

## Report of the Head of Planning & Enforcement Services

**Address** 11 RUSSET CLOSE HILLINGDON

**Development:** Conversion of dwelling to 1 two-bedroom and 1 bedsit flats and conservatory to rear (Retrospective application.)

**LBH Ref Nos:** 67498/APP/2010/2874

**Drawing Nos:** 11RCO1/10/01 BLOCK AND LOCATION PLANS  
11RCO1/10/02 FLOOR PLANS  
11RCO1/10/03 ELEVATIONS  
11RCO1/10/04 EXISTING SIDE ELEVATION

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

**Date Application Valid:** 13/12/2010

### 1. SUMMARY

Planning permission is sought for the retention of a bedsit on the ground floor and a two bedroom flat on the first and second floors. The proposal does not provide adequate amenities for its occupiers, by reason of their internal floorspace, external amenity space, and inadequate parking.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposal, by reason of its substandard layout and inadequate provision of internal floorspace and external amenity space, fails to provide an appropriate level of inclusive design or residential amenity for its occupiers. It is therefore contrary to policies 3.8, 7.1 and 7.2 of the London Plan, Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts and the Accessible Hillingdon Supplementary Planning Document.

#### 2 NON2 Non Standard reason for refusal

The proposal fails to provide adequate off-street parking spaces for the units. As such, the proposal result in an increase in on street demand for car parking, which would be to the detriment of highway and pedestrian safety and contrary to Policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

## 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 (February 2008) 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.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.

### **3.        CONSIDERATIONS**

#### **3.1    Site and Locality**

The application site is located on the west side of Russet Close and comprises a 3 storey terraced house with a single storey rear conservatory. The property has been converted to provide a bedsit unit on the ground floor and a two bedroom unit on the first and second floors, the subject of this application. To the north lies 12 Russet Close, which projects slightly beyond the front wall of the application property and has a rear conservatory, and to the south lies 10 Russet Close, which has not been extended. The street scene is residential in character and appearance 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**

Planning permission is sought for the retention of the property as converted. The ground floor unit comprises a bed/sitting room, kitchen, bathroom and a dining room in the rear conservatory. The two bedroom flat comprises a lounge/dining room and kitchen on the first floor and two bedrooms and a bathroom on the second floor.

No external alterations are proposed at front and the existing off-street parking space is retained at front. At rear, the conservatory measures 3.55m wide, set 0.3m from the side boundary with 10 Russet Close, 3.1m deep, and finished with a mono-pitched glazed roof 2.5m high at eaves level and 2.6m high at its highest point.

#### **3.3    Relevant Planning History**

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

There is no planning history.

## **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.

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.

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

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

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

**5.1** Advertisement Expiry Date:- Not applicable

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

## **6. Consultations**

### **External Consultees**

6 adjoining owner/occupiers have been consulted. No comments have been received.

Thames Water:

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above application

With regard to water supply, this comes within the area covered by Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield Herts, AL10 9EZ - Tel - 0845 782 3333.

### **Internal Consultees**

Environmental Protection Unit: No objections subject to a construction site informative.

Councillor Jenkins: Requests that this application is reported to the planning committee for determination.

## **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.

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

No external alterations have been carried out. As such, the development does not harm the character and appearance of the street scene.

The conservatory, by reason of its design, appearance and length of projection relates satisfactorily with the appearance of the property. It is set sufficiently below the cill of the rear first floor windows to ensure a subordinate appearance and is considered to be in keeping with the character and appearance of the surrounding area. As such, the proposal complies with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

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

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

The rear conservatory does not project more than 3.6m deep and 3.4m high, in accordance with paragraphs 3.3 and 3.7 of the Hillingdon Design & Accessibility Statement: Residential Extensions. This distance and height are sufficient to ensure that the proposal does not have a visually intrusive and overdominant impact or result in a significant increase in overshadowing, on the residential amenities of the occupiers of 10 and 12 Russet Close. No windows are proposed facing those properties and therefore, no overlooking will result. The proposal complies with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Internally, 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**

The internal size of the ground floor bedsit measures approximately 30sq.m, while the two bedroom flat measures approximately 55sq.m. Both fail to meet the requirements of paragraph 4.6 of the Hillingdon Design & Accessibility Statement: Residential Layouts, which recommends 33sq.m for studio flats and 63sq.m for two bedroom units and new London Plan internal floorspace standards (37 and 61sq.m respectively). With regards to the Lifetime Home Standards, these have not been met, in part due to the substandard internal floor areas.

The rear conservatory has reduced the external amenity space to approximately 16sq.m and this does not meet the recommended standard of 20sq.m for studio flats. Furthermore, no amenity space has been provided for the two bedroom flat.

Given the above, the proposal fail to provide an acceptable standard of residential amenity for its occupants, contrary to London Plan policies 3.8, 7.1 and 7.2, policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Accessible Hillingdon SPD.

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

The proposal would not lead to a significant 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 2, 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 one off-street parking space should be provided for each unit.

One off-street parking space has been provided however, this is not sufficient to meet the Council's parking standards. As such, the proposal results in an increase in on street demand for parking which prejudices highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

No cycle parking has been provided but this can be secured by way of a planning condition should planning permission be granted.

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

No third Party comments have been received.

#### **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'.

### **10. CONCLUSION**

For the reasons outlined above and that the proposed development fails to comply with the aforementioned policies of the Mayors London Plan, the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Hillingdon Design & Accessibility Statement: Residential Layouts and the Accessible Hillingdon Supplementary Planning Document, this application is recommended for refusal.

## **11. Reference Documents**

London Plan 2011

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Hillingdon Design & Accessibility Statement: Residential Extensions

Hillingdon Design & Accessibility Statement: Residential Layouts

Accessible Hillingdon Supplementary Planning Document

**Contact Officer:** Sonia Bowen

**Telephone No:** 01895 250230





## Notes



Site boundary

For identification purposes only.

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Site Address

**11 Russet Close,  
Hillingdon**

Planning Application Ref:

**67498/APP/2010/2874**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**Sept  
2011**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services

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



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