Report of the Head of Planning & Enforcement Services

Address IMADA 12 KADUNA CLOSE EASTCOTE

Development: Erection of a first floor side extension to provide 2 two-bedroom flats with

associated parking and amenity space.

LBH Ref Nos: 52580/APP/2010/2293

Drawing Nos: 1:1250_1

Tree shedule with plan

Tree report

DWG 1 - Existing Floor Plans

1:200 Block Plan

Design & Access Statement 1:1250 Location Plan DWG 2 - Propsoed Layout DWG 3 - Existing Elevations DWG 4 - Proposed Elevations

 Date Plans Received:
 30/09/2010
 Date(s) of Amendment(s):
 30/09/2010

 Date Application Valid:
 21/10/2010
 21/10/2010

1. SUMMARY

Planning permission is sought for the erection of a first floor extension to provide two, 2 bedroom self-contained flats. The proposal is considered to have a detrimental impact on the existing building and the immediate context, would likely impact upon the stability and longevity of trees to rear of the site, and fails to provide sufficient amenity space for future occupiers.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed first floor extension, by reason of its overall size, bulk and scale, would represent an overdominant and visually intrusive form of development which would fail to harmonise with the character and appearance of the original building. The proposal would therefore have a detrimental impact on the character and appearance of the immediate area and the Eastcote Village Conservation Area, contrary to policies BE4, BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 NON2 Non Standard reason for refusal

The proposal fails to provide adequate usable amenity space for the 2 two-bedroom flats. As such, the proposal would fail to provide an appropriate level of residential amenity for future occupiers, contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), policy 4B.1 of the London Plan (February 2008) and paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

3 NON2 Non Standard reason for refusal

The site is located within the Eastcote Village Conservation Area and there is a mature Oak and a number of smaller trees located to the rear of the site. These trees contribute to the appearance of the street scene and this part of the Eastcote Village Conservation Area. The proposed external amenity space would be severely affected by shade and dominated by the trees, particularly the Oak. This is considered to put undue pressure to heavily prune / fell the Oak, which would be detrimental to the visual amenity and wooded character of this part of the Eastcote Village Conservation Area, contrary to policies BE4, BE13 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

4 NON2 Non Standard reason for refusal

The proposed unit adjacent to the tennis courts would be incompatible with the continued operation of the tennis club, in particular it would be adversely affected by the floodlighting serving the tennis courts. As such, the unit would not benefit from an acceptable standard of residential amenity, contrary to policy OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 NON2 Non Standard reason for refusal

The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

INFORMATIVES

BE1

1 | 152 | Compulsory Informative (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 I53 Compulsory Informative (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.

DC 4	New development within or on the ininges of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the
	area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.

New development within or on the fringes of conservation areas

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS	'Residential Developments'
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
I PP 4R 1	London Plan Policy 4B 1 - Design principles for a compact city

3. CONSIDERATIONS

3.1 Site and Locality

This application relates to the Imada Health Club building located on the south east side of Kaduna Close at the end of the cul de sac. The application property comprises a part single, part two storey detached building located to the south east west of the Eastcote tennis clubhouse, with associated car parking spaces immediately to the north west and south west of the building. The building's frontage is on the north west side. The main entrance is located in the single storey element of the building and comprises a projecting front porch extension. To the north east of the application site lies tennis courts associated with the tennis club, with a residential block, 6 to 10 Kaduna Close, beyond. To the south west lies the rear gardens of 19 and 20 Sutton Close, both semi-detached houses. The surrounding area is residential in character and appearance and the application site lies within the Eastcote Village Conservation Area, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of a first floor extension over the existing single storey element to the front of the building. The proposed extension would follow the footprint of the single storey element and would measure 14.5m wide along the north west (front) elevation, 13.1m deep, and finished with a gable end ridged roof 6.8m high at eaves level, and 10m high at ridge level, projecting 3m above the existing two storey element of the building. A front gable is proposed above the front porch entrance, replacing the canopy roof. It would measure 4.8m wide, and finished with a ridged roof set 0.7m below the new roof ridge.

The proposed extension would provide two, 2 bedroom self-contained flats. Each flat would measure approximately 76sq.m and would provide a living/dining/kitchen room, two bedrooms and a bathroom. First floor windows are proposed on all elevations and the proposed flats would be accessed from the main entrance to the health centre.

An external roof terrace private amenity spaces is proposed over part of the flat roof of the two storey element, immediately to the south of the proposed extension. This area measures approximately 35sq.m and would be secured by 1m high railings. An additional external private amenity space, some 47sq.m in size, 2 parking spaces and cycle stands are proposed to the rear of the curtilage of the building.

3.3 Relevant Planning History

Comment on Relevant Planning History

As above.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BF4

DC4	New development within or on the miliges of conservation areas
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OE1	Protection of the character and amenities of surrounding properties and the local area
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS	'Residential Developments'
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.

New development within or on the fringes of conservation areas

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- 1st December 2010
- **5.2** Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

28 adjoining owner/occupiers have been consulted and the application has been advertised as a development that affects the character and appearance of the Eastcote Village Conservation area. 2 letters and a petition with 35 signatories objecting to, and a petition with 62 signatories in support of, the proposed development, have been received.

Letters of Objection:

- (i) The proposal would result in an increase in on street parking;
- (ii) The proposal would adversely affect the amenities of the patrons of Eastcote tennis club when

using the tennis courts, through loss of light to the courts and cause general disruption to the tennis club:

- (iii) The overall bulk and scale of the proposal would detract from the open fell and character of the area:
- (iv) The proposal would obstruct views from the windows of the Eastcote Tennis clubhouse;
- (v) The windows of the proposed flats would overlook the tennis courts and over the clubhouse patio area;
- (vi) The proposed rooftop amenity area would overlook, and the noise from it, would disrupt tennis players; and
- (vii) The existing floodlights to the tennis courts would have an adverse impact on the future occupiers of the flats.

Eastcote Village Conservation Area Advisory Panel:

12 Kaduna Close is situated within the Eastcote Village Conservation Area. It is a narrow residential cul-de-sac, with Imada and the Eastcote Tennis Club situated at the top of the cul-de-sac. There is already a problem in Kaduna Close and the surrounding roads with the amount of vehicle numbers using and parking in these roads.

It is adjacent to the River Pinn, therefore this area is classed as flood plain. The drawings do not show the two storey pitched roof building belonging to Eastcote Tennis Club, which is approximately 1-2 metres from the proposed extension.

It is considered that by adding another storey plus a pitched roof, to this single storey building, which is in close proximity to the Eastcote Tennis Club Building, will be detrimental to the open vistas of this part of the Conservation Area. Although the floor area of the flats comply with HDAS, the shared amenity space, a roof terrace, is considerably below the recommended minimum. There does not appear to be any private amenity space allocated.

It is stated that each proposed flat will have the minimum parking space allowance of 1 space per flat, these will be taken from the 15 spaces currently used by the club. There is no indication given of how many of these spaces are currently in use by members of staff, nor how many spaces will be left for visitor parking. Drawing showing the car parking area are not submitted. There has not been any provision made for a bin store for these proposed dwelling. We ask that this application be rejected, it is inappropriate for a Conservation Area, and is an un-neighbourly form of development.

It is lacking in necessary information regarding the car parking arrangements.

Eastcote Residents' Association:

We write to ask that our concerns regarding this application be taken into account:-

We appreciate that this is a first floor extension and, as such, is not taking up any additional land. However, we do feel that it will have a detrimental effect on those living in the adjacent residential properties for the following reasons:-

- Adding an additional storey, and given this building is adjacenct to the existing, two storey Eastcote Tennis Club building, will reduce the sense of openness of view which currently exists.
- Any further need for parking, albeit to accommodate the needs of only two flats, is to exacerbate the problems which already exist, due to overspill parking in Kaduna Close and other roads adjacent to Imada and the Tennis Club.

We would also add the following:-

- The amenity space allocated, by means of a roof terrace only, is not acceptable, both in terms of its location and the size of space offered for this purpose.
- The application and our concerns above, also need to be taken in the overall context of the fact that Imada is sited within the Eastcote Village Conversation Area and at the end of a small, residential cul-de-sac.

Thames Water

There are public sewers crossing the site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Internal Consultees

Waste Management:

The waste arising from the flats is classed as household waste and would be collected through the household waste and recycling services: -

- Weekly residual (refuse) waste using sacks purchased by the occupier
- Weekly dry recycling collection using specially marked sacks provided by the Council

However, it would have to be presented separately from the commercial waste generated by the restaurant.

Conservation & Urban Design:

Eastcote Squash Club is located within the Eastcote Village Conservation Area. The property is surrounded by trees and is located on a corner plot adjacent to the High Road Eastcote and Joel Street roundabout. The adjacent residential dwellings are modern and mostly two storeys in height.

The scheme proposes to build a first floor extension over the existing flat roof and single storey element. From a conservation point of view, the bulk of the extension would not be visible from High Road, Eastcote or Joel Street, and as such would not be considered detrimental to the street scene and appearance of the area.

In design terms, however, the scheme adds a substantial bulk to the side of the existing building. Whilst not high in quality, the existing building sits comfortably in terms of its context. The proposed additional bulk, together with the roof top amenity space, relates poorly to the existing elevation and the overall design remains unresolved. There are also concerns over any resulting amenity issues with the adjacent Eastcote Lawn Tennis Club, given its close proximity.

Conclusion: Unacceptable in design terms.

Highways:

Kaduna close is a no through residential road situated on the side of River Pinn and a tennis court and accessed from Joel Street which is unclassified road. The existing carriageway is approximately 6.0m Wide with approximately 1.5 m wide footway on both sides.

The existing dwelling is used as a squash court, leisure facilities and restaurant, currently benefiting from thirty car parking spaces located at the rear and side of the existing building. Fourteen car parking spaces are reserved for guests using tennis club and total of sixteen are used for restaurants.

The proposal for constructing 2 two bedroom first floor side extension flats and allocating two out of sixteen parking spaces to the new flats and four secured cycle storage facilities complies with policy AM14 of the Council s adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) Consequently, there is no objection on the highways aspect of the proposal, subject to applicant being requested to provide the following:

(1) Details of covered and secure cycle storage for 4 no. cycles.

Access:

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010. Given that the property as it stands provides no lift access to the first floor, the proposed development would not lend itself to Lifetime Homes Standards compliance and no requirement should be imposed on the developer in this regard.

Conclusion: I have no objection to the proposed development.

Trees/landscape:

This site is covered by TPO 20 and also within Eastcote Village Conservation Area.

There are several Oak trees to the rear of the Imada site, however it does not appear that any trees, protected or otherwise, will be affected by the proposed extension.

With regards to landscaping, the amenity space that is to be provided will be adjacent to / under dense belt of trees (part of a larger, linear landscape feature), including a very large Oak, along the river Pinn and will, therefore, be severely affected by shade and dominated by the trees, particularly the Oak. This will most likely give rise to pressure to heavily prune / fell the Oak, which would be detrimental to the visual amenity and wooded character of this part of the Eastcote Village Conservation Area. A second amenity space (roof terrace) is also proposed, however no details have been submitted.

For the reasons given above, this scheme is considered unacceptable in terms of the Saved Policy BE38 of the UDP.

Councilor Bruce Baker: Requests that this application is determined by the Planning Committee.

7. MAIN PLANNING ISSUES

7.07 Impact on the character & appearance of the area

The first floor extension is considered to result in a significant increase in the bulk and scale of the original building to its detriment. The existing building does not contain any features of architectural merit, and it is acknowledged that the proposed development would not be visible from Joel Street and High Road Eastcote, which lie to the north east and south east, respectively. Furthermore, the applicant has advised that the proposed

extension has been designed to be in keeping with the existing building. However, it is considered that, by reason of the overall bulk, scale, and design, the proposed development would fail to harmonise with the appearance of the original building. The resultant building would appear bulky and out of context with the immediate surroundings and as such, would detract from the character and appearance of the Eastcote Village Conservation Area, contrary to policies BE4 and BE15 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

Paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore, and a minimum of 21m overlooking distance should be maintained.

The nearest residential properties are 19 and 20 Sutton Close, and 6-10 and 13-14 Kaduna Close. All these properties are over 30m from the proposed development. This distance is sufficient to ensure that the proposal would not represent a visually intrusive and overdominant form of development when viewed from the habitable room windows of those properties or harm the residential amenities of those properties through overlooking and loss of privacy.

Of importance however, is whether a satisfactory residential environment can be achieved for the future occupiers of the proposed flats. The proposed units would be located above the health centre restaurant, which from the comments of the objectors can be quite disruptive. However, residential units above commercial units are not uncommon and, subject to appropriate soundproofing, it is considered that any noise from the restaurant can be mitigated.

The adjoining tennis courts have floodlighting directly on the site boundary. The floodlighting benefits from planning permission and serves an outdoor sporting facility, the loss of the tennis court would be contrary to planning policy. The floodlighting is clearly not designed to prevent light spillage into the area proposed for the first floor flats. It is considered that the potential amenity of the occupiers of one of the flats would be unacceptably impacted upon by the operation of the existing tennis courts with particular reference to floodlighting.

Concerns have also been raised regarding the impact of the proposal on the operation of Eastcote Tennis Club and the clubhouse itself. The windows facing the clubhouse would provide natural light to non-habitable rooms and as such can be fitted with obscure glass to prevent overlooking onto that building, should planning permission be granted. Furthermore, the tennis courts are adjacent to the gardens of residential properties of 1-5 and 6-10 Kaduna Close, and Joel Street, with its associated traffic noise. It is considered unlikely that the proposed flats would generate a significant increase in noise and disturbance over and above the existing noise from surrounding activities.

It is therefore considered that the proposal would not provide a satisfactory residential environment for the future occupiers of the proposed flats. The proposal would not comply with policies BE20, BE21, BE24 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.9 and 4.12 of the Hillingdon

Design & Accessibility Statement (HDAS): Residential Layouts.

7.09 Living conditions for future occupiers

The internal size of the proposed units would meet the requirements of paragraph 4.6 of the Hillingdon Design & Accessibility Statement: Residential Layouts which recommends 63sq.m for two bedroom houses, in accordance with London Plan policy 4B.1.

With regard to amenity space, paragraph 4.16 of the Hillingdon Design & Accessibility Statement: Residential Layouts sets out the criteria for assessing the type and quality of amenity space provision and paragraph 4.17 advises that some 25sq.m of private amenity space should be provided for each 2 bedroom flat.

The proposal involves to provision of two separate private amenity spaces. Whilst the rooftop amenity space is considered to meet the criteria set out at paragraph 4.16, the proposed outdoor space, adjacent to the car parking spaces is neither private or convenient it terms of access for the future occupiers of the proposed flats. The proposed rooftop amenity space would provide some 35sq.m of private amenity space and this is below what is considered adequate to meet the needs of future occupiers. As such, the proposal fails to provide an adequate amount of private amenity space for future occupiers, contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed house would not lead to a significant increase in traffic generation given its proposed use and location within a residential area. As such, the proposal would comply with policy AM2 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

As advised by the Council s Highway Engineer, the application site is used for leisure activities including a restaurant and currently benefiting from thirty car parking spaces located at the rear and side of the existing building. Fourteen car parking spaces are reserved for guests using the tennis club and a total of sixteen are used for other uses associated with the leisure centre.

Of those 16 spaces, 2 would be reallocated for the proposed flats and 4 cycle parking spaces have also been provided. This level of provision is considered to be sufficient to meet the Council s parking standards and sufficient spaces would be retained for the existing uses. As such, it is considered that the proposal is unlikely to result in an increase in on street demand for parking, and would meet sustainability objectives, in accordance with policies AM7(ii), AM9 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), paragraph 4.33 of the Hillingdon Design & Accessibility Statement: Residential Layouts, and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

7.11 Urban design, access and security

The London Plan Policy 3A.5 requires all new housing to be built to 'Lifetime Homes' standards. The Council's HDAS 'Accessible Hillingdon' also requires all new housing to be built to 'Lifetime Homes' standards.

The Council s Access Officer has advised that given that the property as it stands provides no lift access to the first floor, the proposed development would not lend itself to Lifetime Homes Standards compliance and no requirement should be imposed on the developer in this regard. However, the submitted plans show a lift to the first floor.

The proposed units are therefore capable of meeting some of these standards, subject to an appropriate condition, should planning permission be granted.

7.12 Disabled access

This is addressed above.

7.14 Trees, Landscaping and Ecology

There are several Oak trees to the rear of the Imada site, however the proposed extension would be some distance from these trees.

The Trees & Landscape Office has advised that the amenity space to the rear of the building would be adjacent to / under dense belt of trees including a very large Oak, along the river Pinn and will, therefore, be severely affected by shade and dominated by the trees, particularly the Oak. This is considered to put undue pressure to heavily prune / fell the Oak, which would be detrimental to the visual amenity and wooded character of this part of the Eastcote Village Conservation Area.

It is therefore considered that the proposal would likely impact upon the stability and longevity of those trees which make a positive contribution to the character and visual amenities of the Eastcote Village Conservation Area, contrary to policies BE4, BE13 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.15 Sustainable waste management

Refuse facilities have not been provided however, this could be secured by way of a suitable planning condition, in accordance with policy BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.40 of the Hillingdon Design & Accessibility Statement: Residential Layout.

7.19 Comments on Public Consultations

The third party comments have been addressed in the report.

7.20 Planning Obligations

The proposed units would result in a net increase of 7 habitable rooms and therefore would fall within the threshold for seeking a contribution towards school places in the Eastcote and East Ruislip Ward. However, given that the proposed development does not accord with the abovementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), a refusal on this ground is recommended to safeguard the Council's position should an appeal be lodged.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

10. CONCLUSION

For the reasons outlined above and that the proposal fails to comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for approval.

11. Reference Documents

London Plan 2008

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Hillingdon Design & Accessibility Statement: Residential Layouts

Hillingdon Design & Accessibility Statement: Accessible Hillingdon

Lifetime Homes Standards

Contact Officer: Sonia Bowen Telephone No: 01895 250230

