

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address RUISLIP NURSING HOME 173 WEST END ROAD RUISLIP

Development: Variation of condition 2 (Approved Plans) of planning permission Ref: 19817/APP/2019/1705 dated 11/07/2019 (Replacement of timber shed to rear) to allow for minor amendments

LBH Ref Nos: **19817/APP/2019/3413**

Drawing Nos: P-202 Rev. D

Date Plans received : 17/10/2019

Date(s) of Amendment(s):

Date Application Valid: 17/10/2019

1. **SUMMARY**

The application seeks permission for the variation of condition No.2 (Approved Plans) of planning permission ref: 19817/APP/2019/1705 dated 11/07/2019 to allow for minor amendments (Replacement of timber shed to rear). The amendments include:

1. The change in orientation of the outbuilding;
2. The increase of the width by 0.3 metres;
3. The decrease of depth by 0.3 metres
4. The change in the fenestration;
5. The installation of condensate pipes;
6. The installation of downlight over door;
7. The change in the materials.

The amendments are considered to be acceptable in visual terms and would not have any further impact on the neighbouring properties.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 NONSC Non Standard Condition

The alterations to the outbuilding shall be completed within six months of the date of this permission.

REASON

In order to comply with the requirements for good design in the NPPF and Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number P-202 Rev. D.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3 NONSC Non Standard Condition

The development hereby permitted shall only be used in conjunction with the authorised use of the premises and shall not be used as a separate unit or for any residential

purposes.

REASON

To avoid any future fragmentation or the creation of a separate use, so as to avoid an overintensive use of the site and to protect the amenity of adjoining residential properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

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 Hillingdon Local Plan: Part Two - Development Management Policies (2020), then London Plan Policies (2016).

2 I52 Compulsory Informative (1)

The decision to GRANT 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).

3 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan: Part Two - Development Management Policies (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMHB 11 Design of New Development

DMHB 3 Locally Listed Buildings

4 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).

5 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 the validity of this planning permission may be challengeable by third parties.

6 I5 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;
build on the boundary with a neighbouring property;
in some circumstances, carry out groundworks within 6 metres of an adjoining building.
Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

8 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.

9 I70 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a large two storey detached property located to the North East of West End Road. The property is a Locally Listed Building and is currently being used as a Nursing Home. The brick and tile property is set back from the road by over 20 metres of hardstanding which acts as the car park for the users of the home.

The rear gardens of Nos.175-181 West End Road (odds) and Nos.1-7 Cornwall road are located to the South East of the site. No.169 West End Road and maisonettes along Northdown Close are located to the North West. To the rear lies an access road beyond which are the rear gardens of properties along Cornwall Road.

The area is residential in character and appearance and the site lies within the Developed Area as identified within the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3.2 Proposed Scheme

The application seeks retrospective permission for the variation of condition No.2 (Approved Plans) of planning permission ref: 19817/APP/2019/1705 dated 11/07/2019 to allow for minor amendments (Replacement of timber shed to rear). The amendments include:

1. The change in orientation of the outbuilding;
2. The increase of the width by 0.3 metres;
3. The decrease of depth by 0.3 metres
4. The change in the fenestration;
5. The installation of condensate pipes;
6. The installation of downlight over door;
7. The change in the materials.

During the determination process the plans were amended to correctly show the fenestration as built and to show the condensate pipes and downlights over the doors and one of the lights being removed.

3.3 Relevant Planning History

19817/AA/93/0288 Ruislip Nursing Home, 173 West End Road Ruislip

Erection of a detached store (amendment to planning permission ref:19817Y92/724 dated 24.7.92) (retrospective application)

Decision: 07-07-1993 Approved

19817/AB/94/0793 Ruislip Nursing Home, 173 West End Road Ruislip

Erection of a rear conservatory

Decision: 01-03-1995 Approved

19817/AC/95/1743 Ruislip Nursing Home, 173 West End Road Ruislip

Erection of a Victorian style glazed main entrance canopy

Decision: 13-02-1996 Approved

19817/APP/2004/1668 173 West End Road Ruislip

ERECTION OF 16 TWO-BEDROOM RESIDENTIAL FLATS IN TWO BLOCKS WITH ASSOCIATED ACCESS AND CAR PARKING (INVOLVING DEMOLITION OF EXISTING NURSING HOME) (OUTLINE APPLICATION)

Decision: 26-08-2004 Refused

19817/APP/2008/1975 173 West End Road Ruislip

PROVISION OF ADDITIONAL (SECOND) FLOOR INVOLVING CONSTRUCTION OF NEW MANSARD ROOF INCORPORATING SIX DORMER WINDOWS ON SOUTH-WEST ELEVATION AND THREE DORMERS ON NORTH-WEST ELEVATION, INSTALLATION OF LIFT SHAFT TO MAIN BUILDING AND SINGLE STOREY EXTENSION TO STAFF/STORE BUILDING AND ERECTION AN EXTERNAL STAIRCASE

Decision: 22-12-2008 Refused **Appeal:** 06-10-2009 Part Allowed

19817/APP/2010/1703 Ruislip Nursing Home, 173 West End Road Ruislip

Single storey side extension and part single storey, part two storey rear extension, involving demolition of existing conservatory to rear and staff room to side.

Decision: 08-10-2010 Approved

19817/APP/2013/1449 173 West End Road Ruislip

Single storey side extension, part two storey and single storey rear extensions and raising of roof and roof extension to allow for conversion of roof space to habitable use, involving demolition of detached outbuilding to side and rear conservatory

Decision: 22-08-2013 Refused **Appeal:** 10-01-2014 Allowed

19817/APP/2013/2814 Ruislip Nursing Home, 173 West End Road Ruislip

Details pursuant to conditions 2 (Materials), 9 (Tree Survey), 11 (Protective Fencing), 12 (Landscaping), 14 (Access details) and 16 (Mobility Vehicles) of planning permission Ref: 19817/APP/2010/1703 dated 08/10/2010 (Single storey side extension and part single storey, part two storey rear extension, involving demolition of existing conservatory to rear and staff room to side)

Decision: 14-11-2013 Approved

19817/APP/2014/2834 Ruislip Nursing Home, 173 West End Road Ruislip

Installation of new front lobby entrance and alterations to the car parking arrangement

Decision: 09-10-2014 Refused

19817/APP/2017/1306 173 West End Road Ruislip

Details pursuant to condition 3 (Materials) of Secretary of State's Appeal Decision ref: APP/R5510/A/13/2205436 dated 10/01/2014 (LBH ref: 19817/APP/2013/1449 dated 10/01/2014); Single storey side extension, part two storey and single storey rear extensions and raising of roof and roof extension to allow for conversion of roof space to habitable use, involving demolition of detached outbuilding to side and rear conservatory

Decision: 20-06-2017 Approved

19817/APP/2018/4400 173 West End Road Ruislip

Replacement of timber shed for secure storage and porch to front

Decision: 27-02-2019 Refused

19817/APP/2018/4420 173 West End Road Ruislip

Single storey outbuilding for use as storage

Decision: 11-02-2019 Refused

19817/APP/2019/1705 173 West End Road Ruislip

Replacement of timber shed to rear

Decision: 11-07-2019 Approved

19817/E/84/1769 173 West End Road Ruislip

Change of use of part of ground floor from residential to doctors surgery & parking.

Decision: 05-12-1984 WD

19817/F/85/0049 173 West End Road Ruislip

Change of use from residential dwelling house to nursing home.

Decision: 19-03-1985 Approved

19817/G/85/1614 173 West End Road Ruislip

Erection of a two storey rear extension.

Decision: 15-11-1985 Approved

19817/H/86/0087 173 West End Road Ruislip

Single storey extension.

Decision: 13-02-1986 Approved

19817/M/86/0841 173 West End Road Ruislip

Demolition of a single storey rear extension and erection of new single storey extension.

Decision: 18-06-1986 Approved

19817/N/86/1112 173 West End Road Ruislip

Erection of a boiler shed and dustbin enclosure.

Decision: 15-10-1986 WD

19817/Q/87/0144 173 West End Road Ruislip

Erection of ground and first floor rear extensions to nursing and res. home, reten. of vehicle access

Decision: 03-07-1987 Approved

19817/W/87/2288 173 West End Road Ruislip

Modification to approved extn;i.e additional first floor extn & pitched roof to ground floor extn.

Decision: 12-02-1988 Approved

19817/X/88/2361 173 West End Road Ruislip

Retention of a side entrance porch

Decision: 25-01-1989 Approved

Decision: 24-07-1992 Approved

Comment on Planning History

This application is to amend the previously approved application ref: 19817/APP/2019/1705 approved on 11/07/2019.

There are a number of works going on at the property which have been previously approved under reference: 19817/APP/2013/1449 allowed under Appeal on 10/01/2014.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consultation

Thirty-four neighbouring properties and the Residents Association were notified of the proposal on 29/10/2019. A site notice was also displayed which expired on 04/11/2019.

Three objections were received:

- The builders vehicles have caused numerous complications by holding up traffic and blocking the road;
- Neighbouring driveways have been blocked by builders vehicles;
- There has been enough disruption on the residents quality of life;
- Concern regarding the water, sewage and surface water drainage are fit to cope;
- Shed is heavily used as a private laundry;
- Lights within the building and outside of the building are constantly coming on and off;
- Lights have been on throughout the night without being turned off and they are powerful and light up the whole area;
- Building should be located so that its sits facing the main building and no side windows, rear windows, rooflights, or external lights;
- Plans do not show the large extensions which are sufficient space to accommodate a laundry room inside the main building;
- It is not acceptable to have a laundry room located in such close proximity to residential properties;
- Additional building will reduce the amount of space available for recreational purposes;
- What has been built is not a timber shed but it resembles a shipping contained/porta cabin and this does not compliment or enhance the appearance of this building;
- Although the building would be clad in timber, however, this is not a replacement timber shed as approved;
- The shipping container is not safe, the fire brigade need to be consulted;
- Noise is unacceptable due to the laundry;
- Unacceptable levels of light, smell and noise nuisance;
- Stating that the building is different to when it was originally submitted.

Officer Comments:

Building works and disruptions are temporary and so cannot be considered as a refusal for planning. The works involved in this application have been completed and so an approval would not result in additional building disruptions. Many of the issues raised by the neighbours are not planning considerations. Fire safety concerns would be dealt with under building control; By the time of the site visit the building had been clad in timber. If

the building does not match the submitted plans then the building would be at risk of enforcement action.

6. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 3 Locally Listed Buildings

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, the amenities of existing houses are safeguarded and privacy for occupiers is protected.

The proposed variation to the approved involves the change in the orientation of the outbuilding and the installation of down light above the door and alterations to the fenestration. The new windows and doors do not face any neighbouring property. Although the reorientation has resulted in a longer wall along the boundary with Nos.37 and 37A Northdown Close, the overall height has remained as approved. The length of wall along the boundaries with the neighbours on Cornwall Road has been reduced. The agent has confirmed that the downlight is 800 lumen which is not overly bright. Subsequently, it is considered that the proposal has an acceptable level of impact on the surrounding properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy in compliance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that all development should harmonise with the local context.

The outbuilding was built as a metal container which was subsequently, clad in timber. The agent has confirmed that the roof will be a grey felt finish. As such, although different to the approved, it would still result in an appearance similar to a timber shed. It is not visible from the public domain. Subsequently, it is considered that the outbuilding does not have a detrimental impact on the appearance of the existing property, street scene and surrounding area in compliance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.3 Traffic Impact / Pedestrian Safety

The amended design does not introduce any concerns in relation to highways or parking.

7.4 Carparking & Layout

The amended design does not introduce any concerns in relation to highways or parking.

7.5 Urban Design, Access and Security Considerations

Not relevant.

7.6 Other Issues

Not relevant.

8. Reference Documents

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

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

The London Plan (2016)

National Planning Policy Framework

Contact Officer: Charlotte Spencer

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