

Report of the Head of Planning & Enforcement Services

Address: 4 SEDGWICK AVENUE HILLINGDON MIDDLESEX

Development: Conversion of existing dwelling to form 1 x studio flat and 1 x 2 bed flat with associated parking and amenity space (Part Retrospective)

LBH Ref Nos: 57754/APP/2011/385

Drawing Nos: 1:1250 Location Plan
MB/1537/1 Rev C - Original, Existing and Proposed Floor Plans
MB/1537/1 Design & Access Statement

Date Plans Received: 17/02/2011 **Date(s) of Amendment(s):** 17/02/2011
Date Application Valid: 28/02/2011 28/02/2011

1. SUMMARY

Planning permission is sought for the retention of a studio and a two bedroom flat.

The site has a planning history which is relevant to the current application, and is discussed in the body of this report. In essence this current application seeks to overcome reasons for refusal of earlier schemes.

The studio flat fails to provide a satisfactory standard of accommodation to its occupants and it is not considered that the proposal adequately overcomes previous reasons for refusal and as such refusal is again recommended.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The creation of two flats within this building by reason of its layout and access arrangements has resulted in inadequate privacy being provided to the front habitable room window of the ground floor studio. As such, the proposal fails to provide a satisfactory standard of accommodation for the occupants of the ground floor flat, contrary to policies BE19, BE24 and H7 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 4.0 of the Supplementary Planning Documents HDAS: "Residential Layouts".

2 NON2 Non Standard reason for refusal

The proposal due to the fitting of obscure glass to the ground floor front bay window, would fail to provide adequate outlook to the existing ground floor studio flat and would fail to ensure that sunlight would be able to penetrate it. As such, the proposal fails to afford an acceptable standard of amenity for occupiers of the studio flat, who would be reliant on artificial means to light the room during the day, and secure the objectives of energy conservation. As such, the proposal is contrary to policies BE19 and BE20 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and London Plan Policy 5.3.

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.

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.
BE23	Requires the provision of adequate amenity space.
OE1	Protection of the character and amenities of surrounding properties and the local area
H7	Conversion of residential properties into a number of units
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the western section of Sedgwick Avenue, near its junction with Ryefield Avenue, and comprises a two storey mid terrace dwelling with a single storey rear extension. The property has been converted to a studio flat on the ground floor and a two bedroom flat on the first floor and within the roofspace, the subject of this application. To the north lies 2 Sedgwick Avenue and to the south lies 6 Sedgwick Avenue, both single family dwelling houses with single storey rear extensions. The street scene is residential in character and appearance, comprising a mix of two storey terraced and semi-detached houses, and the application site lies within the developed area, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The application property has already been converted to self-contained units. The scheme refused in March 2008 (57754/APP/2007/3368) proposed a 1 bedroom ground floor flat and a two bedroom first floor flat with the second bedroom in the loft space. The

previously refused scheme (57754/APP/2008/1830) proposed a studio flat on the ground floor, with the front room providing a lounge, and a two bedroom self-contained flat. Although the plans showed that the ground floor unit as a studio flat, in reality, this space which provided two main habitable rooms either side of the bathroom, was considered could function as a 1 bedroom flat. This was supported by the Inspector.

This current application attempts to overcome the reasons for refusal and the Inspector's decision, by proposing a studio flat on the ground floor involving the removal of the partitions to form an open plan ground floor with lounge and sleeping area, dining room and kitchen. The two bedroom flat remains the same as per the previously refused scheme.

Elevational alterations comprise the retention of a front porch, the installation of obscure glass to the ground floor front bay window and the replacement of the rear window with a door to provide access to the rear garden for the two bedroom flat. It is also proposed to sub-divide the rear garden, via the erection of a 2m high timber fence, to provide two separate external amenity space.

3.3 Relevant Planning History

57754/APP/2007/1648 4 Sedgwick Avenue Hillingdon Middlesex

CONVERSION OF THREE-BEDROOM MID- TERRACE HOUSE INTO 2 ONE-BEDROOM FLATS WITH A STUDY IN ROOFSpace (RETROSPECTIVE APPLICATION).

Decision: 25-07-2007 Refused

57754/APP/2007/3368 4 Sedgwick Avenue Hillingdon Middlesex

CONVERSION OF THREE-BEDROOM MID- TERRACE HOUSE INTO 1, ONE-BEDROOM FLAT AND 1, TWO-BEDROOM FLAT WITH ASSOCIATED PARKING (PART RETROSPECTIVE APPLICATION).

Decision: 12-03-2008 Refused

57754/APP/2008/1830 4 Sedgwick Avenue Hillingdon Middlesex

Conversion of dwellinghouse to 1 one bedroom flat and 1 two bedroom flat with associated parking (Part Retrospective Application).

Decision: 15-08-2008 Refused

Appeal: 15-06-2009 Dismissed

Comment on Relevant Planning History

In February 2007 it was brought to the Council's attention that the above mentioned premises had been converted into two flats. In response to the Council's investigation a retrospective planning application (57754/APP/2007/1648) was submitted on 30th May 2007, which was refused on 25th July 2007 under delegated powers.

On 16th January 2008 another planning application (57754/APP/2007/3368) was submitted for the conversion of the three bedroom mid terrace house into 1, one bedroom flat and 1 two bedroom flat with associated parking. This was refused on 12th March 2008 under delegated powers.

On 24th June 2008 a further planning application (57754/APP/2008/1830) was submitted

for the retention of the conversion of the dwelling house to 1 bedroom flat and 1, two bedroom flat with associated parking. This application was also refused on 19th August 2008 under delegated power, for the following reasons:

1. The proposed ground floor flat unit would be likely to function as a one bedroom flat. As such the floor area of the unit is below the minimum 50m² internal floor space area required for one bedroom flats. As such the proposal fails to provide a satisfactory residential environment for its occupiers, contrary to policies BE19 and H8 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) 4B.1 of the London Plan (2008) and paragraphs 4.60 to 4.8 of the Hillingdon Design and Accessibility statement: "Residential Layouts".
2. The creation of two flats within this building by reason of its layout and access arrangements has resulted in inadequate privacy being provided to the front habitable room window of the ground floor flat. As such, the proposal fails to provide a satisfactory standard of accommodation for the occupants of the ground floor flat, contrary to policies BE19, BE24 and H7 of Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 4.0 of the Supplementary Planning Documents HDAS: "Residential Layouts".

An appeal was lodged and subsequently dismissed on 15th June 2009.

On 9th March 2009, an enforcement notice was issued requiring the cessation of the use of the premises as two residential units. The notice took effect on 9th April 2009 and the time for compliance was 3 months. No appeal was received against the notice.

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.
BE23	Requires the provision of adequate amenity space.
OE1	Protection of the character and amenities of surrounding properties and the local area
H7	Conversion of residential properties into a number of units
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
LPP 3.5	(2011) Quality and design of housing developments
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

21 adjoining owner/occupiers have been consulted. 4 letters of objection have been received making the following comments:

- (i) Long history of refusals for similar developments;
- (ii) Increase in on-street parking;
- (iii) The size and layout of the premises is not suitable for multiple occupancy;
- (iv) Adverse impact on noise and disturbance;

Oak Farm Residents' Association:

"Our Members strongly object to this application. Family houses should never be converted. Gardens are needed for children to play in.

Every developer is buying large properties and building blocks of flats. Very few 2 and 3 bedroom houses are being built. Converted family homes need at least 2 parking spaces. With cars parked each side of the road this only leaves the centres of the road to be used. Services, such as ambulance and fire, have great difficulty finding space to do their work.

Our members request this application is refused."

NATS: No safeguarding objections

MOD: No safeguarding objections

Internal Consultees

Trees/Landscape:

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

Environmental Protection Unit:

The above application relates to a conversion which will introduce additional receptors this would be considered a new sensitive use at the site. We have no specific information in relation to land contamination at this site. If it is likely soil will be imported to the site as part of the development it is advisable to include importation of fill condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

National policies encourage local planning authorities to make the most efficient use of land, including higher residential densities, particularly on previously developed land in sustainable locations. There can be no dispute that the use of the site for two dwellings would make efficient use of the site and that, in principle, two small dwellings would satisfy such policies. No objections are raised in principle to the proposal.

7.07 Impact on the character & appearance of the area

The street scene is characterised by two storey terraced and semi-detached houses,

some with front porches.

The front porch, by reason of its overall size, siting, design and appearance, relates satisfactorily with the appearance of the property. It is set sufficiently below the cill of the first floor windows to ensure a subordinate appearance and is in keeping with the character and appearance of the street scene. The installation of a rear door is also acceptable.

As such, the proposal complies with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 8.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

7.08 Impact on neighbours

The front porch and rear door, by reason of their siting, does not harm residential amenities of the adjoining properties. Furthermore, the proposal does not generate a significant increase in noise and disturbance over and above that of the previous dwellinghouse. Therefore, the proposal complies with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Paragraph 3.5 of the Hillingdon Design & Accessibility Statement: Residential Layout states that conversions of houses to self-contained flats are unlikely to achieve a satisfactory environment where properties have less than 120sq.m of floorspace. The internal floor area of this property is approximately 110sq.m. However, paragraph 4.6 of the Hillingdon Design & Accessibility Statement: Residential Layouts recommends 33sq.m and 63sq.m for studio and two bedroom flats, respectively. The ground floor studio flat measures approximately 37sq.m, while the first floor 2 bedroom flat (the ground floor study would provide the access to the rear garden and is therefore not considered feasible for use as a third bedroom) measures approximately 64.7sq.m.

In determining the appeal in respect of the previously refused scheme ref: 57754/APP/2008/1830, the Inspector states at paragraph 5 that:

"The ground floor Studio flat would occupy some 37sqm of space, which is above the 33sqm minimum floor space requirement. However, I think it is stretching credibility to suggest that changing labels to indicate a lounge on the front, separated by a corridor and bathroom from a bed area that is within the kitchen/dining space, would operate as a Studio flat. Consequently, I am inclined to agree with the Council that the appropriate space requirement would be 50sqm, which is the minimum requirement for a one-bedroom flat, typical of flats that have two habitable rooms, one each side of a bathroom."

In response, the submitted plans show the partitions removed within the ground floor unit resulting in an open plan interior. Given this new internal rearrangement of the ground floor unit, it is now considered that the appropriate space requirement would now be 33sq.m. As such, both units satisfy the recommended standards as stated at paragraph 4.6 of the Hillingdon Design & Accessibility Statement: Residential Layouts. Therefore, the proposal overcomes the first reason for refusal of the previous scheme.

In regards to the second reason for refusal of the previous scheme, the Inspector states as paragraph 6 that:

"The studio flat would occupy space where occupants of the front room would be subjected to the comings and goings of occupants of the first floor flat. That would impinge on privacy and seclusion. In this case, the configuration of space would give a

clear perception of overlooking into the room as well as disturbance, particularly after dark, from occupiers of the first floor flat using their car space, which would be very close to the bay window."

In response, the submitted plans now show the ground floor front window fitted with obscure glass to overcome the perception of overlooking into the room from occupiers of the first floor flat using the car park area. However, this would result in inadequate outlook for the occupiers of the studio flat, and would not overcome concerns regarding disturbance, particularly after dark, from occupiers of the first floor flat using their car space, which is very close to the bay window. As such, the proposal fails to provide a satisfactory standard of accommodation for the occupants of the ground floor studio flat, contrary to policies BE19 and H7 of Hillingdon Unitary Development Plan (Saved Policies September 2007), section 4.0 of the Supplementary Planning Documents HDAS: Residential Layouts, and London Plan Policy 3.5.

The rear garden would be sub-divided by a fence to provide two separate private amenity spaces for the flats. Each area would measure approximately 36sq.m, which would meet the requirements of paragraph 4.17 of the Hillingdon Design & Accessibility Statement: Residential Layouts. The development would comply with policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application makes provision for two off-street parking spaces on the forecourt to serve the units. This provision is the same as that previously proposed and the Highway Engineer raised no objections on highway grounds. As such, the proposal is unlikely to result in an increase in on street demand for car parking, and the proposal complies with policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.19 Comments on Public Consultations

The third party comments are either addressed in the body of the report, the refusal reasons or are not material planning considerations.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which

means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

10. CONCLUSION

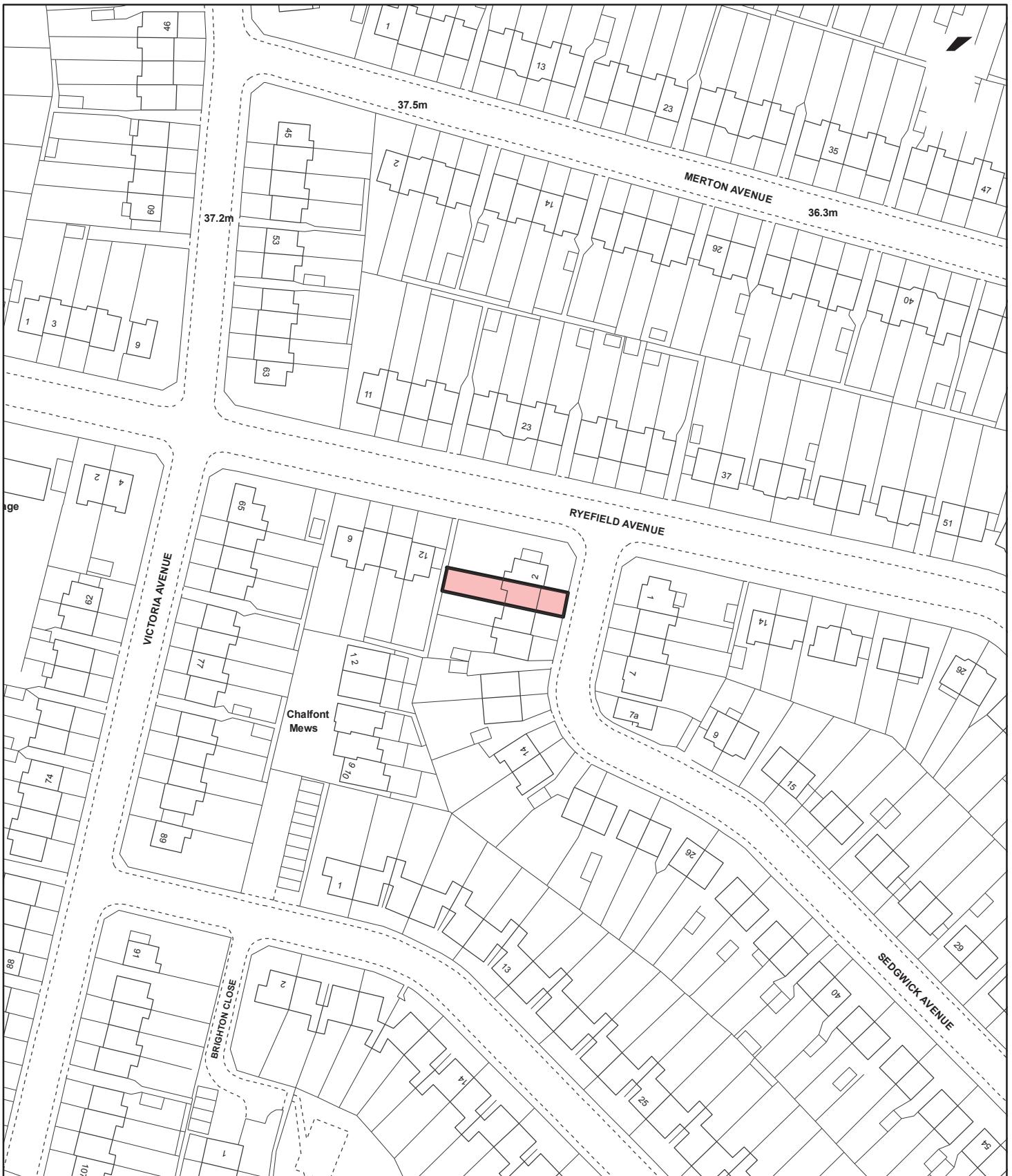
It is still considered that the proposal would compromise living conditions for future occupants of the ground floor studio flat.

11. Reference Documents

Hillingdon Design & Accessibility Statement: Residential Layouts
Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).
London Plan (July 2011)

Contact Officer: Sonia Bowen

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**4 Sedgwick Avenue,
Hillingdon**

**LONDON BOROUGH
OF HILLINGDON**

Planning, Environment, Education & Community Services

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

Planning Application Ref:

57754/APP/2011/385

Scale

1:1,250

Planning Committee

Central and South

Date

**October
2011**



HILLINGDON
LONDON