

Report of the Head of Planning & Enforcement Services

Address 22 & 24 SWANAGE WAYE HAYES

Development: Change of use of existing dwelling houses in use as a Class C3 care home to Class C2 care home involving first floor rear extension with Juliette balconies and rear dormer and conversion of existing and proposed roof space to habitable use to include 4 front rooflights and conversion of roof from hip to gable ends with new gable end windows to form 2 new bedrooms and extension to existing single storey detached outbuilding to rear (Resubmission)

LBH Ref Nos: 27172/APP/2011/1183

Drawing Nos: ALGA0201 C Existing & Proposed Plans and Elevations
ALGA0203 C Existing & Proposed Outbuilding Elevations
ALPL0001 Location Plan
Design & Access Statement

Date Plans Received: 16/05/2011 **Date(s) of Amendment(s):** 16/05/2011

Date Application Valid: 02/06/2011 01/06/2011

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal would, by virtue of its size, massing, bulk and design result in an incongruous, overbearing and visually intrusive form of development, and as a result would have an adverse effect on the character and appearance of the application property and the wider locality. Therefore the proposal would be contrary to Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Polices September 2007) and to the Council's Supplementary Planning Documents HDAS: Residential Extensions.

2 NON2 **Non Standard reason for refusal**

The proposal fails to demonstrate that the general intensification of the use and the associated use of the outbuilding for primary activities associated with the care facility would not lead to an unacceptable increase in noise and disturbance and activities that would be unsuitable within a residential area. The proposal would be contrary to Policies OE1, OE3 and H10 of the adopted Hillingdon Unitary Development Plan (Saved Polices September 2007).

3 NON2 **Non Standard reason for refusal**

The proposal for the detached outbuilding which, because of its excessive size and footprint, is considered to be capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted. It is considered contrary to Policies BE19, BE23 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Polices September 2007) and to the Council's Supplementary Planning Documents HDAS: Residential Extensions.

4 NON2 Non Standard reason for refusal

The application fails to provide a Transport Statement, Travel Plan and/or an existing and proposed site layout that indicates the parking arrangements to enable the Local Planning Authority to adequately assess the traffic and transportation impacts of the proposed increase in the size of the facility and the associated increase in vehicular activity on the surrounding area. Hence the proposal fails to demonstrate that the intensification in use of the site would not result in the exacerbation of existing parking problems on a road and area that is already intensively used for on-street parking, to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and to Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007).

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.
BE22	Residential extensions/buildings of two or more storeys.
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.
H10	Proposals for hostels or other accommodation for people in need of care
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement,

HDAS-LAY	Supplementary Planning Document, adopted December 2008 Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 5.3	(2011) Sustainable design and construction

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the outside of a bend in Swanage Way, on its western side. The site comprises a pair of semi-detached dwellings (Nos. 22 and 24 Swanage Way) and their associated curtilages. The overall site forms a wedge shape, widening in width to the rear. The frontage of the site is covered with hardstanding which provides off-street parking for two vehicles, accessed via a single large crossover. Both semi-detached properties have single storey rear/part side extensions. The rear garden of No. 22 contains an existing outbuilding located along the northern boundary adjacent to No. 20 Swanage Way.

The dwellings have a certificate of lawfulness which enables them to operate as sheltered housing (Use Class C3) granted by the Council in June 2007 (ref. 27172/APP/2007/834). The ground floor of the dwellings provide two bedrooms with en-suites and a kitchen, dining room, lounge, office and storage areas. The existing first floor of both properties contains a total of four bedrooms with en-suites.

To the north of the site is No. 20 Swanage Way, with No. 26 to the south, both residential dwellings. To the west, the site adjoins the rear gardens of properties fronting Minterne Way.

Swanage Way and surrounding streets are heavily used for on-street parking.

The site is within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The proposal is to change the use of the pair of semi-detached houses in use as a single unit of sheltered housing (Use Class C3) to a care home (Use Class C2). The semi-detached pair would be extended by means of a first floor rear extension with Juliette balconies which would incorporate a crown roof element and rear dormer. The existing and proposed roof space would also be converted to habitable accommodation with the original hip end roof converted to gable ends.

The ground floor of the dwellings have two bedrooms with en-suites and a kitchen, dining room, lounge, office and storage areas. The existing outbuilding would be extended to be used as offices and an activity room. The existing first floor of both properties contains a total of four bedrooms with en-suites. The proposal would leave the ground floor generally unaltered. The resultant first floor would also have a total of four bedrooms with en-suites with additional lounge, store and bathroom accommodation. There would be a new staircase from first floor level to roof level, with the roof extension comprising an additional two bedrooms both with en-suites.

The first floor rear extension would occupy almost the entire width of the rear elevations of both properties, with the flank walls of the first floor extension being set in around 0.6m from the flank walls of the original properties. The depth of the first floor extension would be 4.5m when taken from the original rear wall of the dwellings. As the existing ground floor extensions only project a maximum of 3.6m to the rear, the first floor extension would overhang the existing ground floor extensions, the rear wall of the first floor extension being supported by five columns. The roof over the first floor rear extension would be hip ended, sloping to the sides and rear, and there would be a flat roof crown element. The rear roof slope of the first floor rear extension would contain a dormer window with two casement windows. The dormer window would have a width of 3m, a height of 2.2m and would be set down 0.5m from the ridge of the main roof.

The existing outbuilding would be extended to the rear along the northern boundary. The resultant building would have a length and width of 10.8m and 3.5m respectively. It would have a mono-pitch roof to a maximum height of 3.5m.

The original application documents are silent on the type of care provided. However, during the course of the application the agent has submitted an operational statement prepared by the applicant/operator in which it is stated that the care is provided to persons with various levels of mental disorders. The persons accommodated are either suffering or recovering from such mental disorders. It is stated that the service users do not have physical disabilities restricting mobility. It is further stated that the users attend day centres and other appointments in the community. They use public transport and very often the Home provides its own vehicle for such purposes. It is stated that the residents do not drive and none of them work 'at the moment'. Users that are well enough to keep a job usually move out to less supported accommodation.

Although the application form does not state the number of employees at the site, the operational statement subsequently submitted advises that there are eight staff working at the site at present which would rise to ten as part of the application proposal. It is stated that only one staff member uses their vehicle to travel to the site and that all the other members of staff either live locally or walk to work or they use public transport. The statement goes on to advise that there are no bulky deliveries at the site. The owner does the food shopping, using their own vehicle. It is stated that the home would provide parking spaces for three cars in the front drive and that the owner has access to another four parking spaces at number 31 Swanage Waye and 4a Blandford Waye, which are assumed to be similar operations to the application site. No documentary evidence has been provided to this effect.

3.3 Relevant Planning History

27172/79/1394 22 Swanage Waye Hayes
Single storey rear extension.

Decision: 01-10-1979 Approved

27172/APP/2007/834 22-24 Swanage Waye Hayes
CHANGE OF USE TO SHARED CARE ACCOMMODATION FOR PERSONS LIVING TOGETHER AS A SINGLE FAMILY UNIT (CLASS C3) (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT).

Decision: 07-06-2007 GPD

27172/APP/2010/2273 22-24 Swanage Waye Hayes

Change of use of existing dwellinghouse to care home involving a first floor and loft extension to form 4 new bedrooms (10 total), replacement of existing outbuilding to new brick-built outbuilding to be used as an activity room and office to main care home. (AMENDED DESCRIPTION & AMENDED PLANS RECEIVED)

Decision: 30-12-2011 Withdrawn

Comment on Relevant Planning History

The properties have a Certificate of Lawfulness which confirms that they can operate as sheltered housing accommodation (Use Class C3). This was granted by the Council in June 2007 under reference 27172/APP/2007/834.

An application of a similar nature to that currently proposed was withdrawn during 2011 under reference 27172/APP/2010/2273.

4. Planning Policies and Standards

Planning Policy Statement 1 - Delivering Sustainable Development (January 2005),
Planning Policy Statement 4 - Planning for Sustainable Economic Growth (December 2009),
Planning Policy Guidance Note 13 - Transport (April 2001),
The London Plan (2011),
Hillingdon Unitary Development Plan Saved Policies (September 2007).

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. |
| BE22 | Residential extensions/buildings of two or more storeys. |
| 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.

H10	Proposals for hostels or other accommodation for people in need of care
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 5.3	(2011) Sustainable design and construction

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Thirty two neighbouring properties were consulted on 06/06/2011. In response, 1 objection and 1 petition has been received.

Objection:

I already objected to the previous application and would use the same reasons for an objection to this one. They are using No. 22 Swanage Way as a care home at the moment and have converted No. 31 Swanage Way to accommodate more people, there is also another converted home in Blanford Way. This area and the housing is for family dwellings. I feel this or any other conversion would not bring any benefits to the area and most strongly object. Further to this, has 31 Swanage Way had planning permission for the conversion. If so I was not informed of the change of use of this house next door. I feel very strongly that these houses and the location is not appropriate for the type of care these people need.

Petition:

A petition with 34 signatories has been received objecting on the following grounds: Object to further development of the site to a care home. Property has been operating as a care home for three years without ability for residents to object to change of use. Land registry documents state there are restrictive covenants stating properties should be used for private dwellings only. A number of homes in Swanage Way have been refused permission to convert lofts. The applicant has other properties being used as care homes in the area within 100 metres of the site which will affect house prices.

Thames Water Utilities:

Waste Comments - Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Internal Consultees

Environmental Protection Unit:

I note that this application relates to a re-submission made following withdrawal. I raised some issues with regard to the potential noise impact on neighbouring residential properties in close proximity to the application site. My comments regarding the proposed change of use were as follows:

"I have considered the proposed application, drawings and supporting statements attached, amongst other potential noise impacts associated with the extension of this facility. I am not sure that noise associated with the use of the outdoor area can be adequately mitigated considering its extended use. Particularly during the summer months, usage of outdoor areas can rise significantly with disturbance to adjoining properties. Are there any control measures proposed by the applicant? What age range will be using the care facility? There are sensitive residential properties in close proximity to the amenity area. I note that there will be social care on application site. Will this be a 24hrs care service? How does the applicant intent to implement specific site control measures to ensure that any noise associated with the use of outdoor are controlled with the increase?"

Highways (Transportation/Traffic):

Existing site consists of a pair of semi-detached dwellings that has been converted to a shared care home for persons living together. A certificate of lawful use for sheltered housing (Class C3) had been granted by the London Borough of Hillingdon in June 2007 to facilitate such use.

Proposal is for the change of use of existing sheltered home (C3) to care home (C2) involving extension to existing single storey rear outbuilding and conversion of roof space to habitable use, with no changes to existing two car parking spaces on the hard standing in the front garden. Submitted application, plans and traffic assessment failed to indicate number of proposed guests and employees, location of refuse bin and number of cycle parking.

Policy AM9 (ii) of the UDP refers to the needs of cyclist in the borough and policy AM14 refers to the Council's parking standard contained in the Annex 1. The standard requires minimum of 1 cycle parking space per 2 employees for use of class C2. The applicant must therefore ensure that adequate facilities are provided in accordance with Policies AM9 and AM14, and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

Consequently, there is no objection on the highways aspect of the proposals, subject to the following condition being applied;

Conditions:-

1. A satisfactory plan showing proposed refuse bin location, appropriate number of covered and secure cycle parking within the site in compliance with policy AM9 and the parking standard contained in Annex1 of the Council's UDP.
2. A plan clearly indicating the lay out of parking spaces for 2 cars to be parked and these parking spaces shall thereafter be retained and used for no other purpose other than in association with the proposed use of building as a care home.
3. The access for the proposed entrance 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.

Informative

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.

Trees/Landscape:

BACKGROUND:

The site is occupied by two semi-detached houses on a larger than average corner plot with a detached outbuilding in the rear garden of number 22. The front gardens have been treated identically with a parking space in each, matching brick walls and soft landscaping in keeping with the residential character of the area. There are no significant landscape features close enough to the proposed development to pose a constraint. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

PROPOSAL:

The proposal is to extend and convert the house suitable for a change of use to a care home. The outbuilding in the rear garden will also be extended. No change is proposed to the front of the property.

LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other landscape features will be affected by the development and the proposed new building will have little impact on views into the site, or the landscape setting from the front.
- The changes to the rear garden will result in the loss of some private/communal amenity space. Due to the nature of the proposed use, the rear garden should be designed to provide attractive passive amenity space for the use and enjoyment of the residents. Provision should also be made for the establishment and maintenance of the landscape. This should be conditioned.
- Where front gardens are altered a part of an extension to a property, at least 25% of the front garden may be required to be maintained for planting and soft landscaping. - In this case, no change to the front is proposed.
- DCLG / EA guidance requires new driveways to be permeable, to meet SUDS requirements. Again, there is no proposal to alter the driveway.

RECOMMENDATIONS:

No objection, subject to the above considerations and conditions TL5, TL6 and TL7.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy H10 of the UDP Saved Policies (September 2007) states that proposals for the change of use to provide accommodation for people in need of care (eg nursing homes, residential care homes or sheltered housing schemes) would normally be expected to -

- Be conveniently located for local shops, services and public transport
- Comply with the council's car parking standards and amenity guidelines, and
- In relation to sheltered housing, have regard to recommendations on design issues.

The site is within walking distance of Uxbridge Road with its associated bus services and a small parade of shops located at the junction of Brookside Road and Uxbridge Road. However, the proposal would not be acceptable from a transportation nor neighbour amenity perspective given the increase in the intensity of use and the design issues considered below. Therefore the application is considered not to comply with Policy H10 of the UDP Saved Policies (September 2007). The location of the site within a compact suburban residential area is considered inappropriate for the increased intensity of use.

7.02 Density of the proposed development

The density of the development is not applicable to this application.

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

The site is not located within any specially designated area, nor is the building Listed.

7.04 Airport safeguarding

Airport safeguarding is not applicable to this application.

7.05 Impact on the green belt

The site is not located within the Green Belt.

7.07 Impact on the character & appearance of the area

The proposed extensions overall are considered to be ill-conceived, being excessively dominating, bulky additions, lacking subordination and being of an unsympathetic design.

The hip to gable roof alteration, as it is proposed to the pair of semi-detached properties, would be acceptable in principle, creating a symmetrical roof form. Although gable ends are not particularly characteristic in the street, given that the majority of roofs to semi-detached pairs remain in their original form as hipped roofs, a sense of symmetry would still be retained, and no major objections are therefore raised to this aspect of the proposal. The development would be acceptable when viewed from the street scene and hence would be in accordance with Policy BE13 of the UDP.

However, the first floor rear and rear roof alterations are considered unacceptable. The depth of the first floor rear extension would greatly exceed HDAS: Residential Extensions guidance at 4.5m (with guidance permitting a maximum of 3.6m). The excessive depth proposed would be compounded by the overhang of the first floor rear extension beyond the ground floor extension beneath of nearly 1m (the ground floor extensions projecting to a maximum 3.6m), leading to an incongruous, visually intrusive design, with columns supporting the first floor rear element.

The overall width of the first floor rear element (being set in only 0.6m from either end of the original dwellings' flank walls) combined with a lack of set down of the roof above in relation to the original property's roof (lacking a 0.5m set down as per HDAS: Residential Extensions paragraph 6.6 guidance) would render the rear extension as an insubordinate, bulky, dominating addition. Similarly, the proposed rear dormer would fail to provide adequate set-ins from the rear roof slope edges to achieve sufficient subordination, and would fail to be in accordance with paragraph 7.7 of the HDAS: Residential Extensions guidance.

Therefore, it is considered that the proposed extensions would not appear subordinate to and would fail to harmonise with the existing properties. As a result the proposed extensions would detract from the character and appearance of the existing properties and area in general. The proposed development would be contrary to Policies BE13, BE15 and BE19 of the UDP and guidance set out within the HDAS: Residential Extensions.

In terms of the proposed outbuilding, the footprint of the structure is considered excessive, covering an area of around 38sq.m. which would be similar to the footprint of one of the original dwellings on the site. The excessive footprint of the proposal is compounded by the lack of a set in from the northern boundary as advised within HDAS guidance, which would require a minimum of 0.5m. The area has a number of large outbuildings, some larger than that proposed and it is apparent that these cause harm to the appearance of the area.

7.08 Impact on neighbours

It is considered that no part of the proposed extensions would have a detrimental impact on any neighbouring occupiers amenities given the separation distances and orientation of the application site and neighbouring properties to all sides. The proposed first floor rear extension would not extend beyond a 45 degree line drawn from the nearest habitable room windows of either flank neighbouring occupiers. In addition, there would be no overlooking concerns given the distance of over 30m to the dwellings to the rear of the site. As such it is considered that the proposed development would not result in any adverse impact to adjoining residential properties by way of loss of light, outlook or loss of privacy, thereby complying with Policies BE19, BE21 and BE24 of the UDP Saved Policies (September 2007).

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties, and Policy OE3 deals with development which has the potential to cause noise annoyance. The Environmental Protection Unit has been consulted on this proposal. The supporting planning statement comments that most meetings with residents take place in the community, however, it then goes on to say that in relation to the proposed new activity building in the garden, this would be used for therapeutic activities, groups, and sessions with staff and other relevant professionals. The Council's Environmental Protection Officer is not satisfied that the noise associated with the use of outdoor/outbuilding area can be adequately mitigated considering its extended use. Particular concern has been raised during the summer months, where usage of outdoor areas could rise significantly with disturbance to adjoining properties. No mitigation measures have been proposed by the applicant in this regard. There are sensitive residential properties in close proximity to the amenity area. It is noted that there will be social care on site. No details on the hours or magnitude of the care element have been provided. The proposal is therefore considered not to accord with Policies OE1 and OE3 of the UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

All habitable rooms would have an adequate outlook and receive daylight in accordance with London Plan Policy 5.3.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Although the Council's Highway Engineer has not raised objection to the scheme (in part due to the original application documents being silent on numbers of staff, deliveries, servicing etc), it is considered that the increased intensity of the proposal would most likely result in an exacerbation of an already problematic area for on-street parking.

Swanage Way and the adjoining roads are considered narrow and congested with existing on-street parking at saturation level. Due to the potential increased activity proposed at the site from staff, service users and visitors it is considered that highway issues have not been adequately addressed. The proposed use of the outbuilding would also introduce additional staff and professionals visiting the site. Whilst it is acknowledged this type of use is important within the community, concern is raised whether this site is suitable for such an increase in use from a highway perspective. Although the application forms submitted as part of the application do not contain information on numbers of employees etc, correspondence between the agent and previous officers submitted during the course of the application indicate that there are eight existing staff which would increase to ten were the application permitted. The correspondence further states that only one in eight of the existing staff drives to the site; however, it is not clear if or how this can adequately be controlled in perpetuity.

The application fails to provide a transport statement and travel plan or an existing and proposed site layout that indicates the parking arrangements to enable the Local Planning Authority to adequately assess the traffic and transportation impacts of the proposed increase in the size of the facility and the associated increase in vehicular activity on the surrounding area. Hence the proposal fails to demonstrate that the intensification in use of the site would not result in the exacerbation of on-street parking pressures, to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007).

7.11 Urban design, access and security

As discussed in other sections.

7.12 Disabled access

The care home would need to meet the requirements of the appropriate Care Home standards.

7.13 Provision of affordable & special needs housing

The proposal would assist in providing housing for those in need of care, but as identified above it is considered inappropriate given the location and the excessive extensions required to accommodate such provision.

7.14 Trees, landscaping and Ecology

The Council's Trees and Landscaping officer has not raised any objections to the development and hence the proposal is considered acceptable with regards to UDP Policy BE38.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

The site is not located within a Flood Risk Area nor are there any other flooding or drainage issues of concern.

7.18 Noise or Air Quality Issues

Issues relating to noise nuisance have been discussed within the section on 'Impact on neighbours'.

7.19 Comments on Public Consultations

The comments have been noted and addressed within this report.

7.20 Planning obligations

Not applicable to the application.

7.21 Expediency of enforcement action

Not applicable to the application.

7.22 Other Issues

There are no other issues to discuss.

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'.

9. Observations of the Director of Finance

10. CONCLUSION

This application relates to a pair of semi-detached dwellings currently operating as sheltered housing (Use Class C3) situated within a residential area. The proposals would change the property to a Care Home (Use Class C2). The proposal would consist of extensions to both dwellings comprising a first floor rear extension with rear dormer and conversion of roof space to habitable use to include 4 front rooflights and conversion of roof from hip to gable ends with new gable end windows to form 2 new bedrooms. The existing outbuilding would be enlarged and used as office space and an activity room.

It is considered that the design of the proposal/extensions is unacceptable and that there would also be a loss of residential amenity to adjoining occupiers through an unacceptable over-intensification of use within this residential area. The enlarged outbuilding would also be of such a size that it would be capable of being used as a separate unit. The intensification of the use would likely result in the exacerbation of existing on-street parking pressures, to the detriment of highway and pedestrian safety. As such the proposal is considered not to comply with the relevant policies contained in the UDP (Saved Policies September 2007) and therefore the proposal is recommended for refusal.

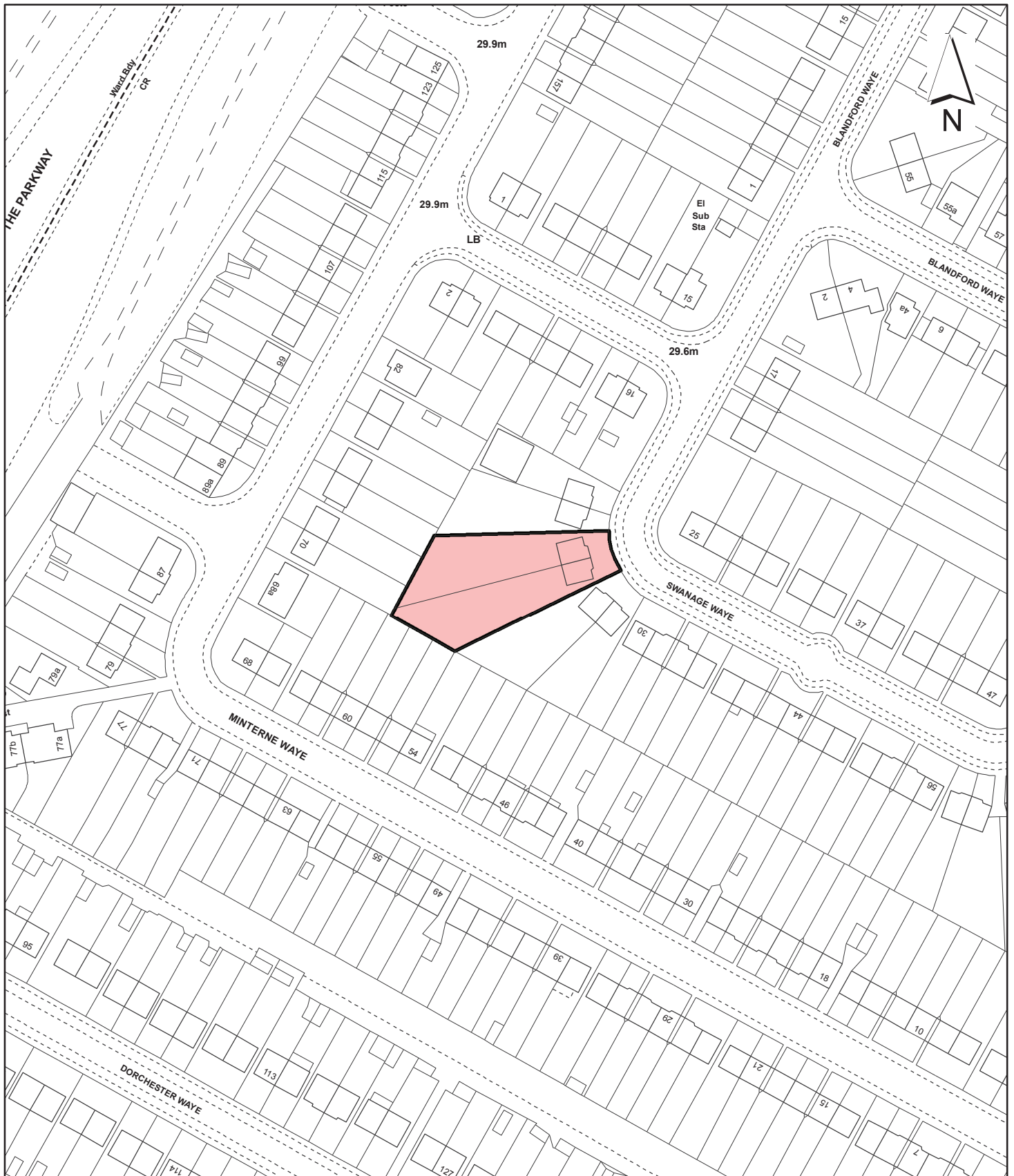
11. Reference Documents

Planning Policy Statement 1 - Delivering Sustainable Development (January 2005),
Planning Policy Statement 4 - Planning for Sustainable Economic Growth (December 2009),
Planning Policy Guidance Note 13 - Transport (April 2001),
The London Plan (2011),

Hillingdon Unitary Development Plan Saved Policies (September 2007),
Consultation responses, including a petition.

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Notes

 Site boundary

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Site Address

**22 Swanage Way
Hayes**

Planning Application Ref:

27172/APP/2011/1183

Planning Committee

Central and South

Scale

1:1,250

Date

**February
2012**

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

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