

Report of the Corporate Director of Planning & Community Services

Address LAND FORMING PART OF 43 PRINCES PARK LANE HAYES

Development: 1 two-bedroom semi-detached dwelling (Outline application for approval of access, appearance, layout and scale.)

LBH Ref Nos: 66629/APP/2009/2539

Drawing Nos: 1:1250 Site Location Plan
Design and Access Statement
Block Plan
Proposed ground floor layout
Proposed first floor layout
Proposed elevations

Date Plans Received: 23/11/2009 **Date(s) of Amendment(s):** 27/11/2009

Date Application Valid: 08/12/2009

1. SUMMARY

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD): New Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area.

The proposal is for an attached house that would appear as an additional property to an existing pair of semi-detached dwellings, turning this pair into a terrace of three, with one off-street parking space shown at the rear of the proposed plot and accessed via Princes Park Parade. However, it is considered the proposed additional property located to the side of the existing unit would result in a cramped form of development which would be out of keeping with the character and appearance of surrounding properties. As such, it would result in the loss of the open and spacious appearance of this prominent corner site, and would unacceptably disrupt the layout of this established residential area, detrimental to the visual amenities of the street scene. Furthermore the development would be considered detrimental to highway safety due to the inadequate on site parking provision and additional loss of on-street parking. Therefore, the proposal is considered contrary to adopted design guidance, UDP policies, and the London Plan (2008).

It is recommended that the application be REFUSED

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of its siting, proximity to the side boundary and projection beyond the return building line with the neighbouring properties to the east, along Princess Park Parade, would result in a closing of the visually open gap on this prominent corner site, contributing to a visually intrusive and over-dominant form of

development, which would be detrimental to the visual amenities of the street scene and the character and appearance of the area. The proposal is therefore contrary to policies BE13, BE15, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), Policy 4B.1 of the London Plan and the Hillingdon adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposal, by reason of its siting, bulk and design, would result in an overly dominant feature in relation to the architectural composition of the existing pair of semi-detached properties, to which it would be applied, resulting in a visual un-balancing of the same. The proposal would therefore be detrimental to the character and appearance of this original pair of semi-detached properties and the surrounding area, contrary to Policies BE13, BE15, and BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and to the adopted Supplementary Planning Documents HDAS 'Residential Layouts'.

3 NON2 Non Standard reason for refusal

The proposal, by reason of the insufficient on-site parking provision, and the proposed crossover with its associated loss of existing on-street parking provision within Princes Park Parade, where parking conditions are already saturated would be to the detriment of public and highway safety and therefore the proposal is contrary to Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007.

4 NON2 Non Standard reason for refusal

The proposal fails to provide a sufficient amount of usable external amenity space to service the existing and proposed dwellings resulting in inadequate living conditions for future occupiers contrary to Policy BE23 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS 'Residential Layouts'.

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 (February 2008) and national guidance.

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.
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	'Residential Layouts'
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.

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The applicant is advised that this application has been determined on the basis that there is no approval for a dwelling in the rear garden. If permission was granted for a dwelling in the rear garden then this would raise further matters of concern that would be likely to result in additional refusal reasons.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the east side of Princes Park Lane and comprises the area to the side of the existing property, No.s 43. The site fronts Princes Parade Lane, with Princes Park Parade on the flank boundary. The properties enjoying these corner positions are characterised by wide visual gaps, with the surrounding streets being tightly packed. Princes Park Parade is a small Cul-de-sac of 12 properties, which also gives access to a block of lock up garages. Both Princes Park Lane and Princes Park Parade are characterised by blocks of terraced and semi-detached properties with hipped roofs and bay windows. Princes Park Parade is narrow with formalised pavement parking. The application site lies within the 'developed area' as identified in the Adopted Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

3.2 Proposed Scheme

Outline planning permission is sought for approval of access, appearance, layout and scale, to provide for the erection of a two storey 2-bedroom dwelling. The dwelling would measure 5.4m wide and 7.2m deep, and would be set back from the front building line of the existing property by 0.6m. The roof design would mirror that of the existing property, showing a pitched roof with subservient ridge height. This would be 4.8m to the eaves and a ridge height of 7.3m. One off-street parking space would be accommodated at the rear of the site, accessed via Princes Park Parade.

3.3 Relevant Planning History

Comment on Relevant Planning History

It should also be noted, the rear section of this site as identified on the blue line plan, is currently the subject of a planning appeal (65520/APP/2009/1116). This appeal relates to the erection a two storey 2-bedroom detached dwelling with associated parking. This application was refused by the Central and South Planning Committee for the following reasons -

- The proposed development, by reason of its siting and design would result in a cramped form of development which would be out of keeping with the character and appearance of surrounding properties. It would result in the loss of the open and spacious appearance of the site, and would unacceptably disrupt the layout of this established residential area and be detrimental to the visual amenities of the street scene. The proposal would therefore be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007, and the Council's Supplementary Planning Guidance HDAS: Residential Layouts

- The proposed development by reason of the close proximity to the houses in Princes Park Lane in relation to the site, would result in a form of development which would not provide satisfactory amenities for future occupiers of those new properties, in that there would be unacceptable overlooking of the private amenity land of the proposed new dwelling by No.s 41 and 43 Princes Park Lane. The proposal is therefore contrary to Policy BE23 of the Unitary Development Plan Saved Policies 2007 and the HDAS Supplementary Planning Document: Residential Layouts.

4. Planning Policies and Standards

London Plan Policy 3A.4 - Accessible Developments

London Plan Policy 4B.3 - Residential Densities

Supplementary Planning Guidance: Educational Facilities

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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.
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	'Residential Layouts'
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

John McDonnell MP - objects to the application, the concerns are as follows -

1. I understand there is an outstanding appeal on this site, and I fear that if the appeal is allowed and this application approved, it would result in an overdevelopment of the site, that would impact on adjoining residents, who already experience problems with multiple occupancy, drainage and parking issues.
2. The scale of the proposal will impact on the street scene and result in the loss of amenity for existing properties including overlooking and views.
3. This proposal will also result in the loss of further green space in the area which is increasing under threat from over development - and it is noticeable the gardens to be associated with these properties would be very small and hardly suited to the needs of family dwellings.
4. The application also needs to consider the recent changes in usage of properties in Princess Park Parade resulting in two properties being converted into Multiple Occupancy accommodation. The incremental growth in density of occupation is already placing the services and utilities under pressure and this development will considerably exacerbate the problem.
5. The number of cars within the Parade has already caused parking and traffic problems, and despite parking spaces being constructed on the site, the property is likely to generate additional traffic with additional cars causing further parking problems.

48 neighbours and interested parties were consulted, and 7 responses have been received (one of which comprised a petition of 22 signatures), which made the following comments

- 1) Currently there is a planning appeal relating to a different part of this site - We do not feel this should be considered until this appeal has been determined or withdrawn. As if both were to be allowed this would result in severe overcrowding
- 2) Princes Park Lane and Princes Park Parade have shared drains and there are regular blockages, we currently have to call the utility company 1-2 times a year to come out and clear the drains, the developments would be on top of these drain hatches - therefore we do not think a house should be sited there unless Thames Water can move these hatches.
- 3) The application suggests a dropped kerb and parking should be developed at the rear and accessed by Princes Park Parade, we object due to the loss of street side parking, which is already congested.
- 4) The residents of Princes Park Parade have a total of 29 vehicles, and 3-6 residents from Princes Park Lane also use the Parade as overspill parking at night. In this tiny cul-de-sac residents already suffer due to the vehicular movements to the block of lock up garages at the rear and the recent use of numbers 9 and 11 as Houses of Multiple Occupancy.
- 5) We do not think there is a need for this house, due to the new developments at Hayes Stadium, Hayes Station, and the Old Ram Public House sites.
- 6) However, we do understand the applicants wish to increase the potential of the site and we would be willing to withdraw the petition if; the current appeal is withdrawn; Thames Water can assure residents they will have 24hr access to drains; and the off street parking for the site is located to the front of the site with vehicular crossover onto Princes Park Lane.
- 7) We are already over populated, our doctors and schools are full. No 44 Princes Park Lane has already been changed into flats, causing parking problems.
- 8) The applicant already has 2-3 other properties where tenants have caused trouble in the past
- 9) The previous application was refused as there was not enough garden space, I fail to see how this has changed - the garden has not grown and there would still be as little space as before.
- 10) The house is no further away, and would continue to overlook our garden - which despite

reassurances of obscure glazing, I think this would be removed once granted.

11) We already have problems with the existing tenants and do not want any more.

12) I will not sell any of my garden to him.

Internal Consultees

Tree/Landscape Officer; The site is a double width plot, occupied by a semi-detached house on the east side of Princes Park Lane, at the junction of Princes Park Parade - along which the side boundary runs. The southern/side boundary is defined by a high (1.8metre) brick wall, above which no trees or other vegetation are visible. There are no Tree Preservation Orders or Conservation Area designations affecting tree close to the site.

The proposal is to build an attached two-bedroom, semi-detached house on the southern flank wall, which will occupy part of the existing 'side garden' of house number 43. The front of the house will face onto, and have pedestrian access from, Princes Park Lane. Off-street parking for the new house will be located at the end of the garden - accessed from Princes Park Parade. The D&AS confirms that new landscape enhancements will be in the form of hard paved areas and soft/planted amenity space. The layout drawing shows indicative areas of potential hard and soft landscape.

If the proposed amenity space meets the LPA's standards, there is adequate space to provide landscape enhancement in accordance with saved policy BE38, by condition. I note that off-street parking for number 43 will be dependent on sacrificing front garden space - at least 25% of which should be retained as 'soft' landscape (HDAS guidance).

If you are minded to approve this application I have no objection subject to the above considerations and conditions TL4, TL6.

Waste and Recycling Officer;

The dwelling houses should incorporate in their design storage provision for an average of 2 bags of recycling and 2 bags of refuse per week plus 3 garden waste bags every 2 weeks.

All internal roadways should be of sufficient strength to support the weight of a standard refuse collection vehicle (40 tonnes). Access must be made for the manoeuvring of refuse vehicles. For reference purposes the dimensions of a refuse collection vehicle are 4m (h), 12.4m (l), and 2.5m (w), requiring a turning circle of 21 metres.

All flats and houses provided must have a food waste grinders included as standard as part of the kitchen sink unit to allow residents to indirectly recycle their food wastes by grinding it and washing it down into the waste water system for composting by the relevant water company.

Highway Engineer; Considers the application unacceptable, due to -

1. Insufficient parking provision, in particular given the proposed double crossover will result in the loss of on-street parking.

Director of Education; The proposal would only contain 5 rooms, and therefore would not attract a education S106 request.

Environmental Protection Unit; The site is within the 250 metre landfill buffer for Stockley Park East and Botwell Common Landfills. The Stockley landfill had an active gas collection system, which is currently not being used due to lower levels of gas generation (although there are still high concentrations of methane on site). There is only out of date gas monitoring available for Botwell Common, which indicated high gas concentrations towards the centre of the site.

As this is a whole new development normally I would recommend a gas condition, however given

the distance of the site from the landfills and the lower risk of migration the following gas informative is suggested as a minimum on any permission that may be given.

Gas Informative

Building Techniques - It is recommended that the extension is designed and constructed to prevent/minimise the possible entry of any migrating landfill gas. Please contact the Building Control Inspector and/or the Environmental Protection Unit on 01895 250155 if you require any advise.

REASON - The Council is aware of the presence of land with the potential to exude gas within 250 metres of the site but the risk of gas migration is considered minimal due to the age, nature and/or location of the fill.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The adopted Supplementary Planning Document (SPD): New Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

7.02 Density of the proposed development

The scheme would have a residential density which equates to approximately 268 habitable rooms per hectare (hrpha). As such, the proposed density would fail to comply with London Plan's recommended guidelines having regard to the sites Public Transport Accessibility Level (PTAL) score of 2 (which suggests a level of 150-200hrpha, 30-50 units per hectare). However, consideration also needs to be given to the future internal and external living environments and whether a cramped situation would result. This is discussed in more detail below.

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.07 Impact on the character & appearance of the area

With regard to Policy BE22 of the Hillingdon UDP (Saved Policies, September 2007), this states that, two storey buildings should be set in a minimum distance of 1m from the side boundaries and the proposal would comply with this advice. However, Section 4.27 of the SPD states careful consideration should be given to building lines, and these should relate well to the existing street pattern. Whilst, it is considered the proposal would comply with the minimum set in requirements to avoid the visual coalescing between properties in the street scene, it is also considered this is an open corner plot and the proposal would result in 2 storey built development within 1m of the side boundary, and by reason of its projection forward of the recognised established building line along Princes Park Parade (the established set back in this street scene is 6-7m). It is therefore considered the proposal would appear cramped and result in an unduly intrusive development in the street scene and the surrounding area, and as such, would be contrary to Policies BE13

and BE19 of the UDP (Saved Policies September 2007).

The design of the proposed dwelling is considered to reflect that of the existing property, including its size, shape, roof form with the pitched roof, and fenestration details. The use of a bay window in the front would mirror those on the existing properties, and therefore would be in-keeping. However, this proposal involves attaching a further dwelling to an existing pair of semi-detached properties. The plans show the front building line would be set back by 0.6m from the host dwelling, with the same eaves height and a ridge height 0.25m lower than the same. By way of comparison, the SPD Residential Extensions, states, when attaching a two storey addition to an existing pair of semi-detached properties, the addition should be set back from the front wall by a minimum of 1m and the roof should be set down by at least 0.5m. This is to avoid an unbalancing that would otherwise occur to the existing symmetrical pair of dwellings, and it is considered this advice is applicable in this instance. As such, it is considered, the proposal if implemented would result in an unbalancing to these existing dwellings.

Princes Park Lane and the surrounding roads are characterised largely by semi-detached two storey houses with hipped roofs. It is considered this estate is tightly packed, and that there is little relief in terms of gaps between properties. These corner properties provide the visual relief of open space and a view through the built development. The proposed dwelling would in-fill one of these undeveloped gaps and therefore result in a cramped form of development. This is reinforced in Paragraph 5.26 of the UDP (Saved Policies September 2007) which provides the subtext to Policy BE22 and states that two storey development even when set in 1 metre from the side boundary may appear unbalanced or cramped, or unacceptably close the visually open gap between properties and this is particularly noticeable if the dwellings form part of a closely developed road frontage.

In view of the above, it is considered the proposal would result in a detrimental impact on the visual amenities of the street and the wider area, and as such would fail to comply with Policies BE13, BE19 and BE22 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and Policies contained the HDAS Supplementary Planning Document: Residential Layouts.

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, in relation to the proposed new dwelling, Sections 4.9 of the SPD: Residential Layouts, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. This proposal would comply with this advice with the nearest property to the rear situated over 21m to the rear. Furthermore, due to the proposed siting of this dwelling, using a 0.6m set back from the front building line and with a 1m deep rear projection of the established building line of the adjoining property (which would not project beyond a 45 degree line of sight from the nearest habitable room of the same), and having a roof at a matching height, the proposed house is not considered to result in a significant increase in over-dominance, visual intrusion or overshadowing over and above the current situation. As such, it is not considered the proposal would result in a material loss of residential amenity and therefore would accord with policies BE20 and BE21 of the UDP (Saved Policies September 2007).

With regard to loss of privacy, it is not considered a material loss would arise. The

openings to the front would face the public highway and there are none shown in the side elevation. With regard to the proposed rear facing windows of the new dwelling, these would be situated over 21m away from the nearest property to the rear (no. 1 Princes Park Parade), and as such it is not considered a material loss of privacy would arise. Therefore, the proposal is considered to comply with policy BE24 of the UDP (Saved Policies September 2007).

However, it should be noted that should the appeal in the rear part of the existing site (for the erection of a detached dwelling - 65520/APP/2009/1116), be successful and subsequently implemented, the current distances mentioned above, would not be satisfied. However, until this matter is considered by the Planning Inspector, this is not a material planning consideration, nonetheless an informative is recommended to highlight the implications of an appeal being successful on any future planning application.

7.09 Living conditions for future occupiers

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. The proposed indicative internal floor space for the new dwelling would be approximately 65m². The SPD states the minimum amount of floor space required for a 2-bedroom single storey dwelling would be 63m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 2 bed house should have a minimum garden space of 60m². The layout plan shows a usable area of 57.6m² of private amenity space would be maintained for the existing house and 57m² provided for the proposed new dwelling. The lack of acceptable amenity space, even though it is only just under Council guidelines is further indication of the inappropriateness of the development in an already dense streetscene. The proposal is therefore considered contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Highways Engineer has been consulted and has stated that the application is unacceptable due to the insufficient parking provision - the councils adopted parking standards require the provision of two off street parking spaces per residential dwelling - only one parking space has been provided and the proposal once implemented would result in the loss of on-street parking for existing residents.

As such, the proposal would be considered contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

As above

7.12 Disabled access

The floor plans show that the proposed dwelling would have clear minimum openings of 800mm and an entrance level WC to satisfy Lifetime Homes standards. Therefore this proposal is considered to comply with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

The proposal does not meet the threshold to require the provision of this type of housing.

7.14 Trees, landscaping and Ecology

The tree and landscape officer was consulted on this application and has commented that this site is a double width plot, occupied by a semi-detached house on the east side of

Princes Park Lane, at the junction of Princes Park Parade - along which the side boundary runs. The southern/side boundary is defined by a high 1.8metre brick wall, above which no trees or other vegetation are visible. There are no Tree Preservation Orders or Conservation Area designations affecting tree close to the site.

The proposal is to build an attached two-bedroom, semi-detached house on the southern flank wall, which will occupy part of the existing 'side garden' of house number 43. The front of the house will face onto, and have pedestrian access from, Princes Park Lane. Off-street parking for the new house will be located at the end of the garden - accessed from Princes Park Parade. The D&AS confirms that new landscape enhancements will be in the form of hard paved areas and soft/ planted amenity space. The layout drawing shows indicative areas of potential hard and soft landscape.

If the proposed amenity space meets the LPA's standards, there is adequate space to provide landscape enhancement in accordance with saved policy BE38, by condition. It is noted that off-street parking for number 43 will be dependent on sacrificing front garden space - at least 25% of which should be retained as 'soft' landscape (HDAS guidance).

If you are minded to approve this application, the Trees and Landscape Officer has no objection subject to the above considerations and appropriate conditions being applied, as such, the proposal would comply with the intensions of Policy BE38 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. No details have been supplied in relation to this. However, it is considered that this issue could be dealt with by way of condition/informative, and subject to complying with these details the proposal would comply with this advice.

7.16 Renewable energy / Sustainability

It has been considered that all the proposed habitable rooms, would have an adequate outlook and source of natural light, and therefore comply with the SPD: New Residential Layouts: Section 4.9 states and Policy 4A.3 of the London Plan (2008).

7.17 Flooding or Drainage Issues

The site is not within a floor zone and no comments have been received from the utility operator.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

With regard to the issues raised by interested parties, Thames Water have not raised an objection to the scheme, however, drainage issues would normally be dealt with at building regulation stage. The actions of tenants or land ownership issues are not material considerations to the determination of planning applications. Point No 10 refers to the application currently at appeal (65520/APP/2009/1116).

With regard to the comments relating to newly created HMO accommodation within Princes Park Parade, whilst these properties may be registered with the Authority as providing HMO type accommodation, the living accommodation in converted dwellings can vary from house to house. Planning permission is often not required where there are six or less people sharing facilities and living together as a single household, under Class C3 of the use Classes order. Therefore, as a formal planning application has not been

granted for the Change of Use of these properties to Houses of Multiple Occupation, or a Certificate of Lawful Use been granted for the same. The current authorised land use under planning law for these properties would be C3 (Dwelling houses OR Shared houses of up to six people living together as a single household).

The remaining points are addressed in the full report.

7.20 Planning obligations

Presently S106 contributions for education are sought for developments when the net gain of habitable rooms exceeds six. This proposal would result in five additional habitable rooms being provided and therefore no contribution would be sought.

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

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

None

10. CONCLUSION

The proposed development by reason of the siting on this open prominent position would result in the closing of an important gap characteristic to the area, resulting in a cramped appearance. The proposal therefore represents an over development of the site to the

detriment of the character and visual amenities of the area and to this existing open area of the street scene. The overdevelopment of the site has also resulted in amenity spaces for the existing and proposed dwellings falling below the guidance within the HDAS - Residential Layouts. Furthermore, it is considered the development would result in inadequate parking provision to the detriment of highway users and as such the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan (Saved Policies September 2007), HDAS: New Residential Layouts: July 2006, and The London Plan (2008)

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007
HDAS: New Residential Layouts: July 2006
The London Plan (2008)
Supplementary Planning Guidance: Educational Facilities

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes



Site boundary

For identification purposes only.

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100019283 2009

Site Address

**Land forming part of
43 Princes Park Lane
Hayes**

Planning Application Ref:

66629/APP/2009/2539

Planning Committee

Central and South

Scale

1:1,250

Date

February 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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