

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/2017/1756

Drawing Nos: APG4
PG5A
PG5
P3A
RPG4
PG6
Location Plan (1:1250)
PG2
P2A
P1A
PG1
PG3

Date Plans Received: 10/05/2017 **Date(s) of Amendment(s):**

Date Application Valid: 10/05/2017

1. **SUMMARY**

The application seeks 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 which has been built as permitted development. The application follows a refusal of a similar application in 2016.

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.

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 proposed crossover required to access the proposed parking spaces, by reason of its excessive width would make inadequate provision for pedestrian refuge and would therefore prejudice the safety of pedestrians and vehicles using the highway. As a result it would be contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) 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
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes

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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 South Eastern 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 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.

3.3 Relevant Planning History

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

Decision: 21-09-2015 Approved

71076/APP/2016/4540 53 Petworth Gardens Hillingdon
Conversion into 2 x 2bed flats

Decision: 13-04-2017 NFA

71076/APP/2016/860 53 Petworth Gardens Hillingdon

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

Decision: 09-06-2016 Refused

Comment on Relevant Planning History

71076/APP/2016/860 - Conversion of single dwellinghouse into 2 x 2-bed self contained flats with associated parking and amenity space involving alterations to elevations (Retrospective) was refused for the following reasons:

1. 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. 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.

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.
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NPPF1	NPPF - Delivering sustainable development
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

The Oak Farm Residents Association and 7 neighbouring properties were consulted by letter dated 19.5.17 and a site notice was displayed to the front of the site which expired on 20.6.17.

2 letters of objection have been received raising concerns about the number of occupants living at the site, late night noise and inconsiderate parking of multiple cars and vans.

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

Internal Consultees

Highways Officer:

This site has been subject to a previous application that was refused and one of the grounds of refusal was lack of off-street car parking. Petworth Gardens is a local road and the site has a PTAL value of 0 (very poor) which suggests there will be a very strong reliance on private cars for trip making. The property has an existing vehicle crossover to driveway car parking for 2 cars. The plans

show three car parking spaces which are reached by a new vehicular crossover. The new crossover arrangement at the site should be such that the whole of the frontage of the site should be a vehicular crossover. The proposals will result in additional traffic to the area but that is not likely to be significant. I am concerned that the car parking spaces shown on the layout plans do not meet the minimum size of 4.8 m long and 2.4 m wide so could you ask the applicant to provide a detailed plan of the parking spaces showing spaces with the minimum size dimensions? The plan should also include details of the proposed crossover arrangement. If such a plan is not provided then I suggest you refuse this application. The provision of secure covered cycle parking spaces (2 per dwelling) should be conditioned along with refuse/recycling bin storage. The front of the property should be laid out in accordance with the Council's guidance on Paving Front Gardens.

Landscape Officer:

The current layout proposes three off-street parking bays to the front and side which leaves space for landscape enhancement. The parking bay to the left might be better placed to the right side, which would enable the front brick wall to be retained and the re-instatement of a green space. Hillingdon's design guidance recommends retaining at least 25% soft landscape in front gardens. The rear garden should be designed and laid out, either as a communal area or divided into designated private gardens (if space permits). Either way, the spaces should be both attractive and functional and maintained by the landlord (or their agent).

RECOMMENDATION: No objection subject to the above comments and conditions RES9 (parts 1, 2, 4, 5 and 6)

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) indicates 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 does not result in any further 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 61 sq.m with 1 sq.m of internal storage and a 2 bed (4 person) two storey dwelling to have a minimum internal floor area of 70 sq.m with an additional 2 sq.m of internal storage. The proposed layouts indicate flat 1 (2 bed, 4 person) has a floor area of approximately 67 sq.m and flat 2 (2 bed, 4 person) has a floor area of approximately 77 sq.m. 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, 40 sq.m 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 Councils adopted car parking standards.

Petworth Gardens is a local road and the site has a PTAL value of 0 (very poor) which suggests there will be a very strong reliance on private cars for trip making. The property has an existing vehicle crossover to driveway car parking for 2 cars. The plans show three

car parking spaces which are reached by an extension of the existing crossover. The crossover would measure 9 m in width. The submitted plans indicate that the parking spaces to the front would measure 2.3 m x 4.7 m and that the space to the side would have a width of 3.39 m. The submitted parking layout is considered unacceptable for a number of reasons. In the first instance the extended crossover would be of an excessive width. At 9 m the proposed crossover would significantly exceed the Council's advice with regard to such crossovers. Due to the excessive width of the crossover that would be required to access the proposed parking spaces, the proposal would make inadequate provision for pedestrian refuge and would therefore prejudice the safety of pedestrians and vehicles using the highway. As a result it would be contrary to policy AM7 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

The two parking spaces to the front of the site would not meet the Council's minimum sizes of 2.4 m x 4.8 m. Furthermore the submitted plans do not accurately reflect the width of the space between the flank wall of the building and the adjacent outbuilding. This space is insufficient in width to park a car, (being approximately 2 m in width beyond the 2 utility box projections) which would further block the access to Flat A. In summary therefore, 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.

7.11 Urban design, access and security

These issues are covered in other sections of the report.

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.

The previous application was refused on the grounds that the layout 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. This current application seeks to address this concern with the inclusion of landscaping within the frontage. The Council's Landscape Officer has raised no objection subject to landscaping conditions.

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.

Presently calculated the figures are;

LBH CIL £ 2,770.63

London Mayoral CIL £ 1,084.84

Total £ 3,855.47

7.21 Expediency of enforcement action

The application is retrospective and, if refused, the expediency of enforcement action will need to be the subject of an enforcement report.

7.22 Other Issues

None.

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 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 which has been built as permitted development. The application follows a refusal of a similar application in 2016.

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.

As such the application is recommended for refusal.

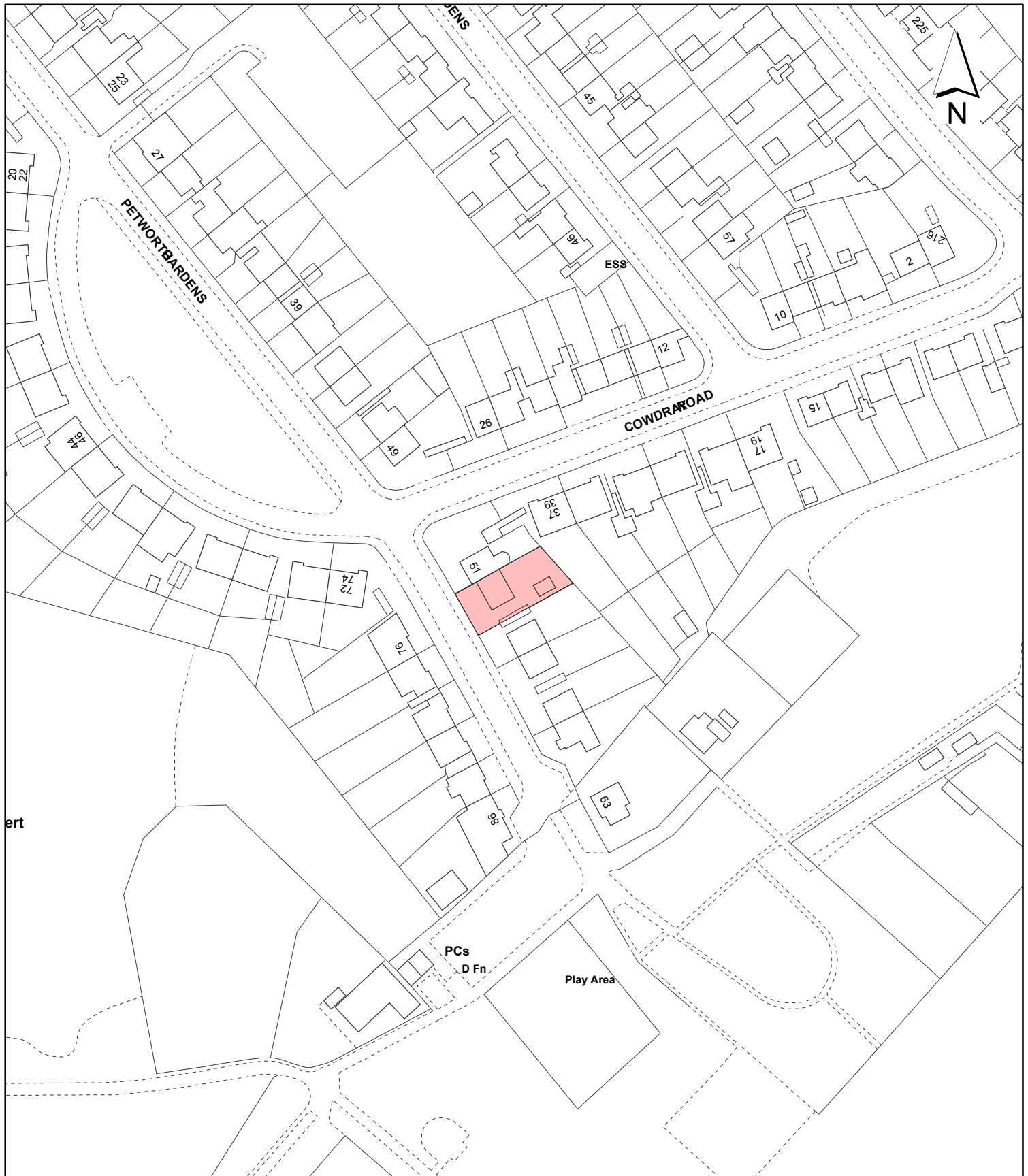
11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
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: Residential Extensions
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/2017/1756

Scale:
1:1,250

Planning Committee:
Central & South

Date:
July 2017

