

Report of the Head of Planning & Enforcement Services

Address KYLEMORE HOUSE HILL END ROAD HAREFIELD

Development: Alterations to front boundary to include new gate and fencing involving removal of existing wall, pillars, railings and gates.

LBH Ref Nos: 46539/APP/2010/1396

Drawing Nos: 1634B/KG-01/KG Rev. A
1634B-02/KG Rev. A - Proposed Front Boundary
1634B-03/KG Rev. B
1634B-02/KG - (Location/Block Plan)

Date Plans Received: 15/06/2010 **Date(s) of Amendment(s):** 15/06/2010
Date Application Valid: 23/06/2010 08/07/2010

1. CONSIDERATIONS

1.1 Site and Locality

Kylemore House comprises a two storey detached property on a reasonably large plot located on the south western side of Hill End Road, some 40m to the north of the access to White Heath Farm. Adjoining the property to the north is a row of 4 terraced houses known as Nos. 1 - 4 Tanrey Cottages. The house and the adjoining terrace are set back approximately 40m from the road, which on this side is fronted by a strip of woodland. The surrounding area predominantly forms open fields. The original property has a two storey side extension, a single storey side extension/conservatory, a detached double garage, a number of outbuildings, including a large pool house, extensive hardstanding and decking areas. A wall has also been erected along the front of this and the adjoining terrace, at the back of the roadside verge, in front of the wooded area. The site forms part of the Green Belt and is located within the Colne Valley Park.

1.2 Proposed Scheme

This application seeks permission to remove the existing 1m high wall, pillars, railings and gate on the front boundary and erect a 2m high timber fence, approximately 65m long to the front of this and the adjoining properties, Tanrey Cottages, set back approximately 4.5m from the existing wall. A new vehicular access would be created approximately 10m from its northern end, with the blocking-up of the existing southern vehicular access in front of Kylemore House.

1.3 Relevant Planning History Comment on Planning History

There is an extensive planning history on this site. Following a number of refusals which were dismissed at appeal, permission for a replacement house on this site was approved on 8/04/94 (ref. 46539/D/94/85).

Subsequently, two certificates of lawfulness were refused on 7/03/08 and 23/04/08, the first one was for a detached single storey garage (ref. 46539/APP/2007/3807) and the latter was for a single storey detached outbuilding for use as a gym/playroom/store (ref. 46539/APP/2008/688).

This was followed, initially by the refusal of a part retrospective application on the 13/05/08 for the erection of a two storey side extension with front and rear dormers and erection of a 2m high front brick wall with electrically operated gates (ref. 46539/APP/2008/686) before permission was granted for the erection of a two storey side extension with front and rear dormers on the 7/11/2008 (ref. 46539/APP/2008/2707).

A swimming pool housing was the subject of a subsequent certificate of lawfulness (ref. 46539/APP/2008/2748) which was approved on the 17/11/2008.

Following a number of applications either involving the front boundary, vehicular access or the retention of a detached garage and external staircase which were withdrawn, permission for a two storey side extension on the other side of the house from the two storey side extension that had already been granted, was refused on the 17/04/09 (ref. 46539/APP/2009/342). A subsequent appeal was dismissed on the 12/03/2010.

This has been followed by numerous refusals which include a certificate of lawfulness for two detached single storey outbuildings for use as a gymnasium and car port (ref. 46539/APP/2009/346) on the 17/04/09, retention of a single storey attached building and staircase to the existing detached garage for a limited 1 year period (ref. 46539/APP/2009/356) on 23/04/09, retention of front boundary wall, railings and gates and new access, crossover and driveway (ref. 46539/APP/2009/1160) on the 4/08/09, a certificate of lawfulness for a single storey outbuilding for use as a swimming pool house (ref. 46539/APP/2009/1833) on the 15/10/09 and a certificate of lawfulness for a side canopy (ref. 46539/APP/2009/1834) on the 15/10/09.

An appeal against an enforcement notice relating to 1. a single storey attached building (lean to car port structure) and rear staircase to existing detached garage, 2. brick piers, gates and railings to front boundary to include new vehicular crossover and 3. a container used for domestic heating purposes for the storage of liquid petroleum gas was dismissed on the 12/03/10.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- 23rd July 2010

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

EXTERNAL CONSULTATION

4 neighbouring properties have been consulted and a site notice has been displayed on site. A total of 9 responses have been received from these properties, objecting to the

proposal on the following grounds:-

- (i) The proposed fence butts onto a highway and therefore should be no higher than 1m. A solid fence would be inappropriate along Hill End Road, where trees, hedges and shrubbery form the boundaries. The suburban fence would compromise the open and rural aspect of the road, and impact upon the openness of the Green Belt;
- (ii) No tree survey/report has been carried out to BS 5837:2005 to comply with saved Policy BE38 of the UDP. Despite applicant continually stating on the application forms that no trees or hedges are within falling distance of the proposed developments, much tree and hedge destruction has already been carried out by the applicant. The new application would severely damage what is left of the existing woodland as there are trees in the proposed area of the drive that would need to be felled to accommodate it and fence would remove light from woodland. Damage to woodland would be detrimental to the character of the Green Belt;
- (iii) Historically, Kylemore House has always had its entrance to the front of the property. It is not appropriate to move it in front of Tanrey Cottages front gardens. Residents will experience increased light, noise and pollution from applicant's large cars and commercial vehicles stored at the site;
- (iv) Proposed entrance, close to the entrance to the four house which comprise Tanrey cottages would be detrimental to road safety, particularly in rural setting when accesses are expected to be widely spaced;
- (v) Applicant has a history of harassment against local residents;
- (vi) Existing front wall with unauthorised driveway has yet to be removed;
- (vii) During recent development work at Kylemore House, an ancient drainage ditch was removed. This needs to be reinstated as water will sit on the road, threatening road safety and adjacent neighbouring driveway is being eroded;
- (viii) Driveway would be disproportionate to surroundings and proposal, if approved, will establish precedent for more driveways;
- (ix) Planning Inspectorate has already refused a retrospective application with regard to the second driveway and wished for it to be removed;
- (x) Applicant will go ahead and seek retrospective approval as he has done with all the other unauthorised developments at this address;
- (xi) Land Registry Covenant AGL 28749 with previous land owner protects the then 31 woodland trees on the woodland strip and for this area to be managed by a 'specialist arboricultural contractor'. This also required any successor in title to enter into a Deed of Covenant to secure the same. No such specialist tree work has been carried out, in fact tree roots of TPO'd trees were chopped rather than protected;
- (xiii) Previous appeal for a new entrance into the woodland and other works was dismissed as considered inappropriate;
- (xiv) Current driveway through woodland was only meant to be temporary;
- (xv) Application form states that the proposed materials and finishes are not available but this is a timber fence;
- (xvi) A 1m high chain-link fence would be more sympathetic to the woodland, rather than 2m high fence;
- (xvii) With a driveway through the wood and the screening afforded by a 2m high fence, applicant might be tempted to build within woodland;
- (xviii) Conditions attached to permission on original house sought to ensure that the woodland was protected;
- (xix) Driveway would drive away fauna from the area;
- (xx) Application a cynical attempt to waste Council time, taxpayer's money and delay enforcement action being taken against the existing boundary treatment;
- (xxi) Applicant has a massive caravan parked on his drive that would not be able to use

the proposed access

Officer's Response: The relevant material planning concerns raised have been dealt with in the officer's report.

Harefield Tenants and Residents' Association:

Members welcome the revised design for the front boundary treatment which would be a major improvement to the street scene. However, the 2 metre high fence panels would still be quite imposing.

We object totally to the closure of the original access drive which has planning permission and the retention of the drive (without planning approval) through the copse/wood and the access which has been created without planning approval from the Council.

The amount of footprint that has been covered with hardstanding at this site is incredible and this needs to be removed and the wooded area be returned back as of the original planning conditions put on the site when it was known as Tanray House.

We request refusal.

Harefield Village Conservation Panel

The Panel objects to this application vigorously. It shows the proposed new fence set back from the line of the existing wall, which was built so close to trees in the protected woodland that some trees had to have their roots cut back severely, and a new drive through the trees, has been submitted without the benefit of an accurate tree survey.

Further, the alignment shown for the drive is totally unrealistic as the geometry shown could not be traversed by wheeled vehicles. A properly designed drive with a horizontal alignment which does not impinge upon or cover the root spread of any tree must be required before this application can be considered.

The timber fence proposed is quite unsuitable for this site by reason of its height and solid construction which would fail to harmonise with the rural character and openness of this Green Belt location and was contrary to Policies BE13 and OL4 of the Council's UDP (Saved Policies September 2007) and Section 10.00 of the Council's HDAS "Residential Extensions."

Also, the Panel refers to an earlier application for a similar wall and gates (ref: 46539/APP/2009/75) that was withdrawn about 30 minutes before the North Planning Committee meeting held on 7th April 2009, at which a report of the Director of Planning & Community Services Group recommending refusal for this application, was to be considered.

This report sets out cogently why this application should be refused and stated that a hedge of native trees or shrubs along the road frontage with chain link or weld-mesh fencing behind would be much more suitable for the area. The Panel believes that this still applies and urges that this application is refused until such a solution is proposed.

INTERNAL CONSULTATION

Tree Officer:

This plan is still very sketchy and does not provide enough comfort that the protected trees on the site will be retained and adequately safeguarded.

* The tree survey should be to BS5837:2005. All trees closest to the roadway need to be accurately plotted, identified and assessed individually. Elsewhere the areas of woodland cover also need to be indicated on plan.

* All wooded areas should be annotated 'to be retained' and protected.

* The LPA require detailed 'no dig' construction details, including construction details/levels. (Bark chippings will break down quickly and are unlikely to form a sustainable driveway).

* Clearer indication of landscape proposals. Location and extent of new planting/hedging?

4. **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.

Part 2 Policies:

OL4 Green Belt - replacement or extension of buildings

BE13 New development must harmonise with the existing street scene.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

AM7 Consideration of traffic generated by proposed developments.

HDAS Residential Extensions

PPG2 Green Belts

BE19 New development must improve or complement the character of the area.

5. **MAIN PLANNING ISSUES**

The main considerations with this proposal relate to the impact upon the Green Belt and the visual amenities of Hill End Road, the impact upon trees, the implications for residential amenity and highway safety.

The Inspector, in considering the appeal against the enforcement notice which together with other developments, dealt with the existing brick piers, gates and railings that have been erected on the front boundary, together with a new vehicular crossover, considered the structure to constitute inappropriate development in the Green Belt and concluded that it significantly increased the built-up appearance of the site, in conflict with saved UDP Policy OL4. As regards the new crossover, the Inspector did not consider that it resulted in

a material loss of openness, but due to the extent of its hard surface, it imparted a greater awareness of development in this rural location. In particular, the Inspector considered the brick piers, gates and railings 'are highly visible over a long distance from the highway and the footway on its eastern side. They give a far more built-up appearance to this part of Hill End Road than the fallback position (one metre high boundary structures), and significantly diminish and harm the openness of the Green Belt.' The Inspector went on to acknowledge the benefit of the wall and railings in terms of affording security to the premises, and whilst these benefits were not dismissed lightly, the Inspector considered that there are alternative ways of addressing these concerns that would be more sympathetic to the character and appearance of the locality.

By contrast, this proposal is for a replacement 2m high timber fence, set back by approximately 4.5m from the existing boundary wall which would be removed and the existing southern entrance to the site blocked. The fence, particularly if it were to be treated with a dark finish, would not be particularly dominant within the Green Belt, and its recessed position would involve the fence being sited within the woodland, with a number of trees in front of the fence line, helping to screen it. The fence could also be further screened by appropriate planting, which could be controlled by condition. It is therefore considered that although the fence does represent inappropriate development within the Green Belt, given its timber construction and siting, its impact upon the openness and character of the Green Belt would be negligible. Furthermore, the proposed new access would replace the existing access so that there would be no net increase in the perception of development at this site. For similar reasons, the fence would not appear unduly dominant within Hill End Road. The proposal is considered to satisfy Policies OL4 and BE13 of the saved UDP (September 2007).

An important aspect of maintaining the character of the Green Belt will be to ensure that the impact of the development upon existing protected trees is acceptable. To this end, the Council's Tree and Landscape Officer advises that the information submitted with the application is inadequate and fails to satisfy BS5837:2005. As such, the Local Planning Authority has been unable to fully assess the impact of the development upon protected trees and the proposal is contrary to saved UDP Policy BE38.

As regards the impact upon neighbouring properties, the proposed fence is sufficiently remote and would be screened from Tanrey Cottages, the nearest residential properties by the woodland. As regards the impact of vehicles using the new access, this would be sited to the front of Tanrey Cottages, some 20m from the front elevation of the nearest property. It is considered that this relationship is a normal one, akin to properties fronting the road and the separation distance would assist with the mitigation of the impact of the use of the new drive. The proposal would accord with Policies BE20, BE21 and OE1 of the saved UDP (September 2007).

As regards highway safety, with the fence being set back from the road, adequate visibility splays could be maintained to safeguard highway safety. As such the proposal is considered to accord with Policy AM7(ii) of the saved UDP (September 2007).

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

It is considered that the development would be likely to adversely impact on trees of recognised amenity value which contribute to the rural green belt setting.

Nonetheless, in the absence of detailed and comprehensive tree information, including a tree survey to BS5837:2005, the Local Planning Authority has been unable to fully assess the impact of the development upon existing protected trees on and close to the site. The proposal therefore fails to accord with Policy BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

- 1** The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2** The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

OL4	Green Belt - replacement or extension of buildings
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
HDAS	Residential Extensions
PPG2	Green Belts
BE19	New development must improve or complement the character of the area.

Standard Informatives

- 1** The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

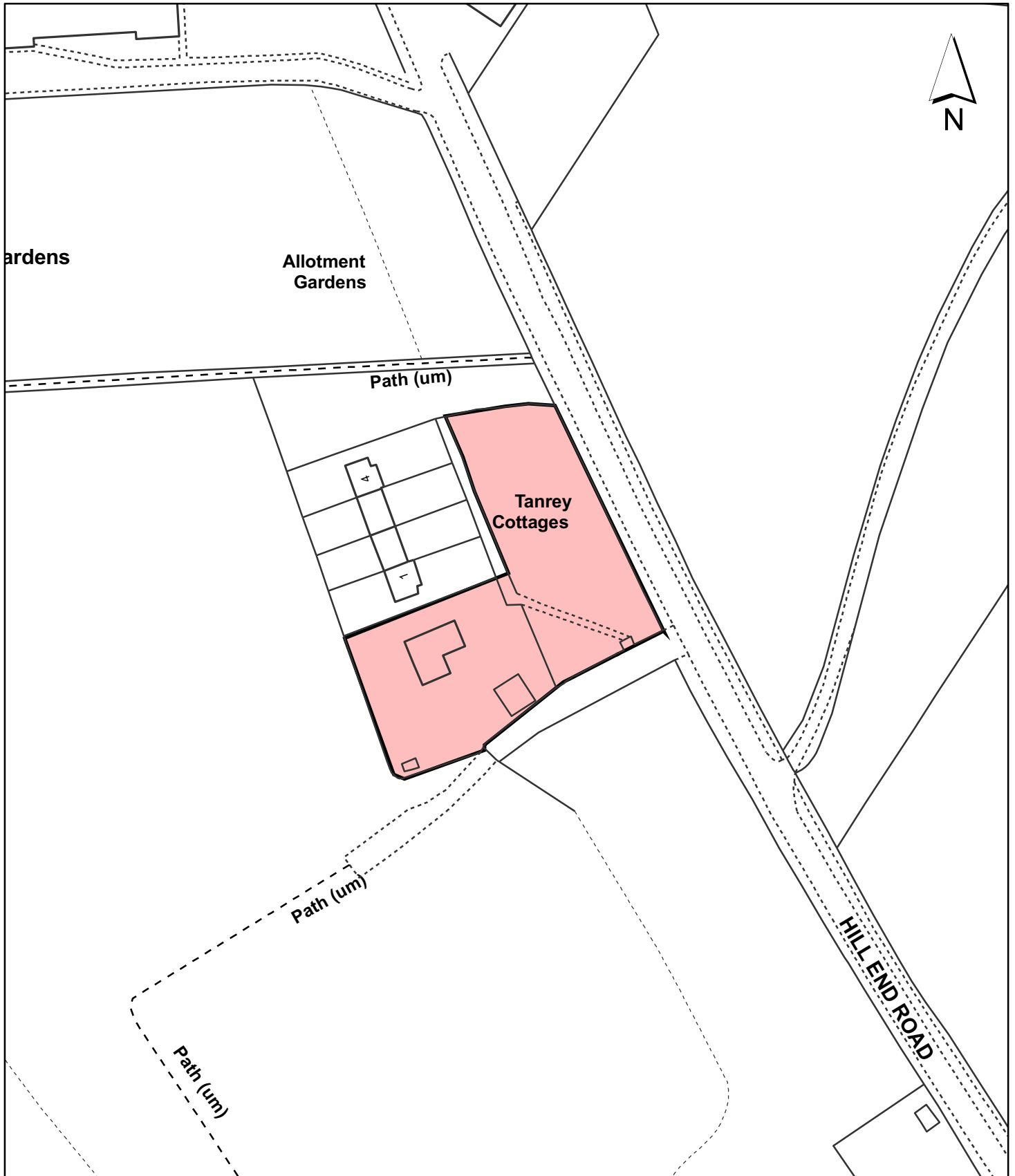
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Policy No.


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HDAS	Residential Extensions
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Notes

 Site boundary

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Site Address

**Kylemore House
Hill End Road
Harefield**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

46539/APP/2010/1396

Scale

1:1,250

Planning Committee

North

Date

July 2010



HILLINGDON
LONDON