

Report of the Head of Planning, Sport and Green Spaces

Address 92 CATLINS LANE PINNER

Development: Conversion of existing dwelling house into 1 x 3-bed dwelling house and 1 x studio flat with associated amenity space

LBH Ref Nos: 53741/APP/2014/1685

Drawing Nos: Design and Access Statement
RHA1421-EX_01
RHA1421-EX_02
Planning Application Cover Letter
RHA1421-EX_03
RHA1421-EX_04
RHA1421-EX_05 Rev. A
RHA1421-PR_01

Date Plans Received: 15/05/2014 **Date(s) of Amendment(s):**

Date Application Valid: 22/05/2014

1. SUMMARY

The application seeks planning permission for conversion of a garage to a studio flat and retention of the existing two storey, 3 bed semi detached dwelling.

The proposed development, due to the design of the conversion would be out of character with the subject property and also the wider character of the area, which is part of the Raisins Hill, Eastcote Area of Special Local Character. The proposed studio would, due to its floor area and size of amenity space, provide substandard form of accommodation. No evidence has been provided to confirm that the proposed studio would meet the Lifetime Homes standards. Finally, the proposed development would fail to provide sufficient off street parking for the two properties.

The development has been carried out and therefore the current application is retrospective.

The proposed development is contrary to policies in the Hillingdon Local Plan Part 1 and Part 2 and also London Plan policies. As such the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed studio apartment due to the size of the living accommodation would provide an inadequate and substandard form of residential accommodation which would be harmful to the amenity of future occupiers. As such the proposed scheme is contrary to Policy 3.5 and Table 3.3 of the London Plan (2011), The Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012), Policy BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed studio apartment due to the size of the private amenity space would provide an inadequate and substandard form of residential accommodation which would be harmful to the amenity of future occupiers. As such the proposed scheme is contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposal fails to provide adequate off street parking for the existing and proposed development and would lead to increased pressure for on street parking to the detriment of highway safety and contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Non Standard reason for refusal

The proposed studio would involve replacing the garage door with a window and a door. It is considered that the introduction of such an arrangement would appear incongruous and out of character with the subject property and detrimental to the visual amenity of the street scene and the wider Raisins Hill, Eastcote Area of Special Local Character, contrary to Policies BE5, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

5 NON2 Non Standard reason for refusal

The proposal would fail to meet all relevant Lifetime Home Standards, contrary to Policy 3.8 of the London Plan (July 2011), Policy BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to Refuse planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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.
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety

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.
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

3 159 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 relates to a two storey semi-detached dwelling located on the eastern side of Catlins Road. The building has been erected from brown bricks and has a hipped roof. The dwelling is set between 7 and 9 metres back from the tapered front boundary line by a front garden and driveway, which provides space to park two cars within the curtilage of the site.

The property originally had a single storey garage attached on the south elevation adjacent to No.90 this has already been converted, subject of this retrospective application, the front elevation having a door and window and the rear elevation a door and window, with a sectioned off small garden area.

To the rear of the dwelling is a garden area which acts as the private amenity space for the occupiers of the dwelling.

The property has been extended to the rear with a single storey extension. To the front there is a driveway for parking one car.

The wider area has similar properties with garages some have been converted to additional rooms as part of the single dwellinghouse. Catlins Lane slopes to the south and No.90 is approximately 0.5m lower than No.92.

The site is situated within a Developed Area and the Raisins Hill Area of Special Local Character as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The proposed development comprises the conversion of existing dwelling house into 1 x 3-bed dwelling house and 1 x studio flat with associated amenity. The garage conversion has already been carried out and provides a studio unit the garage door is replaced with a window and a door.

The proposed garage conversion has a gross internal area of approximately 25sq. m, the 3 bed house is the same size as the original house but with the added rear extension.

The original garage has been increased in height and depth.

3.3 Relevant Planning History

53741/99/0311 92 Catlins Lane Pinner
Erection of a single storey side and rear extension

Decision: 09-04-1999 Approved

53741/APP/2004/2757 92 Catlins Lane Pinner
ERECTION OF A TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION,
SINGLE STOREY PART FRONT EXTENSION AND PORCH AND CONVERSION OF
GARAGE TO HABITABLE ROOM.

Decision: 30-11-2004 Approved

53741/APP/2012/1296 92 Catlins Lane Pinner
Single storey rear extension with 2 rooflights

Decision: 25-07-2012 Approved

53741/APP/2012/67 92 Catlins Lane Pinner
Conversion of roof space to habitable use to include a rear dormer, 3 front rooflights and
conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for
a Proposed Development)

Decision: 07-02-2012 Approved

Comment on Relevant Planning History

There has been planning permission approved for the rear extension and also a certificate of lawfulness has been granted for conversion of the roofspace to further accommodation in the house.

In 2004 planning permission was granted for the erection of a two storey side extension, single storey rear extension, single storey part front extension and porch and conversion of garage to habitable room. The extensions approved were not implemented, but the garage was converted into habitable accommodation as part of the consent, but not for

use as a separate unit of accommodation.

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.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE5 New development within areas of special local character

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE18 Design considerations - pedestrian security and safety

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.

LPP 3.3 (2011) Increasing housing supply

LPP 3.4 (2011) Optimising housing potential

LPP 3.5 (2011) Quality and design of housing developments

LPP 7.4 (2011) Local character

LPP 7.6 (2011) Architecture

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

89 letters were sent to local residents and the Residents Association on 27 May 2014 and the site notice was posted on 5 June 2014. 7 representations were received the objections being as

follows:

1. Out of keeping with the area
2. Annexes should not be converted to separate dwellings.
3. Contrary to planning policies
4. Set an undesirable precedent.
5. Insufficient parking.
6. Lead to on street parking problems
7. Lack of privacy from the garden area.
8. No other studios nearby.
9. Harm to ASLC
10. Breach of Covenant.
11. Waste will be kept at front of house

A petition containing 72 signatures has been received opposing the development for the reasons stated above.

These matters are addressed in the Officer's report. However, the issue of the covenant is not a material planning consideration.

Internal Consultees

Tree Officer:

There is an attractive clipped hedge along the front boundary, and a young Cockspur Thorn and Japanese Maple behind it. The hedge and trees should either be shown retained (and some protection will be required) on the plans, or replacements should be shown on a landscaping plan.

Does scheme conform to HDAS (yes/no) : It is likely that extra on-site parking will be required. This must be in accordance with HDAS recommendations and 25% soft landscaping retained.

Conclusion (in terms of Saved Policy BE38): Acceptable subject to conditions RES8 (if trees and hedges are to remain), or RES9 if front garden to be re-landscaped.

Highways Officer:

The development is for the conversion of an existing dwelling to provide a three-bedroom house and separate studio apartment. As part of the proposals, a single car parking space will be retained within the site with access provided via an existing vehicle crossover, located along the adjacent highway. There are no proposals to provide cycle parking within the site.

When considering the development, it is noted that the PTAL index within the area of the site is identified as 1a, which is classified as very poor. Therefore, 1 car parking space is required to be provided for the studio apartment. As no additional car parking is proposed, the development will lead to an increased parking demand along the adjacent highway in an area that has a high demand for kerbside parking.

In addition to allow the proposals, could set a precedent leading to proliferation of similar developments, affecting the Council's position in resisting the same.

Therefore, it is considered that the development would be contrary to Policy AM14 of Part 2, of the adopted Hillingdon Local Plan, 2012 and an objection is raised in relation to the highway and transportation aspect of the proposals.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed development is located within an established residential area and would constitute development of previously developed land. Furthermore, HDAS guidance in chapter 9 advises that the conversion of a residential garage to ancillary accommodation can be acceptable. However, this does look for the conversion to be ancillary accommodation and not a separate unit.

Policy H7 of the Hillingdon Local Plan allows for the conversion of residential units into more accommodation, subject to the provision of an acceptable living environment for future occupiers, acceptable parking provision and adequate sound insulation.

The studio would provide an unacceptable environment for future occupiers and would not be provided with adequate off-street parking. Therefore, the conversion of the dwelling into more units is considered unacceptable in principle and contrary to Policy H7 of the Hillingdon Local Plan (November 2012).

7.02 Density of the proposed development

It should be noted that density on small sites can be misleading and it is more relevant to consider the impact upon the amenity of adjoining occupiers and the character of the area to assess the acceptability of a proposed scheme. Therefore, the density of the proposed development is not considered applicable in this case.

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

The impact to the Area of Special Local Character is considered in section 7.07 of this report.

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

The application site comprises the side garage of a semi detached property on Catlins Lane. The surrounding area comprises properties of similar design and arrangement. A number of properties have converted their garages to ancillary accommodation, which could constitute permitted development. However, there are no examples where such garages have been converted to a separate unit of accommodation.

There is no subdivision of the front garden area and this will be effectively be shared by both properties to include parking. Unlike the other garage conversions, as this has been developed for a studio flat, the garage door has been replaced with a window and a door. This is a unique arrangement not replicated in surrounding area. It is considered that the introduction of particularly a door together with a window is at odds with the established character of the area and is harmful to the character and appearance of the subject property and the streetscene.

Therefore, it is considered that the proposed attached dwelling would be harmful to the character of the area, which is part of the ASLC and as such is not in compliance with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

7.08 Impact on neighbours

The proposed studio has no side windows. Due to the slope in land there is high boundary fence between the proposal and No.94. Therefore, it is not considered that the proposal will lead to overlooking of this property. As the studio is to the side of the house there is

no adverse impact upon the occupiers of No. 90. The proposed garden area replaces part of the original garden and is not considered to generate an increase in disturbance over the existing situation.

Therefore, the proposal would not have an unacceptable impact on the residential amenity of the neighbouring occupier and constitute an unneighbourly form of development.

7.09 Living conditions for future occupiers

Amenity Space

Policy BE23 of the Hillingdon Local Plan Part 2 Saved Policies states that new residential buildings should provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting.

The Hillingdon Design and Accessibility Statement (HDAS) 'Residential Layouts' require residential developments to provide a minimum of 20 sq metres of amenity space for a studio flat and 60 sq. metres for a three bedroom house. The proposal provides approximately 8 sq metres of useable private amenity space in the form of a rear garden for the studio and retains more than 100 sq. m for the existing property. The proposed scheme due to the substandard amount of amenity space for the studio flat does not meet the minimum requirements of amenity space for the studio flat and would be unacceptable and contrary to Policy BE23 of the Hillingdon Local Plan (November 2012).

Internal Floor Space

Hillingdon Design and Accessibility Statement (HDAS) 'Residential Layouts' requires all new residential units to be built to lifetime home standards. Furthermore all units must comply with the minimum floor space standards as set out in the London Plan (July 2011).

For studio flats the London Plan requires at least 37sq. m. However, it does state smaller areas can be acceptable where there is exceptional design.

The proposed studio flat would have a floor area of only 25sq metres, which would not meet the requirements. The floor area is therefore significantly below an acceptable level and does not meet the standards of the London Plan and is contrary to Policy 3.5 of the London Plan (July 2011).

Outlook

In terms of outlook for future residents, Policy BE21 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012) seeks to ensure that new development would not have a significant loss of residential amenity, by reason of the siting, bulk and proximity of new buildings.

In this regard, it is considered that the proposed site layout would not afford the future occupiers with a sufficient level of outlook from the rear window is only 2.6m from a 2m high fence. However, as the dwelling is a studio with one room, sufficient light and outlook would be provided from the window to the front.

As such the proposed scheme complies with policy BE21 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012) and HDAS; Residential Layouts.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Highway Officer has objected to the proposal as detailed above due to insufficient car parking associated with the existing and proposed dwelling. It is considered that the proposals will have a detrimental impact along the adjacent highway by increasing the existing on street parking demand. It is acknowledged that informal parking takes place on the front lawn, however, this results in harm to the character and appearance of the area and does not retain 25% of the front garden as soft landscaping, as required by HDAS: Residential Extensions.

If the proposal was otherwise acceptable it is considered that appropriate cycle parking could be provided in the rear courtyard area.

Therefore, it is considered that the development would be contrary to Policy AM14 of the adopted Hillingdon Local Plan, 2012, Part 2 and an objection is raised in relation to the proposals.

7.11 Urban design, access and security

The urban design issues related to the current proposal are addressed above.

7.12 Disabled access

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 studio fails to provide an entrance level wheelchair accessible WC and is contrary to the Lifetime Homes Standards and Policy 3.8 of the London Plan (November 2012).

7.13 Provision of affordable & special needs housing

Not Applicable to this application.

7.14 Trees, Landscaping and Ecology

The application is for the conversion of the garage to habitable use. The trees and landscaping officer has raised an objection to any future parking on the front lawn, due to harm to trees and the reduction in landscaping at the site. However, this parking is not proposed in the current application and would not form a reason for refusal.

7.15 Sustainable waste management

The applicant has failed to show the location of a bin store for use for the studio flat. However, this could be provided in the rear courtyard and conditioned in the event of an approval.

7.16 Renewable energy / Sustainability

The application is for the conversion of the existing dwelling into two units and not requirement toward renewable energy or sustainability would be required in the absence of any built development.

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

The matters raised are addressed in the Officer's report. However, the issue of covenants is not a material planning consideration.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

As the development has been carried out if the application is refused the matter of

enforcement will need to be further considered by committee following a Part 2 report.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the

circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposed development, due to the design of the conversion would be out of character with the subject property and also the wider character of the area, which is part of the Raisins Hill, Eastcote Area of Special Local Character. The proposed studio would, due to its floor area and size of amenity space, provide substandard form of accommodation. No evidence has been provided to confirm that the proposed studio would meet Lifetime Homes standards. Finally, the proposed development would fail to provide sufficient off street parking for the two properties.

The development has been carried out and therefore the current application is retrospective.

The proposed development is contrary to policies in the Hillingdon Local Plan Part 1 and Part 2 and also London Plan policies. As such the application is recommended for refusal.



11. Reference Documents

National Planning Policy Framework.
London Plan (July 2011).
Hillingdon Local Plan Part 1 2012.
Hillingdon Local Plan Part 2 Saved Policies (November 2012).
HDAS : Residential Layouts

Contact Officer: Mark Jones

Telephone No: 01895 250230



<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). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">92 Catlins Lane Pinner</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">53741/APP/2014/1685</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;">August 2014</p>	
		 HILLINGDON <small>LONDON</small>	