

Report of the Head of Planning, Sport and Green Spaces

Address 49 CENTRAL AVENUE HAYES

Development: Change of use from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis)

LBH Ref Nos: 38444/APP/2016/744

Drawing Nos: Design and Access Statement
49CA-HMO-1 Rev 1.0
HMO Management Supervision Plan
49CA-HMO-3 Rev 1.0
49CA-HMO-2 Rev 1.0

Date Plans Received: 23/02/2016 **Date(s) of Amendment(s):**

Date Application Valid: 26/02/2016

1. SUMMARY

The application seeks planning permission for a change of use from from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis). The proposal is not considered to detract from the character and appearance of the Central Avenue Area of Special Local Character (ASLC) and, subject to the imposition of conditions to secure compliance with the submitted Management Plan, would not result in an unacceptable loss of residential amenity to occupants of neighbouring dwellings. The proposal does not raise any highway safety concerns and it therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan and document, number 49CA-HMO-3 Rev 1.0 and HMO Management Supervision Plan received 22.2.16

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

3 NONSC Non Standard Condition

The development shall not be occupied until the proposed cycle parking as shown on the proposed site plan, Drawing No. 49CA-HMO-3 Rev 1.0 has been provided. Thereafter, the proposed cycle parking provision shall be maintained and retained at all times for the

occupants of the site.

REASON

To ensure that an appropriate level of secure cycle storage provision is provided on site in accordance with Policy AM9 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan . (July 2011).

4 NONSC Non Standard Condition

The development hereby permitted shall not be occupied until the physical works and management arrangements are completed/in place in accordance with the specified supporting plans and/or documents:

- (i) HMO Management Procedure (HMO Management Supervision Plan received 22.2.16)
- (ii) Parking Arrangements (as set out within plan no: 49CA-HMO-3 Rev 1.0)

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that the development complies with the objectives of Policies AM14, OE1 and BE38 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012) and Policy 3.5 of the London Plan (2015).

5 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Landscape Maintenance

- 2.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 2.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT 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 (2015) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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.
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
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.
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

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 (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.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage

occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

6 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Central Avenue and is occupied by a two

storey end of terrace dwelling with a two storey side and single storey rear extension and rear dormer extension. The site is situated within the Developed Area and Central Avenue Area of Special Local Character (ASLC) as identified in the policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for a change of use from from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis). The submitted plans propose the following:

- 1 communal kitchen,
- 1 communal living/dining room,
- 2 shared shower-rooms with WC,
- 1 shared bathroom,
- 1 shared WC facility,
- 2 en-suite bedrooms
- 1 sheltered cycles storage (7 bicycles)
- soft landscaped front and rear garden
- front driveway for 4 cars
- 2 refuse storage bins

The size of the bedrooms proposed are as follows:

Bedroom 1 - 12.8m²
Bedroom 2 - 12.4m²
Bedroom 3 - 9.5m²
Bedroom 4 - 9.5m²
Bedroom 5 - 8.7m²
Bedroom 6 - 15.0m²
Bedroom 7 - 10.0m²

3.3 Relevant Planning History

38444/APP/2014/2222 49 Central Avenue Hayes

Erection of a single storey rear extension, which would extend beyond the rear wall of the origin house by 6 metres, for which the maximum height would be 3.6 metres, and for which the height of the eaves would be 3 metres

Decision: 04-08-2014 PRN

38444/APP/2015/1554 49 Central Avenue Hayes

Conversion of garage to habitable room involving alterations to rear elevation and replacement window to front (Part Retrospective)

Decision: 30-06-2015 Approved

38444/APP/2015/166 49 Central Avenue Hayes

Conversion of roofspace 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: 11-03-2015 Approved

38444/APP/2015/187 49 Central Avenue Hayes

Conversion of garage into habitable room with replacement window (Application for a Certificate Lawful Development for an Existing Development)

Decision: 21-04-2015 Refused

Comment on Relevant Planning History

The following planning history is considered to be of relevance to this application:

38444/APP/2015/1554 - Conversion of garage to habitable room involving alterations to rear elevation and replacement window to front (Part Retrospective) APPROVED

38444/APP/2015/187 - Conversion of garage into habitable room with replacement window (Application for a Certificate of Lawful Development for an Existing Development) was refused for the following reason:

The development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, Section 191 as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of four years, prior to the date of this application and the development does not constitute permitted development by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as condition 3 of 38444/APP/86/0678 for the original development of the garage stated that the garage cannot be used other than for the parking of private motor vehicles.

38444/APP/2015/166 - Conversion of roofspace 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). APPROVED

38444/APP/2014/2222 - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 3.6 metres, and for which the height of the eaves would be 3 metres. 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:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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.
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
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.
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:- Not applicable

6. Consultations

External Consultees

The Townfield Tenants Residents Association and 7 neighbouring properties were consulted by letter dated 3.3.16 and a site notice was displayed to the front of the site which expired on 4.4.16

1 letter of objection has been received from the Hayes Village Conservation Area Panel raising concerns about the extensions to this property which were carried out on the assumption that the property was a single private dwellinghouse. The property should be retained as a larger single private dwelling which are in demand in this area. HMO's detract from the character of the area, often leading to parking problems.

The application has been called to committee for consideration by the Ward Councillor.

Internal Consultees

HMO Housing Officer: No objection

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 2.8 of the SPG HMO 2004 advises that policies H2 and H3 seek to safeguard

existing housing in the borough. In this respect, it should be noted that the Council does not consider the change of use of a HMO to sui generis to represent a loss of residential accommodation and as such the proposal would not be in conflict with the above mentioned policies. Hence the principle of the change of use from an existing House in Multiple Occupancy (C4) to a larger House in Multiple Occupancy (sui generis) is considered acceptable, subject to the proposal meeting all other guidelines.

Paragraph 3.5 of the SPG states that terraced properties with minimum gross floor area (GFA) of 120m² can be considered for conversion. The proposal property is an end terrace and has a total GFA of 165m². Hence this property would be considered suitable for the conversion. The principle of the development is therefore considered acceptable.

7.02 Density of the proposed development

Not applicable to this application.

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

The application site lies within the Central Avenue Area of Special Local Character (ASLC). Policy BE5 resists development which would adversely affect Areas of Special Local Character. The proposal would not result in any external alterations to the property itself. The submitted plans propose the introduction of soft landscaping to the frontage which would be of visual benefit to the ASLC.

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 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. Policy BE5 seeks to resist development which would adversely affect the character of Areas of Special Local Character.

The proposal does not involve any external alterations to the building. The submitted plans show the introduction of a soft landscaped area to the frontage which would be an improvement to the character and appearance of the street scene. As a result it is considered that the proposal would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE5, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

In assessing applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the residential amenity of the area, including whether the dwelling is large enough and that any increase in the number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably be expected to enjoy. Under Policy OE1, uses which are likely to become detrimental to the amenities of the surrounding properties or area generally because of noise are not permitted and uses which have the potential to cause noise nuisance will need to be mitigated (Policy OE3).

Policy OE1 states permission will not normally be granted for uses and structures which

are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally due to their siting or appearance, the storage or display of items, traffic generation and congestion, and noise and vibration emissions.

Although properties used by single families are equally capable of becoming run down, many landlords do not live on-site and so physical problems with converted properties can go undetected for some time without proper management supervision. The transient nature of many converted properties, because of the relatively short duration of tenancies, also increases the need for the effective management and maintenance of properties. Regardless of the interior condition of a property, outwardly visible signs of poor management and maintenance (such as unkempt gardens) tend to have a detrimental effect on the overall street scene and level of residential amenity.

Effective management control, whether it be carried out by housing associations, managing agents or applicants themselves, is crucial to maintaining a satisfactory environment for tenants and for achieving a good tenant/neighbour relationship. The applicant has submitted a Management Plan with this application which the Council's Housing Servicing Manager has advised is acceptable. It is recommended that this management plan be conditioned accordingly to ensure that occupants of nearby dwellings do not suffer an unacceptable loss of amenity in accordance with Policies OE1 and OE3 of the Local Plan.

7.09 Living conditions for future occupiers

The guidance contained within the Council's SPG on Houses in Multiple Occupation advises that the occupancy levels for semi-detached houses should be a maximum of 10 and will be required to provide a ground floor habitable room over 10m², other than a kitchen for communal living purposes. The proposal complies with this advice with the provision of a kitchen diner measuring 22.5 square metres and a separate communal living room measuring 15 square metres. All bedrooms are considered to be of an acceptable size with an acceptable layout and the future occupants of the property would enjoy a satisfactory level of residential amenity in accordance with the requirements of the Supplementary Planning Guidance Houses in Multiple Occupation and other non-self contained housing (2004).

The Council's SPG on HMOs require the provision of 15 square metres of external amenity space for each habitable room (excluding those used for communal living purposes). Therefore, the proposed development would be required to provide 105 square metres of external amenity space. A total of 189 square metres of external amenity space is provided and this would therefore comply with Policy BE23 of the Hillingdon Local Plan (November 2012).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Local Plan considers the traffic generated by proposals but states that permission will not be granted where the free flow of traffic or conditions of general highway or pedestrian safety are likely to be prejudiced. Policy 4.7 within the SPG 'Houses in Multiple Occupation' offers the following advice in terms of parking for HMOs:

'The Council will require the provision of up to 1 off-street parking space for every 2 habitable rooms, excluding those used for communal living purposes. The submitted plan shows the provision of 4 parking spaces within the frontage which would meet this requirement. The submitted plans also confirm the provision of 7 secure cycle spaces which will be conditioned accordingly. The proposal is therefore considered acceptable in accordance with Policy AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No issues raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

The proposal includes the provision of two 240L wheelie bins with permanent enclosure, located to the rear of the property.

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

The issues are addressed in the sections above.

7.19 Comments on Public Consultations

An objection has been raised from the Hayes Village Conservation Panel raising concerns that the property is being used as an HMO with a licence for operating as such. The application property can be used as a small HMO (C4) with a maximum occupancy of 6 residents as permitted development. The current application seeks permission for a change of use of this property from a C4 use to a sui generis use to increase the number of occupants and thus does not result in a change in the nature of the use.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

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

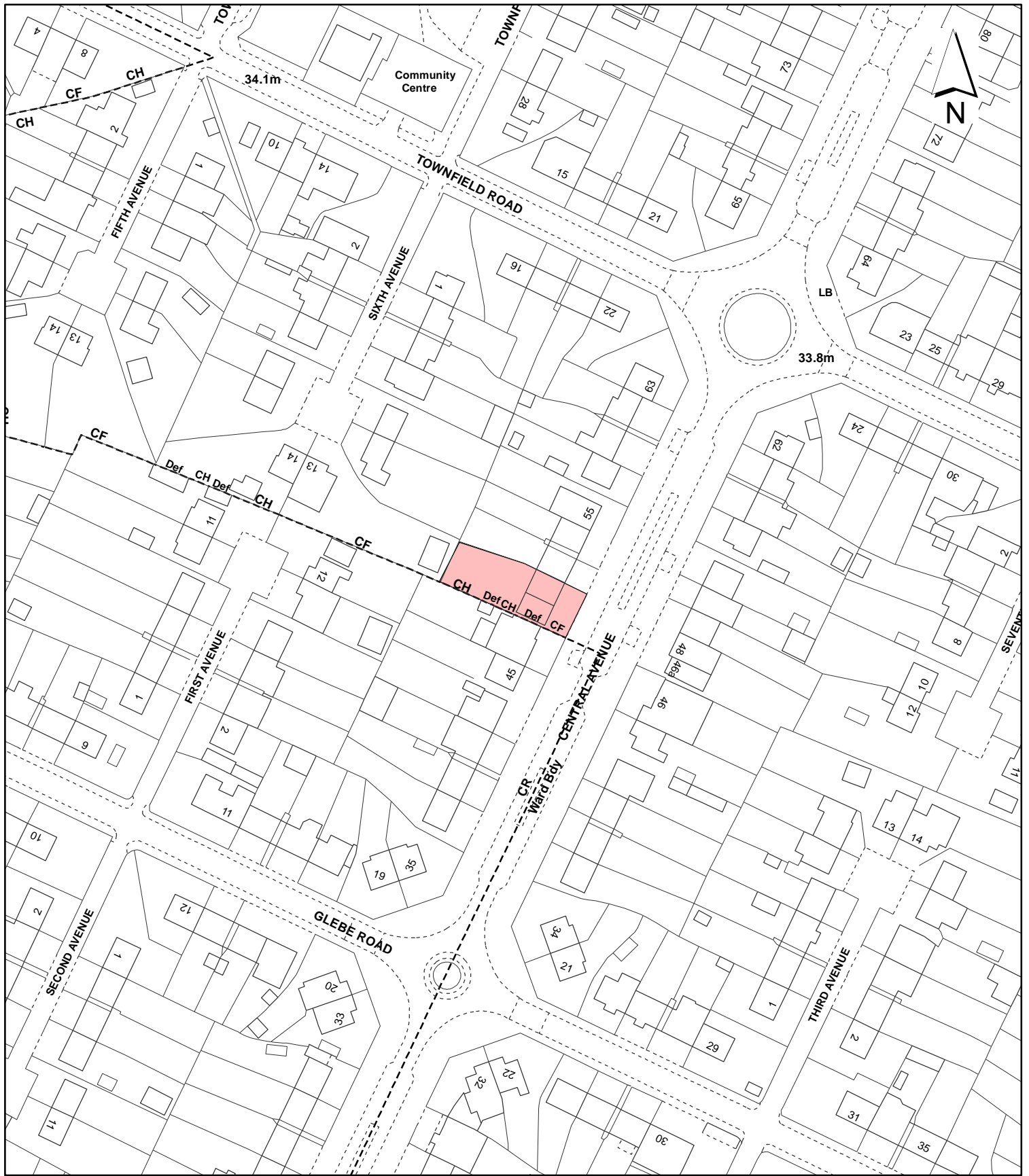
The application seeks planning permission for a change of use from from a 6 person house in multiple occupation (Use Class C4) to a 10 person house in multiple occupation (Sui Generis). The proposal is not considered to detract from the character and appearance of the Central Avenue Area of Special Local Character (ASLC) and, subject to the imposition of conditions to secure compliance with the submitted Management Plan, would not result in an unacceptable loss of residential amenity to occupants of neighbouring dwellings. The proposal does not raise any highway safety concerns and it therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan (November 2012)
The London Plan (March 2015)
Housing Standards Minor Alterations to The London Plan (March 2016)
Parking Standards Minor Alterations to The London Plan (March 2016)
National Planning Policy Framework
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)
Supplementary Planning Guidance Houses in Multiple Occupation and other non-self
contained housing (2004)

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

49 Central Avenue

Planning Application Ref:

38444/APP/2016/744

Planning Committee:

Central & South

Scale:

1:1,250

Date:

May 2016

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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



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