

Report of the Head of Development Management and Building Control

Address: 161 RYEFIELD AVENUE HILLINGDON

Development: Partial retention of outbuilding for use as ancillary storage and staff room for the existing shop (partially retrospective)

LBH Ref Nos: 4108/APP/2023/1445

Drawing Nos: Location Plan
DRW-1 B2
Design and Access Statement

Date Plans received: 16-05-2023

Date Application valid 16-05-2023

1. SUMMARY

This application seeks to retain a reduced-scale outbuilding for use as storage and a small staff room for the ground floor commercial premises (hot-food takeaway) at 161 Ryefield Avenue, Hillingdon. This would necessarily involve the partial demolition of the existing unlawful outbuilding on site and internal alterations to remove the existing kitchen and bathroom facilities. The removal of these fixtures would be secured by Condition 1, and the use of the outbuilding as ancillary to the commercial premises would be secured by Condition 6.

Following revisions to reduce the scale and impact of the proposal, it is considered that the development would not harm the character and appearance of the area and would not impact on the living conditions of any neighbouring residential occupiers.

The most recent re-consultation involved revisions to correct the drawings to show an existing ground floor kitchen window at No. 161A Ryefield Avenue, and to propose a re-sited boundary treatment between the application site and this neighbouring property. These revisions seek to improve the existing outlook from No. 161A and to mitigate any potential impact from the comings and goings of staff going from the shop floor to the outbuilding. This is discussed in section 7.08 of this report. The proposed boundary treatment would be secured by Condition 3.

It is therefore recommended that planning permission is granted, subject to the imposition of the planning conditions detailed in Section 2 of this report.

2. RECOMMENDATION

APPROVAL subject to the following:

1. HO1 Time Limit

The development hereby permitted shall be completed in its entirety within 3 months from the date of this permission. For the avoidance of doubt this includes the removal of kitchen and bathroom/WC facilities, fixtures and fittings. No kitchen, bathroom or WC facilities shall be installed into the outbuilding at any time.

All debris, items, fixtures and fittings, plant and machinery resulting from the partial demolition and implementation of the approved development shall be removed from the site within this same period.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 and to protect neighbouring amenities in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

2. HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing DRW-1 B2.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

3. M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of gates, materials and type of boundary treatment to be erected along the proposed re-sited boundary with No. 161A Ryefield Avenue. The boundary treatment shall include 1.8m high close-boarded timber fencing or imperforate wall. The approved details shall be implemented in their entirety prior to first use of the outbuilding, and shall be permanently retained for the lifetime of the development.

REASON

To safeguard the amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building or neighbouring residential amenity in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

4. HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

5. NONSC Refuse storage

Provision shall be made on site for commercial refuse storage and collection. This shall be kept separate from residential storage, and shall be implemented prior to first occupation of the development and shall be retained for the lifetime of the development.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

6. COM11 Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 1995)

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the outbuilding hereby approved shall only be used for storage purposes and a small staff room no greater than 4.5 square meters of floor space (as shown on plan reference DRW-1 B2) ancillary to the hot food takeaway premises at No. 161 Ryefield Avenue, and not for any other use.

REASON

To protect the vitality and viability of town and local centres in accordance with Policy E5 of the Hillingdon Local Plan Part One: Strategic Policies (November 2012), Policy DMTC 1 of the Hillingdon Local Plan Part 2 (2020), Policies SD6 and SD7 of the London Plan (2021) and the National Planning Policy Framework

7. OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall include:

- (i) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (ii) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (iii) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (iv) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (v) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy BE1 of the Hillingdon Local Plan Part 1 (2012).

8. HO5 No additional windows or doors

No additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon

INFORMATIVES

1. I59 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

2. I2 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

3. I47 **Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

4. I15 **Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a ground floor commercial premises that is comprised of a hot food takeaway. The shop is mid-terrace, and on the upper floor is a residence (161A), which is accessed from the rear with its kitchen and conservatory on the ground floor.

The surrounding area falls within a shopping parade which is made up predominantly of commercial use on the ground floor and residential to the upper floors. To either side of the shopping parade, two storey terraced homes dominate the street scene.

The application site is not designated within a Conservation Area, nor an Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land. The site is not within a Critical Drainage Area nor Surface Water Flood Zone.

3.2 Proposed Scheme

The application seeks to partially retain the existing outbuilding for use as ancillary storage and a staff room for the existing hot-food takeaway premises.

3.3 Relevant Planning History

4084/APP/2012/243 161 Ryefield Avenue Hillingdon
Change of Use from Use Class A1 (Shops) to Use Class A3 (Restaurants and Cafes)
Decision: 25-07-2012 Approved

4084/APP/2021/1538 161 Ryefield Avenue Hillingdon
Conversion of store/garage space (associated with retail unit) into studio flat (Use Class C3)
Decision: 11-06-2021 Approved

4084/APP/2021/3605 161 Ryefield Avenue Hillingdon

Single storey rear extension

Decision: 22-12-2021 Refused

4084/APP/2021/420 161 Ryefield Avenue Hillingdon

Change of use from cafe (Use Class E(b)) to hot food takeaway (Sui Generis)

Decision: 06-04-2021 Approved

4108/APP/2020/2192 161 Ryefield Avenue Hillingdon

Conversion of garage to vehicle repair/service garage (Sui Generis)

Decision: 16-09-2020 Refused

4108/PRC/2023/45 161 Ryefield Avenue Hillingdon

Retention of a single storey outbuilding for use as a store. Notice served to demolish by 21.5.23.

Require proposed meeting to explore what could be approved on site

Decision: 16-05-2023 Objection

Comment on Relevant Planning History

The relevant planning history listed above.

Prior approval under application ref: 4084/APP/2021/1538 was granted in June 2021 for the conversion of a store/garage space (associated with retail unit) into a studio flat (Use Class C3). However, the store/garage was subsequently demolished and replaced with the existing building that is the subject of an enforcement notice (ref: HS/ENF/019683).

A subsequent appeal against the enforcement notice was dismissed on 21st February 2023. (ref: APP/R5510/C/22/3294040).

It is noted that the enforcement notice required the applicant to:

- (i) Demolish and remove the studio flat (Use Class C3); and
- (ii) remove from the land all debris, items, fixtures and fittings, plant and machinery resulting from the above compliance (i).

In the appeal against the enforcement notice, the Planning Inspector considered six proposal options and concluded that the appeal should be dismissed and the enforcement notice upheld. This was due to the poor quality living conditions afforded to the existing and future occupants of the studio flat, and the unacceptably harmful effect on the character and appearance of the area due to the extensive footprint and overall scale of the outbuilding. It was not found that the proposal would be harmful to the living conditions of neighbouring residential occupants, nor was any unacceptable impact on highway safety found.

This application proposes a significantly reduced outbuilding footprint that is smaller in scale than the

existing outbuilding (subject to the enforcement notice) and the options considered by the Inspector. The residential use of the outbuilding is also no longer proposed. Instead the proposed use of the reduced-scale outbuilding would be ancillary to the ground floor commercial premises.

4. Planning Policies and Standards

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan Part 1 - Strategic Policies (2012)
The Local Plan Part 2 - Development Management Policies (2020)
The Local Plan Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 16 Housing Standards

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D4 (2021) Delivering good design

DMT 6 Vehicle Parking

DMT 2 Highways Impacts

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: Not Applicable

5.2 Site Notice Expiry Date: Not applicable

6. Consultations

External Consultees

11 neighbouring properties and Oak Farm Residents Association were consulted by letter dated 31st of May 2023, following revisions to reduce the scale of the outbuilding. Re-consultation has been carried out on 16th June, 26th July and 22nd August.

The most recent re-consultation involved revisions to correct the drawings to show an existing ground floor kitchen window at No. 161A, and to proposed a re-sited boundary treatment between No. 161A and the subject commercial premises. These revisions seek to improve the existing outlook from No. 161A and to mitigate any impact from the comings and goings of staff going from the shop floor to the outbuilding. This is discussed in section 7.08 of this report.

Representations have been received from the Oak Farm Residents Association, one member of the public and a Ward Councillor. The matters raised are summarised as follows.

OAK FARM RESIDENTS ASSOCIATION (in order of most recent to oldest)

Comments received 04-09-23

OFRA's committee are still concerned that the demolition order of April/May has not yet been followed through.

As previously noted, we are concerned that the applicant's original plan to convert the structure to a habitable space suggests that there is no underlying commercial requirement, need nor justification for converting and

adding additional storage to the site. The stream of amended proposals since the demolition order has served

to confuse the ultimate layout of the retained building. The current proposal also provides unsuitable layout and

conditions for a staff room; it's relationship to the main commercial plot has not been adequately demonstrated.

We support the enforcement order as it stands.

Comments received 07-08-23

Oak Farm Residents' Association welcomes the reduction in the footprint of the proposed storage room, as well as the removal of the more domestic amenities. We hope that this will result in less disturbance of the facilities of the first-floor tenants. We also hope that the work to build this proposal will be monitored.

Comments received 16-06-23

OFRA strongly objects to this planning application. We have been informed that the 'habitable space' was

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built beyond the parameters of the original permission and is subject to an enforcement order. We are concerned that the applicant's decision at the outset, to convert the structure to a habitable space suggests that there is no underlying commercial requirement, need nor justification for re-converting and adding additional storage. We ask that NO further development is allowed until the enforcement order has been satisfied.

RESIDENT/MEMBER OF PUBLIC

- i). Access issues to other garages during construction
- ii). Does not understand how an application can be considered when there is an enforcement notice.

PLANNING OFFICER RESPONSE

The comments received from the Oak Farm Residents' Association are noted. The relevant planning matters are addressed within the main body of the report. In respect to matter (i), demolition and construction works would be temporary, and a recommended condition seeks the submission of a construction management plan which would address access impacts on the local highway. In respect to matter (ii), the proposed development is materially different from the scheme subject to the enforcement notice in terms of scale and proposed use, so is determined on its own planning merits.

WARD COUNCILLOR (in order of most recent to oldest)

Comments received 08-08-23

- i). Further to revised plans are still opposed to the application. Although the length of the building is reduced, the width and height remain the same, and so I think the issue with the building's scale and mass, as set out by the Planning Inspector, remains.
- ii). The alleyway remains too narrow and constitutes a safety risk in the event of a fire
- iii). The staff room and the inevitable comings and goings will have a negative impact upon the current and future residents of 161A.
- iv). If accepted, can it be conditioned that the kitchen and bathroom are physically removed.
- v). The current wood-panel wall for the amenity space outside 161A constitutes a fire risk as well.

Comments received 20-06-23

- vi). The Planning Inspectorate has already condemned the structure on the grounds of 'character and appearance' and rejected the idea of retaining the structure as ancillary shop storage. The application does nothing to address these points.
- vii). Bulk, mass and height the new structure is too large. Taller and wider than any existing rear-building along the shopping parade and is certainly bigger than the previous structure
- viii)Concerns regarding reduction of width to the side-alley which is considered unsafe and a fire risk
- ix). Bulk and height still dominate the kitchen and conservatory of 161A and its proximity means there is inadequate amenity space for 161A. There would be a detrimental impact on the residents at 161A.
- x). Concerns regarding waste disposal
- xi). Uses in the outbuilding as 'WC' is unacceptable in terms of noise and movement
- xii). Side alley is much narrower than before and considered unsafe and a fire risk

PLANNING OFFICER RESPONSE

The scale and mass of the outbuilding, and proposed use is considered in section 7.07 of this committee report. Whilst the width and height remain the same, the reduction in length, and hence footprint, would

result in a 47.2 percent reduction in the scale of the outbuilding (points i, vi and vii).

The Council's highways officer has reviewed the proposal and considers the width of the access acceptable for pedestrians. Further stating that emergency vehicles would be able to park outside the shop. Fire service vehicles would run hoses through the shop. Paramedics would also have pedestrian access through the shop (points ii, viii and xii).

The impact on neighbouring residential amenity, specifically No. 161A, is considered in section 7.08 of this committee report (point iii).

The Planning Inspector did not find that the existing outbuilding would be harmful to the living conditions of neighbouring residential properties (paragraph 23 of the appeal decision). In terms of the height and bulk of the outbuilding dominating the kitchen and conservatory of 161A, the Planning Inspector noted that the "appeal building sits adjacent to the conservatory that serves the flat at No. 161 and therefore dominates the outlook from the conservatory. This is further compounded by the close boarded timber fence. However, from the evidence before me, the previous outbuilding was similarly positioned. Consequently, whilst the outlook from the conservatory is poor, it does not appear to be materially worse than when the previous outbuilding was in situ" (paragraph 22 of the appeal decision). The proposal would retain the same relationship between the outbuilding and the ground floor accommodation at No. 161A. Consequently, the impact is acceptable (point ix).

Condition 1 of the recommendation for approval seeks to remove the kitchen and WC/bathroom facilities, fixtures and fittings within 3 months of any grant of planning permission (points iv).

Details of the revised boundary layout and treatment would be secured by Condition 3 in the event of an approval. The use of close-boarded timber fencing is not considered unreasonable or a specific fire risk, and is evident to the rear of these commercial properties (point v).

To provide clarity, the appeal decision to uphold the enforcement notice does not state that retaining the structure as ancillary to the shop is unacceptable. Rather it clarifies that the use of the outbuilding as ancillary storage for the shop cannot be considered in the appeal. This is because, in respect to the enforcement notice, it is "not included in the allegation and therefore does not relate in whole or to any part of the matters alleged. Accordingly, I cannot consider the use of the building as ancillary storage for the shop as part of the deemed planning application, as to do so would go beyond the provisions of s177(1)(a)" (paragraph 2 of the appeal decision) (point vi).

Waste storage and management is considered in section 7.15 of this committee report (point x).

A revised drawing has been secured, whereby the WC is removed from the outbuilding and retained as existing (point xi).

Internal Consultees

Comments from internal consultees are summarised as follows.

HIGHWAYS OFFICER

There are no objections from the Highways Authority for this proposal.

Access and Parking

The application proposes to reduce the size of the existing building on the site to provide a staff room, cooler room and storage area which will be unlikely to impact on highway safety or cause a severe cumulative effect on highway capacity. The proposed development should not be used for any other purpose and should remain ancillary to the existing retail unit at 161 Ryefield Avenue.

Concerns are raised regarding the construction phase of the development. The Location Plan shows the red line around the boundary of the application site which does not extend to the adopted highway at Ryefield Avenue or Berkeley Road along the unadopted access road at the rear of the application site which is gated at both ends. A Construction Logistics Plan (CLP) will therefore be required which should address the removal of demolition waste and the delivery and storage of construction materials as it would appear that the only available route will be through the existing retail unit.

The width of the access at the side of the proposed development scales at 1.0m which would be acceptable for pedestrians.

Emergency vehicles would be able to park outside the shop. Fire service vehicles would run hoses through the shop. Paramedics would also have pedestrian access through the shop.

Recommendation

The Highway Authority therefore offers no objection to this application on highway grounds. Suitable conditions should be appended to any approval ensuring that the proposed development remains ancillary to the existing retail unit and to secure the CLP.

Planning Officer's Response:

Confirmation has been obtained from the agent that the applicant has right of access for vehicles to the gated service road from Ryefield Avenue and Berkeley Road, which provides access to the rear of the shop. Therefore, access would be available for demolition and construction. Nevertheless, the recommended condition for a construction management plan has been included for completeness.

ACCESS OFFICER

I have considered the detail of this planning application and consider this proposal to have no impact on accessibility.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed ancillary outbuilding to the rear of a commercial property would provide storage and a small staff room, strengthening the viability of the business and its likelihood of succeeding within this location. This is acceptable in principle and is supported by strategic policies that seek to foster economic growth and sustainability. Therefore the principle of the proposal is acceptable, subject to compliance with other planning considerations that are discussed throughout this report.

7.02 Density of the proposed development

Not applicable.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

This section of the report considers the street scene and character impact of the development.

POLICY CONTEXT:

Paragraph 134 (Chapter 12) of the NPPF (2021) states, inter alia, that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...conversely, significant weight should be given to:...(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

Policy D3 of the London Plan (2021) requires that development proposals should: enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures.

ASSESSMENT:

The application proposes alterations to the existing outbuilding to reduce its scale and propose its use as ancillary to the commercial premises on site. The proposed outbuilding comprises a single-storey, brick building with flat roof located to the rear of the site. It would sit adjacent to the conservatory and access that serves the first-floor flat at No 161A. The application, following revisions, seeks to partially retain and regularise the erection of an outbuilding for use as storage and a small staff room ancillary to the hot-food takeaway commercial premises.

It is acknowledged that the outbuilding is subject to an enforcement notice which was upheld at appeal. In the appeal decision the Inspector concluded that:

"6. Due to its extensive footprint and overall scale, the building dominates the rear area and it introduces a form of residential development, i.e., a single dwelling, where there currently is none. Consequently, it appears as an incongruous addition to the area and fails to reflect the prevailing

pattern of development. "

As noted, the residential use of the outbuilding is no longer proposed and therefore the refusal reason related to residential development is no longer relevant.

In terms of the scale, the outbuilding would be reduced significantly in footprint from 47.5sq.metres to 25sq.metres (19.3sq.metres gross internal floor area). This amounts to a 47.2 percent reduction in scale. Due to this significant reduction in scale (in combination with a residential use no longer being proposed), it is considered that the Inspector's reason for refusing the outbuilding on character grounds has been addressed.

The proposed outbuilding would not extend beyond the depth of the built-up commercial properties either side of the site (e.g., Nos. 159 and 163) and the reduction in built form would enable a large service yard (approximately 42sq.metres) at the rear of the site. The outbuilding would appear physically subservient to the shop and when taking into account the built-up service yard environment at the rear of these commercial premises, its reduced form would integrate suitably with the prevailing pattern and character of development. It is also noted that there was a previous larger outbuilding on site, that was demolished.

In terms of exterior materials, the red brick is considered acceptable given the mix of materials and appearance of development at the rear of this commercial parade.

The outbuilding would have an internal floor area of approximately 19.3sq. metres and would consist of a cooler room for the storage of food products, a general store area for the shop and a small staff room (6.4sqm) for breaks or the storage of staff belongings whilst on shift. With the shop floor having an internal floor area of 37.6sq.metres, a store area of 19.3sq. metres is considered suitably ancillary to the hot-food takeaway and is not considered unreasonably excessive.

A condition has been included in this recommendation for the development to be completed in its entirety within 3 months from the date of planning permission. For the avoidance of doubt, completion includes the removal of the existing kitchen and bathroom/WC facilities, fixtures and fittings. This would align with the enforcement notice, and regularise the breach.

Therefore, given the proposed significant and material change to the outbuilding, the proposal would not cause harm to the character and appearance of the area and is considered to accord with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.08 Impact on neighbours

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that all new development should seek to protect the amenity of surrounding land and buildings, particularly residential properties.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

In respect to the existing outbuilding on site the Inspector did not consider it harmful to the living conditions of neighbouring residential occupants with respect to outlook. To come to this conclusion

the Inspector noted the following:

" 22. The appeal building sits adjacent to the conservatory that serves the flat at No 161 and therefore dominates the outlook from the conservatory. This is further compounded by the close boarded timber fence. However, from the evidence before me, the previous outbuilding was similarly positioned. Consequently, whilst the outlook from the conservatory is poor, it does not appear to be materially worse than when the previous outbuilding was in situ. Similarly, when viewed from upper floor windows in the adjacent flat, the building would not appear to dominate the outlook from them any greater than the previous building."

The reduced outbuilding would still sit adjacent to the conservatory of No. 161A, and therefore the impact on outlook from the conservatory would be the same as that determined acceptable by the Inspector. In terms of views from upper floor windows, the reduced scale outbuilding would have a less dominant impact than that considered acceptable by the Inspector, so can be considered an improvement.

During the course of the application revisions have been sought to improve upon the existing outlook from the ground floor of No. 161A. Currently the outlook from the kitchen window of No. 161A is into the small area outside the shop kitchen next to its WC. Amendments have been secured to alter the existing fencing to incorporate the area outside the kitchen window of No.161A into their own area. This would mean that the outlook from No. 161A would be of their own amenity area and boundary treatment, rather than the hot-food takeaway shop. It would also improve privacy for the residents of No. 161A.

This separation afforded by the revised boundary treatment would also ensure minimised disruption by the comings and goings of staff to the store/staff room and shop floor. In this respect, it is not considered that the proposed use of the outbuilding would result in noise and disturbance above and beyond what can be expected from commercial uses in a shopping parade.

In terms of sunlight and daylight impacts, this was not a matter addressed by the Inspector, so would be unreasonable to introduce. Nevertheless, given the siting of the outbuilding, its modest height (3 metres), and recognising that there was a previous outbuilding in a similar position, the proposal would not result in a materially worse impact on sunlight and daylight to No. 161A Ryefield Avenue.

Given the separation distance from the outbuilding to other residential properties, there are no other residences considered potentially affected.

Overall, it is considered that the proposal would not adversely affect the amenities of neighbouring occupiers, in accordance with Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The parking provision and traffic generation would remain unaffected by the proposal, in accordance with Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020). Furthermore, the Highways Officer has no objections to the proposal subject to the included condition for a demolition and construction management plan.

7.11 Urban design, access and security

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Addressed elsewhere in this report.

7.12 Disabled access

Not applicable.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

Not applicable.

7.15 Sustainable waste management

Storage for commercial refuse is proposed at the rear of the outbuilding adjacent to the service lane. This is acceptable. The plans also demonstrate provision for residential storage, which is appropriately kept separate from the commercial bins. For residential waste in Hillingdon refuse bags are used. Refuse bags would need to be deposited kerbside on collection day as existing. The proposal would not adversely impact these arrangements.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Not applicable.

7.18 Noise or Air Quality Issues

Not applicable.

7.19 Comments on Public Consultations

Comments received in response to the public consultation have been summarised in Section 6 of this report and addressed within the relevant sections of the report.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

This application has been submitted to seek to regularise matters relating to an Enforcement Notice. If the planning application is refused (contrary to officer recommendation), the matter will be referred back to the Council's Planning Enforcement Team.

7.22 Other Issues

Not applicable.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant

primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

For the reasons set out in this report, it is considered that the proposed development would comply

with national, regional and local planning policies and guidance. Therefore, it is recommended that the application be approved.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

The London Plan (2021)

National Planning Policy Framework (2021)

Contact Officer:

Emilie Bateman

Telephone No:

01895 250230



Notes:

 Site boundary

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Site Address:

**161 Ryefield Avenue
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

4108/APP/2023/1445

Scale:

1:1,250

Planning Committee:

Borough

Date:

October 2023



HILLINGDON
 LONDON