

Report of the Head of Planning & Enforcement Services

Address 20A KEATS WAY WEST DRAYTON

Development: Conversion of existing dwelling to 2 three-bedroom dwellings (Retrospective application.)

LBH Ref Nos: 53368/APP/2010/1505

Drawing Nos: Design and Access Statement
ZJF/02/10 - Existing and Proposed Plans and Location Plan

Date Plans Received: 29/06/2010 **Date(s) of Amendment(s):** 29/06/2010

Date Application Valid: 30/06/2010

1. **SUMMARY**

This application seeks retrospective permission for the subdivision of a house to form two x three bedroom dwellings.

The proposal by virtue of its failure to provide adequate internal living space and external amenity space for future residents would not provide an acceptable standard of accommodation for future residents. Additionally, the proposed provision of car parking is inadequate to service the development, and there is considerable concern that the scheme would result in overspill parking in surrounding streets, to the detriment of highway and pedestrian safety. Finally, the application has failed to demonstrate that the dwellings would be designed to 'Lifetime Homes' standards.

Refusal is recommended.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Substandard internal living area**

The proposal would provide an indoor living area of an unsatisfactory size for the occupiers of the one 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 Council's Design Guide 'Residential Layouts'.

2 NON2 **Insufficient off-street parking provision**

The proposed development fails to provide sufficient off street parking provision which meets the Council's approved parking standards to service the proposed dwellings. 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 Council's adopted car parking standards.

3 NON2 **Inadequate amenity space**

The proposal fails to provide amenity space of sufficient size and quality commensurate with the size and layout of the proposed dwellings. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), and the Council's HDAS (SPD): 'Residential Layouts'.

4 NON2 Failure to comply with Lifetime Homes standards

The application has failed to demonstrate that the dwellings would be designed to 'Lifetime Homes' standards. The development is therefore contrary to Policy 3A.5 of the London Plan (February 2008) and the Local Development Framework Accessible Hillingdon Supplementary Planning Document (January 2010).

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.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
HDAS	'Residential Layouts' and 'Residential Extensions'
BE15	Alterations and extensions to existing buildings

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Keats Way and comprises a modest two storey end of terrace house. The site is within an area of residential development, as identified in the Adopted Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

The property has been extended to the rear with a single storey extension and to the side with a two storey extension.

The dwelling has an area of hardstanding to the front, to the north is a public footpath which is directly adjacent to the flank elevation. To the south, east and west of the site are residential dwellings.

3.2 Proposed Scheme

The proposal seeks to convert the existing dwelling to form two properties. The two properties would each have three bedrooms with the property split through the centre, to form two smaller two storey dwellings.

Whilst the first floor layout plan has been labelled to indicate the proposed uses of the rooms, the ground floor layout only indicates one kitchen to the dwelling formed from the side extension.

The application has been assessed on the basis that the proposal is for two three bedroom dwellings.

3.3 Relevant Planning History

Comment on Relevant Planning History

The site accommodates a modest two storey end of terrace house, situated on the West side of Keats Way within the Ward of West Drayton.

Planning approval was granted for a two storey side and single storey rear extension in November 2005; however the owner did not build these extensions in accordance with the approved plans.

A subsequent enforcement investigation resulted in an enforcement notice being issued by the Council on the 19 December 2007, for the unauthorised erection of a first floor rear extension, the unauthorised erection of a mono-pitched roof over the approved single storey rear extension and non-compliance with the approved drawings for the erection of a two storey side and single storey rear extension.

The owner appealed against the Council's decision to issue the enforcement notice and the appeal was upheld by the Planning Inspectorate and the notice was quashed on the 30 May 2008.

Following subsequent investigations, the Council's enforcement team became aware that the property was being used as more than one dwelling.

In an attempt to regularise the situation, the owner has submitted this planning application seeking approval for two flats.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

OE1 Protection of the character and amenities of surrounding properties and the local area

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.

HDAS 'Residential Layouts' and 'Residential Extensions'

BE15 Alterations and extensions to existing buildings

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 neighbouring residents have been notified of the development, three objections have been received which raised the following concerns:

- the proposal represents an overdevelopment of site
- inadequate parking is proposed to service the development
- Concerns property would be further sub-divided.

BAA Airports

- No objection

Internal Consultees

Trees and Landscapes

THE SITE

The site is not constrained by trees, protected or otherwise, and there are no other significant landscape considerations. The front garden has long since been paved over to provide off-street parking.

THE PROPOSAL

The proposal is a retrospective application to convert the existing house into two, three-bedroom flats.

RECOMMENDATION

No objection and, in this case, there is no need for tree or landscape conditions.

Highways Engineer

The site has a PTAL of 1b, which is low.

For the 2 x 3 bed houses, a total of four car parking spaces should be provided. In this case the plans do not show how many spaces are proposed, the application form states that only 3 spaces would be provided, which is considered insufficient. As such I object to this proposal.

Access Officer

The application would effectively reduce the level of accessibility into and around the existing premises. It fails to demonstrate that the dwellings would be designed to 'Lifetime Homes' standards, thereby reducing the stock of housing which is potentially accessible. The development is therefore contrary to Policy 3A.5 of the London Plan and the Local Development Framework Accessible Hillingdon Supplementary Planning Document (January 2010).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed development seeks retrospective permission to subdivide a dwelling to form two 3- bedroom properties. The main issues with this development are considered to be: impact on residential amenity, character of the surrounding area, highways and parking, provision of suitable living conditions for future occupiers, including access for people with disabilities.

7.02 Density of the proposed development

The application form states that the site has an area of 0.013Ha. However, based on the red line plan and using the Council's GIS mapping software, a site area of 0.0261Ha is estimated.

The site has a PTAL of 1b, and the London Plan recommends that the density should not exceed 150 to 200 HR/Ha or 50 to 75 U/Ha.

The scheme proposes two dwellings and a total of 11 habitable rooms. With a site area of 0.0261, this would equate to a density of 76 U/Ha or 421 HR/Ha, which 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

No objection has been raised to the scheme by BAA.

7.05 Impact on the green belt

N/A

7.07 Impact on the character & appearance of the area

Policy BE19 states that new development within residential areas should complement and improve the amenity and character of the area.

There are no additional alterations proposed to the external appearance of the property. A new door has been installed on the front elevation, and it is considered that this additional door does not complement the appearance of the front elevation. While the harm is not considered sufficient to warrant refusal of the scheme for this reason, should the application be refused, it is recommended that enforcement action be taken to remove the additional front door so as the property would have the appearance of one dwelling.

7.08 Impact on neighbours

There are no extensions proposed to the property and it is not considered that the scheme would cause an unacceptable loss of light or outlook to adjoining occupiers. In this regard the proposal is considered to accord with policies BE20 and BE21 of the UDP Saved Policies (September 2007).

With regard to privacy, the proposal would not result in any additional windows and it is not considered the proposal would result in any loss of privacy over that which would have occurred before the house was converted into two flats. Therefore, the proposal is considered to comply with Policy BE24 of the UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Policy H7 of the UDP is relevant to this as it relates to the sub-division of a dwelling. This policy states that the Local Planning Authority 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 residential amenities or character of the area or the amenity of adjoining occupiers, and the following criteria are met:

- (a) It can be demonstrated that adequate sound insulation is provided;
- (b) 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 streetscene.
- (c) 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
- (d) Adequate amenity space is provided for the benefit of residents of the proposed development.

There is no plan to indicate how the rear garden would be subdivided however the garden is approximately 100m² in area and would not provide two areas of 60m² required for each of the three bedroom dwellings.

Therefore it is considered that the proposal does not accord with Policy H7 and would be an unacceptable form of development which would not provide an adequate level of amenity for future residents.

Section 4.6 of the HDAS: Residential Layouts, states increased residential density should

not lead to a reduction in environmental conditions, and section 4.7 comments that a minimum area of internal floor space is necessary to achieve a satisfactory living environment. It states the minimum amount of floor space required for a three bedroom dwelling should be 81m². The dwelling formed from the original dwelling would have a floorspace of 72m² and the second dwelling would have a floorspace of 89m². Therefore, as one dwelling would not meet the requirements the proposal is considered to be contrary to the guidance set out in the HDAS: Residential Layouts.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

There is no proposed car parking layout plan submitted with this application, however the applicant has stated that three spaces would be provided.

This level of parking provision is considered to be insufficient leading to an increase in on street parking and would be detrimental to highway and pedestrian safety. The scheme was referred to the Council's Highways Engineer who has raised objection to the proposal based on the lack of car parking, given the PTAL of the area and large size of the proposed dwellings.

The scheme is considered to be contrary to Policies H7, AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and paragraph 4.3 of the Hillingdon Design & Accessibility Statement: Residential Layouts and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

No cycle storage details have been provided. In this case, because it would be possible to accommodate adequate cycle storage facilities on the site, a condition could be imposed on any consent granted requiring the provision of cycle storage facilities. In this regard, subject to such a condition on any permission, no objection is raised in terms of cycle storage.

7.11 Urban design, access and security

External changes are limited, and matters relating to appearance have been dealt with in section 7.07 of this report.

Disabled access considerations are considered in section 7.12 of this report. Should the scheme be approved, then it is recommended that conditions be imposed requiring achievement of Secure By Design accreditation.

7.12 Disabled access

The Access Officer is concerned that the application would effectively reduce the level of accessibility into and around the existing premises. The scheme would effectively result in the loss of an existing dwelling that can comply with Life Time Homes standards, to form two dwellings which could not be made to comply with Life Time Homes standards.

7.13 Provision of affordable & special needs housing

N/A

7.14 Trees, landscaping and Ecology

No objections have been raised to the development from the Trees and Landscape officer, the proposal is therefore considered to be in accordance with Policy BE38.

7.15 Sustainable waste management

No refuse or recycling storage facilities are shown on the plans. In this case, because it would be possible to accommodate adequate refuse storage facilities on the site, a condition could be imposed on any consent granted requiring the provision of refuse and recycling storage facilities. In this regard, subject to such a condition on any permission, 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

Three submissions were received from residents which raised the following concerns:
- the proposal represents an overdevelopment of site

Planning Officer Comment

The proposal exceeds density guidance in the London Plan and fails to provide adequate amounts of external amenity space and internal floor space. As such it is considered that the scheme represents an overdevelopment of site, and objection is raised in this regard.

- Inadequate parking is proposed to service the development

Planning Officer Comment

This issue has been addressed in the main body of the report (section 7.10).

- Concerns property would be further sub-divided.

Planning Officer Comment

There is no evidence to suggest that the property would be further sub-divided.

7.20 Planning obligations

None applicable.

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

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'.

The power to issue an Enforcement Notice is discretionary and should only be used where the Local Planning Authority are satisfied that there has been a breach or breaches of planning control. It must also be satisfied that it is expedient to issue the Notice having regard to the provisions of the Development Plan and to any other material considerations. Consequently the Council must decide based on the particular circumstances of each individual case the question of expediency. The decision to take enforcement action must be reasonable and not based on irrational factors or taken without proper consideration of the relevant facts and planning issues or based on non-planning grounds. Enforcement action should not be taken purely to regularise the situation.

9. Observations of the Director of Finance

10. CONCLUSION

The application seeks retrospective permission for the subdivision of a house to form two x three bedroom dwellings.

The scheme fails to provide adequate internal living space and external amenity space for future residents, and as such it would not provide an acceptable standard of accommodation for future residents. Additionally, the proposed provision of car parking is inadequate to service the development, and there is considerable concern that the scheme would result overspill parking in surrounding streets, to the detriment of and highway and pedestrian safety. Finally, the application has failed to demonstrate that the dwellings would be designed to 'Lifetime Homes' standards.

The scheme is therefore recommended for refusal.

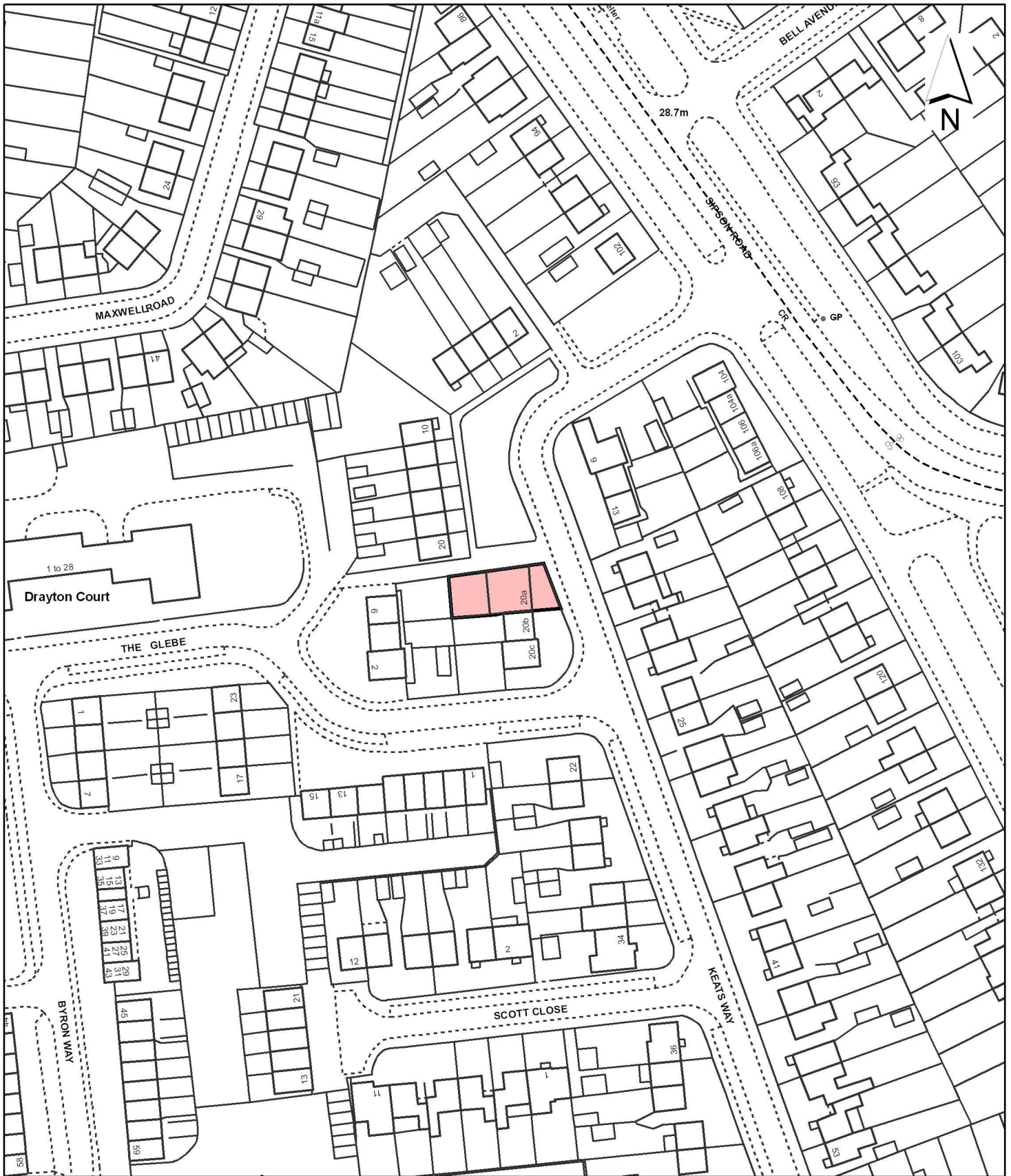
11. Reference Documents

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

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Notes

 Site boundary

For identification purposes only.

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Planning Application Ref:
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Scale
1:1,250

Planning Committee
Central and South September 2010

Date
September 2010



HILLINGDON
LONDON