

Report of the Head of Planning & Enforcement Services

Address: 62A BROOKSIDE ROAD HAYES

Development: Conversion of existing dwelling to 1 two-bedroom and 1 three-bedroom dwellings.

LBH Ref Nos: 22476/APP/2010/2879

Drawing Nos: 1:1250 Location Plan
MB/1872/1
Design & Access Statement

Date Plans Received: 13/12/2010 **Date(s) of Amendment(s):** 13/12/2010
Date Application Valid: 23/12/2010 23/12/2010

1. SUMMARY

Planning permission is sought for the retention of the conversion of the two storey side and part of the single storey rear extension as a two bedroom self-contained dwelling, with the main house and the remainder of the rear extension retained as a 3 bedroom dwellinghouse.

The proposal provides adequate amenities for its occupiers and would not result in an increase in noise and disturbance, harm the character and appearance of the street scene and surrounding area, or result in an increase in on-street demand for parking.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The development, by reason of its intensification of the use of the site through the creation of an additional residential unit and the associated additional car parking, garden subdivision, front garden refuse storage, and alterations to the appearance of the property, would result in a development of the site to the detriment of the character and visual amenities of the streetscene on what is a prominent corner site. Therefore the proposal is contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and advice contained the HDAS Supplementary Planning Document: Residential Layouts.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the

policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (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
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 3.8	(2011) Housing Choice
LPP 6.13	(2011) Parking

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a two storey semi-detached house with a two storey side and single storey rear extension located on the south east side of Brookside Road at its junction with Ashford Avenue. Garages lie at the bottom of the rear garden. The attached house, 64 Brookside Road lies to the north east and to the south west lies Ashford Avenue. The street scene is residential in character and appearance comprising a mix of two storey semi-detached houses and blocks of terraced houses, and the application site lies within the Developed Area as designated within the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought to retain the conversion of the two storey side extension and part of the single storey rear extension as a 2 bedroom self-contained flat. The original house and the remainder of the single storey rear extension are retained as a three bedroom dwellinghouse. External alterations comprise the installation of an entrance door along the flank wall of the two storey side extension, which has already been installed. Also, it is proposed to subdivide the front and rear external areas through the erection of boundary fencing. At front, two off-street parking spaces are retained for the original house and one off-street parking space is proposed for the new 2 bedroom unit. At rear separate private amenity spaces would be provided and the garages located at the rear would be retained for off-street parking and cycle storage.

Originally, planning permission was granted for the erection of a two-storey side and

single storey rear extension in June 2005 (22476/APP/2005/633). The approved two-storey extension is 4.1m wide and 6.2m deep, with a roof set 0.5m below the main ridgeline. The approved single storey rear extension is 3.4m wide and 3.4m deep. However, a mono-pitched roof (3.8m high) has been built as opposed to the approved flat roof with parapet wall (3.3m high). The extensions are complete.

3.3 Relevant Planning History

22476/APP/2005/2183 62 Brookside Road Hayes

CONVERSION OF TWO STOREY SIDE EXTENSION (APPROVED UNDER PLANNING PERMISSION REF: 22476/APP/2005/633 DATED 28 JUNE 2005) TO TWO-BEDROOM ATTACHED DWELLING HOUSE

Decision: 29-09-2005 Refused

Appeal: 31-01-2006 Dismissed

22476/APP/2006/2769 62 Brookside Road Hayes

INSTALLATION OF AN ENTRANCE DOOR AT GROUND-FLOOR LEVEL ON SIDE ELEVATION AND CONVERSION OF DWELLINGHOUSE INCLUDING TWO STOREY SIDE EXTENSION (APPROVED UNDER PLANNING PERMISSION REF: 22476/APP/2005/633 DATED 28/06/2005) TO 2, ONE-BEDROOM AND 1, THREE BEDROOM SELF-CONTAINED RESIDENTIAL FLATS INCLUDING INSTALLATION OF A VEHICULAR CROSSOVER

Decision: 18-01-2007 Refused

Appeal: 12-12-2007 Dismissed

22476/APP/2006/586 62 Brookside Road Hayes

Installation of an entrance door at ground-floor level on side elevation and conversion of dwellinghouse including two storey side extension (approved under planning permission ref:22476/APP/2005/633 dated 28/06/2005) to 2, one-bedroom and 1, three-bedroom self-contained residential flats including installation of a vehicular crossover

Decision: 24-04-2006 Refused

22476/APP/2008/1060 62 Brookside Road Hayes

CONVERSION OF DWELLINGHOUSE INCLUDING TWO STOREY SIDE EXTENSION (APPROVED UNDER PLANNING PERMISSION REF: 22476/APP/2005/633 DATED 28 JUNE 2005) TO 2, STUDIO AND 1, TWO-BEDROOM SELF-CONTAINED RESIDENTIAL FLATS (PART RETROSPECTIVE)

Decision: 19-06-2008 Refused

Comment on Relevant Planning History

In June 2005 planning permission was granted for the erection of a two-storey side and single storey rear extension (22476/APP/2005/633). The approved two-storey extension is 4.1m wide and 6.2m deep, with a roof set 0.5m below the main ridgeline. The approved single-storey rear extension is 3.4m wide and 3.4m deep. However, a mono-pitched roof (3.8m high) has been built as opposed to the approved flat roof with parapet wall (3.3m high).

In July 2005 planning application Ref: 22476/APP/2005/2183 was refused for the erection of a two-storey attached dwelling (the conversion of the approved single and part two-storey side extension to a new dwellinghouse). In January 2006 an Appeal lodged against

the decision of the Local Planning Authority and was dismissed.

In August 2006, complaints were received alleging the use of the two-storey side extension as a separate two (2)-bedroom unit (flat), together with the outbuilding having been equipped with both kitchen and bathroom facilities.

As a result of an investigation the breach(es) of planning control as described in paragraph 2.6 were remedied by means of both the removal of an outer side door and the creation of internal access from the side extension into the original dwellinghouse.

In April 2006, planning application Ref.: 22476/APP/2006/586 for the installation of an entrance door at ground-floor level on the side elevation and conversion of the dwellinghouse including the two-storey side extension (approved under planning permission ref.: 22476/APP/2005/633 dated 28/06/2005) to two (2), one-bedroom and one (1), three-bedroom self-contained residential units (flats), together with the installation of a vehicular crossover, was refused.

In January 2007, planning permission Ref.: 22476/APP/2006/2769 for: the installation of an entrance door at ground-floor level on side elevation and conversion of dwellinghouse including the two storey side extension (approved under planning permission ref: 22476/APP/2005/633 dated 28/06/2005) to two (2), one-bedroom and one (1), three bedroom self-contained residential units (flats), together with the installation of a vehicular crossover, was refused. An appeal was lodged and subsequently dismissed in December 2007. However, the Inspector only agreed with the Council on the 1st and 3rd reasons for refusal. The Inspector found the parking provision to be acceptable.

In June 2008, planning permission (ref.: 22476/APP/2008/1060) for the conversion of dwellinghouse including two storey side extension to 2, studio and 1, two-bedroom self-contained residential flats (part retrospective). This application was refused for the following reasons:

1. The proposal fails to provide acceptable amenity space in terms of layout. The garden layout as proposed would be out of keeping with the prevailing urban form of the area, and as such would be harmful to the character of the area and detrimental to the residential amenities of the adjoining occupant. The proposal is therefore contrary to Policies BE13, BE15, BE19, BE23 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. The proposal results in additional parking in excess of this Council's maximum adopted parking standards. As such, the proposal represents an unsustainable form of development, which conflicts with one of the five guiding principles in the Hillingdon Unitary Development Plan Saved Policies (September 2007), i.e. to reduce travel demand. By encouraging the use of the private car the proposal would contribute to increased congestion and pollution to the detriment of the area in general being contrary to Policy AM14 the Hillingdon Unitary Development Plan 'Saved Policies' September 2007.

However, in August 2008 further site visits/inspections confirmed that the two-storey side and part single storey rear extension had been converted into two (2), two-bedroom self-contained residential units. In addition, outbuilding (located at the end of the rear garden) had been converted into two (2), studio units (flats).

Subsequently the Council resolved to issue an enforcement notice for the cessation of the

use for the reasons set out above. The Notice was issued on 19th March 2010. An appeal was lodged and subsequently dismissed in September 2010, although a further compliance period was given which has now lapsed.

In December 2010, the Council received this current application.

4. Planning Policies and Standards

As set out in the report.

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.

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

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

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

AM14 New development and car parking standards.

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LPP 7.1 (2011) Building London's neighbourhoods and communities

LPP 7.2 (2011) An inclusive environment

LPP 3.8 (2011) Housing Choice

LPP 6.13 (2011) Parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 adjoining owner/occupiers have been consulted. 2 letters of objection have been received on the grounds that the development has an unacceptable impact on residential amenity, the appearance

of the area and on parking.

Internal Consultees

Highways:

This is an existing three bedroom semi detached dwelling situated in the corner of Ashfield road and Brookside Road. The property is located at the bottom end of Brookside Road is a no through road leading to a playing field and is unclassified road.

This dwelling currently benefits from two vehicular cross over both leading to its front garden (one from Brookside Road and one from Ashfield Road) with sufficient depth in its front cartilage to accommodate three vehicular parking spaces.

There is an existing brick built garage and drop kerb on the south east corner of the dwelling accessed from Ashfield road, and a second garage accessed from the service road behind dwellings. Each garage can easily accommodate one parking space for proposed dwellings, despite applicant's statement believing that there is sufficient space for four covered parking spaces.

Proposal is for conversion of existing dwelling to 1x two-bedroom and 1x three-bedroom dwellings with two parking spaces for each, and provision of two cycle storage inside the garage. This is achieved by utilising the two garages at the rear of property and three parking spaces in the front garden.

Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The standard requires four vehicle parking spaces for similar property. The proposed area to the front garden of both properties has sufficient depth and therefore complies with Policy AM14 of the Council's UDP.

Consequently no objection is raised on the highways aspect of the proposals, subject to a condition being applied for the garages to be available for car parking at all times.

Waste Management:

No objections.

Trees/Landscape:

The site is a semi-detached house with a two-storey side large extension on the corner of Brookside Road and Ashford Avenue. The front garden currently accommodates two parked cars on a gravel drive in front of the original house, with a further off-street parking space across the front of the extension which is accessed from Ashford Avenue.

There are no significant landscape features on the site which constitute a constraint on development. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

The proposal is to convert the existing house into two separate dwellings. Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No change to the landscape is proposed.
- HDAS (Residential extensions, chapter 11.2) recommends that, where parking space is increased in front gardens, at least 25% of front garden space is retained for soft landscaping. In this case the

parking arrangement already exists with some boundary hedging retained.

· DCLG / EA guidance requires new driveways to be designed and installed in accordance with SUDS principles. The existing gravel surfacing is permeable.

RECOMMENDATIONS:

No objection and no requirement for landscape conditions.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

As the application site lies within a residential area, no objections are raised in principle to the proposal.

7.02 Density of the proposed development

The London Plan July 2011 suggests for a site in a Suburban area with a PTAL rating of 1, such as the subject site, that a density of 40-65 units per hectare (150-200 hr/ha) would be acceptable.

The density of the application would be 49 units per hectare (172 hr/ha).

As such it is considered that the proposed density broadly complies with the requirements of the London Plan.

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

The site is not located within a Conservation Area or any other designated special area.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The site is not located within the Green Belt.

7.07 Impact on the character & appearance of the area

There are concerns raised as to how this proposal would impact on the character and appearance of the area. The development would result in the intensification of the use of the site through the creation of an additional residential unit. This intensification, namely through the associated additional car parking, garden subdivision, front garden refuse storage, and alterations to the appearance of the property, would be considered to result in a development of the site to the detriment of the character and visual amenities of the streetscene and to this prominent corner site. Therefore the proposal is considered to be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and advice contained the HDAS Supplementary Planning Document: Residential Layouts.

7.08 Impact on neighbours

Given the nature of the proposal, the residential amenities of adjoining and nearby properties are not adversely affected.

Internally, the proposal does not generate a significant increase in noise and disturbance over and above that of the previous dwelling house. Furthermore, there are no residential properties to the south west of the two storey side extension. 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

The original dwellinghouse with a single storey rear extension is maintained, providing some 90sqm of internal floorspace for the 3 bedroom property. The two bedroom unit has an internal floorspace in excess of 63sq.m. The internal size of the dwellinghouse and 2 bedroom unit both exceed the requirements of paragraph 4.6 of the Hillingdon Design &

Accessibility Statement: Residential Layouts for 3 and 2 bedroom houses, which recommend 81sq.m and 63sqm, respectively.

With regards to private amenity space, the rear garden would be sub-divided to provide some 77sq.m of amenity space for the dwellinghouse and some 70sq.m for the two bedroom unit. Both would meet the requirements of paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts and policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Therefore, the proposal would comply with London Plan policy 3.8, 7.1 and 7.2 of the London Plan, and the Hillingdon Design and Accessibility Statement: Accessible Hillingdon.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposal does not lead to an increase in traffic generation given its use and location within a residential area. As such, the proposal complies with policy AM2 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The area has a PTAL accessibility rating of 1, which means within a scale of 1 to 6, where 6 is the most accessible, the area has a low accessibility level. Therefore, at least 2 parking spaces should be provided for each dwelling.

2 off-street parking spaces would be provided at front for the existing house and 1 space at front and 1 to the rear in the existing garage would be provided for the two bedroom unit, all of which would utilise the existing crossovers for access. Furthermore, cycle storage would be provided within the garage.

In his comments of the previously refused scheme (ref: 22476/APP/2006/2769), the Planning Inspector stated that he was satisfied that the proposal could provide a sufficient number of parking spaces with suitable means of access to ensure that highway and pedestrian safety would not be compromised. The Inspector also agreed that the access to the parking areas were adequate. The current scheme proposes a similar parking arrangement as the previously refused scheme.

It is therefore considered that the proposal would not result in an increase in on-street demand for parking, in accordance with policies AM2, AM7, AM9 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

While the design of the extension follows that of a previously approved scheme, it is considered that as the proposal creates an additional dwelling, this would result in the intensification of the use of the site, namely through the associated additional car parking, garden subdivision, and front garden refuse storage, which would impact on the wider area in terms of urban design.

No objections are raised with regard to access and security.

7.12 Disabled access

With regards to Lifetime Home Standards, both properties appear to comply with these standards, in particular, the width of doors, halls and corridors are over 900mm wide. The living room areas are of a sufficient size for wheelchair turning and there is a large hall and living space at entrance level. There is a 900mm clear width adjacent to the main stairs to accommodate a stair lift if required in the future.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

No change to landscaping is proposed, and no conditions are considered necessary.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Subject to conditions on any grant of permission, no objections are raised with regard to sustainability.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

As discussed above, it is considered that the intensification of the use of the site would result in impacts on the wider area, in terms of noise and disturbance from additional vehicle and pedestrian movements, and additional people living in and visiting the site.

7.19 Comments on Public Consultations

The third party comments are addressed in the report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The site is subject to an ongoing Enforcement Action.

7.22 Other Issues

There are no other relevant 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

For the reasons outlined above, there is no objection to the design of the extension, however it is considered that the intensification of the site resulting from the proposed development does not comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Hillingdon Design & Accessibility Statement Residential Layouts. As such, this application is recommended for refusal.

11. Reference Documents

London Plan (July 2011)

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Hillingdon Design & Accessibility Statement: Residential Layouts

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Notes

 Site boundary

For identification purposes only.

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Site Address

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Telephone No.: Uxbridge 250111

Planning Application Ref:

22476/APP/2010/2879

Scale

1:1,250

Planning Committee

Central and South

Date

**August
2011**



HILLINGDON
LONDON