

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

**Address** 9 PRINCES PARK PARADE HAYES

**Development:** Reinstate House in Multiple Occupation (Use Class C4) to a single family dwelling (Use Class C3)

**LBH Ref Nos:** 23300/APP/2017/425

**Drawing Nos:** 2012009-2002 Rev. B  
2012009-2003 Rev. A  
2012009-03 Rev. A

**Date Plans Received:** 07/02/2017                      **Date(s) of Amendment(s):** 06/02/2017  
**Date Application Valid:** 24/03/2017                      08/05/2017

### 2. **RECOMMENDATION**

#### **APPROVAL subject to the following:**

##### **1 COM3 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 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans number 2012009-2002 Rev. B and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan (2012) and the London Plan (2016).

### **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 (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE23	Requires the provision of adequate amenity space.
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 7.4	(2015) Local character
NPPF6	NPPF - Delivering a wide choice of high quality homes

### **3            147            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).

### **4            12            Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

### **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**            **16**                    **Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

**7**            **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](http://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 relates to a two storey semi-detached property, located in the cul-de-sac consisting of 12 properties in Princes Park Parade.

The last known use is as a HMO for 7 people and the 'garage' space formed as one of the bedrooms in the HMO.

To the front of the property is an area of hardstanding which provides space to park two cars within the curtilage of the site. To the rear of the building is a garden.

The site is situated within a Developed Area as identified in the Policies of the Hillingdon Local Plan:Part Two (November 2012).

**3.2      Proposed Scheme**

The proposal seeks to reinstate the HMO into a single family dwelling, no external alterations are proposed.

**3.3      Relevant Planning History**

23300/A/79/2180            9 Princes Park Parade Hayes  
Householder development - residential extension(P)

**Decision:** 25-01-1980    Approved

23300/APP/2009/962        9 Princes Park Parade Hayes  
Change of use (Retrospective application).

**Decision:** 05-08-2009    NFA

23300/APP/2010/397        9 Princes Park Parade Hayes  
GARAGE CONVERSION

**Decision:** 07-05-2010    NFA

23300/APP/2012/530        9 Princes Park Parade Hayes  
Change of use to a House in Multiple Occupation (Use Class C4).(Part Retrospective)

**Decision:** 05-09-2012    Refused                    **Appeal:** 03-09-2013    Dismissed

23300/APP/2013/1491       9 Princes Park Parade Hayes  
Change of use to a House in Multiple Occupation (Use Class C4) (Part Retrospective)

**Decision:** 24-09-2013    Refused

23300/APP/2013/921        9 Princes Park Parade Hayes  
Change of Use to House in Multiple Occupation (HMO) (Part Retrospective)

**Decision:** 23-05-2013    NFA

23300/APP/2016/2452       9 Princes Park Parade Hayes  
Reinstatement of garage

**Decision:** 06-09-2016    Refused

#### **Comment on Planning History**

The site has extensive planning and enforcement history some of which is listed below.

A planning application was refused for the reinstatement of a garage under planning ref: 23300/APP/2016/2452 (dated 06/09/2016).

A retrospective planning application for the change of use to a House in Multiple Occupation (Use Class C4) (Part Retrospective) was refused under planning ref: 23300/APP/2013/1491 (dated 10/10/2013).

Enforcement action was taken against an authorised conversion from a single family

dwelling to a HMO in October 2011 under ref: ENF/597/08.

#### **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:

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
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NPPF6	NPPF - Delivering a wide choice of high quality homes

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

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

A site notice was displayed and neighbouring residents were consulted between 27 March 2017 and 17 April 2017. No comments or objections were received to the application.

##### **Internal Consultees**

Highways Officer:

No objections or concerns raised.

#### **7. MAIN PLANNING ISSUES**

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

Policy H3 states that the loss of residential accommodation will only be permitted if it is replaced within the boundary of the site and that an increase in residential accommodation would be sought subject to other.

The proposal seeks to reinstate the unauthorised house in multiple occupation to a single

family dwellinghouse. The existing HMO is considered to offer a very poor quality of accommodation, insufficient parking and is considered out of character in this small cul-de-sac. The proposal does not result in the loss of residential units as the existing HMO has been subject to ongoing enforcement action and as such the principle of development is 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**

There are no external alterations proposed under this application.

**7.04 Airport safeguarding**

Not applicable to this application.

**7.05 Impact on the green belt**

Not applicable to this application.

**7.06 Environmental Impact**

Not applicable to this application.

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

There are no external alterations proposed under this application.

**7.08 Impact on neighbours**

The proposal which would reinstate the family dwelling and is thus unlikely to have any negative impact to the amenity of neighbouring residents as a result of the change of use.

**7.09 Living conditions for future occupiers**

The reinstatement would provide a single family dwellinghouse which is the authorised use of the site.

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

The existing property benefits from hardstanding and off street car parking. As such the proposal is considered not to impact the local highway network.

**7.11 Urban design, access and security**

Not applicable to this application.

**7.12 Disabled access**

Not applicable to this application.

**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**

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**

Not applicable to this application.

**7.19 Comments on Public Consultations**

None

**7.20 Planning obligations**

As this application is for the reinstatement of a single family dwelling, planning obligations are not considered necessary or appropriate.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

Not applicable to this application.

**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**

None.

**10. CONCLUSION**

This application relates to a two storey semi detached house that currently comprises an unauthorised House in Multiple Occupation (HMO) (Class C4). The HMO use has been subject to extensive enforcement history. This application seeks to reinstate the house to a single family dwelling (Class C3). No external alterations are proposed.

The reinstatement of the property to a single family dwelling is welcomed and recommendation is to approve.

**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 (2016)

**Contact Officer:** Zenab Haji-Ismail

**Telephone No:** 01895 250230





**Notes:**

 Site boundary

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Site Address:

**9 Princes Park Parade**

**LONDON BOROUGH OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**23300/APP/2017/425**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**May 2017**

