving approval to future, "beds in sheds."
- There have been a number of concerns expressed by near neighbours, which have been included in the Officer's report. These include the area's stated use as an overflow car park for the café, that the containers are not in keeping with

the surrounding area and that the use of the offices will mean even more cars in this already very heavily congested area.

- The area experiences acute parking problems, which are a daily occurrence in Colham Mill Road, adjacent to the café, and at the entrance to where the 4 containers are situated. There are only a very few car park spaces at the café, made even fewer by the recent alteration of car park space into an outside seating area, and so some customers park their cars over the adjacent pavements which are then blocked so that pedestrians cannot pass. The parking problems are made worse each Friday, when worshippers attend Friday Prayers at the Mosque close by.
- Colham Mill Road is the only entrance to the whole of the Garden City Estate, so any additional cars being parked in the vicinity to serve the new offices will add to the overall car congestion.
- To approve the use of shipping containers as offices in a residential area would set an unfortunate precedent.

Councillor Janet Duncan addressed the Committee as Ward Councillor, making the following points:

- The points raised by Councillor Sweeting were accurate. Parking was a problem in the area, which would only be exacerbated should; the proposal be approved.
- Cars entering the site could be placed in danger due to the abundance of parking cars.
- The site was located close to an area of Special Local Character as not in keeping with the surrounding area.
- The site was located close to residential housing and could result in noise and light pollution for neighbouring properties.

Members queries whether the site had sufficient toilet facilities. Officers advised that there were no polices that required toilet facilities on private premises.

Officers also confirmed that the site was not in the area of Special Local Character referred to by Councillor Duncan, and highlighted that conditions were proposed that would limit use of the site to office use, as well as its hours of use. It was reiterated that it was the officer's opinion that there were no grounds to refuse the application.

Members supported the officer's recommendation but suggested that conditions relating to access via the gate at the rear of the site, and the sites hours of use (to prohibit use on Sundays and bank holidays, etc.), be strengthened.

The officer's recommendation, inclusive of the strengthening of conditions relating to rear access and hours of use, was moved, seconded and when put to a vote, agreed by a vote of 4 to 2.

RESOLVED:

- 1. That the application be approved;**

	2. That the Head of Planning be delegated authority to strengthen conditions relating to site access and hours of use.
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	The meeting, which commenced at 6.00 pm, closed at 7.55 pm.
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These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services on 01895 250636. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.