

**Item No.5 Report of the Corporate Director of Planning & Community Services**

**Address** 134 SIPSON ROAD WEST DRAYTON

**Development:** Conversion of dwelling to 2x1 bed flats with elevational alterations at front and associated parking.

**LBH Ref Nos:** 64649/APP/2009/341

**Drawing Nos:** Design and Access Statement  
08/222/00  
08/222/03  
08/222/01  
08/222/02

**Date Plans Received:** 19/02/2009 **Date(s) of Amendment(s):**

**Date Application Valid:** 02/03/2009

**1. SUMMARY**

Members will recall that the original planning application for the conversion to provide two self-contained flats on the ground and first floors was refused in January 2009. This application attempts to overcome the reasons for refusal of the previous scheme by proposing 1 bedroom flats on both floors. The proposal would fail to provide some landscaping in the front garden and would still block access to the ground floor entrance when the parking spaces are occupied.

**2. RECOMMENDATION**

**REFUSAL for the following reasons:**

**1 NON2 Non Standard reason for refusal**

The proposal, by reason of the hardsurfacing of the whole of the front garden area, with no provision made for landscaping would fail to harmonise with the character and appearance of the street scene generally, contrary to policies BE13, BE19 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraph 4.36 of the Hillingdon Design & Accessibility Statement: 'Residential Layouts'.

**2 NON2 Non Standard reason for refusal**

The existing front driveway and front garden is capable of providing 4 off-street parking spaces in the front garden area would not make sufficient provision for access to the proposed flats, particularly in an emergency. As such, the proposal would be detrimental to the highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraph 4.37 of the Council's HDAS: 'Residential Layouts'.

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies,

including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
H7	Conversion of residential properties into a number of units
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 4.6 to 4.8 - Unit Size 4.9 - Sunlight/Daylight 4.12 - Privacy 4.16 - Garden Space 4.23 - Elevation Treatment 4.33 - Car Parking 4.39 - Cycle Parking
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is located on the south west side of Sipson Road and comprises a two storey semi-detached house with a recessed two storey side addition and part two storey, part single storey rear extension. The attached house, No. 132 Sipson Road, lies to the north west and has a single storey rear extension. To the south east lies No. 136 Sipson Road, a two storey semi-detached house with a recessed two storey side addition attached to the application property, and a single storey rear extension. Yiewsley and West Drayton Boys Club and Cherry Lane Infant and Junior School lie opposite the application site. The street scene is predominantly residential in character and appearance comprising two storey semi-detached houses with recessed two storey side additions, effectively creating a terraced appearance. The application site lies within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

### 3.2 Proposed Scheme

The previously refused scheme proposed to convert the property to provide two, 2 bedroom self-contained flats, on the ground and first floors. Elevational alterations comprised the installation of a new entrance door in the recessed two storey side addition to provide access to the ground floor flat. A door providing access for the first floor flat to the rear garden was also proposed adjacent to the new ground floor front door. The front driveway was retained to provide two off-street parking spaces and the front garden was hardsurfaced to provide two additional off-street parking spaces, access to which was from a new crossover.

This current application attempts to overcome the reasons for refusal of the previous scheme by proposing the conversion of the dwellinghouse to two, 1 bedroom self-contained units on the ground and first floors, the conversion of the existing rear store to provide a cycle store and a reduction in the number of off-street parking spaces in the front forecourt from 4 to 3 spaces. The rear garden is now shown subdivided to provide separate private amenity spaces for the proposed units.

### 3.3 Relevant Planning History

64649/APP/2008/1901 134 Sipson Road West Drayton

CONVERSION OF DWELLINGHOUSE TO 2, TWO BEDROOM FLATS WITH ASSOCIATED PARKING AND ELEVATIONAL ALTERATIONS

**Decision:** 13-01-2009 Refused

#### Comment on Relevant Planning History

Members will recall that a planning application (ref: 64649/APP/2008/1901) for the conversion of the existing dwellinghouse to 2, two bedroom flats with associated parking and changes to the existing elevations was heard at the Central & South Planning Committee on the 6 January 2009, with a recommendation to refuse planning permission. Members resolved to refuse planning permission for the following reasons:

1. The proposal, by reason of the hardsurfacing of the whole of the front garden area, with no provision made for landscaping would fail to harmonise with the character and appearance of the street scene generally, contrary to policies BE13, BE19 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraph 4.36 of the Hillingdon Design & Accessibility Statement: 'Residential Layouts'.
2. The proposed first floor flat would fail to provide an adequate amount of internal floor area in order to satisfy the Council's adopted minimum floor space standard of 63m<sup>2</sup> for a two bedroom flat. As such, the proposal would fail to provide a satisfactory standard of residential accommodation for the future occupiers of this unit, contrary to policy BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraphs 4.6 to 4.8 of the Council's HDAS: 'Residential Layouts'.
3. The proposed provision of 4 off-street parking spaces in the front garden area would not make sufficient provision for access to the proposed flats, particularly in an emergency. As such, the proposal would be detrimental to the highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraph 4.37 of the Council's HDAS: 'Residential Layouts'.

4. The proposal fails to provide covered and secure cycle parking, in accordance with the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007). As such, the proposed development would be contrary to sustainability objectives, contrary to policy AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraph 4.39 of the Hillingdon Design & Accessibility Statement: 'Residential Layouts'.

5. The proposal fails to ensure that the ground floor flat would not be overlooked from the shared use of the rear amenity area. As such, the proposal would fail to afford an adequate standard of residential amenity for the future occupiers of the ground floor unit by reason of lack of privacy, contrary to policies BE23 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 4.0 of the Hillingdon Design & Accessibility Statement: 'Residential Layouts'.

#### **4. Planning Policies and Standards**

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

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

Part 1 Policies:

Part 2 Policies:

- |      |   |
|------|---|
| BE13 | New development must harmonise with the existing street scene.  |
| BE19 | New development must improve or complement the character of the area.   |
| BE20 | Daylight and sunlight considerations.   |
| BE23 | Requires the provision of adequate amenity space.   |
| OE3  | Buildings or uses likely to cause noise annoyance - mitigation measures   |
| H7   | Conversion of residential properties into a number of units   |
| AM7  | Consideration of traffic generated by proposed developments.  |
| AM14 | New development and car parking standards.  |
| HDAS | Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents):<br>4.6 to 4.8 - Unit Size<br>4.9 - Sunlight/Daylight<br>4.12 - Privacy<br>4.16 - Garden Space<br>4.23 - Elevation Treatment<br>4.33 - Car Parking<br>4.39 - Cycle Parking |

LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.

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

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

13 adjoining owner/occupiers have been consulted. 3 letters of objection and a petition with 92 signatories have been received making the following comments:

Letters of objection:

- (i) Result in overcrowding
- (ii) There are no other flats in the street
- (iii) Increase in noise and disturbance
- (iv) The ground floor flat entrance would be obstructed by parked cars which could lead to safety issues for the occupants
- (v) Result in an increase in on-street parking

Petition:

- (i) The proposed conversion and elevational alterations at front would be out of character with other properties in the street
- (ii) The driveway would be immediately in front of the proposed entrance creating an obstruction.
- (iii) If cars are parked in both the driveways at 134 and 136 there would be no access to the ground floor flat entrance.
- (iv) Insufficient soundproofing between the application property and adjoining properties.
- (v) Increase in overlooking onto 134 Sipson Road
- (vi) How will the ground floor unit get its cycles to the rear cycle store?
- (vii) The internal alterations to form the ground floor flat is not conducive to modern living
- (viii) There is no front garden parking to houses in the street
- (ix) Lead to an increase in noise and disturbance

### Internal Consultees

Environmental Protection Unit:

No objections, subject to an informative advising on environmental nuisance from construction work.

Education Services:

If the net gain of habitable rooms turns out to be 6 or more then a contribution maybe required.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The proposed conversion would maintain the residential character of the street scene and is therefore acceptable in principle. However, the proposal would need to comply with other Council policies and standards.

### 7.02 Density of the proposed development

No issues relating to density are raised by this application.

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

No issues relating to archaeology/CA's/LBs or Area of Special Local Character are raised by this application.

#### **7.04 Airport safeguarding**

No issues relating to airport safeguarding are raised by this application.

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

No issues relating to Green Belt are raised by this application.

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

The street scene is characterised by two storey semi-detached houses, many retaining their front gardens. The proposed extensional alterations are identical to that which formed part of the previously refused scheme. No objections were raised regarding these alterations. The only external alteration proposed would be the installation of two new doors in the front elevation. Given that the new front door to the ground floor flat would be in the recessed side addition and due to the differing treatments of this and the side access door giving access to the rear garden, it is considered that the alterations would not appear unduly conspicuous and out of keeping in the street scene.

The previously refused scheme involved the complete loss of the front garden area for off-street parking. No objections were raised to the principle of front garden parking as there are other properties in the street that have hardstanding areas at the front, notably at Nos. 108, 116, 124 and 128 Sipson Road; these have however retained some landscaping. This current scheme now proposes a reduction in the number of parking spaces from 4 to 3. However the submitted plans show a parking space on the hardstanding removed rather than in the front garden area. It would not be possible to prevent cars parking on the existing hardstanding. Therefore, it would still be possible to park 4 cars on the hardstanding and in the front garden.

Given the above, it is still considered that the extent of the hardsurfacing proposed is excessive with little scope for effective landscaping and would be detrimental to the character and appearance of the street scene. Furthermore, the provision of 4 parking spaces on the front garden area, when the spaces are occupied, would not allow for adequate access to be maintained to the front and side doors of the proposed units. Overall, the proposal would still represent a cramped and overintensive use of the front forecourt, with little scope for landscaping which would be detrimental to the character and appearance of the street scene. The proposals are therefore considered to be contrary to policies BE13, BE19 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraph 4.36 of the Hillingdon Design & Accessibility Statement: Residential Layouts. The proposal fails to overcome the first and third reasons for refusal of the previous scheme.

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

With regard to residential amenity, a condition could be attached to ensure that adequate insulation is provided to protect the residential amenities of adjoining occupiers, should planning permission be granted. No additional windows are proposed facing the adjoining occupiers and therefore the proposal would not result in an increase in overlooking over and above the current situation. There is no evidence to suggest that the occupiers of the proposed units would generate an increase in noise and disturbance over and above the occupiers of a dwelling house. As such, the proposal would not harm the residential amenities of the adjoining occupiers and would comply with policies OE3, BE20 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)

and paragraph 4.12 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

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

The proposed ground floor unit would measure approximately 64sq.m and the proposed first floor flat would measure approximately 51sq.m. The proposed 1 bedroom units would meet the recommended standard of 50sq.m for 1 bedroom units as set out in paragraph 4.6 the Hillingdon Design & Accessibility Statement: Residential Layouts. The habitable rooms would have adequate outlook and would receive sufficient natural light, in accordance with the London Plan Policy 4A.3 and paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts. As such, the proposal would provide an adequate standard of residential accommodation for the future occupants, in accordance with policies BE19 and H7 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007). The proposal would overcome the second reason for refusal of the previous scheme.

The submitted plans show the rear garden subdivided into 2 separate private amenity spaces for each unit. However the plans fail to include the rear extension. When this is added, the ground floor and first floor private amenity spaces would measure approximately 45.5sq.m and 98sq.m, respectively, which would satisfy the Council's minimum standard of 20sq.m of amenity space for 1 bedroom flats. Access to this space for the first floor flat would be through the proposed door and corridor in the side addition, a route which would not involve any loss of privacy to the occupiers of the ground floor flat at the front and side of the building. The proposed subdivision of the rear garden would therefore overcome the fifth reason for refusal of the previous scheme. However, the boundary fence subdividing the private amenity space would be sited 1m from the side boundary with 136 Sipson Road. This would position the fence in front of the rear access door, thereby obstructing access to the proposed first floor flat private amenity space. Whilst this arrangement is not acceptable, satisfactory access could be secured by way of a condition, should planning permission be granted. A refusal on this basis is therefore not recommended.

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

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007) requires 1.5 off-street parking spaces per self-contained flat, which equates to 3 off-street car parking spaces. 3 parking spaces are shown on the plans however 4 space could be accommodated. Furthermore, a cycle store would be located to the rear of the property and can be accessed by the occupiers of both flats. As such, the proposal would overcome the fourth reason for refusal of the previous scheme and would comply with policy AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007) and 4.33 and 4.39 of the Hillingdon Design & Accessibility Statement(HDAS):Residential Layouts.

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

No issues relating to urban design, access and security are raised by this application.

#### **7.12 Disabled access**

The proposal is capable of satisfying Lifetime Homes Standards, in accordance with Policy 3A.5 of the London Plan (2008) and the Council's HDAS 'Accessible Hillingdon'.

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

No issues relating to affordable housing and special needs are raised by this application.

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

No issues relating to trees, landscaping and ecology are raised by this application.

### **7.15 Sustainable waste management**

No issues relating to sustainable waste management are raised by this application.

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

No issues relating to renewable energy/sustainability are raised by this application.

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

No issues relating to flooding or drainage are raised by this application.

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

No issues relating to noise or air quality are raised by this application.

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

The third party comments are addressed in the report.

### **7.20 Planning obligations**

The proposed conversion would not result in an increase of more than 6 rooms. Therefore a contribution towards education facilities has not been sought.

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

None.

### **7.22 Other Issues**

It is not considered that subdivision will result in noise and disturbance such as to warrant refusal of the application, given that the proposed flats will be in an existing residential area.

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

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

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

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

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



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

#### **9. Observations of the Director of Finance**

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

#### **10. CONCLUSION**

For the reasons outlined above, the proposal would be contrary to the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), this application is recommended for refusal.

#### **11. Reference Documents**

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

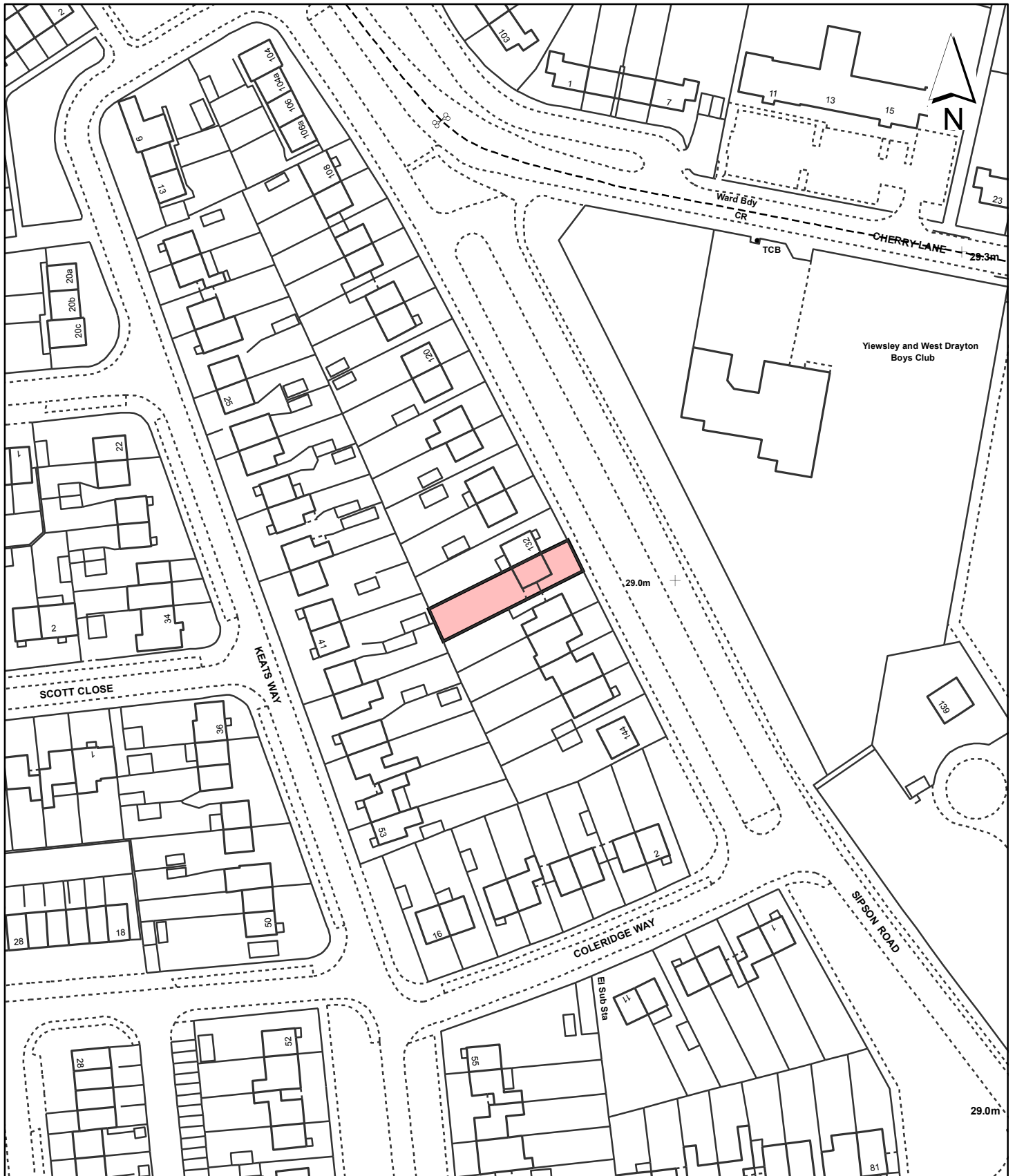
Hillingdon Design & Accessibility Statement(HDAS):Residential Layouts

Hillingdon Design & Accessibility Statement(HDAS):Accessible Hillingdon


London Plan 2008

**Contact Officer:** Sonia Bowen

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>134 Sipson Road West Drayton</b>	
Planning Application Ref:	Scale
<b>64649/APP/2009/341</b>	<b>1:1,250</b>
Planning Committee	Date
<b>Central and South</b>	<b>April 2009</b>

**LONDON BOROUGH OF HILLINGDON**

**Planning & Community Services**

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



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