

Report of the Head of Planning & Enforcement Services

Address 10 RALEIGH AVENUE HAYES

Development: Conversion of existing dwelling to 1 one-bedroom and 1 two-bedroom flats with associated parking and amenity space (Retrospective application.)

LBH Ref Nos: 58796/APP/2010/541

Drawing Nos: Block Plan P6
Block Plan P5
Location Plan 1:1250
Supporting information
Plan P1
Plan P2
Plan P3
Plan P4

Date Plans Received: 10/03/2010 **Date(s) of Amendment(s):** 28/05/2010

Date Application Valid: 09/07/2010

1. **SUMMARY**

The proposed dwellings would not meet the minimum recommended floor space standards, and would fail to provide a satisfactory standard of residential accommodation for future residents.

Proposed parking and access arrangements are also considered inadequate and accordingly it is recommended that the application be refused.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal would provide an indoor living area of an unsatisfactory size for the occupiers of the proposed dwellings. The proposal would therefore give rise to a substandard form of living accommodation for future occupiers contrary to Policies BE19 and H7 (iv) of the Unitary Development Plan Saved Policies September 2007 and design principles 4.7 and 4.8 of the Councils Design Guide Residential Layouts.

2 NON2 **Non Standard reason for refusal**

The proposed development fails to adequately demonstrate that access could be afforded to the parking spaces at the rear of the property, or that a vehicle could manoeuvre into or out of the parking space proposed in the front garden. The development would therefore lead to additional on street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Councils adopted car parking standards.

INFORMATIVES

1 152 **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).

2 153 **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.

H7	Conversion of residential properties into a number of units
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE23	Requires the provision of adequate amenity space.
OE1	Protection of the character and amenities of surrounding properties and the local area
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.

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The site is situated on the south east side of Raleigh Avenue in Hayes. The property is in a residential area in a street of broadly similar properties. The application site comprises of a semi detached two storey dwelling with a hipped black tiled roof and is faced with pebble dash. The application site is within the Developed Area as identified in the Hillingdon Unitary Development Plan (UDP)(Saved Policies 2007).

3.2 **Proposed Scheme**

Retrospective planning permission is sought for the conversion of a single family dwelling into a one bedroom flat on the first floor and a two bedroom flat on the ground floor.

Both flats would have a kitchen, reception room, dining room and bathroom. Access to both units is from the side elevation of the dwelling. Car parking and amenity space is also proposed within the curtilage of the site (2 spaces to the rear and 1 space to the front of the dwelling).

3.3 Relevant Planning History

58796/APP/2003/2214 10 Raleigh Avenue Hayes
ERECTION OF A PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION

Decision: 12-11-2003 Approved

58796/APP/2009/1059 10 Raleigh Avenue Hayes

Conversion of house into 1 one-bedroom and 1 two-bedroom flats with associated parking.
(Retrospective application).

Decision: 26-08-2009 Refused

Comment on Relevant Planning History

A previous application for a similar scheme was refused for the following reasons:

'The applicant has failed to demonstrate that the application site can accommodate four useable off street car parking spaces within the curtilage of the site in accordance with the Council's car parking standards. In fact, there are practical difficulties concerning the use of all four proposed parking spaces. It is therefore considered that the proposal would lead to an unacceptable level of on-street carparking to the detriment of highway safety and contrary to Policies H7(ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'

4. Planning Policies and Standards

N/A

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

H7	Conversion of residential properties into a number of units
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE23	Requires the provision of adequate amenity space.
OE1	Protection of the character and amenities of surrounding properties and the local area
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.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

14 Neighbours notified of the proposed development, several objections received and as well as a petition, the objections raised include the following concerns;

- Residents do not want access to properties for vehicles to be provided from the rear.
- The scheme would set a precedence for similar development
- Allowing access to rear of properties, which would lead to crime and burglaries.

Internal Consultees

Access Officer

Given the large size of the ground floor dwelling, compliance with Life Time Homes standards could be achieved. Subject to conditions requiring layout modifications to achieve all 16 Life Time Homes standards, no objection would be raised.

Highways Officer

The proposed development fails to adequately demonstrate that access could be afforded to the parking spaces at the rear of the property. The lack of certainty over the access arrangements, makes the proposed rear car parking arrangements unacceptable.

The proposed parking space at the front of the property is also highly problematic, plans fail to demonstrate that a vehicle could manoeuvre into or out of the parking space.

There is concern that if cars are not able to be parked within the site, that future residents would park in surrounding streets, leading to additional on street parking to the detriment of public and highway safety. As such objection is raised to the proposal.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed development seeks retrospective permission to convert an existing dwelling to 1 x two bedroom and 1 x one bedroom dwelling with associated amenity and parking provision.

Policy H7 states that the LPA will regard the conversion of residential properties into more units as acceptable in principle provided that all units are self contained with exclusive use of sanitary and kitchen facilities and with individual entrances, and internal staircases are provided to serve units above ground floor level; and adequate amenity space is provided for the benefit of residents of the proposed development.

The above matters are considered in detail within this report, in summary it is not considered that the scheme would provide dwellings with internal floor areas large enough to adequately provide for the needs of future occupiers.

7.02 Density of the proposed development

The site has a PTAL of 1, and the application form notes that the site would have an area of 0.019Ha. Based on this the proposed density would equate to 105 U/Ha or 316 HR/Ha.

However based on the extent of the redline site and utilising the Council's Geographic Information System, the site area is estimated at 0.0224Ha. Based on this the proposed density would equate to 89 U/Ha or 268 HR/Ha.

The London Plan recommends for suburban locations, with a PTAL of 1, that density should not exceed 75 U/Ha or 200 HR/Ha. Even if the Council's estimate of the site area is correct, the proposed density exceeds the guidance in the London Plan.

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

N/A

7.04 Airport safeguarding

N/A

7.05 Impact on the green belt

N/A

7.07 Impact on the character & appearance of the area

Policy H7 states that the LPA will regard the conversion of residential properties into more units as acceptable in principle provided this can be achieved without causing demonstrable harm to the character of the area.

The external changes have already been implemented, and as such have been able to be assessed for acceptability in real time, during site visits to the site.

The development, when viewed from the street scene continues to appear as a single family dwelling. It is not considered that the proposed development would have a harmful impact upon the visual amenity of the streetscene or the original house. In light of this it is considered that proposal would not result in any demonstrable harm to the character of the area. It is considered that the proposal would comply with Policy H7 of the London Borough of Hillingdon (UDP) (Saved Policies 2007).

7.08 Impact on neighbours

Policy H7(ii) states that the LPA will regard the conversion of residential properties into more units as acceptable in principle provided this can be achieved without causing demonstrable harm to residential amenity and it can be demonstrated that adequate sound insulation is provided.

Policy OE1 states that proposed uses should not have a detrimental impact on the character of an area or amenities of neighbouring properties by reason of noise and vibration or the emission of dust, smell or other pollutants.

It is not considered that the general comings and goings from the two dwellings would have an unacceptable impact on the amenity of residents in the immediate area of the application site.

The scheme would not result in any additional overlooking or overshadowing of neighbouring residences, over that which currently exists.

In light of this it is considered that the conversion would not have an unacceptable impact on the amenity of adjoining neighbours at. As such it is considered that the proposal would comply with Policies H7 and OE1 of the London Borough of Hillingdon (UDP) (Saved Policies 2007).

7.09 Living conditions for future occupiers

Policy BE23 states that any extension should maintain external amenity space which is sufficient to protect the amenity of occupants and is useable in terms of its shape and siting.

Each flat would have an area of private amenity space to the rear of the property, which would be of a size which would comply with relevant standards.

The proposed scheme would result in a self contained one bedroom flat with a floor space of 42m² and a self contained two bedroom flat with a floor space of 57m².

The Residential Layouts SPD states that a 2 bedroom flat or maisonette should have a floorspace of 63m² and a 1 bedroom flat or maisonette should have a floorspace of 50m². It is considered that the proposed floor space is inadequate and would result in an unsatisfactory level of living space for current and future residents.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy H7 states that the LPA will regard the conversion of residential properties into more units as acceptable in principle provided that car parking to the standards adopted by the LPA can be provided within the curtilage of the site and can be accommodated without significant detriment to the street scene.

Policy AM14 states that new development will only be permitted where it is in accordance with the council adopted car parking standards. Three car parking spaces are required to conform with the proposed car parking standards.

The application proposes three car parking spaces across the site, with one car parking space situated to the front of the dwelling and two to the rear accessed via Selan Gardens.

The proposed parking space at the front of the property is considered highly problematic, in that the plans fail to demonstrate that a vehicle could manoeuvre into or out of the parking space.

The application was referred to the Council's Highways Engineer who raises objection to the proposed parking layout, noting that no evidence has been provided to show that the subject property benefits from rights of access from the street to the rear garden.

The accessway does not form part of the red line site, and the accessway is not an adopted road. The lack of certainty that the accessway could be used by the applicant raises concern as to the viability of these car parking spaces.

There is considerable concern that should cars not be able to be parked within the site,

future residents would park in surrounding streets. This would lead to additional on street parking, to the detriment of public and highway safety. As such, the Council's Highways Engineer has raised objection to the scheme.

In light of this it is considered that the proposal would not be in accordance with Policies H7(ii) and AM14 of the London Borough of Hillingdon (UDP) (Saved Policies 2007).

7.11 Urban design, access and security

In terms of Urban Design, there are no additional changes proposed to the external appearance of the dwelling. As has been discussed in section 7.07, no objection is raised to the appearance of the scheme.

Subject to conditions being imposed on any planning permission, requiring the scheme to meet secure by design standards, no objection would be raised.

7.12 Disabled access

The application was referred to the Council's Access Officer, who advised that as this application relates to a conversion, only the ground floor unit would be required to be compliant with Life Time Homes standards.

In this case, the Access Officer has advised that given the large size of the ground floor dwelling, compliance with Life Time Homes standards could be achieved. Subject to conditions requiring layout modifications to achieve all 16 Life Time Homes standards on any permission granted, no objection would be raised.

7.13 Provision of affordable & special needs housing

N/A

7.14 Trees, landscaping and Ecology

Plans do not indicate any landscaping. However, subject to conditions being imposed on any consent granted, requiring details (and the implementation of) a landscaping scheme for the site, no objection would be raised in terms of trees and landscaping..

7.15 Sustainable waste management

The size of the site is large enough to accommodate refuse and recycling facilities, and subject to the imposition of a condition on any permission granted requiring the provision of refuse and recycling facilities, no objection is raised.

7.16 Renewable energy / Sustainability

N/A

7.17 Flooding or Drainage Issues

N/A

7.18 Noise or Air Quality Issues

N/A

7.19 Comments on Public Consultations

It is considered that the comments received as part of the petition against the development have been addressed within the report.

7.20 Planning obligations

None.

7.21 Expediency of enforcement action

Should the scheme be refused, it is considered that it would be expedient for enforcement action to be taken to ensure the internal layout of the property is altered to again be used as a single dwelling.

7.22 Other Issues

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

The proposed dwellings would not meet the minimum recommended floor space standards, and would fail to provide a satisfactory standard of residential accommodation for future residents.

Proposed parking and access arrangements are also considered inadequate and accordingly it is recommended that the application be refused.

11. Reference Documents

Planning Policy Statement 3

The London Plan (February 2008)

The London Plan: Interim Housing Supplementary Planning Guidance

The London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007)

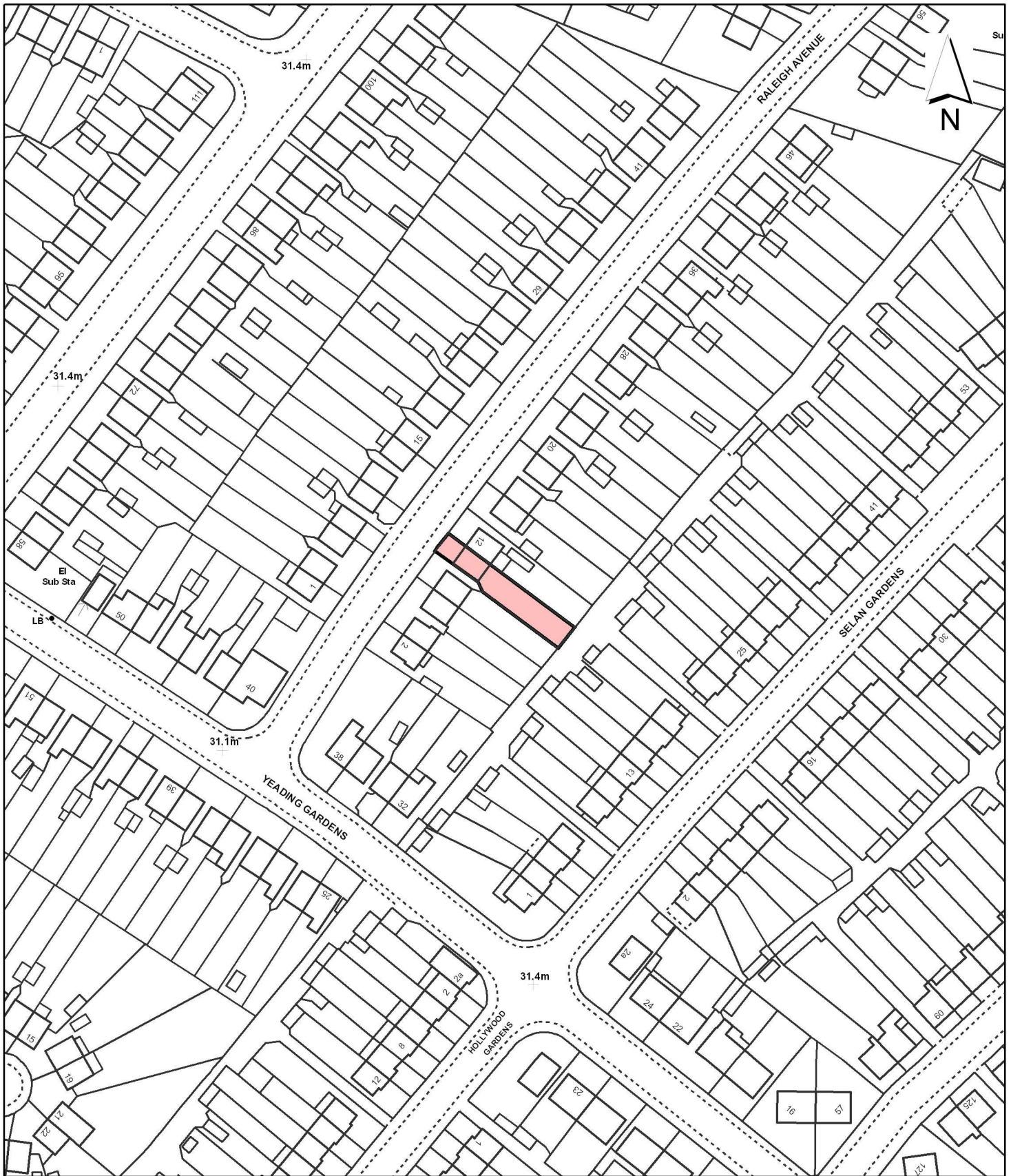
HDAS: Residential Layouts

HDAS: Accessible Hillingdon

Supplementary Planning Guidance for Planning Obligations

Contact Officer: Eleanor Western

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Notes

 Site boundary
For identification purposes only.

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London Borough of Hillingdon
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Site Address

**10 Raleigh Avenue,
Hayes**

Planning Application Ref:
58796/APP/2010/541

Planning Committee

Central and South

Scale

1:1,250

Date

September 2010

**LONDON BOROUGH
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