

Report of the Head of Planning & Enforcement Services

Address LAND REAR OF 24 COURT ROAD ICKENHAM

Development: Conversion from World War II hut to 1 x 1-bed self- contained dwelling with associated amenity space.

LBH Ref Nos: 68420/APP/2012/633

Drawing Nos: Existing floor and roof plans
Block Plan
Proposed elevations
Existing elevations
Initial planning brief
Proposed floor and roof plans
Supporting photographs
Design and Access Statement
Location Plan

Date Plans Received: 16/03/2012 **Date(s) of Amendment(s):** 16/03/0012
Date Application Valid: 07/05/2012 03/04/0012

1. SUMMARY

The application seeks full planning permission for the conversion of an existing World War II hut to a 1 bed self contained dwelling.

The subdivision of the plot and the conversion of the existing building, currently used for incidental purposes would detract from the spacious character and appearance of the site and locality which lies within the Ickenham Village Conservation Area. Furthermore, the proposal would fail to provide satisfactory living conditions for future occupiers of the property, would be likely to result in a loss of residential amenity by way of increased noise and disturbance to occupiers of adjacent properties, would fail to adhere to the Council's parking standards and would be detrimental to highway and pedestrian safety as a result of a substandard access and crossover. Furthermore the applicant has failed to make provision for the protection and long-term retention of the high value trees on-site. As such the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by reason of its backland location would result in an incongruous form of development which would be out of character with the existing spacious verdant character and appearance of surrounding properties and would thus be detrimental to the visual amenities of the surrounding area which would not preserve or enhance the character and appearance of the Ickenham Village Conservation Area. As such, the proposal would be contrary to policies BE4, BE13, BE19, and H12 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

2 NON2 Non Standard reason for refusal

The proposal, due to floorspace provided falling below the minimum 50m² required for a one-bedroom dwelling internal floor area, would fail to provide a satisfactory residential

environment for future occupiers, contrary to Policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Document HDAS Residential Layouts and Policy 3.5 of the London Plan 2011.

3 NON2 Non Standard reason for refusal

The proposed development fails to provide sufficient off street parking provision which meets the councils approved parking standards to service the proposed dwelling. The development would therefore lead to additional on street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Councils adopted car parking standards.

4 NON2 Non Standard reason for refusal

The proposal, due to the substandard width of the proposed vehicular access point, would result in danger and inconvenience to highway users, to the detriment of public and highway safety. Therefore the proposal would not comply with Policy AM7 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

5 NON2 Non Standard reason for refusal

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837: 2005 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for long-term retention of the trees. The proposal is therefore contrary to Policies BE38 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

6 NON2 Non Standard reason for refusal

The narrow accessway to the site would be likely to result in noise and general disturbance through the scale of activities involved to the detriment of the amenities of adjoining residential properties. The proposal is therefore contrary to policy OE1 of the 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 (July 2011) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H7	Conversion of residential properties into a number of units
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
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 north western side of Court Drive which lies within the Developed Area and Ickenham Village Conservation Area as identified within the Hillingdon UDP. The mature and verdant plot forms part of the existing residential curtilage of 24 Court Drive which is a detached property with a detached garage and car port to the south west. Substantial rear gardens with a number of mature trees of high amenity value and a timber hut located to the rear of the property. It is thought that the hut was originally built as a World War II shelter. The hut is in a poor state of repair and surrounded by mature trees. Its use is confirmed as ancillary to the main use of the house as a single private dwelling.

3.2 Proposed Scheme

The application seeks planning permission for the conversion of the existing World War II hut into a 1 x 1 bed self contained dwelling with associated amenity space. The existing hut has a footprint of 5 x 8.95m. The application seeks permission to convert the hut into a 1 bed self contained dwelling with separate shower room, WC, bedroom and living area with a kitchenette. The floor area equates to some 44m². The proposed dwelling is shown to be accessed by a narrow access driveway to the side of the existing garage to No. 24. Currently a carport fills the gap between the flank wall of the garage and the boundary with No. 26 Court Drive. The application site includes a 2m wide section of the driveway (shown on the proposed plans as shared). The access driveway is shown to be widened to 2.5m at the point of the existing carport and then would narrow to 2m to the rear of the site. The access driveway is shown to be enclosed by 1m high plastic coated green mesh fencing.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no planning history relevant to the consideration of this application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

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

Part 2 Policies:

AM14 New development and car parking standards.
AM7 Consideration of traffic generated by proposed developments.
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.
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H7 Conversion of residential properties into a number of units
OE1 Protection of the character and amenities of surrounding properties and the local area
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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

9 neighbouring properties and the Ickenham Residents Association were consulted by letter dated 5.4.12. A site notice was also displayed to the front of the site which expired on 9.5.12. A petition of objection, 3 letters of objection and 2 letters of comment have been received. The objections relate to:-

- Inappropriate development within the Conservation Area;
- Setting a precedent for similar development in the locality which would erode the character of the conservation area;

- Harm to trees and wildlife
- Noise and disturbance
- Substandard access;
- Not a conversion but essentially a rebuild

The petition of objection raises concerns about the following:-

- Inaccuracies with the application
- Site forms part of front drive, carport and parking area of Number 24 Court Drive
- No details of pre-application advice disclosed
- Planning Design and Access Statement contains legally incorrect information
- Materials do not meet fire regulations
- Inadequate parking retained for Number 24 Court Drive
- Septic Tank Not shown on Plan
- Floorspace is below the London Plan standards
- Ownership Certificates are incorrect.

Internal Consultees

Conservation Officer -

BACKGROUND: This is an attractive cottage within Ickenham Village Conservation Area (CA). Whilst there is no historical evidence submitted, the structure in question appears to be a shed typically constructed during the World War II for the safety of the inhabitants of the house during an air raid. This however is ancillary to the main building and has remained so since its construction.

COMMENTS: The scheme proposes to convert the existing shed to a self-contained flat with associated amenity space. From a conservation point of view, the conversion of the shed would mean that its use would no longer be ancillary. The required subdivision of the plot and the separate access would be considered detrimental to the layout of the area and as such would be unacceptable. As such, the development would be considered detrimental to the character and appearance of the conservation area and would be unacceptable from a conservation point of view.

If planning approval is recommended, there is also a concern re loss of any historic fabric during the works. These should be appropriately conditioned:

- 1.Full photographic assessment and recording of the structure should be carried out prior to works on site.
- 2.Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as local planning authority notified immediately. Provision shall be made for their retention and proper recording, as required by the Council.
- 3.All new works and works of making good to the retained fabric of the building, whether internal or external, shall be finished to match the existing fabric with regard to methods used and to material, colour, texture and profile.

Conclusion: Unacceptable in principle. If minded for approval, the above conditions should be attached.

Tree and Landscape Officer -

Tree Preservation Order (TPO) / Conservation Area: This site is covered by TPO 5 and also within the Ickenham Village Conservation Area and therefore any trees not covered by the TPO are protected by virtue of their location within it.

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (on-site): There are several high value trees in the front and rear garden of this site that significantly contribute to the arboreal character of the Ickenham Village Conservation Area. Some of the trees in the rear garden would be lost / affected by the construction of the proposed access road. There are also several mature trees around the existing hut that could be affected by the installation of services and that will also be put under pressure (due to shading).

A very basic tree survey showing the approximate position of some of the trees on-site has been provided, however, more detailed information is required at this stage (see recommendations).

Significant trees / other vegetation of merit in terms of Saved Policy BE38 (off-site): There are several high value trees (some protected) along the front and rear boundary of No's 24 and 26 Court Road which could be affected by the construction of the proposed access road. Information is required to show how these trees will be protected during development.

Scope for new planting (yes/no): N/A

Does scheme conform to HDAS (yes/no) : N/A

Does scheme conform to SUDS (yes/no) : N/A

Recommendations: In accordance with BS5837:2005, a Tree Survey, Tree Protection Plan and an Arboricultural Method statement should be provided. The location of proposed services, and a shade diagram are also required.

Conclusion (in terms of Saved Policy BE38): In the absence of the above tree-related information, this scheme is unacceptable because it does not make provision for the protection and long-term retention of the high value trees on-site.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within an established residential area and forms part of the 'Developed Area' as defined in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

Key changes in the policy context, since the adoption of the UDP, include the publication of the NPPF and the adoption of The London Plan of July 2011. In relation to National Policy the NPPF, paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The outcome of this change means that Councils will have to assess whether the proposal would cause harm to the local area.

Policy 3.5 of the London Plan (July 2011) states in part the following:

'Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic Policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.

As regards the principal of developing this site, there is no objection in principle to the intensification of use on existing residential sites, however, the principle needs to be

balanced against the harm to the character of the area which lies within a Conservation Area, impact upon neighbours, impact on highway and pedestrian safety and impact on residential amenity. These will be addressed separately within the report.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (July 2011) advises that Boroughs should ensure that development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

The density matrix, however, has limited weight when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the scheme harmonises with its surroundings and its impact on adjoining occupiers.

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

The site lies within the Ickenham Village Conservation Area. Policy BE4 of the adopted UDP seeks to ensure that development preserves and enhances the character of conservation areas. This part of the Ickenham Village Conservation Area consists predominantly of detached houses within large verdant plots. The subdivision of the application site to form a second backland plot with associated access and parking is considered to be at odds with the spacing and character of the area. The Conservation Officer has raised objections to the principle of the subdivision of the plot with a separate access driveway running down the plot. As such the proposal is in conflict with policy BE4 of the Hillingdon UDP.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the Local Planning Authority will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD) HDAS: Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. The site also lies within the Ickenham Village Conservation Area. Policy BE4 seeks to ensure that the character of conservation areas are preserved or enhanced. This part of the Ickenham Village Conservation Area consists predominantly of detached houses within large verdant plots. The subdivision of the application site to form a second backland plot is considered to be at odds with the spacing and character of the area. As such the proposal would result in an incongruous form of development which would be at odds with the spacious verdant character of the area which would fail to preserve and enhance the character and appearance of the Ickenham Village Conservation Area in conflict with policies BE4, BE13 and BE19 of the Hillingdon UDP (saved Policies 2007).

7.08 Impact on neighbours

Paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing.

The existing hut is located towards the rear of the site, some 42m from the rear of Number 24 Court Drive at its closest point. It is considered that in view of the separation distances involved, the proposed conversion of the building into a single dwelling would not result in a loss of residential amenity by virtue of loss of light, dominance or loss of privacy. Concerns are nevertheless raised about the noise and disturbance to occupants of Nos. 24 Court Drive and 26 Court Drive resulting from the use of the narrow access driveway to the rear of the site. The plans show a 1m high wire mesh fence along the side of the access driveway. The driveway is only 2m in width. The occupants of the adjacent properties would be likely to suffer an unacceptable loss of residential amenity resulting from the use of this access driveway. As such the proposal would conflict with policy OE1 of the Hillingdon UDP which seeks to protect the amenities of adjacent occupiers.

7.09 Living conditions for future occupiers

HDAS SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. Habitable rooms should have an adequate outlook and source of natural light. Both the London Plan (July 2011) and the Council's HDAS: Accessible Hillingdon establishes minimum floor space standards.

For a 1 bedroom bungalow, the HDAS guidance requires a minimum floor area of 50m². The London Plan does not refer to single storey dwellings, but states a 1 bed, 2 person flat should provide a minimum floor area of 50m². The proposal would result in an internal floor area of 44m². This falls short of the the Council's minimum floor areas as set out in the HDAS Residential Layouts. As such the proposal would provide an indoor living area of an unsatisfactory size for the occupiers of the one and two bedroom dwelling. The proposal would therefore give rise to a substandard form of living accommodation for future occupiers contrary to Policies BE19 and H7 (iv) of the Unitary Development Plan (Saved Policies) September 2007 and design principles 4.7 and 4.8 of the Council's Design Guide Residential Layouts.

The HDAS guidance also requires in paragraph 4.15, that a one bedroom house should provide a minimum private garden area of 40m². The proposal complies with this advice and is considered acceptable in accordance with Policy BE23 of the Hillingdon UDP.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

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, the Council's maximum parking standard of 1 space is required for the proposed dwelling. Whilst the block plan submitted with the application shows the provision of one parking space, the access driveway to this space is substandard in width. The proposed car parking would not therefore be safely accessible and would therefore fail to accord with Policy AM14 of the Hillingdon UDP (saved Policies 2007).

The proposed access the site is shown to be 2m in width, utilising an existing shared access driveway. The dimensions of the proposed access and crossover are substandard to the proposed second dwelling and as such would be likely to detrimental to both pedestrian and highway safety. As such the proposal would be in conflict with Policy AM7 of the Hillingdon UDP.

7.11 Urban design, access and security

The proposal involves the conversion of the existing World War II hut. The condition of the existing building is poor and some concern is raised in relation to the retention of the existing fabric of the building. Much of the structure is likely to be required to be replaced, which subject to photographic recording of the original structure, is likely to be acceptable

in principle. It is considered that the like for like replacement of this building would not detract from the character and appearance of the site or locality.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

The application site contains a number of mature trees of significant amenity value. A very basic tree survey showing the approximate position of some of the trees on-site has been provided. However, there is some doubt with regard to the accuracy of this survey. The Council's Tree officer has confirmed that in accordance with BS5837:2005, a Tree Survey, Tree Protection Plan and an Arboricultural Method statement should be provided. The location of proposed services, and a shade diagram are also required. As such, in the absence of the above tree-related information, this scheme is unacceptable because it does not make provision for the protection and long-term retention of the high value trees on-site. As such the proposal is in conflict with Policy BE38 of the Hillingdon UDP (Saved Policies 2007).

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

A number of concerns have been raised by neighbouring properties with regard to the impact of the proposal on the character and appearance of the Conservation Area and the backland nature of the proposal. These concerns have been addressed above. In addition concerns have been raised about the ownership of the application site and certificates served. The application was made invalid to request confirmation of correct ownership details which have been submitted by the applicant.

7.20 Planning obligations

Not applicable to this application as the proposal would not result in a net gain of 6 habitable rooms.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware

of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks full planning permission for the conversion of an existing World War II hut to a 1 bed self contained dwelling.

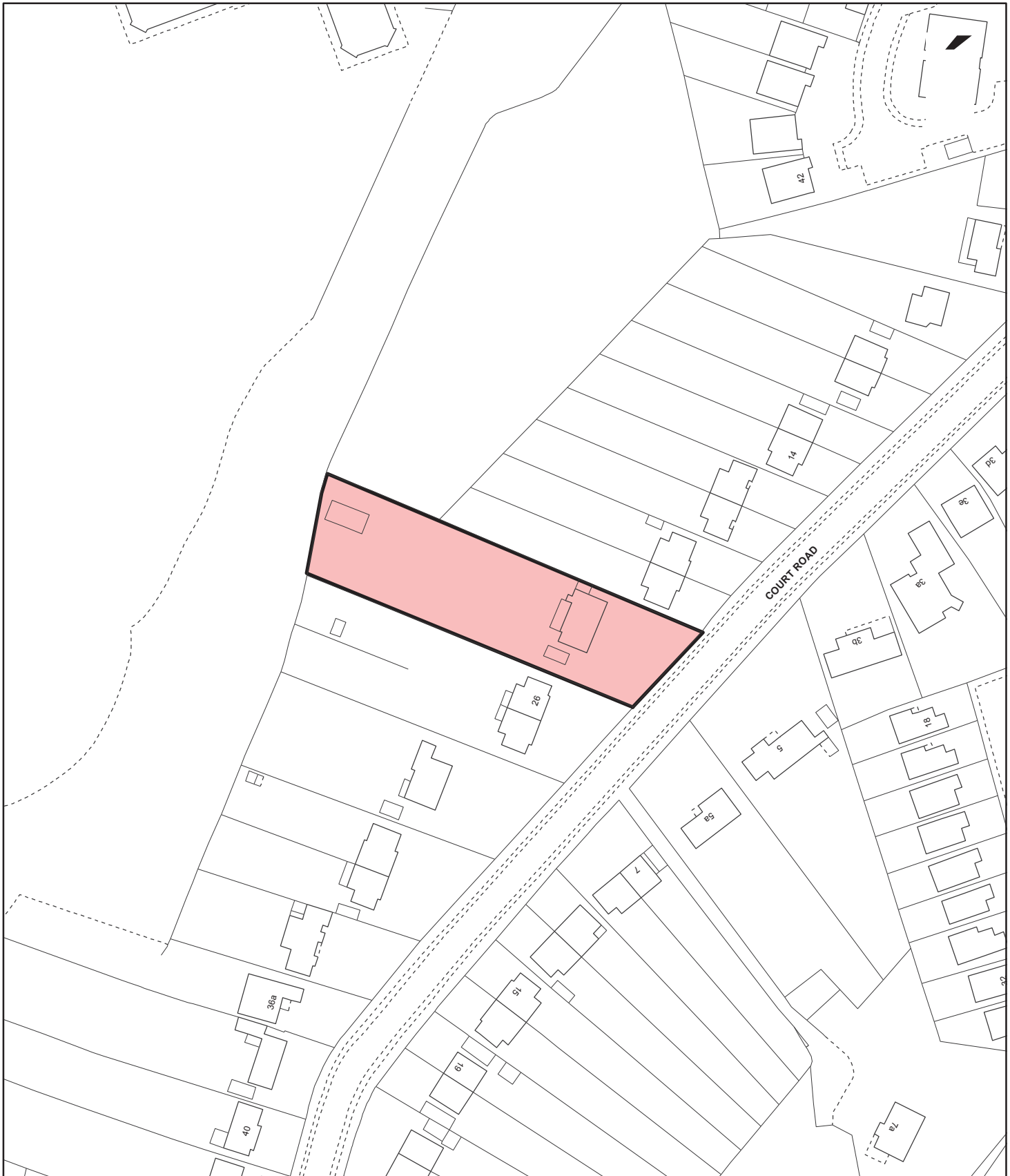
The subdivision of the plot and the conversion of the existing building, currently used for incidental purposes would detract from the spacious character and appearance of the site and locality which lies within the Ickenham Village Conservation Area. Furthermore, the proposal would fail to provide satisfactory living conditions for future occupiers of the property as a result of a substandard internal floor area, would be likely to result in a loss of residential amenity by way of increased noise and disturbance to occupiers of adjacent properties, would fail to adhere to the Council's parking standards and would be detrimental to highway and pedestrian safety as a result of a substandard access and crossover. Furthermore the applicant has failed to make provision for the protection and long-term retention of the high value trees on-site. As such the application is recommended for refusal.

11. Reference Documents

Hillingdon UDP (Saved Policies 2007)
NPPF
London Plan 2011
HDAS (Residential Layouts).

Contact Officer: Nicola Taplin

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">Land rear of 24 Court Road, Ickenham</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>	
	<p>Planning Application Ref:</p> <p style="text-align: center;">68420/APP/2012/633</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>		
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">July 2012</p>		