

## Report of the Head of Planning & Enforcement Services

**Address** 9 DENE CROFT CRESCENT HILLINGDON  
**Development:** Conversion of dwelling to 2 x 1-bedroom flats (Resubmission)  
**LBH Ref Nos:** 13870/APP/2012/2569  
**Drawing Nos:** DEN/SDC/01PL  
DEN/SDC/02PL  
Design and Access Statement  
MX151090

**Date Plans Received:** 19/10/2012      **Date(s) of Amendment(s):** 19/10/0012  
**Date Application Valid:** 26/10/2012

### 1. SUMMARY

Part retrospective planning consent is sought for the conversion of a single family dwelling into two self-contained flats.

It is considered that the flats provide a substandard level of accommodation, harmful to the amenity of the existing and future occupants of the flats. The layout of the ground floor flat results in rooms with little natural light or outlook and there is no private amenity space for the first and second floor flat. The development also fails to provide an adequate level of off-street parking spaces to comply with the Council's parking standards and it is therefore prejudicial to pedestrian and highway safety.

The application is therefore recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The application property is not of a sufficient size to provide a suitable scheme of residential conversion and would result in the loss of a single family dwelling to the detriment of the character of the surrounding residential area. As such, the proposal is contrary to Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 2 NON2 Non Standard reason for refusal

The proposal due to the lack of any natural light or outlook afforded to the proposed dining room and living room within the ground floor flat, would result in the requirement to use artificial illumination at all times and an oppressive environment to these rooms. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 3 R3 Amenity Space Refusal

The proposal fails to provide amenity space of sufficient size and quality commensurate

to the size and layout of the residential units. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)<sup>n</sup> and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**4 R4 Car Parking Refusal**

The proposal fails to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards. As such, the proposal is likely to give rise to additional on-street parking on a heavily parked road and be prejudicial to highway and pedestrian safety, contrary to policies AM7 and AM14 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**5 NON2 Non Standard reason for refusal**

The floor area of the proposed flats is below the minimum required. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to Policy BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 and Table 3.3 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
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
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008 (2011) Increasing housing supply

- LPP 3.3
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- NPPF

### **3 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located on the south-east side of Denecroft Crescent and comprises a mid-terrace property which has been extended by way of single storey rear extension and a rear dormer. Internally the property has been converted into two self-contained flats, both of which comprise of two bedrooms, with the upper floor flat located on both the first floor and within the extended roof space.

To the rear of the property there is a long garden which backs onto a private access. The garden contains a detached outbuilding. To the front of the property there is a small garden which provides a parking space for one vehicle.

The application site lies within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) where the prevailing character of the area is residential comprising mainly terraced dwellings.

### **3.2 Proposed Scheme**

The application seeks to regularise the conversion of the property from a single family dwelling into two flats and to make internal amendments to the ground floor flat so that it would only have one bedroom rather than two. Alterations are proposed to the upper floor flat so that there would be two bedrooms, rather than three.

Internally the ground floor flat would comprise of one bedroom, a bathroom and an open plan living room and kitchen. The other flat would comprise of two bedrooms, a bathroom, a kitchen and a separate living room area.

Access to the rear garden would remain as existing providing amenity space for the ground floor flat only.

### **3.3 Relevant Planning History**

- 13870/APP/2012/529 9 Denecroft Crescent Hillingdon  
Conversion of dwelling to 2 x 2 bed flats (Retrospective)

**Decision:** 14-06-2012    Refused

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

This application is a resubmission of application ref: 13870/APP/2012/529 which was refused for the following reasons:

1. The proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the residential 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 the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.
2. The proposal fails to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards. As such, the proposal is likely to give rise to additional on-street parking on a heavily parked road and be prejudicial to highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).
3. The floor area of the proposed flats is below the minimum required. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to Policy BE19 and H7 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), Policy 3.5 and Table 3.3 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.
4. The development fails to meet all relevant Lifetime Home Standards, contrary to Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policy 3.1 and 3.8 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.
5. The application property is not of a sufficient size to provide a suitable scheme of residential conversion and would result in the loss of a single family dwelling to the detriment of the character of the surrounding residential area. As such, the proposal is contrary to Policy BE19 of the adopted Hillingdon Unitary Development Plan and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.
6. The proposal due to the lack of any natural light or outlook afforded to the proposed dining room and living room within the ground floor flat, would result in the requirement to use artificial illumination at all times and an oppressive environment to these rooms. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary Policy BE19 of the adopted Hillingdon Unitary Development Plan, Policy 3.5 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

This application attempts to overcome the above reasons for refusal by reducing the number of bedrooms in both flats. No other changes are proposed in this submission.

There are no planning history records relating to the site, however aerial photographs taken in 2002 show that the existing single storey rear extensions and rear dormer had been constructed. As a result it is likely that the extensions were constructed under permitted development. Notwithstanding this they would be immune from enforcement

action as they were constructed more than four years ago.

## **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.  
AM14 New development and car parking standards.  
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.  
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  
R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities  
HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008  
LPP 3.3 (2011) Increasing housing supply  
LPP 3.5 (2011) Quality and design of housing developments  
LPP 3.8 (2011) Housing Choice  
NPPF

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

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

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

## **6. Consultations**

### **External Consultees**

MOD Safeguarding:  
No objection.

NERL:  
No objection.

Ward Councillor:  
Requests that the application is determined by the Central & South Planning Committee.

## Internal Consultees

Access Officer:

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

The pre-existing and existing plans have been assessed and conversion into two flats appears to have involved only minor reconfiguration. It is therefore considered that no accessibility improvements could reasonably be required within the scope of this planning application.

It is therefore suggested that the above policy is not applied to this proposal.

Conclusion: No objection from an accessibility perspective.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

This is an established residential area where there would be no objection in principle to intensification of the residential use of the site, subject to relevant planning considerations and policies in the Unitary Development Plan (Saved Policies, September 2007).

In terms of the conversion of this property, the Council's HDAS: Residential Layouts advises at Paragraph 3.5 that the traditional residential character of a street can be adversely affected by the cumulative impact of too many properties being converted to more intensive residential uses. It goes on to advise that the redevelopment of more than 10% of properties in any one street to flats is unlikely to be acceptable, given the cumulative impact. In Denecroft Crescent, few properties appear to have been converted to flats or any other form of more intensive housing.

Paragraph 3.5 also advises that in order to provide a suitable standard of residential accommodation, houses will only be considered suitable for conversion if they have a floor area of 120m<sup>2</sup> or more. Whilst the guidance does not specify if this is the existing floor space of the house or after any proposed extension, the existing property is modest in size and below the required 120m<sup>2</sup> and given that the basis of the restriction is to ensure that the stock of small family dwellings is maintained within the borough and the proposed conversion will result in the loss of a small family dwelling, the principle of conversion is considered unacceptable.

### 7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

### 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

Local Plan Policies BE13 and BE14 resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

No external alterations are proposed; therefore it is considered that the development has not resulted in harm to the visual amenity of the area.



## **7.08 Impact on neighbours**

The change of use of the property has not resulted in any external alterations and none are proposed as part of this submission. There has not been any change in regard to the location of habitable room windows. Therefore the change of use of the property has not and would not result in harm to the amenity of nearby residents and occupants through loss of daylight or privacy and it would be in accordance with Local Plan Policies BE20 and BE24.

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

London Plan Policy 3.5 seeks to ensure that all housing developments are of the highest quality, both internally and externally and in relation to their context.

The London Plan sets out the minimum internal floor space required for flat developments in order to ensure that there is an adequate level of amenity of existing and future occupants. The London Plan recommends that a one bed, two person flat should have an internal floor space of at least 37sq.m and a two bed, three person flat should have a minimum floor area of 61sq.m.

The total internal floor area for the one bedroom flat on the ground floor would be 59.0sq.m and the internal floor area for the two bedroom first and second floor flat would be 57.8sq.m. Therefore whilst the ground floor flat would provide an adequate level of internal amenity, the first and second floor flat would remain substandard, harmful to the amenity of the existing and future occupants.

Furthermore, the living room and the dining room of the ground floor flat are not provided with any windows which provide an outlook and the natural lighting to these rooms is either poor or non-existent, again resulting in a poor residential environment for existing/future occupiers. It is noted that amendments have been to address this issue as part of this submission; however it is considered that they are insufficient and the issue would remain.

Section 4 of the Council's HDAS: Residential Layouts states that developments should incorporate usable, attractively laid out and conveniently located garden space in relation to the flats they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area. Where houses have been converted into flats, adequate garden space should be provided according to the number of units created. It is considered acceptable to provide communal garden space for flats.

The minimum level of amenity space required for a flat with one bedroom is 20sq.m and the minimum required for a flat with two bedrooms is 25sq.m. Therefore a total of 45sq.m of garden space would be required for the flats subject to this application. The existing rear garden provides over 100sq.m of private amenity space, however this can only be accessed by the ground floor flat. As a result the first and second floor flat fails to comply with the Council's HDAS: Residential Layouts and is contrary to Local Plan Policy H7.

No details have been provided to demonstrate that adequate sound proof insulation has been provided, however this could be dealt with by way of a condition in the event of an approvable scheme.

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

Annexe 1 of the Council's adopted Local Plan states that the maximum number of off-street parking spaces required for a flat which does not have its own curtilage is 1.5 spaces, therefore a maximum total of three spaces would be required for the proposed development.

There is only one off-street parking space to the front of the site. Whilst the Council's standards are stipulated as a maximum, given that the public transport accessibility levels (PTAL) for the site is poor, it is considered that the development must adhere to the Council's maximum standards.

As such, the proposal would result in an increase in on-street demand for parking which would be detrimental to highway and pedestrian safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The London Plan Policy 3.8 requires all new housing to be built to 'Lifetime Homes' standards. The Council's HDAS 'Accessible Hillingdon' also requires all new housing to be built to 'Lifetime Homes' standards.

The Council's Access Officer has reviewed the plans and information provided and considers that the internal arrangements for the flats would comply with the Lifetime Homes Standards.

Notwithstanding this view it is considered that the first and second floor flat would be substandard in respect of providing adequate amenity for existing and future occupants.

#### **7.12 Disabled access**

No objections have been raised by the Council's Access Officer.

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

Not applicable to this application.

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

No objections are raised in terms of landscaping or ecological impacts.

#### **7.15 Sustainable waste management**

No objections are raised with respect to waste management, which could be dealt with by condition in the event of approval.

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

As the proposal is a small scale conversion of an existing dwelling there are no additional requirements with respect energy or sustainability. Accordingly, no objections are raised in this respect.

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

The site is not identified as being at risk of flooding. Accordingly, no objections are raised in this respect.

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

The proposal would not result in any unacceptable impacts with regard to noise or air quality.

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

Three neighbours were notified on 30.10.12 including the Oak Farm Residents Association. A site notice was also posted on the 2.11.12. One response was received, commenting as follows:

- The development would lead to the unacceptable loss of a single family dwelling in an area where family housing is needed.

(Officer Comment: These concerns are considered within this report).

#### **7.20 Planning obligations**



The proposal would not result in a net increase of 6 habitable rooms and therefore would not fall within the threshold for seeking a contribution towards school places and given that the proposal would not result in an increase in the footprint of the building, there would be no requirement for a CIL payment.

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

The breach of planning control has been referred to the Council's Planning Enforcement team who will take further action following a decision on the planning application.

#### **7.22 Other Issues**

Details of the existing refuse facilities have not been provided however, this could be secured by way of a suitable planning condition, to be in accordance with Policy BE19 of the adopted Hillingdon Local Plan and paragraphs 4.40 of the Hillingdon Design & Accessibility Statement: Residential Layout.

### **8. Observations of the Borough Solicitor**

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

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

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

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

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

### **10. CONCLUSION**

It is considered that the development fails to provide adequate internal and external amenity for the existing occupants and it fails to provide an adequate level of off-street parking. It is therefore contrary to Local Plan policies H7, AM14 and London Plan Policy 3.5.

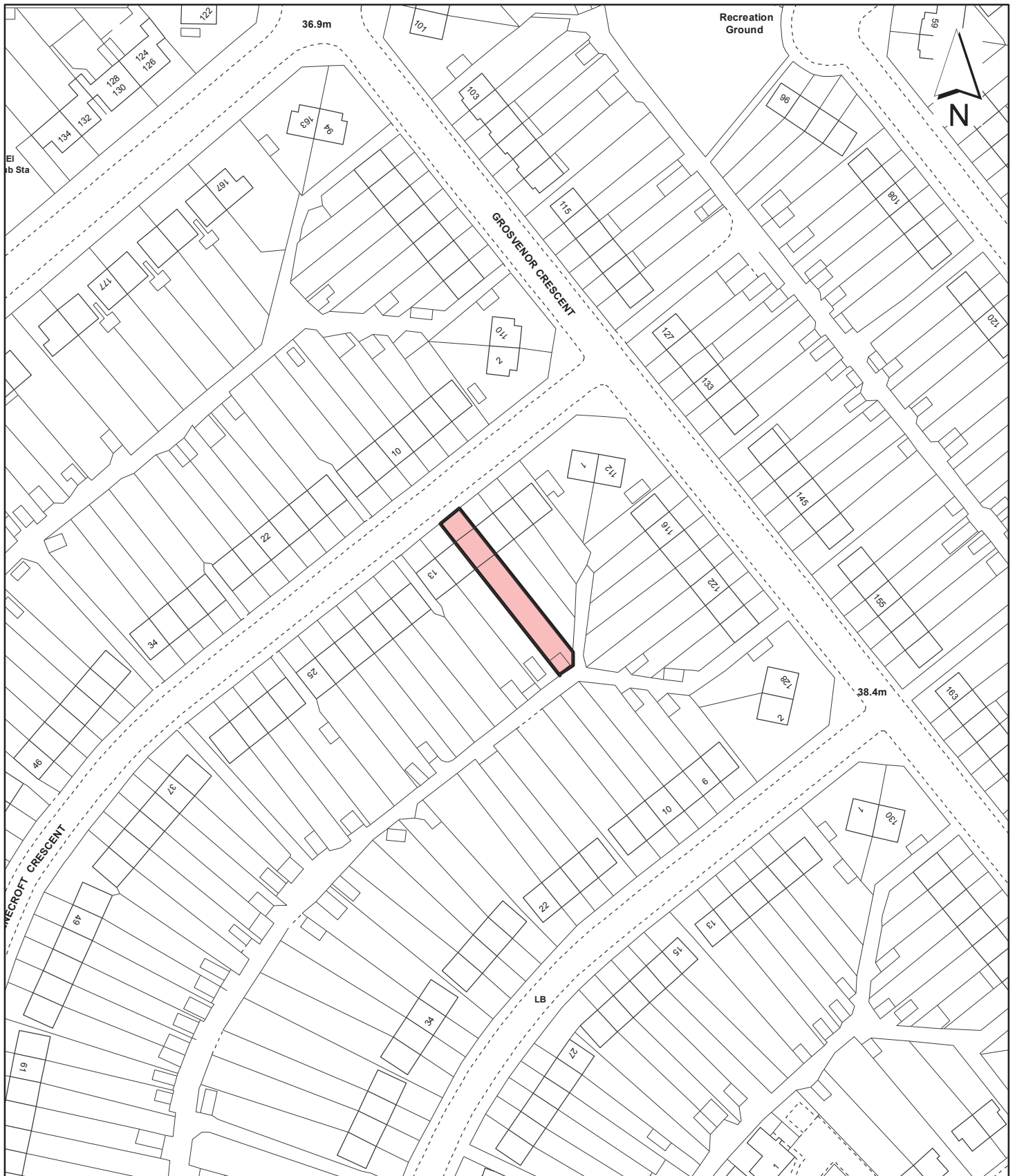
The application is therefore recommended for refusal.



### **11. Reference Documents**

Hillingdon Unitary Development Plan (Saved Policies September 2007).  
Hillingdon Design and Access Statement 'Residential Extensions'.  
Hillingdon Design and Access Statement 'Residential Layouts'  
The London Plan 2011.  
Supplementary Planning Document 'Accessible Hillingdon'.  
National Planning Policy Framework.

**Contact Officer:** Kelly Sweeney

**Telephone No:** 01895 250230



<p><b>Notes</b></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). 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><b>9 Denecroft Crescent Hillingdon</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>13870/APP/2012/2569</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p><b>Central and South</b></p>	<p>Date</p> <p><b>December 2012</b></p>	