

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 an Option

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

REFUSAL RECOMMENDED: GENERAL

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

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	<input type="checkbox"/>
11.	Householder application in the Green Belt	<input type="checkbox"/>

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	<input type="checkbox"/>
13.	Refusal of change of use from retail class A1 to any other use	<input type="checkbox"/>
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.	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	<input type="checkbox"/>
16.	Certificate of Lawfulness (for existing use or Development)	<input type="checkbox"/>
17.	Certificate of Appropriate Alternative Development	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

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

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's 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 DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

INFORMATIVES

1. I71 LBH worked applicant in a positive & proactive (Refusing)

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 from the 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.

a) We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

2. 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.

3. I52 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is an industrial unit located on the west side of Eastcote Industrial Estate with access off Field End Road. The site lies within the defined boundary for Eastcote town centre and within a Critical Drainage Area. The immediate site context is industrial in character however there are residential dwellings located directly adjacent to the west on Colombia Avenue which are also covered by Tree Preservation Area Order 327.

3.2 Proposed Scheme

The application proposes the retention of rear and side windows (Retrospective application).

3.3 Relevant Planning History

57893/APP/2002/2733

UNIT 4, EASTCOTE INDUSTRIAL ESTATE, 254 FIELD END ROAD
EASTCOTE

USE AS TRAINING PREMISES FOR MOTOR VEHICLE ENGINEERING

Decision: 09-01-2004 No Further
Action(P)

Comment on Planning History

There is no relevant planning history.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

22-08-23. 5 letters of objection were received. Concerns have been raised regarding overlooking, loss of privacy, light pollution, nuisance, leaving lights on during the night, change in character of the building, inaccurate drawings, property devaluation.

Officer comments:

The residents comments are noted. Matters relating to neighbour amenity are discussed in the 'Impact on Neighbours' section of this report. Character and appearance considerations are discussed in the 'Impact on Street Scene' section. Property values are not a material planning consideration.

6. 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 Polices:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMTC 1	Town Centre Development
DMTC 4	Amenity and Town Centre Uses
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D8	(2021) Public realm
LPP D13	(2021) Agent of change

LPP D14 (2021) Noise
NPPF12 NPPF 2021 - Achieving well-designed places

In addition: Development Plan:

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)

Material Considerations:

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

7. MAIN PLANNING ISSUES

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

Paragraph 130f) of the National Planning Policy Framework (2021) states - Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy D3 of the London Plan (2021) states: Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

Policy D13 of the London Plan (2021) states: D) Development proposals should manage noise and other potential nuisances by: 1) ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area.

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

Policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that Town Centre Uses do not: i) result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area; ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and iii) would not detrimentally affect the character or function

of an area by virtue of the proposed use or visual impact.

A first floor side window is proposed in the south elevation to serve an office. This window would face towards the rear elevation of the adjacent industrial unit on Kildare Close at roof level. Facing away from the neighbouring residential properties, provided the side window is obscure glazed (as indicated on the drawings) and fixed shut, the window which is sited towards the centre of the side elevation, would not be considered unduly harmful on neighbouring amenity.

The new rear windows are sited in close proximity to the rear boundaries of residential dwellings at Nos. 41-45 Colombia Avenue. These windows would also serve office floorspace. There would be a 15metres separation between the rear windows and the rear elevations of Nos. 42 and 43 Colombia Avenue, which are the closest neighbouring dwellings. Due to the very close proximity and prominence of the unit's rear elevation alongside the rear boundaries of the residential dwellings to the west on Colombia Avenue, the occupiers of these neighbouring dwellings would experience significant visual intrusion as a result of the development.

From the plans it is indicated that obscure glazing would be used in the new windows along with restrictors to prevent the windows from being completely openable. Whilst this may help somewhat with reducing levels of overlooking, neighbouring residents would still experience real and perceived overlooking, loss of privacy, visual intrusion and light pollution from the windows.

A number of the neighbour representations received suggest the operators are leaving the lights on all night and as a result, is creating a nuisance and light pollution that is detrimental to the quiet enjoyment of the residents and harmful on their amenity.

A condition that requires the operators to switch off the lights outside operating hours or during night time hours would be considered to fail the relevant tests as it would not be practical or enforceable, and would not address the issue of visual intrusion, loss of privacy and light pollution.

No justification has been submitted in support of the application to demonstrate why the windows would now be required to to serve the first floor of the unit.

As discussed in the above, the development would impact on the amenity of neighbouring residential occupiers and therefore conflicts with Policies DMHB 11 and DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and D13 of the London Plan (2021) and Paragraph 130f) of the National Planning Policy Framework (2021).

7.2 Impact on Street Scene

Policy D2 of the London Plan (2021) refers to active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest. It continues by referring to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and to respect and enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Policy D3 of the London Plan (2021) states that: Development proposals should: D1) 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.

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public

realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

The new windows would be of a similar style and appearance as the existing windows in the industrial unit. There would not be any incompatibility with regards to the style of window, however this does not outweigh the harm identified.

The layout of units within the industrial estate have a defined frontage that provides an element of containment of the industrial uses within the estate and separates this use from the adjacent residential area. The separation between the two uses is reinforced by boundary treatments along the rear boundaries of dwellings on Colombia Avenue and notably none of the adjacent industrial units have rear windows that face towards the rear garden area of neighbouring dwellings.

The location of the rear windows proposed to be retained are not however screened by any trees and are highly visible from the neighbouring residential properties. As a result of the new rear windows, the exterior alterations to the appearance of the industrial building negatively affects the outlook of the neighbouring residential dwellings and unduly draws attention to the industrial unit which thereby visually encroaches into the residential area.

The development is considered to result in adverse harm to the character and appearance of the area and therefore conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D2 and D3 of the London Plan (2021).

7.3 Traffic Impact/Pedestrian Safety

Not applicable to this application.

7.4 Carparking & Layout

Not applicable to this application.

7.5 Urban Design, Access and Security Considerations

Not applicable to this application.

7.6 Other Issues

No other issues are identified.

8. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

London Plan (2021)

National Planning Policy Framework (2021)

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