

Report of the Head of Planning, Sport and Green Spaces

Address 85 FALLING LANE YIEWSLEY MIDDLESEX
Development: Conversion of existing detached out building to granny annex
LBH Ref Nos: 56688/APP/2016/3270
Drawing Nos: Location Plan (1:1250)
Proposed Block Plan (1:500)
Existing and Proposed Floor Plan and Elevations

Date Plans Received: 02/09/2016 **Date(s) of Amendment(s):**
Date Application Valid: 02/09/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises a two storey semi-detached dwelling located on the Northern side of Falling Lane which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). A detached outbuilding is located to the rear of the site with an internal floor area of 35 square metres.

1.2 Proposed Scheme

The application seeks planning permission for the use of the existing detached building as a granny annexe. The application is a re-submission of application reference 56688/APP/2016/2053.

The application is similar to that previously refused. The difference relates to the annotation of the internal floorspace in that the kitchenette/dining area has been removed. The building retains the shower and the description of development is for a granny annexe.

1.3 Relevant Planning History

56688/APP/2016/2053 85 Falling Lane Yiewsley Middlesex
Conversion of detached outbuilding to granny annexe studio

Decision Date: 12-08-2016 Refused **Appeal:**

Comment on Planning History

56688/APP/2016/2053 - Conversion of detached outbuilding to granny annex was refused in August 2016 for the following reason:

1. The proposed change of use to a self contained granny annexe would result in an unacceptable over-development and over-intensification of the residential use on the application site, out of character with the immediate locality which is mainly characterised by standard sized single-family dwellinghouses and would result in an unacceptable loss of amenity to occupants of neighbouring properties. The proposal is therefore contrary to

Policies BE19, BE21 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The floor area for the proposed studio is below the minimum 37m² required for a one person studio. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to Policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies November 2012), Policy 3.5 of the London Plan (2016) and the DCLG Technical housing standards (March 2015).

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

5 neighbouring properties were consulted by letter dated 19.9.16 and a site notice was displayed to the front of the site which expired on 19.10.16.

A petition of support with 31 signatures was submitted with the application.

4. 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.

OE1 Protection of the character and amenities of surrounding properties and the local area

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

5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the impact upon the street scene and locality, the impact upon the amenities of adjoining and future occupiers, and car parking provision. Put simply, the resubmission needs to demonstrate how any changes made have overcome the previous reasons for refusal.

Policies BE20 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require that new developments in residential areas should not result in the loss of sunlight or loss of host and neighbouring residential amenity, and that they should protect the privacy of the host and neighbouring buildings.

Section 9 of the HDAS Residential Extensions Guidance, states: Outbuildings cannot be used as a separate business unit or as a self contained residential unit, as these could lead to a number of privacy, overlooking, noise and disturbance problems. If it is intended to use the outbuilding for any of these uses, the proposal will be refused planning permission. The role of the detached outbuilding is to be used solely as a self contained unit of accommodation as a granny annexe.

It is noted that the applicant confirms that this proposal is not for a dwellinghouse, but ancillary accommodation for family members. The supporting statement confirms that there would be a strong inter-dependence on the main dwelling. However, given its internal facilities to include a shower room and the fenestration arrangement, and no link with the main house, the proposed conversion of the outbuilding to a granny annexe is one which is considered to be capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted. Its use for residential purposes would lead to impacts on adjacent neighbouring properties, including that of the host dwelling, by way of loss of privacy. The proposal is therefore contrary to Policies BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise 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 and they have been adopted by The Mayor of London in the form of Housing Standards Minor Alterations to The London Plan (March 2016). This sets out how the existing policies relating to Housing Standards in The London Plan should be applied from March 2016. Table 3.3 sets out how the minimum space standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standards.

For a one-person dwelling with shower room the new space standards require the provision of a minimum 37 sq.m area of internal floor area/space. The submitted plans show the internal floor area of the building to be 35 square metres which falls below this minimum standard. As such, the proposal would fail to provide internal amenity space of sufficient size and quality commensurate to the size and layout of the said unit. As such the proposal would provide a substandard form of accommodation for future residents contrary to the Housing Standards Minor Alterations to The London Plan (March 2016).

Plans do not indicate any separate external amenity space provision for the annexe.

Whilst personal circumstances can be a material planning consideration such circumstances can often be outlived by the length of time for which a physical structure can last. The circumstances cited here are quite general and no specific evidence has been provided for consideration.

In summary, the proposed conversion of the garage to a granny annexe would result in an unacceptable over-development and over-intensification of the residential use on the application site. It would be out of character with the residential functioning of the immediate locality, which is mainly characterised by standard sized single-family dwellinghouses. Furthermore the proposal would result in a substandard form of accommodation for future residents contrary to the Minor Alterations to The London Plan (March 2016) and result in an increased demand for off-site parking within the locality.

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed change of use to a self contained granny annexe would result in an unacceptable over-development and over-intensification of the residential use on the application site, out of character with the immediate locality which is mainly characterised by standard sized single-family dwellinghouses and would result in an unacceptable loss of amenity to occupants of neighbouring properties. The proposal is therefore contrary to Policies BE19, BE21 and OE1 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 detached outbuilding, given its separation from the main dwelling, the availability of independent access to it and its internal layout, is considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted due to requirements for parking and amenity space and the impact on the adjoining properties. It therefore results in an over-development of the site, out of character with the spacious character and layout of the area. The size of the unit would also fail to meet the minimum floor area required for a one person studio. As such the proposal is found to be contrary to Policies AM14, BE19, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions and HDAS: Residential Layouts, Policy 3.5 of the London Plan (2016) and the DCLG Technical housing standards (March 2015).

INFORMATIVES

- 1** 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.

- 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. 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.

Standard Informatives

- 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 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

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.

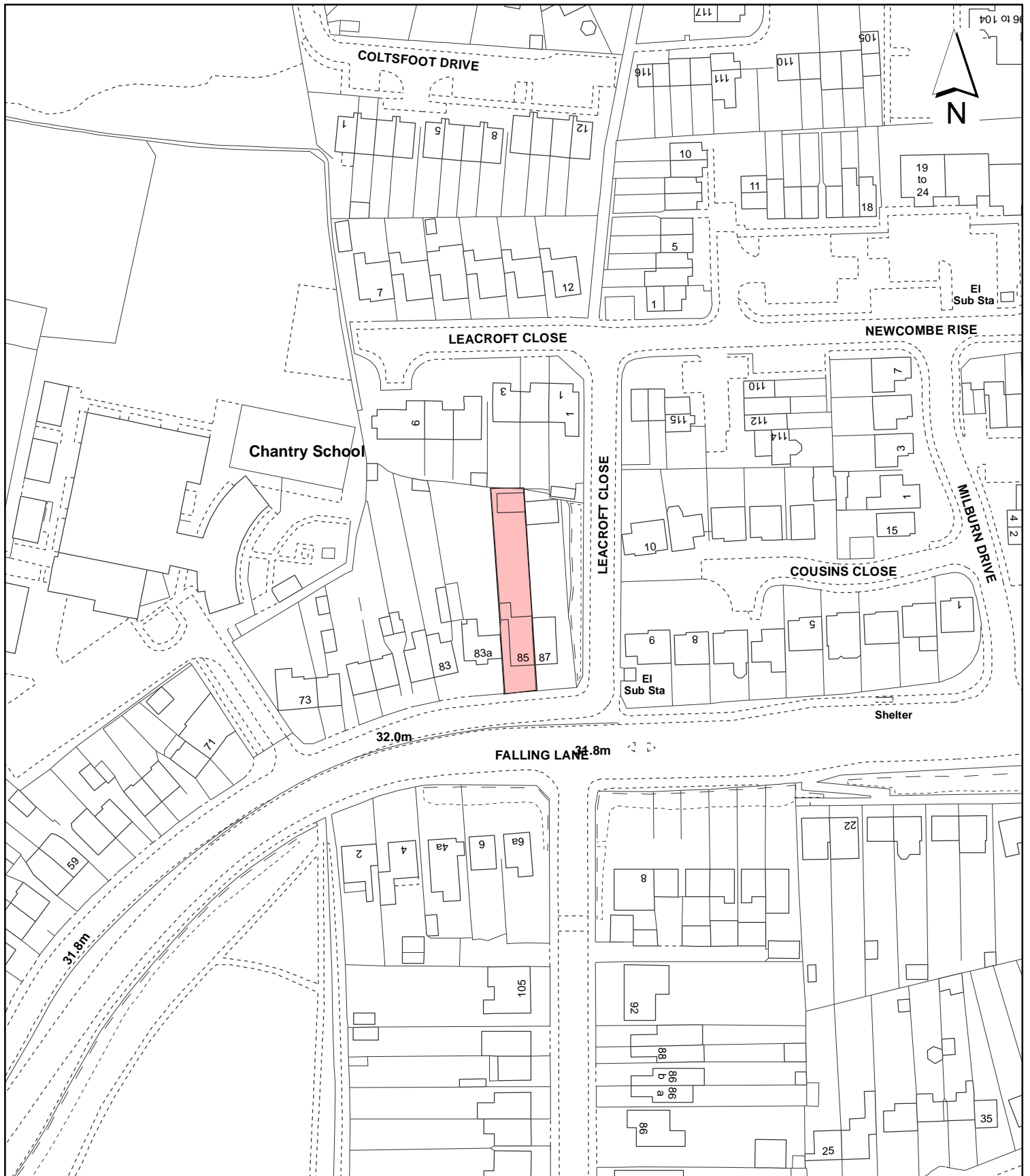
OE1 Protection of the character and amenities of surrounding properties and the local area

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

LPP 3.5 (2016) Quality and design of housing developments

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Notes:

 Site boundary

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Site Address:

85 Falling Lane

Planning Application Ref:

56688/APP/2016/3270

Planning Committee:

Central & South

Scale:

1:1,250

Date:

November 2016

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section

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