

## **Report of the Head of Planning & Enforcement Services**

**Address** 6 BURLEIGH ROAD HILLINGDON

**Development:** Conversion of two storey mid-terraced house into 1 x one-bedroom self contained flat and 1 x two-bedroom self contained flat with associated amenity space and parking, first floor rear extension, alterations to rear and front porch (Resubmission).

**LBH Ref Nos:** 11057/APP/2011/2026

**Drawing Nos:** 2011/003/009  
2011/003/011  
2011/003/005  
Location Plan  
2011/003/006  
2011/003/010  
2011/003/008  
Design & Access Statement  
2011/003/007

**Date Plans Received:** 17/08/2011 **Date(s) of Amendment(s):** 18/08/2011

**Date Application Valid:** 23/08/2011

### **1. SUMMARY**

Permission is sought for the change of use of a two-storey terraced dwelling into 1 x one bedroom flat and 1 x two bedroom flat. In addition a first floor rear extension would be added to create a staircase at the rear of the property and a front porch erected on the principal elevation of the dwelling.

The development would lead to the creation of two residential dwellings that would fail to meet the space standards required by the London Plan 2011. In addition, the flats would fail to meet the Lifetime Home Standards and the guidance with the Council's Supplementary Planning Document Accessible Hillingdon.

The proposed development would, therefore, lead to the creation of poor quality housing stock and should be refused permission.

### **2. RECOMMENDATION**

**REFUSAL for the following reasons:**

#### **1 NON2 Inadequate Floor Space for Residential Development**

The floor area for the proposed flats would be below the minimum standards required for residential accommodation be considered as quality housing stock. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to Policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to Policy 3.5 of the London Plan (2011).

#### **2 NON2 Non Standard Reason for Refusal**

The development would result in the loss of an accessible dwelling and fail to provide accommodation which would be built to the Lifetime Homes Standard and its design would not allow access by wheelchair users. As such the proposal would be contrary to

the Supplementary Planning Document Accessible Hillingdon and Policy 3.8 of the London Plan (2011)

## INFORMATIVES

### 1 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).

### 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 (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
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
OE5	Siting of noise-sensitive developments
H7	Conversion of residential properties into a number of units
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application relates to a two storey mid-terrace property located on the western side of Burleigh Road. The brick and tile built dwelling is separated from the highway by an area of hardstanding, which provides parking for two cars within the curtilage of the dwelling.

At the rear of the property is a private garden which acts as the amenity space for the

property. Within the rear garden is a garage, which is accessed from a grass covered private access driveway, which runs along the rear boundary line of the application site.

The site is situated within a developed area as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

### **3.2 Proposed Scheme**

The application is for planning permission for the change of use of a two-storey terraced dwelling, into 1 x ground floor one bedroom flat and 1 x first floor two bedroom flat. In addition a small first floor rear extension would be erected over the existing ground floor extension. This would be used to create a staircase at the rear of the property, leading up to the first floor flat.

At the front of the dwelling a porch would be erected which would protrude forward of the principal elevation by 1.5 metres at a width of 2 metres. This would be used to create two separate entrances into the residential units.

### **3.3 Relevant Planning History**

11057/APP/2011/464      6 Burleigh Road Hillingdon

Conversion of two storey mid-terraced house into 2, two-bedroom apartments with associated amenity space and parking, front porch and installation of external staircase at rear.

**Decision:** 05-08-2011      Withdrawn

18215/B/83/0436      16 Burleigh Road Hillingdon

Householder development - residential extension(P)

**Decision:** 29-04-1983      Approved

#### **Comment on Relevant Planning History**

Planning permission was granted for the erection of the existing single storey rear extension in 1983.

A planning application was withdrawn in 2011 for the conversion of the application property to 2 x two bedroom flats.

### **4. Planning Policies and Standards**

Not applicable.

#### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

AM7      Consideration of traffic generated by proposed developments.

AM14      New development and car parking standards.

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.
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
OE5	Siting of noise-sensitive developments
H7	Conversion of residential properties into a number of units
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

17 neighbouring occupiers were notified of the proposed development on 25th August 2011, including Nos. 4 & 8 Burleigh Road who shared a boundary line with the applicant property.

At the time of writing this report, 9 neighbouring occupiers have objected to the proposed development and a petition containing 20 signatures was provided to the Local Planning Authority in objection to the scheme.

In addition, the Oaks Farm Resident's Association was notified of the proposed development. They have also objected to the proposed development.

The objections returned relate to:

- i) Impact to the availability of on-street parking, to the detriment of highway and pedestrian safety.
- ii) Increased traffic in the area.
- iii) Potential use for a commercial purpose.
- iv) Impact on neighbouring dwellings through increased noise.
- v) Impact on the character of the area.
- vi) Not sufficient floor space for the creation of self-contained flats.
- vii) Lack of suitability in using a terrace dwelling to create self-contained flats.
- viii) Impact on drainage.

- ix) The garage at the rear is in use as a home office and would not be used for parking.
- x) Impact to security in the area.
- xi) Overcrowding of the development.
- xii) Precedent being set for future development.

Officer Comments: The potential use of the property for a commercial purpose, should it arise, would be controlled by enforcement action, and is not a matter for consideration in this application.

The other objections are considered elsewhere in the main body of the report.

Cllr Patricia Jackson: Requested for this application to be determined at planning committee.

M.O.D Defence Estates: The MOD has no safeguarding objections against the proposal.

National Air Traffic Services: NATS (En Route) Limited has no safeguarding objections to this proposal

Thames Valley Water: No comments returned. (Note: No objection was raised to application 11057/APP/2011/464 for the conversion of two storey mid-terraced house into 2, two-bedroom apartments with associated amenity space and parking, front porch and installation of external staircase at rear).

#### **Internal Consultees**

Access Officer: In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Councils Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

The proposal seeks to convert what is potentially an accessible dwelling house into two independent flats which would not be visitable or provide suitable living accommodation in keeping with the above policy. The existing house benefits from a spacious hallway which is accessed through the front door, which is easily negotiable by a wheelchair user.

The fundamental design of the proposal reduces accessibility to a point where a wheelchair user would be unable to visit, let alone adapt the property for permanent wheelchair access.  
Conclusion: Unacceptable.

Waste Management: The plan does show that a space has been allocated for the storage of waste, which is good practice. Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer.

The current waste and recycling collection systems are: -

Weekly residual (refuse) waste using sacks purchased by the Occupier Weekly dry recycling collection using specially marked sacks provided by the Council. Fortnightly green garden waste collection three specially marked reusable bags provided by the Council free of charge.

The waste and recycling should be presented near the curtilage of the properties on allocated collection days.

Highways & Transportation: Burleigh Road is densely populated residential area accessed from Windsor Avenue via Long Lang, which is unclassified road and benefiting from 7.5m wide carriageway and 1.5m wide footway on both sides.

The existing dwelling is a three bedroom terraced house currently benefiting from a vehicular cross-

over leading into a hardstanding front garden that accommodates two off street vehicle spaces comfortably.

The proposal is to convert the existing three bedroom dwelling into 1 x one bedroom and 1 x two bedroom self-contained flats, utilising the existing vehicle cross-over to accommodate three car parking spaces; two in front garden, and a garage at the rear accessed from a private access road. This parking layout complies with maximum standards set out in the annex to saved UDP Policy AM14.

It is assumed that the future occupants will have unrestricted access to the proposed garage at the rear garden, although the access road to the rear garden of properties number 4 to 26 is restricted by palisade type iron gates that is currently installed on the north side of no 4 and south side of no 26 assumingly, for the security of those properties with their back gardens facing the access road.

Although existing plan clearly shows a front garden parking arrangement, the applicant fails to indicate parking arrangement for the rear garage and that of the front garden area.

No objection is raised subject to the following conditions and informatives being applied;

#### Conditions

1. A plan clearly showing parking arrangement on the hard standing area of the front garden.
2. The use of the land for vehicle parking shall be permanently maintained and available for parking of vehicles at all times to the Authority's satisfaction .
3. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

#### Informatives

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The proposed conversion would result in the loss of a three bedroom family home, which would be replaced with 1 x one bedroom flat and 1 x two bedroom flat. The principle of the development would be acceptable under Policy H7 of the adopted UDP (Saved Policies September 2007), subject to it not causing harm to the amenities and character of the area. Whilst a number of local residences have been converted into HMO's no properties in Burleigh Road have been converted into self-contained flats. Whilst a flat conversion may therefore be acceptable it could also ultimately have an impact on the character of the area.

### **7.02 Density of the proposed development**

The conversion of a three bedroom house into 1 x one bedroom flat and 1 x two bedroom flat, would create an acceptable housing density, subject to meeting the floor space standards of the London Plan 2011.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

No safeguarding objections from the National Air Traffic Service.

### **7.05 Impact on the green belt**



Not Applicable to this application.

**7.07 Impact on the character & appearance of the area**

The proposed front extension would be compliant with the HDAS Residential Extensions and would have an acceptable impact on the visual amenities of the area. The proposed first floor extension would be a minor alteration at the rear of the dwelling and would not be visible from the public domain. The proposed developments would, therefore, be in compliance with Policies BE13 and BE19 of the adopted UDP (Saved Policies September 2007).

**7.08 Impact on neighbours**

The proposed extensions and change of use would not impact the amenity of the neighbouring dwellings through loss of light, loss of outlook, loss of privacy or visual intrusion. It is, therefore, in accordance with Policies BE20, BE21 & BE24 of the adopted UDP (Saved Policies September 2007).

**7.09 Living conditions for future occupiers**

The proposed development would create a one bedroom downstairs flat with a floor space of 46 sq metres and a two bedroom upstairs flat with a floor space of 51 sq metres. These would both be contrary to Policy LPP 3.5 of the London Plan 2011, which requires a one bedroom flat (two occupants) to provide 50 sq metres of floor space and a two bedroom flat (three occupants) to provide 61 sq metres of floor space. The proposed development would lead to the creation of poor quality housing stock and is therefore contrary to Policy H7 of the adopted UDP (Saved Policies September 2007) and Policy LPP 3.5 of the London Plan 2011.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

A number of residents have objected to the scheme as it would not provide adequate parking facilities for its inhabitants. The Highways and Transportation Officer has commented that the two proposed parking spaces at the front of the property would be adequate for the proposed development and would be in accordance with Policy AM14 of the adopted UDP (Saved Policies September 2007). This would be subject to conditions which would be attached to any approval granted.

There is also parking in the garage at the rear of the property. A number of residents objected as the garage is currently in use as a home office. The structure retains the appearance of a garage and could be conditioned for this use only.

A cycle store is indicated on the plans in accordance with Policy AM14 of the adopted UDP (Saved Policies September 2007).

In addition the impact to highway and pedestrian safety would also be acceptable and in accordance with Policy AM7 of the adopted UDP (Saved Policies September 2007).

**7.11 Urban design, access and security**

The plans indicate that 53.6 sq metres of rear garden space would be provided at the rear of the dwelling. The HDAS Residential Layouts requires that a one bedroom flat and a two bedroom flat would require 20 sq metres and 25 sq metres of garden space respectively. The proposed development would therefore comply the HDAS Residential Layouts and Policy BE23 of the adopted UDP (Saved Policies September 2007).

The occupier of a neighbouring dwelling has objected that the proposed development would lead to an increased security risk in the area. Despite an increase in the number of key holders for the locked access gate to the private access driveway, it is considered that no increased security risk would occur.

It is considered that all the proposed habitable rooms and those altered by the development would maintain an adequate outlook and source of natural light, therefore complying with Policies BE20 of the UDP (Saved Policies September 2007) and 3.5 the London Plan (2011).

**7.12 Disabled access**

The design of the proposal reduces accessibility to a point where a wheelchair user would be unable to visit, let alone adapt the property for permanent wheelchair access. It is therefore considered contrary to Policy 3.8 of the London Plan July 2011 and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

**7.13 Provision of affordable & special needs housing**

Not Applicable to this application.

**7.14 Trees, landscaping and Ecology**

There are no landscaping issues to be addressed in determining this application.

**7.15 Sustainable waste management**

The proposed development meets all the waste management requirements for the conversion of residential accommodation.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

Thames Valley Water provided no comments on this application. However, they had no objection to the application at the same site for the provision of 2 x 2 bedroom flats. As this scheme is for a reduced housing density it is presumed that drainage on site would not be an issue.

**7.18 Noise or Air Quality Issues**

The occupiers of a number of neighbouring dwellings have objected to the proposed development as the increased intensity of use of the building would lead to increase noise at the site. As the property is already in residential use, any increase in noise would not be so harmful to the amenity of the neighbouring dwelling to contravene Policies OE1 and OE5 of the adopted UDP (Saved Policies September 2007). Should planning permission be granted, a condition could be added to any approval granted requiring a method statement to ensure that sufficient sound insulation is provided between the newly created upstairs and downstairs flats.

**7.19 Comments on Public Consultations**

With regards to the third party comments, these are addressed in the report.

**7.22 Other Issues**

No other issues require consideration in the determination of this application.

**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**

The development would result in the creation of poor housing stock and it is recommended that planning permission be refused.

The proposed development would lead to the loss of a habitable three bedroom family dwelling, which is fully accessible by wheelchairs users. It would be replaced by two residential units which fail to provide adequate living space for its occupiers and would not be accessible, or adopted to be accessible, by wheelchair users.

## **11. Reference Documents**

London Plan 2011.

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Hillingdon Design & Accessibility Statement: Residential Layouts.

Hillingdon Design & Accessibility Statement: Residential Extensions.

Supplementary Planning Document 'Accessible Hillingdon'.

Lifetime Homes Standards.

**Contact Officer:** Alex Smith

**Telephone No:** 01895 250230



## Notes



Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2011 Ordnance Survey 100019283

Site Address

**6 Burleigh Road  
Hillingdon**

Planning Application Ref:

**11057/APP/2011/2026**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**September  
2011**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services

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



**HILLINGDON**  
LONDON