

Report of the Head of Planning, Sport and Green Spaces

Address 53 PETWORTH GARDENS HILLINGDON

Development: Conversion of single dwellinghouse into 2 x 2-bed self contained flats with associated parking and amenity space involving alterations to elevations (Retrospective)

LBH Ref Nos: 71076/APP/2016/860

Drawing Nos: PL-000
PL-001
PL-002
PL-003
PL-004
PL-005
PL-006
PL-007
PL-008
PL-009
PL-010
PL-011

Date Plans Received: 29/02/2016

Date(s) of Amendment(s):

Date Application Valid: 21/03/2016

1. **SUMMARY**

The application seeks part retrospective planning permission for the conversion of single dwellinghouse into 2 x 2-bed self contained flats with associated parking and amenity space involving alterations to elevations. The proposal utilises the extension (previously approved under reference 71076/APP/2015/2738) and a loft conversion to include a large rear dormer window with rooflights inserted in the front roofslope which has been built recently as permitted development.

Whilst the proposal would provide an acceptable level of residential amenity to the future occupants of the flats, the proposal would fail to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards and to demonstrate that the proposed development would not give rise to vehicular and pedestrian conflict. Furthermore the large area of hardstanding on this frontage would not allow sufficient space to mitigate this impact by way of soft landscaping.

As such the application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal fails to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards and fails to demonstrate that the proposed development would not give rise to vehicular and pedestrian conflict. As such, the proposal would result in additional on-street parking where such parking is at a premium

to the detriment of highway and pedestrian safety, contrary to Policies H7, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposal would result in a large area of hardstanding on the frontage, and would not allow sufficient space to mitigate this impact by way of soft landscaping. The proposal would therefore be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE13, BE15 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the 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) 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.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H7	Conversion of residential properties into a number of units
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
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 7.2	(2015) An inclusive environment
NPPF	National Planning Policy Framework

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 (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

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. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

This application relates to a site on the southeastern side of Petworth Gardens, close to its intersection with Cowdray Road.

The site comprises of a two storey semi-detached dwelling with a gable end roof, a single storey rear extension and a large rear dormer extension. The hardsurfaced front garden forms a car parking area. There is a brick wall (with doors) across the frontage of the shared boundary with the adjacent dwelling to the south, No. 55 Petworth Gardens. The brick wall screens off a bricked outhouse that straddles the boundary from the street scene. There is a detached garage in the rear garden.

The attached dwelling, No. 51 Petworth Gardens, has front and rear building lines that project forward of, and beyond those of the application dwelling. The dwelling at No.51 has a single storey rear conservatory extension.

The site lies within the 'Developed Area' as identified within the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

The application seeks part retrospective planning permission for the conversion of single dwellinghouse into 2 x 2-bed self contained flats with associated parking and amenity space involving alterations to elevations.

The proposal utilises the extension (previously approved under reference

71076/APP/2015/2738) and a loft conversion to include a large rear dormer window with rooflights inserted in the front roofslope which has been built recently as permitted development. The proposal includes a two bedroom (3 person) ground floor flat with internal floor area of 67 square metres and a first and second floor 2 bedroom (4 person) flat of 77 square metres. The rear garden is proposed to be subdivided into two private rear garden areas each measuring 46 square metres. The existing prefabricated garage is proposed to be removed with the provision of secure cycle storage within each rear garden. Three parking spaces are proposed, two of which have a tandem layout. The submitted plans show the use of the existing crossover.

3.3 Relevant Planning History

71076/APP/2015/2738 53 Petworth Gardens Hillingdon
Single storey rear extension

Decision: 21-09-2015 Approved

Comment on Relevant Planning History

71076/APP/2015/2738 - 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.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- H4 Mix of housing units
- H7 Conversion of residential properties into a number of units
- HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
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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 Oak Farm Residents Association and 6 neighbouring properties were consulted by letter dated 23.3.16 and a site notice was displayed to the front of the site which expired on 26.4.16.

1 letter of objection has been received raising concerns about the loss of amenity space resulting from the previous extension and increased demand for on street parking in the locality which suffers from parking stress.

Oak Farm Residents Association: Concerns are raised in respect of the loss of family housing, the potential for the flats to be let out and the increased demand for parking.

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

Internal Consultees

Landscape Officer:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The front garden should be softened to provide approximately 25% planted/soft landscape in compliance with LB Hillingdon's design guidance. No objection, subject to landscape conditions.

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).

7.02 Density of the proposed development

The proposal is for the conversion of an existing property into two units. In such a situation considerations such as impact on the character of the area, internal floor areas and external amenity space are more relevant than density in the consideration of the case.

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

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.

The proposal would not result in any alterations to the external appearance to the host building. The visual impact of the hardstanding associated with the proposed parking layout is addressed in the Landscaping section below.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) that uses that become detrimental to the amenity of the adjoining occupiers or area will not be approved. Policy BE24 states that the proposals should protect the privacy of the occupiers and their neighbours.

The proposal would not result in any alterations to the external appearance of the building and as such the proposal is not considered to cause undue harm to occupants of neighbouring properties from increased overlooking, although there is the potential for an increased intensity of use of the property and the amenity space. However, it is considered that the subdivision of the property, without any further extensions being proposed, would not result in an unacceptable loss of amenity to nearby properties. The proposal would therefore comply with Policies OE1, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 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 has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 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 standards require a 2 bedroom (3 person) flat to have a minimum internal floor area of 61sqm with 1sqm of internal storage and a 2 bed (4 person) two storey dwelling to have a minimum internal floor area of 70sqm with an additional 2sqm of internal storage. The proposed layouts indicate flat 1 (2 bed, 4 person) has a floor area of approximately 67sqm and flat 2 (2 bed, 4 person) has a floor area of approximately 77sqm. The proposal would therefore provide a satisfactory living environment for the future occupants of properties in accordance with Policy 3.5 of the London Plan 2015.

The Council's adopted Supplementary Planning Document HDAS: Residential Layouts,

requires the provision of adequate private amenity space, which for a 2 bed flat, 40sqm would be required. Each of the proposed flats would achieve a private rear garden area of 46 square metres which is considered acceptable in accordance with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the advice contained within HDAS: Residential Layouts.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP 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 of the Local Plan (Part Two) specifies that new development will only be permitted where it is in accordance with the Council's adopted car parking standards.

The application site has Public Transport Accessibility Level (PTAL) rating of 1a, which is classified as poor and as such a minimum of 1.5 spaces would be required for each two bedroom flat, although a dispensation, reducing the requirement to 1 space per unit may be applied where on-street parking is available.

The submitted plans show the provision of 3 parking spaces, two which are arranged in tandem, served by the existing crossover and a third located to the front of the dwelling. The space to the front of the property cannot be accessed from the existing crossover and the tandem spaces cannot be accessed independently of each other. Thus in reality only one space is being provided.

Whilst it is acknowledged that the proposal includes secure cycle storage for each proposed dwelling, the property is located in an area where on street parking is at a premium (as evidenced by photographs provided) and it is therefore considered that the full parking provision should be required in this instance. As this cannot be achieved, the proposal fails to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards and to demonstrate that the proposed development would not give rise to vehicular and pedestrian conflict.

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 H7, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.11 Urban design, access and security

The issues are addressed 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

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. Furthermore the advice contained within the Council's adopted Supplementary Planning Document HDAS: Residential Layouts requires at least 25% of the frontage to be laid to soft landscaping.

Due to the proposed siting of the off street parking bays and direct pedestrian access for the proposed dwellings, it is considered this would result in a large area of hardstanding/parking on this frontage, and would not allow sufficient space to mitigate this impact by way of soft landscaping. The proposal would therefore be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE38, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

No issues raised.

7.19 Comments on Public Consultations

The comments raised under the consultation process are addressed in the sections above.

7.20 Planning obligations

The Council's Community Infrastructure Levy Charging Schedule was adopted on 1st August 2014. The additional habitable floor space created will be chargeable at £95 per square metre.

On the 1st April 2012 the Mayoral Community Structure Levy came into force. The London Borough of Hillingdon falls within Charging Zone 2, therefore, a flat rate fee of £35 per square metre would be required for each net additional square metre added to the site as part of the development.

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 part retrospective planning permission for the conversion of single dwellinghouse into 2 x 2-bed self contained flats with associated parking and amenity space involving alterations to elevations. The proposal utilises the extension (previously approved under reference 71076/APP/2015/2738) and a loft conversion to include a large rear dormer window with rooflights inserted in the front roofslope which has been built recently as permitted development.

Whilst the proposal would provide an acceptable level of residential amenity to the future

occupants of the flats, the proposal would fail to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards and to demonstrate that the proposed development would not give rise to vehicular and pedestrian conflict. Furthermore the large area of hardstanding on this frontage would not allow sufficient space to mitigate this impact by way of soft landscaping.

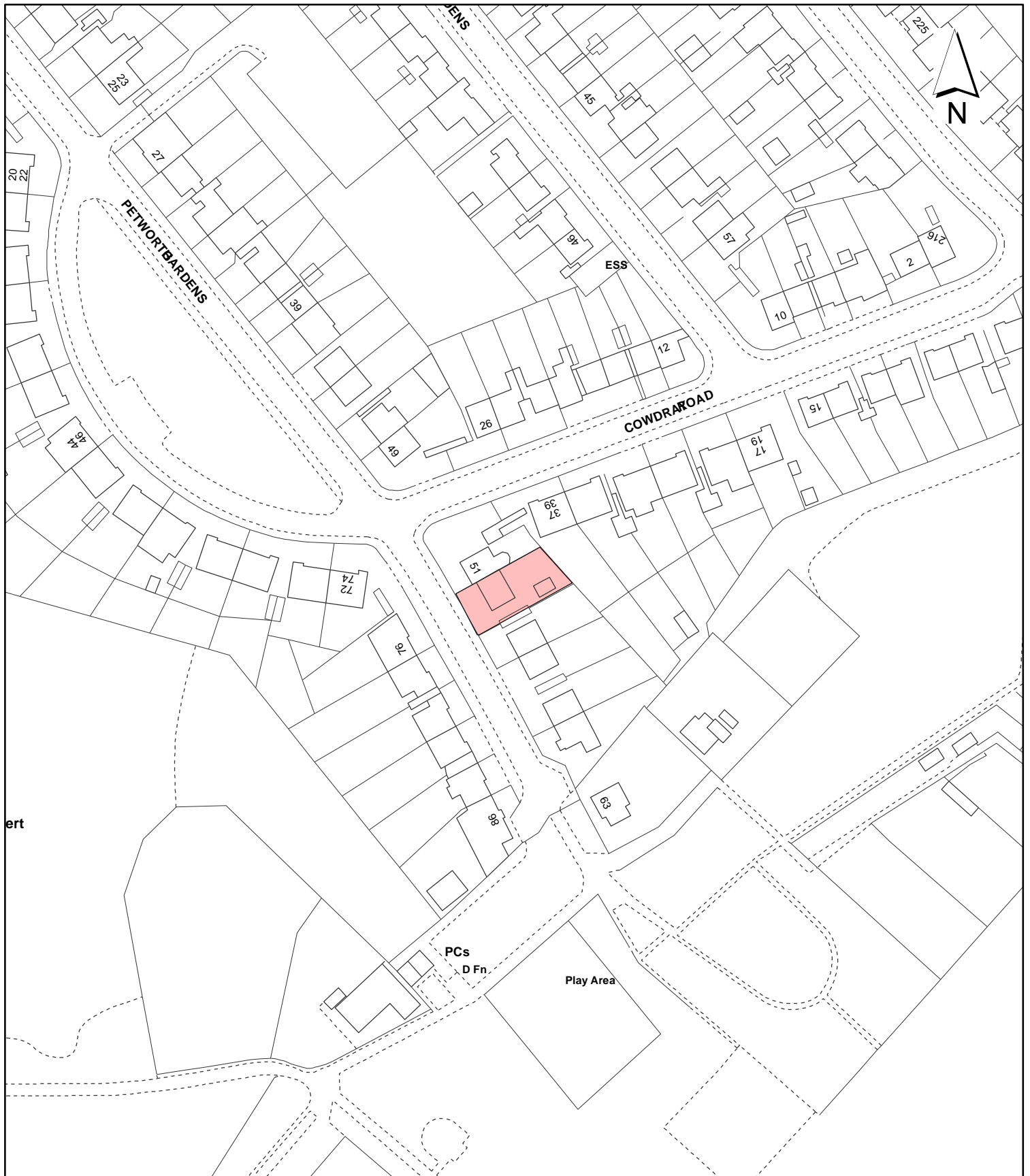
As such the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2015)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

53 Petworth Gardens

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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

Planning Application Ref:

71076/APP/2016/860

Scale:

1:1,250

Planning Committee:

Central & South

Date:

June 2016



HILLINGDON
 LONDON