

## Report of the Head of Planning, Sport and Green Spaces

**Address** 51 HILLIARD ROAD NORTHWOOD

**Development:** Change of use from a 3-bed end of terrace dwelling to 1 x 1-bed and 1 x 2 bed self contained flats with associated parking and amenity space

**LBH Ref Nos:** 70450/APP/2015/4598

**Drawing Nos:** Design and Access Statement  
Transport Assessment  
Location Plan  
15/2880/40  
15/2880/43  
15/2880/41 Rev B  
15/2880/42 Rev B

**Date Plans Received:** 16/12/2015 **Date(s) of Amendment(s):**

**Date Application Valid:** 16/12/2015

### 1. SUMMARY

The property is located within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). This proposal considers the subdivision of the two storey semi-detached property into 2 separate residential units with associated parking and amenity space.

There are no external alterations to the dwellings proposed but would utilise approved certificate of lawfulness and prior approval developments comprising a single storey rear extension and loft conversion to provide the floorspace for 2 flats. All extensions have been implemented and completed on site.

It is considered that the development fails to provide satisfactory indoor living space and amenities for future occupiers. Furthermore it has failed to demonstrate it can provide usable parking provision for both properties, which would therefore result in the increased demand for on street parking.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposal would result in the provision of a habitable room with a window looking across a shared access onto the flank wall of the adjacent dwelling, resulting in a habitable room with a lack of outlook and poor levels of natural light/sunlight, resulting in an oppressive environment, which also fails to protect the privacy of the occupier to the detriment of the residential amenity of future occupiers. The proposal is thus contrary to Policies BE20 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies, Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 2 NON2 Non Standard reason for refusal

The proposal fails to demonstrate that it can achieve adequate provision for off street

parking through the clearing and maintenance of the vehicular access route 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 Unitary Development Plan Saved Policies (November 2012).

## **INFORMATIVES**

### **1 159 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), the London Plan Policies (2015). 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.

### **2**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The site relates to a two storey end of terrace dwelling located on the western side of Hilliard Road. It has a single storey bay window to the front and a two storey rear projection. It has recently been extended with a loft conversion, with a change from hip to gable and a rear dormer window and two separate single storey rear extensions. There is a small front garden and an elongated rear garden with a shared 2.8m wide access to the rear running between the application site and no.49.

Hilliard Road is residential in character and appearance comprises a mixture of terraced and semi-detached period properties.

The site is located within the Old Northwood Area of Special Local Character and the developed area as identified in the Hillingdon Local Plan Part Two -UDP Saved Policies (November 2012).

### **3.2 Proposed Scheme**

Planning permission is sought for a change of use from a single dwelling into 2 flats. There are no external alterations to the dwelling proposed but the development would utilise the approved and implemented certificate of lawfulness developments comprising two single storey rear extensions and a loft conversion to provide the floorspace for the development, 2 no. 1 bed flats. However it is noted that in flat B there is a study room of a similar scale to the proposed bedroom in flat A and was a bedroom in the original dwelling. The proposal is therefore assessed on the basis of the provision of 1 x 1 bed and 1 x 2 bed flats

Flat A (ground floor flat) would have a floor area of 57sqm and flat B (first floor and loft space), 72sqm. The rear garden would be divided resulting in 35sqm for flat A and 38.8sqm of garden space for flat B.

### 3.3 Relevant Planning History

70450/APP/2014/4140 51 Hilliard Road Northwood

Erection of a single storey rear extension, which would extend beyond the rear wall of the origin house by 4 metres, for which the maximum height would be 3.2 metres, and for which the height of the eaves would be 2.7 metres

**Decision:** 31-12-2014 Approved

70450/APP/2014/4141 51 Hilliard Road Northwood

Conversion of roof space to habitable use to include a rear dormer, 2 front rooflights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for Proposed Development)

**Decision:** 16-01-2015 Approved

70450/APP/2015/3266 51 Hilliard Road Northwood

Conversion of two storey dwelling into 2 self contained flats

**Decision:** 13-11-2015 Withdrawn

70450/APP/2015/565 51 Hilliard Road Northwood

Single storey rear extension and conversion of roof space to habitable use to include a rear dormer, 2 front rooflights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 13-04-2015 Approved

#### Comment on Relevant Planning History

70450/APP/2015/3266 - Conversion of two storey dwelling into 2 self contained flats (withdrawn)

70450/APP/2015/565 CLD - Single storey Rear Extension and conversion of roof space to habitable use including a rear dormer (approved)

70450/APP/2014/4141 CLD - Conversion of roof space to habitable use to include a rear dormer, 2 front rooflights and conversion of roof from hip to gable end (approved)

70076/APP/2014/2765 PAH - Single storey rear extension (approved)

### 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

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.
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.
H4	Mix of housing units
H7	Conversion of residential properties into a number of units
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 5.3	(2015) Sustainable design and construction
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

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **20th January 2016**

## 6. Consultations

### External Consultees

9 neighbours were consulted for a period of 21 days expiring on the 11 January 2016. A site notice was also erected to the front of the property expiring on the 20 January 2016. Six responses were received raising the following issues:

- Set a precedent which is out of keeping with the character of the area, which is family accommodation
- Parking in the area is always a problem, the proposal could lead to increased demand for on street parking
- The proposed parking provision to the rear is impractical as the access between the buildings is

too narrow. The existing properties who have garages to the rear do not use them for this reason

- The area at the bottom of the garden is very small and turning is impossible without going onto neighbouring land
- Potential damage to the adjacent property from cars using the narrow driveway
- Unsightly wheelie bins in the front garden
- Impact of access to the rear by building two garages. It will be difficult to manoeuvre in and out and cars could be left blocking access to the rear
- Concerned the height of the rear patio would compromise our privacy
- The conversion of garden to parking should be discouraged. Too many areas of hard standing are being created in front gardens, so should retain the rear gardens
- The patio area has been raised significantly, which means people using the patio will be able to look into the garden and house of no.49

A petition against the proposal with 31 signatures was also submitted.

Officer response: The proposal is for two parking spaces to the rear, not garages.

Northwood Hills Residents Association - The description is misleading there will be 1 x 1 bed flat and 1 x 2 bed flat. In principle the change from a family home to a flatted development changes the character of the area. Wheelie bins are shown in the front garden; this is not a characteristic or common practise in Hillingdon. The layout of the dwellings will not be conducive to good living conditions for the inhabitants of the ground floor flat, with the kitchen of flat B above the bedroom of flat A. An unacceptable arrangement considering the amount of noise and vibration machines in a kitchen can cause.

Northwood Residents Association - No response

#### **Internal Consultees**

Access Officer - No comments

EPU - No response to this application but commented on the previous proposal that due to poor stacking would recommend improved sound insulation between floors to protect residents from noise

Conservation and Urban Design - No Comments

Sustainability Officer - No comments

Highways - The revised layout is an improvement and given the consent granted for development at 81-93 Hilliard Road, it would be difficult to sustain a highway objection. The following requirements should be secured via a condition/S106

- The new footpath should be 'made up' and maintained in a serviceable condition.
- The Area required for vehicles to manoeuvre in / out of the car parking spaces must be cleared and maintained in a serviceable condition. The applicant should confirm (evidence) that they have rights of access over the vehicular turning space

Officer response: Informed the agent in an email on the 2 February that with regard to the highways issues (assuming all other aspects were acceptable) we may be able to apply a grampian condition regarding the required works not within the applicants control, subject to written evidence/confirmation that this would be achievable. At the time of writing the report, no response had been received.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The site lies within an established residential area where there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable, in accordance with Policy H7 of the Hillingdon Local Plan (November 2012).

The Council's planning records show that a few former employment and workshops located to the rear of the existing dwellings have been redeveloped to form additional housing. These represent significantly less than 10% of the properties along Hilliard Road. Therefore, after the conversion less than 10% of the original dwellings in this street would have been converted, ensuring the development is in accordance with the HDAS: Residential Layouts, in this respect.

#### **7.02 Density of the proposed development**

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

With specific reference to the site location within an Area of Special Local Character, Policy BE5 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that new development should harmonise with the materials, design features, architectural style and building heights predominant in such areas.

There are no physical alterations proposed to the building as a result of this application. The physical alterations have already been carried out under permitted development rights.

#### **7.04 Airport safeguarding**

No objections are raised to the scheme in terms of airport safeguarding.

#### **7.05 Impact on the green belt**

Not applicable, the site is not located within the green belt.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) 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.

There are no external alterations to the property as a result of this proposal. The alterations already carried out comprise of recently approved developments under prior approval and permitted development to the rear of the property at ground floor and in the loft. It is considered, in visual terms, that this proposal would not result in any harm to the visual amenity of the area and that it would be in accordance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development that becomes detrimental to the amenity of the adjoining occupiers or area will not be approved.

The proposed development would not involve any extensions that have not already been approved via the permitted development or the neighbour notification scheme and it is noted that these would not breach the 45-degree line from any neighbouring occupiers. There are no new windows in any elevation and the windows proposed to serve the habitable rooms already serve habitable rooms and would result in no significant overlooking of any neighbouring properties. Concern has been raised regarding the potential overlooking from the patio, however the installation of the patio in the context of the existing dwelling would be permitted development. It is noted the fences between the properties are relatively low, with clear visibility over the fence to the neighbouring garden and house. The situation would not be dissimilar to the relationship with the existing 3-bedroom dwelling and the residential occupiers, and it is therefore considered to be a reason for refusal that would not be upheld on this scheme.

The proposed development would not cause any undue visual intrusion, loss of daylight, loss of sunlight or overlooking by virtue of the siting and massing of the proposed. Therefore, it is considered that the proposed development would not be an un-neighbourly form of development in compliance with Policies BE20, BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies 2012).

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

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London intends to adopt the new national technical standards through a minor alteration to The London Plan. This alteration is in the form of the Housing Standards Policy Transition Statement and it sets out how the existing policies relating to Housing Standards in The London Plan should be applied from October 2015. Appendix 1 of the Transition Statement sets out how the standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standards.

The London Plan Transition Statement sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The statement requires a 1 bedroom (floor area 9.8sqm, 1 person) dwelling to have a minimum internal floor area of 50sqm plus 1sqm of built in storage and a 2 bedroom (floor areas of 8.9sqm and 15sqm, 2 person) dwelling set over two storeys to have a minimum floor area of 70sqm plus 2sqm of built in storage. The proposed flats would have internal floor areas of approximately 57m<sup>2</sup> (flat A) and 72m<sup>2</sup> (flat B).

Therefore in terms of floor space the proposal is considered to result in an acceptable standard of living environment for future occupants of the dwellings in accordance with Policy 3.5 of the London Plan 2015.

However it is noted that the proposed bedroom window of flat A looks directly onto the shared alleyway to the side of the property. This side window serves a non habitable room in the current layout and had been conditioned to be obscure glazed and fixed shut below 1.8m. It is now proposed it will be clear glazed. The window faces the flank wall of the adjacent property just 2.3m away and as a result there would be a constrained and substandard outlook. It is also situated such that anyone using the shared alleyway will have a direct view into the bedroom of this property. Policy BE20 requires that buildings be laid out so that adequate daylight and sunlight can penetrate and policy BE24 advises the design of new buildings should protect the privacy of the occupiers. Therefore the proposal is considered to be substandard for use by future occupiers and provides inadequate visual

outlook or protection of privacy and is consequently unacceptable.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of 1.5 off-street parking spaces for each dwelling.

The submitted plans show the provision of 2 off street car parking spaces to the rear of the dwelling, which are accessed using the side alleyway. The alleyway measures just 2.3m in width running between the properties. Access into the alley from the road is extremely tight and manoeuvring room to the rear is restricted. Two vehicles could not pass and reversing would be very restricted. It is noted that the alleyway is very overgrown and not used; and despite the on-street parking problems, the other properties that have access to the rear of their houses and have either garages or parking spaces there are not using them.

However the Highways Officer has advised that, notwithstanding the above, given that an approval for 2 dwelling to the rear of 81-93 Hilliard Road (64786/APP/2013/1434) was granted with access identical to this proposed, it would be difficult to sustain a highway objection on the access between the buildings alone. Revised plans have also been submitted which provide a 0.9m wide pedestrian footpath, with lighting bollards along the side of the rear garden. Therefore subject to a condition to ensure the area required for vehicles to manoeuvre in and out of the car parking spaces is kept clear and maintained in a serviceable condition they have no objections. The applicant has been asked to confirm (evidence) that they have rights of access over the vehicular turning space and would be able to comply with such a condition on land not within their ownership. No information has been provided at the time of writing the report. Therefore, it is considered that the proposal has failed to demonstrate that they could provide and maintain adequate parking and turning provision therefore the development would be contrary to Policies AM14 of the adopted Hillingdon Local Plan, 2012, Part 2.

If the proposal is otherwise acceptable it is considered that appropriate cycle parking can be provided.

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

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 which they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area. A minimum of 20m<sup>2</sup> for a 1 bed flat and 25m<sup>2</sup> for a 2 bed flat would be required. The submitted plans show that the flats would have separate private gardens, divided by a close boarded fence at 1.8m, with areas of approximately 35m<sup>2</sup> and 38.8m<sup>2</sup> respectively. This is in accordance with Policy BE23 of the Local Plan and HDAS guidance.

#### **7.12 Disabled access**

The Access Officer has not raised any concerns with relation to this application

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

Not relevant to this application.

#### **7.14 Trees, Landscaping and Ecology**



Not relevant to this application.

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

A bin storage area is identified in the front garden of the property. It is noted that concern has been raised that the use and storage of wheelie bins is not common practise within Hillingdon, however this could be done by the occupiers of the existing dwelling. It is therefore considered this would be acceptable.

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

Not relevant to this application.

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

Not relevant to this application.

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

Concern has been raised that the provision of a kitchen with associated machinery directly above the bedroom of the ground floor flat would have a detrimental impact on the amenity of the occupiers of that flat. No details have been submitted to demonstrate that adequate sound insulation could be provided, however these details could be conditioned if all other aspects of the development were considered acceptable.

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

Most of the objections received to the scheme have been addressed within the body of the report.

Concern has been raised that the proposal will set a precedent for other similar developments. It has also been suggested that the flatted development would be out of keeping with the character of the area, which is predominantly family accommodation. Each application is assessed on its own merit with regard to Local Plan Policies. These include policies which look at providing a suitable housing mix and optimising housing provision, however there is also guidance which seeks to prevent an unacceptable level of housing conversion. All of these issues would need to be considered on a case by case basis.

#### **7.20 Planning Obligations**

Given that there would not result in an increase in the footprint of the building, there would not be a requirement for a CiL payment.

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

Not relevant to this application.

#### **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**

N/A

#### **10. CONCLUSION**

The proposed subdivision of the two storey dwelling to provided 1 x 1 bed and 1 x 2 bed flats fails to provide satisfactory indoor living space and amenities for future occupiers; and sufficient parking provision, which will result in the increased demand for on street parking.

As such, the proposal is considered contrary to policies in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the SPD HDAS: Residential Layouts: and The

London Plan (2015)

**11. Reference Documents**

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2.

The London Plan (2015).

Supplementary Planning Document 'Accessible Hillingdon'.

National Planning Policy Framework.

**Contact Officer:** Liz Arnold

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**Notes:**

 Site boundary

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Site Address:

**51 Hilliard Road  
Northwood**

**LONDON BOROUGH  
OF HILLINGDON**  
Residents Services  
Planning Section

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

Planning Application Ref:

**70450/APP/2015/4598**

Scale:

**1:1,000**

Planning Committee:

**North**

Date:

**March 2016**



**HILLINGDON**  
LONDON