

## Report of the Head of Planning & Enforcement Services

**Address** 1, 2, 4, 5 & 6 SCHOOL APPROACH FREDORA AVENUE HAYES

**Development:** Erection of 2, two bedroom, two storey semi detached maisonettes with associated amenity space, parking spaces in and adjacent to existing garages, boundary wall to front and removal of existing vehicular crossover involving the demolition of 3 ancillary garages

**LBH Ref Nos:** 63421/APP/2011/1035

**Drawing Nos:** LP1 Location Plan  
PL01 Existing & Proposed Block Plan  
1 Existing floor plans  
22 Proposed Elevations  
Design & Access Statement  
21 Proposed floor plans

**Date Plans Received:** 28/04/2011      **Date(s) of Amendment(s):** 03/05/2011  
**Date Application Valid:** 23/05/2011      11/05/2011

### 1. SUMMARY

The application seeks the erection of 2, two bedroom, two storey semi detached maisonettes with associated amenity space, parking spaces in and adjacent to existing garages, boundary wall to front and removal of existing vehicular crossover involving the demolition of 3 garages.

A non-determination appeal has been lodged and as such the Local Planning Authority must advise the Planning Inspectorate of its views on the application.

The proposal would have an unacceptable visual appearance within the street scene. In addition it would result in unacceptable living conditions for future occupiers and would fail to provide adequate levels of inclusive design.

In respect of impacts on access to neighbouring sites, including the health centre and school, this has been subject to a previous appeal decision which represents a material consideration. As such, no objection is raised in this respect.

Overall, it is recommended that the Planning Inspectorate be advised that had an appeal against non-determination not been received the application would have been refused.

### 2. RECOMMENDATION

**That the Planning Inspectorate be advised that, had an appeal against non-determination not been lodged, the Local Planning Authority would have refused the application for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposal by reason of its overall design, height, bulk and cramped layout would result in a cramped living environment for its future occupiers, would be overdominant in the street scene and out of character with the surrounding residential area, contrary to Policy 3.8 of the London Plan and Policies BE19, BE21 and BE23 of the Hillingdon

Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (SPD) 'Residential Layouts'.

**2            NON2            Non Standard reason for refusal**

Notwithstanding the internal arrangement of the two dwelling units hereby proposed, the proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. 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 Council's HDAS (SPD) 'Residential Layouts'.

**3            NON2            Non Standard reason for refusal**

The proposed dwelling by reason of failing to provide units which would be easily adaptable for use by a wheelchair disabled person or to Lifetime Homes standards fails to meet the needs of people with disabilities, contrary to policy 3.8 of the London Plan and the Council's Supplementary Planning Document - Accessible Hillingdon.

**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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
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.
R11	Proposals that involve the loss of land or buildings used for education, social, community and health services

LPP 3.5	(2011) Quality and design of housing developments
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.8	(2011) Housing Choice
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment

### 3

You are advised that had the Council been minded to approve the application conditions would have been imposed restricting permitted development rights.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site comprises of 2 blocks of garages as well as parts of the rear gardens of 7 and 9 Fredora Avenue and a portion of road (known as School Approach).

Adjoining the site to the northwest are the rear gardens of 5, 7 and 9 Fredora Avenue. To the northeast, the site is adjoined by the rear gardens of 15 and 16 Pine Place.

To the southwest the site is adjoined by a two storey dwelling accommodating the care taker of Grange Park Infant and Junior School. To the southwest the site is adjoined by the Grange Park (NHS) Clinic.

### 3.2 Proposed Scheme

Erection of 2, two bedroom, two storey semi detached maisonettes with associated amenity space, parking spaces in and adjacent to existing garages, boundary wall to front and removal of existing vehicular crossover involving the demolition of 3 garages.

The new building would be approximately 8.2m wide, 9.2m deep and 7.1m (4.85m high to eaves level) to ridge height. It would have a hip end roof.

Its design, scale and bulk are very similar to that of proposals previously refused under applications 6342/APP/2008/1069 and 63421/APP/2008/1079.

### 3.3 Relevant Planning History

63421/APP/2007/2482 1, 2, 4, 5 & 6 School Approach Fredora Avenue Hayes

ERECTION OF A PAIR OF TWO BEDROOM SEMI-DETACHED DWELLINGHOUSES WITH GARAGE PARKING PROVIDED IN UNITS 1 & 2 (INVOLVING DEMOLITION OF EXISTING (GARAGES) UNITS 4, 5 & 6)

**Decision:** 26-02-2008 Refused

63421/APP/2008/1069 1, 2, 4, 5 & 6 School Approach Fredora Avenue Hayes

Erection of a pair of two-bedroom semi-detached dwellinghouses with garage and forecourt parking provided in Units 1 and 2 (involving demolition of existing garages Units 4, 5 and 6).

**Decision:** 21-10-2008 Refused

63421/APP/2008/1079     1, 2, 4, 5 & 6 School Approach Fredora Avenue Hayes

Erection of 2 two-bedroom maisonettes with garage and forecourt parking provided in Units 1 and 2 (involving demolition of existing garages Units 4, 5 and 6).

**Decision:** 21-10-2008     Refused

63421/APP/2008/3340     1, 2, 4, 5 & 6 School Approach Fredora Avenue Hayes

ERECTION OF TWO STOREY BUILDING COMPRISING 2 TWO-BEDROOM RESIDENTIAL UNITS WITH GARAGE AND FORECOURT PARKING PROVIDED IN GARAGE UNITS 1 AND 2 (INVOLVING DEMOLITION OF EXISTING GARAGES UNITS 4, 5 AND 6)

**Decision:** 02-03-2009     Refused

63421/APP/2009/1411     1, 4, 5 & 6 School Approach Fredora Avenue Hayes

Single storey one-bedroom detached dwelling with habitable roofspace, involving demolition of existing 3 garage units

**Decision:** 05-01-2010     Refused

**Appeal:** 10-12-2010     Allowed

#### **Comment on Relevant Planning History**

The application site has an extensive planning history, however the most relevant is:

Appeal Decision APP/R5510/A/10/2129978. The Inspector considered the erection of a single storey one-bedroom detached dwelling with habitable roofspace, involving demolition of existing 3 garage units (Local Planning Authority Reference 63421/APP/2009/1411). the main issues were considered to relate to:

- The effect of the proposal on the character and appearance of the surrounding area;
- The effect of the proposal on highway safety; and
- Whether the proposal would prejudice access to the adjoining land.

No harm was found in respect of these issues and the appeal was allowed 8 November 2010. This decision represents a material consideration and the decision with respect to access impacts is considered particularly pertinent to this application.

Application 63421/APP/2009/1411 for the erection of a single storey one-bedroom detached dwelling with habitable roofspace, involving demolition of existing 3 garage units. Refused on 08-01-2010 for the following reasons:

1. The proposed development, by reason of its siting, incongruous building alignment, layout and scale, represents an over-development of the site, that would result in an overbearing, unduly intrusive, visually prominent and inappropriate form of development that would not harmonise with the existing street scene and would be out of keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan and the Council's Supplementary Planning Document - Residential Layouts.

2. The proposal fails to provide adequate parking in accordance with the Council's adopted

parking standards and would give rise to conditions prejudicial to highway safety being contrary to Policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3. The proposal would result in the loss of access to adjoining land to the Southeast which accommodates a Health Care Centre, the loss of access would make the health care centre unusable, leading to its loss, contrary to policy R11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4. The proposal would result in the loss of access to adjoining land and effectively prevent any planned expansion or future development proposals on what is a large brownfield site. As such the proposal is contrary to policy BE14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

This application was subsequently allowed at appeal as referenced above.

Application 63421/APP/2008/1079 for the Erection of 2 two-bedroom maisonettes with garage parking provided in Units 1 and 2 (involving demolition of existing garages Units 4, 5 and 6). This application was refused on the 21st October 2008 for the following reasons:

1. The proposal by reason of its excessive density, design and cramped layout would result in a cramped living environment for its future occupiers, would be overdominant in the street scene and out of character with the surrounding residential area, contrary to Policy 3A.3 of the London Plan and Policies BE19, BE21 and BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (SPD) 'Residential Layouts'.

2. Notwithstanding the internal arrangement of the two dwelling units hereby proposed, the proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. 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 Council's HDAS (SPD) 'Residential Layouts'.

3. The proposed dwelling by reason of failing to provide units which would be easily adaptable for use by a wheelchair disabled person or to Lifetime Homes standards fails to meet the needs of people with disabilities, contrary to policy 3A.4 of the London Plan and the Hillingdon Design and Accessibility Statement on 'Accessible Hillingdon'.

The decision on this previous application is a material considered and is considered particularly relevant to the current proposal due to the similarities in terms of bulk, layout, massing, internal layout and car parking.

#### **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.
- PT1.13 To seek to ensure the provision of 8000 additional dwellings in the Borough between 1 January 1987 and 31 December 2001.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.

#### Part 2 Policies:

- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- BE13 New development must harmonise with the existing street scene.
- BE14 Development of sites in isolation
- 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.
- R11 Proposals that involve the loss of land or buildings used for education, social, community and health services
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.8 (2011) Housing Choice
- LPP 7.1 (2011) Building London's neighbourhoods and communities
- LPP 7.2 (2011) An inclusive environment

### **5. Advertisement and Site Notice**

- 5.1** Advertisement Expiry Date:- Not applicable
- 5.2** Site Notice Expiry Date:- Not applicable

### **6. Consultations**

#### **External Consultees**

26 neighbouring owners/occupiers and interested parties were consulted. 9 letters of objection and a petition have been received. this includes a letter of objection from John McDonnell MP. In



addition, 1 letter of support has been received.

The objections raise concerns relating to:

- (i) The impact of the development on the street scene
- (ii) The impact of the development on the amenity neighbouring occupiers (dominance and overlooking)
- (iii) The impact of the development on access and access rights to the neighbouring school, healthcentre and caretakers house (both during and after construction)
- (iv) Concerns that the proposal does not incorporate inclusive design.
- (v) Concerns regarding security.

The letter of support highlights that the development would provide additional housing and reduce antisocial behaviour around the existing garages.

THAMES WATER

No objection.

**Internal Consultees**

TREES & LANDSCAPE

No objection, subject to conditions.

ENVIRONMENTAL PROTECTION UNIT

No objection, subject to a conditions to ensure the quality of imported soils.

WASTE STRATEGY

No objection.

ACCESS OFFICER

The following access observations are provided:

1. Level access should be achieved. Entry to the proposed dwelling houses appears to be stepped, which would be contrary the above policy requirement. Should it not be possible, due to topographical constraints, to achieve level access, it would be preferable to gently slope (maximum gradient 1:21) the pathway leading to the ground floor entrance door. Details in this regard should be requested prior to any grant of planning permission.
2. The floor plans as submitted lack the necessary detail to allow full comments to be made. However, the scheme does not include provision of a downstairs WC designed in accordance with the Lifetime Homes Standards. At least 1100 mm should be provided in front of the WC pan, with no less than 700mm provided to one side. Floor gulley drainage is also required within the facility and should be specified on plan.
3. The bathrooms/ensuite facilities should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.
4. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gulley drainage.
5. The staircase should be compliant with the Lifetime Homes Standards.
6. Plans should also include the location for a future through floor lift.

The application in its current form does not comply with Lifetime Homes standards and is considered unacceptable.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The proposal relates to the construction of a residential dwelling in an established residential area. The existing garages are not required to be provided as garages as part of a legal agreement or planning condition.

There are no objections to the proposal in principle.

### **7.02 Density of the proposed development**

The site is located in an area with a Public Transport Accessibility Level (PTAL) of 2. London Plan recommended guidelines for sites with this level of PTAL indicate that a density of between 150-250 habitable rooms per hectare (hr/ha) or 50-90 units per hectare (u/ha) is appropriate.

The application site has an area of approximately 0.026 hectares (including the road), as such the proposal represents a density of 153hr/h or 77u/ha. Taking into account the road, the proposal would be in keeping with the guidance set out in the London Plan.

A portion of the site forms part of the road leading to the care takers house, the medical centre and school. If the road is not taken into account, then the proposed density would equate to 78 u/ha or 156 hr/ha, again within guidance set out in the London plan.

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

The site is not located in a Conservation Area, nor is it near to any buildings of historical importance.

### **7.04 Airport safeguarding**

Not relevant in this case.

### **7.05 Impact on the green belt**

The site is not located in or adjacent to the Green Belt.

### **7.07 Impact on the character & appearance of the area**

The access road to the proposed building serves the Grange Park School, the existing garages (which form part of the application site), the Grange Park Clinic and the School House. There are no other residential properties facing this access road other than the School House, which is located inside the school ground at the end of the access road.

It is considered that the design of the building with a low height hip end pitched roof and front and side canopies over the entrances would not detract from the character of the area. The new building would be sited 1m from the side boundary with the School House in line with the minimum required distance stated in the Council's HDAS (SPD) Residential Layout.

The building has been designed to give an appearance of a single detached residence when viewed from the street, as only one entrance door is proposed in the main facade. The building would be sited 1.5m from the front boundary. The ground floor front rooms are arranged as non-habitable kitchens with habitable rooms located to the rear. Notwithstanding the layout and the increased set-in from the back edge of the walkway, there is concern that the building would be sited too close to the road, resulting in a substandard semi-private front garden for the dwelling, and the proposed building having an overdominant impact in the street in this location.



The footprint is similar to that which has been allowed on appeal for a single storey building, however at 7m in height the current proposal would represent a significant increase in bulk and mass from that allowed at appeal. Overall, the combination of the developments large footprint, proximity to the road, overall bulk and mass would appear disproportionate within the site resulting in a cramped appearance which is out of character with the pattern of development in the area.

#### **7.08 Impact on neighbours**

Policy BE21 requires new residential developments to be designed so as to ensure adequate outlook for occupants of the site and surrounding properties.

Policy BE24 states that the development should be designed to protect the privacy of future occupiers and their neighbours. Hillingdon Design and Accessibility Statement (HDAS) provides further guidance in respect of these matters, stating in particular that the distance between habitable room windows should not be less than 21m with a 3m area of rear private amenity space, and that a 15m setback should be maintained to the rear of surrounding properties.

The proposed building is oriented to the front of the site facing School Approach. The proposal would be sited at least 18m from the main rear wall elevations of adjoining properties to the north of the site. It would also be sited more than 21m from the rear elevations of properties facing Pine Place, on the north-eastern side of the site. It would be set about 1m from the boundary with the School House and 4.2m from its main flank wall. The building would be sited 4m forward of the front wall of the School House and 950mm from its rear wall.

While it would be sited some considerable distance forward of the neighbouring residential property and the School House, it would not breach the 45° line of sight taken from first floor habitable room window of the adjoining properties. There are no habitable windows proposed in its flank walls that may result in overlooking and the bathroom windows could be conditioned so as to ensure they are obscure glazed and non opening.

It is therefore considered that the proposal would not have a significant adverse impact on the amenities of adjoining residential properties, in compliance with Policy BE21 Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (SPD) Residential Layouts .

#### **7.09 Living conditions for future occupiers**

The Council's HDAS (SPD) Residential Layouts provides recommended standards relating to floor space. It suggests that a 2-bedroom flat maintain a minimum gross internal floor space of 63m<sup>2</sup>. The proposed dwelling would have a floor area of approximately 63sq.m in line with Council design criteria.

Policy BE23 of the UDP requires the provision of amenity space, which is usable in terms of its shape and siting. The Council's design guide Residential Layouts specifies a minimum amount of 25m<sup>2</sup> of amenity space for a 2-bedroom flat.

The proposal provides a 26sq.m of garden space for one of the dwellings while other would have a 25sq.m of amenity space. This level of provision would normally be acceptable for a two-bedroom flat/maisonette.

However, the layout of the proposed maisonettes is such that the first floor accommodation for each flat is over the ground floor of the adjoining flat. In other words, the staircase landing area of the right-hand flat, which leads to its bedrooms is on top of

the left-hand flat, and vice versa.

Whilst the proposal has been described by the applicant as flatted accommodation, it is considered that the type of accommodation proposed here is not dissimilar in principle from a two bedroom house proposal, which is considered to represent an artificial configuration designed as an attempt to circumvent the Council's design guide and policies.

Officers consider that to allow this scheme as proposed is tantamount to allowing the semi-detached scheme, indeed the future occupants and use of the dwellings are likely to reflect those of semi-detached houses. In addition, it is considered that this type of development proposal, if allowed, could represent a misinterpretation and possible abuse of the Council's design guidance in a manner for which it was not designed.

It is therefore considered that whilst the level of garden provision meets the Council's minimum standard for a typical 2-bed flat, the design of the development is not of a typical flat or maisonette. In this respect the scheme shares many characteristics of a dwelling, such as separate entrances, separate front and rear gardens and arrangement over two floors. As such, the proposal would result in a much reduced and inadequate amenity area commensurate to the size and layout of the units, and further illustrates the cramped nature of the proposal. The proposals are therefore contrary to Policy BE23 of the Hillingdon UDP Saved Policies (September 2007) and the Council's HDAS (SPD) Residential Layouts.

It should also be noted that the layout of the development in this respect is very similar to that which was refused by the Council under application 63421/APP/2008/1079. The approach in respect of these issues is consistent with that taken on the previous application, which represents a material consideration and has not been subject to an appeal.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Parking for the proposed development would be provided in two of the three retained garages opposite the proposed building. The Council's Car Parking Standards seeks a maximum of 2 off-street parking spaces per dwelling unit. The current proposal would have 2 off-street parking spaces for each of the units. Two of the existing garages and their driveways (the forecourt area) would be used for this purpose to each dwelling.

The proposed parking and access arrangements are identical to those which were previously proposed on application 63421/APP/2008/1079 to which the Local Planning Authority raised no objection on highways grounds.

Accordingly, the application is considered acceptable in this respect.

#### **7.11 Urban design, access and security**

Issues of design and access are addressed elsewhere within the body of this report. The proposal is not considered to give rise to any concerns relating to security.

#### **7.12 Disabled access**

London Plan Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document Accessible Hillingdon adopted January 2010 require all new residential developments to comply with Lifetime Homes standards.

The proposed development would not comply with these standards, nor is it clear whether it could be adapted to do so without material changes. As such, the application should be refused for this reason.

### **7.13 Provision of affordable & special needs housing**

Not relevant in this case.

### **7.14 Trees, landscaping and Ecology**

The site is the land to either side of School Approach, currently occupied by garages and parking spaces.

There are no trees or other significant landscape features which might pose a constraint on development. Nor are there any Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

Subject to appropriate conditions an appropriate landscape layout would be achieved.

### **7.15 Sustainable waste management**

The proposal indicates the provision of areas for the storage of waste and recycling which would be adequate to meet the needs of the development and appropriately located. Accordingly, the application is acceptable in this respect.

### **7.16 Renewable energy / Sustainability**

Chapter 7 of the London Plan encourages developments to meet the highest standards of sustainable design. In the event that the application were to be approved a condition could be imposed requiring compliance with level 4 of the Code for Sustainable Homes, which would ensure the development met the minimum standards required by the London Plan.

### **7.17 Flooding or Drainage Issues**

The application site is not located within a flood risk area and it is not considered that the proposal would give rise to any concerns relating to flooding or drainage.

### **7.18 Noise or Air Quality Issues**

The proposed development is not of a scale or type which would give rise to concerns relating to noise or air quality.

### **7.19 Comments on Public Consultations**

The concerns raised within the objection letters have been addressed within the body of the report.

The letter of support is noted.

### **7.20 Planning obligations**

The proposed development is not of a scale which would give rise for the need to mitigate its impacts by way of planning obligations.

### **7.21 Expediency of enforcement action**

Not applicable.

### **7.22 Other Issues**

#### **ACCESS TO NEIGHBOURING SITES**

A number of concerns have been raised regarding the impact of the development on access to neighbouring sites. In respect of this issue it should firstly be noted that although some of the notes on the submitted drawing are poorly located, the proposal would not result in the closure of any access points or physically prevent access to either the school or a medical centre on a permanent basis.

In terms of impacts on access the application is no different from that which was allowed at appeal by the Secretary of State (Ref: APP/R5510/A/10/2129978/WF), the Inspector considered the matter of access at length and concluded that the development was

acceptable. The appeal decision represents a significant material consideration and the relevant extracts from the Inspectors report are included below:

12. Both schools and the health centre are concerned that the proposal would impede future access to their premises, thereby preventing doctors from parking at the health centre, and access for emergency vehicles to the adjacent school. Grange Park Junior School and Grange Park Infant & Nursery School have been identified for possible expansion and are concerned that the appeal proposal would limit such plans.

13. Although the proposed dwelling would extend closer to the roadway than the existing garages, it would be set back from the boundary formed by the existing palisade fence by about 1.5 metres. Therefore the existing access to the Health Centre and pedestrian access to the school would be unaltered as a result of the proposal.

14. I am aware that the submitted plans are annotated to the effect that the school, surgery and caretaker's residence do not have any right of way over the roadway. In addition, the Council submitted a deed from the Land Registry Appeal Decision that suggests the surgery does have access rights over this land. Nonetheless, rights of way over this land are a private matter between the parties and do not alter the planning considerations on which I have based my decision.

15. I therefore conclude that the proposal would not harm the access to the adjoining Health Centre or school and would comply with UDP policy R11 which seeks to safeguard land and buildings used for a variety of purposes including health and education, and policy BE14 which aims to safeguard the development potential of adjacent land.'

Having regard to the Inspectors appeal decision no objection is raised in terms of the impact of the development on access to neighbouring sites.

## **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 application seeks the erection of 2, two bedroom, two storey semi detached maisonettes with associated amenity space, parking spaces in and adjacent to existing garages, boundary wall to front and removal of existing vehicular crossover involving the demolition of 3 garages.

A non-determination appeal has been lodged and as such the Local Planning Authority must advise the Planning Inspectorate of its views on the application.

The proposal would have an unacceptable visual appearance within the street scene. In addition it would result in unacceptable living conditions for future occupiers and would fail to provide adequate levels of inclusive design.

In respect of impacts on access to neighbouring sites, including the health centre and school, this has been subject to a previous appeal decision which represents a material consideration. As such, no objection is raised in this respect.

Overall, the application it is recommended that the Planning Inspectorate be advised that had an appeal against non-determination not been received the application would have been refused.

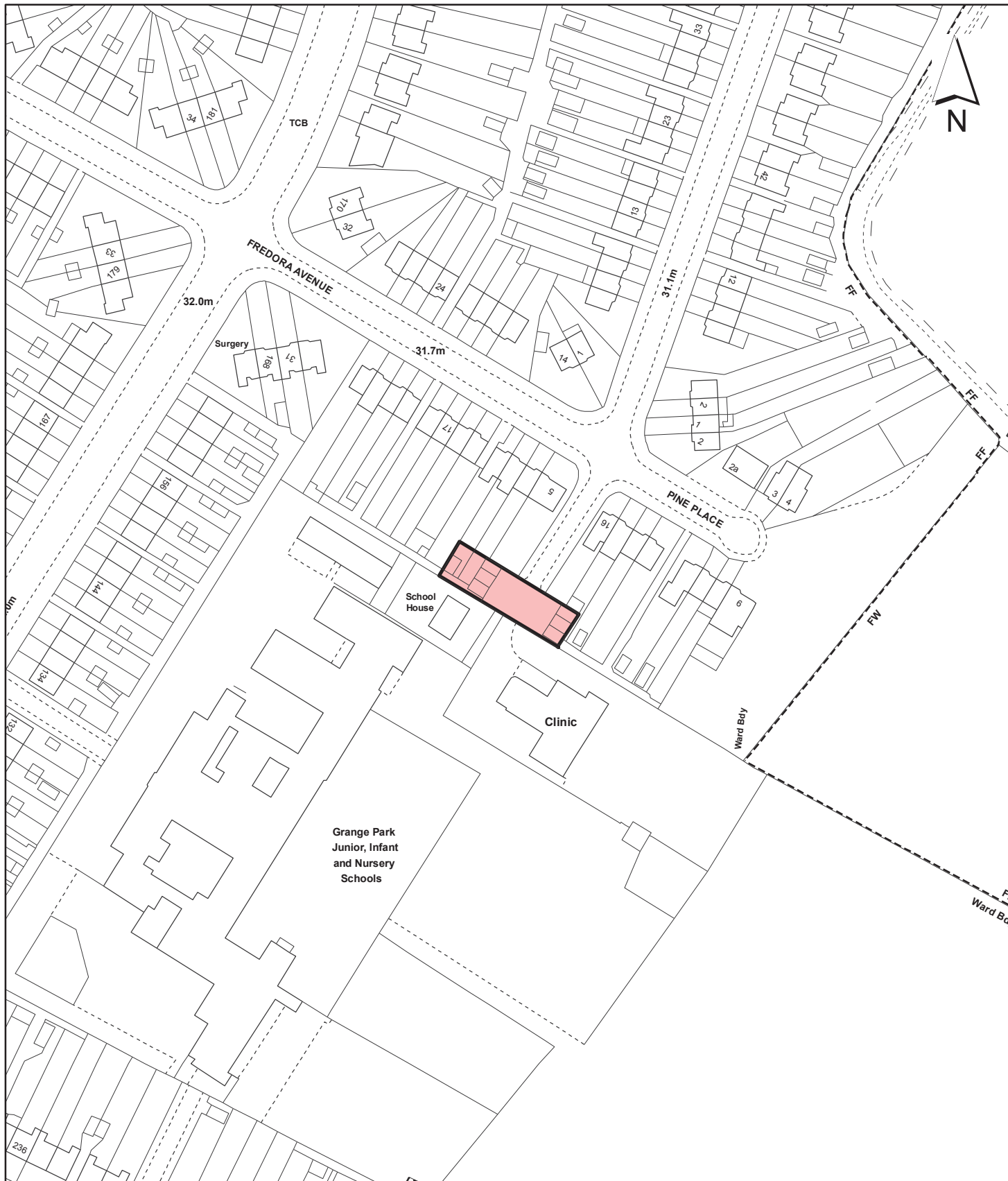
## **11. Reference Documents**

The London Plan 2011  
Hillingdon Unitary Development Plan Saved Policies (September 2007)

**Contact Officer:** Adrien Waite

**Telephone No:** 01895 250230





## Notes



Site boundary

For identification purposes only.

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Site Address

**1,2,4,5 & 6 School Approach  
Fredora Avenue  
Hayes**

Planning Application Ref:

**63421/APP/2011/1035**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**August  
2011**

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