

Report of the Head of Planning, Sport and Green Spaces

Address REAR OF 25 BOTWELL LANE HAYES

Development: Retention of three storey building comprising 2 x 2 bedroom and 1 x studio self contained flats

LBH Ref Nos: 1644/APP/2017/1625

Drawing Nos: Rear of 25 Botwell Lane - Design statement
KD/EXT(Ret)/PP/142/13/B- 1 59.1
KD/EXT(Ret)/PP/142/13/B- 1 59.3
KD/EXT(Ret)/PP/142/13/B- 1 59.2

Date Plans Received: 04/05/2017 **Date(s) of Amendment(s):**

Date Application Valid: 04/05/2017

1. **SUMMARY**

This application is being reported to committee due to enforcement history at this site. This application has been made in response to enforcement action. The development at this site does not accord with plans approved under planning Ref: 1644/APP/2004/949.

This application seeks permission for the retention of a 3-storey extension block to form 3 residential units (2 x 2 bedroom and 1 x studio). The principle of development is considered acceptable. However, the proposal involves the retention of a building that is considered to be a bulky, over dominant and incongruous form of development. The units across the development are of an unsatisfactory size and accommodate substandard form of living accommodation to the detriment of the amenities of future occupiers. The application fails to provide adequate private or communal amenity space for occupiers, nor does the application provide adequate mitigation measures against external noise. In addition, the proposal has not provided sufficient off street parking/manoeuvring/access arrangements or waste storage facilities, leading to on-street parking/queuing to the detriment of public and highway safety.

The application is therefore recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal by reason of its siting in this open prominent position, its size, scale, bulk and design would result in an incongruous and cramped overdevelopment of the site to the detriment of the character and visual amenities of the street scene and the wider area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.4 and 7.6 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 **Non Standard reason for refusal**

The proposal would provide an indoor living area of an unsatisfactory size and quality for

the future occupiers of the proposed units and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

3 NON2 Non Standard reason for refusal

The proposal has not demonstrated that sufficient off street parking/manoeuvring arrangements would be provided, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Non Standard reason for refusal

The proposal fails to mitigate against external noise to the detriment of the residential amenity of existing/future occupiers. The proposal is therefore contrary to Policies OE5, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy 7.15 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

5 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing/future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 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.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and

	implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
R1	Development proposals in or near areas deficient in recreational open space
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 2.15	(2016) Town Centres
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 6.9	(2016) Cycling
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

3. CONSIDERATIONS

3.1 Site and Locality

The site is located to the rear of No. 25 Botwell Lane behind a parade of shops. The site is accessed via a service road off Botwell Lane between No. 25 and the Botwell House Catholic Primary School.

The site is occupied by a 3-storey building which currently accommodates 1 x 1 bedroom unit and 1 x 2 bedrooms at ground floor level and 1 x 3 bedroom unit at first floor level and 1 x 3 bedroom unit at second floor level. The units at first and second floor levels are accessed via an external staircase. The flats do not have formal access to car parking, cycle parking, waste storage or external amenity space.

3.2 Proposed Scheme

The proposal seeks permission for:

- the retention of the 3-storey block;
- internal alterations to create winter gardens instead of bedrooms at first and second floor levels;
- 2 x 2 bedroom flats at first and second floor levels; and
- 1 x studio at ground floor level.

3.3 Relevant Planning History

1644/APP/2004/949 25 Botwell Lane Hayes

ERECTION OF A THREE STOREY REAR EXTENSION COMPRISING EXTENDED GROUND FLOOR SHOP, WITH 2 ONE-BEDROOM FLATS OVER

Decision: 09-11-2004 Approved

Comment on Relevant Planning History

The application under planning ref: 1644/APP/2004/949 sought to provide an extended storage area for the shop at ground floor level and 2 x 1 bedroom flats at first and second floor levels.

Where balconies were proposed under planning ref: 1644/APP/2004/949, the balconies have been converted into additional habitable accommodation to form 2 x 3 bedroom units at first and second levels. The ground floor area which was proposed to be additional storage was built to accommodate 1 x 2 bedroom and 1x 1 bedroom units. The existing building is therefore unauthorised.

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:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
R1	Development proposals in or near areas deficient in recreational open space
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LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 6.9	(2016) Cycling
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture

- LPP 7.15 (2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- LPP 8.2 (2016) Planning obligations
- LPP 8.3 (2016) Community infrastructure levy
- NPPF6 NPPF - Delivering a wide choice of high quality homes
- NPPF7 NPPF - Requiring good design

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- **13th July 2017**
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbouring residents were consulted between 20/06/2017 and 11/07/2017, no comments or objections were received to this application.

Internal Consultees

Highways

Botwell Lane is an existing local road in the Council road network. The site has a PTAL of 4 (Good) which suggests there will be a reduced reliance on private cars for certain trips to and from the property. There are parking restrictions along Botwell Lane that are in place to allow free of traffic in this location. There is an existing retail premises on the Botwell Lane frontage and the existing building has been constructed at the rear with access from an adjacent private lane. Vehicles are parked in the private lane and refuse bins are also left out in the lane. The applicant has previous permission to extend the rear of the property to construct 2 x1 bed flats. There is no car parking proposed as part of the proposed development and that is not in accordance with the Council's current policies. The previous permission for the two flats was granted without any off street car parking back in 2004.

The property is within a controlled parking zone. This latest proposal has no cycle parking storage and no refuse/recycling storage facilities. The proposals are for 2 additional 2 bed flats which should be providing some level of off-street car parking but they are not. There should also be secure cycle storage and refuse/recycling storage but there are none proposed. I do have concerns over this proposal which has provided no facilities. I would suggest the applicant is asked to apply for a restricted use of the controlled parking zone along with providing off street cycle storage (6 cycles) along with providing off street refuse/recycling facilities as a minimum.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies within a town centre. Policy S7 of the Local Plan: Part Two (November 2012) states planning permission will only be granted for the change of use from shops from Class A1 of the parade retains sufficient essential shop uses appropriate to the size of the parade.

The proposal originally under planning ref: 1644/APP/2004/949 sought to provide ancillary storage for the retail unit at ground floor level. The applicant subsequently formed 2 x 1 bedroom self contained flats in place of the ancillary storage.

A review of the site and the local centre based on a desktop study and a site visit indicates that the change of use has not altered the character of the parade, as such there would be no objection in principle to the intensification of the site providing that it accords with all relevant planning policies.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) seeks to ensure that new development 'takes into account local context and character, the design principles in Chapter 7 and that public transport capacity development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals that compromise this policy should be resisted'

The proposal exceed the density range set out in Table 3.2 of the London Plan (2016). The density matrix, though a material consideration is of limited weight in considering small developments. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings, or not, and its impact on adjoining occupiers. This is considered in detail in paragraph 7.07 below.

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 (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.

HDAS guidance notes that extensions must appear subordinate to the main house. There is a general presumption against two (or more) storey extensions. Where extensions are proposed, there should be no significant over-dominance or over-shadowing.

The balconies proposed under planning ref: 1644/APP/2004/949 were converted to form rooms this has resulted in a 3-storey extension. The development is considered to be a bulky, over dominant and incongruous form of development. Though the area is mixed in character, the development is visible from Botwell Lane and the development fails to harmonise with the existing street scene the design and appearance of the extension is unsympathetic and therefore is considered contrary to Policies BE13, BE15, BE19 and BE22 of the Local Plan and policies 7.4 and 7.6 of the London Plan.

7.08 Impact on neighbours

The site is located to the rear of no 25 Botwell Lane, the upper floors within the parade are occupied by flats. To the south of the site is car parking and a servicing area for the parade.

It is considered that what is being considered in terms of external change under this application, specifically the extension in place of balconies is not considered to harm the amenity of neighbouring occupiers.

7.09 Living conditions for future occupiers

Policy OE5 of the Local Plan: Part Two (November 2012) notes proposals for noise sensitive developments where occupiers may suffer from noise and vibration will not be permitted in areas which are expected to become subject to unacceptable levels of noise or vibration. Applications are required to demonstrate that developments can be insulated and designed to protect them from external noise.

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. A 3 bedroom (5 person) flat is required to provide an internal floor area of 86m² and a one bedroom (2 person) dwelling is required to provide 50m² of internal floor area.

The existing 3 bedroom flats measure 67m² and therefore fails to comply with the space standards. The applicant proposed to convert the third bedroom to create a 'winter garden'. No details are provided of what the winter garden would entail, the room would remain and could be used as an additional bedroom. The use of this room could not be conditioned and enforced.

The applicant proposed to provide a studio at ground floor level, however the ground floor plans retain the existing 2 x 1 bedroom layout. The applicant has not provided sections, and therefore failed to demonstrate the units have adequate floor to ceiling heights in accordance with the standard 31 of the London Plan Housing SPG (2016). The proposal therefore gives rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), The Housing Standards (March 2016), Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016).

Section 4 of the Council's HDAS: Residential Layouts states that developments should incorporate usable, attractively laid out and conveniently located garden space in relation to the flats which they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area.

Standard 4 of the London Plan Housing SPG notes that where communal space is provided, proposals shall ensure it is accessible to wheelchair users, designed to take advantage of direct sunlight. Standard 26 of the London Plan Housing SPG requires a minimum of 5 sqm of outdoor space for 1-2 person dwellings and an extra 1sqm for each additional occupant.

The application fails to provide any private amenity space for residents. The area referred to as 'communal garden area' within the Design and Access Statement refers to an area measuring approximately 12m² of which 9m² is usable amenity space. This space is located directly outside the windows serving the ground floor studio flat. The space is neither attractively laid out or convenient to access for the upper flats. The proposal fails to provide adequate private open space or sufficient communal amenity space and is therefore contrary to the standards 3, 4, 26 and 27 of the London Plan Housing SPG (2016) and HDAS Residential Layouts (2006).

During a site visit, Officers noted there is a large kitchen extractor projecting out of the neighbouring building which emits noise which can clearly be heard within the proposed dwellings. The applicant has failed to consider the impact of noise on the occupiers of the units. A noise report was not submitted with this application setting out measure to mitigate

against external noise and as such this proposal fails to accord with Policy OE5 of the Local Plan: Part Two (November 2012).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 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 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The site has a PTAL of 4 (Good) which suggests there will be a reduced reliance on private cars for certain trips to and from the property. There are parking restrictions along Botwell Lane that are in place. There is an existing retail premises on the Botwell Lane frontage and the existing building has been constructed at the rear with access from an adjacent private lane. Vehicles are parked in the private lane and refuse bins are also left out in the lane. The applicant has previous permission to extend the rear of the property to construct 2x1 bed flats.

This proposal has fails to provide cycle parking storage nor any refuse/recycling storage facilities. The proposals for 2 x 3 bedroom flats should be provide some level of off-street car parking. There is no car parking proposed as part of the proposed development and that is not in accordance with the Council's current policies. The development fails to meet the Council's car parking standards. The development also results in the loss of servicing and parking for the retail unit on Botwell Lane and fails to provide secure cycle parking for residents. The development is contrary to Policy AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

These issues are covered elsewhere in the report.

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

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 applicant has provided no details in respect of landscape and ecology, should this application have been considered acceptable, a landscaping condition would have been secured.

7.15 Sustainable waste management

The applicant has not provided waste storage for future occupiers.

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

This issue is addressed above.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning obligations

Not applicable to this application.

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

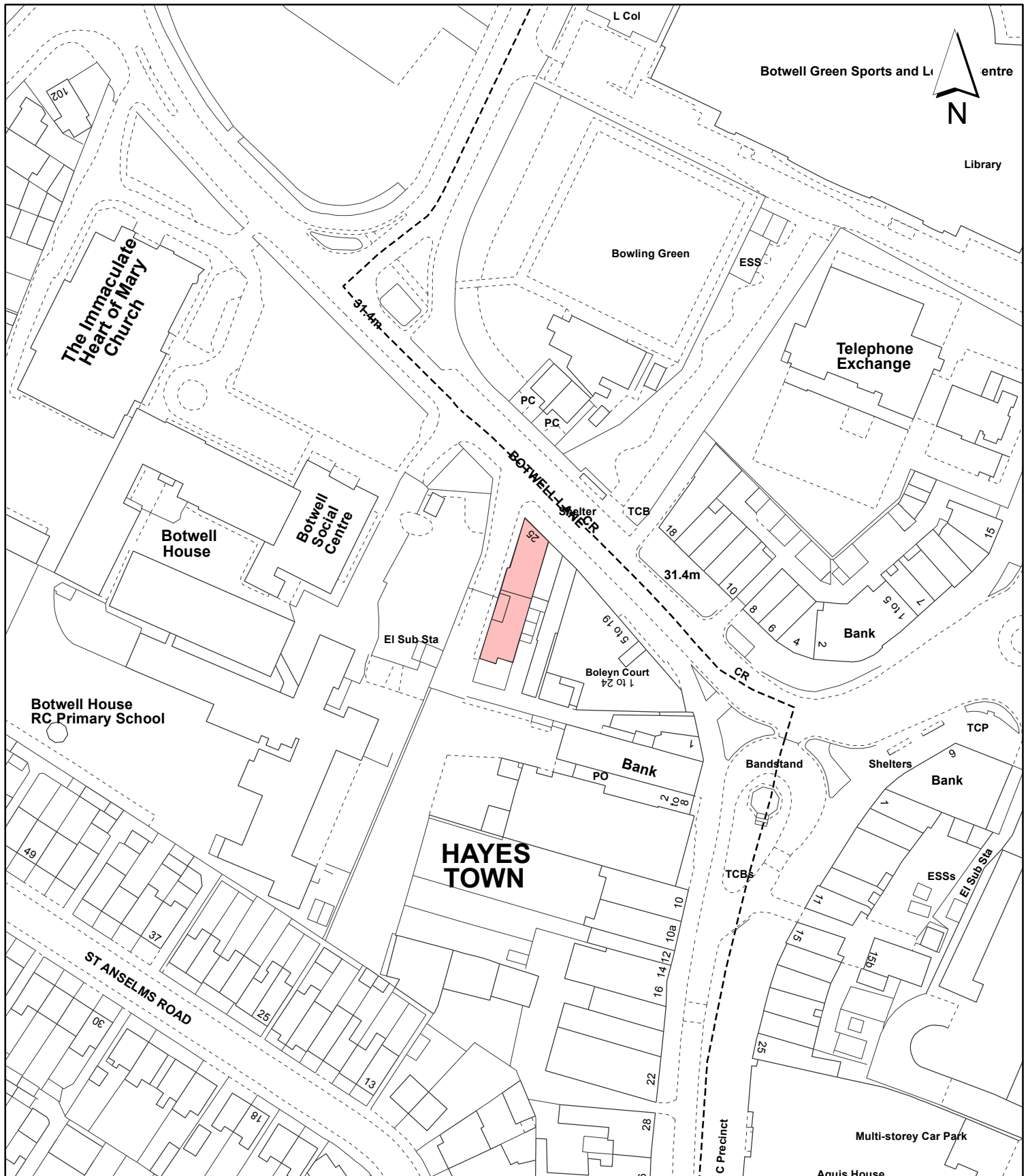
In summary, the principle of development is considered acceptable. However, the proposal involves the retention of a building which is considered to be bulky, over dominant and incongruous form of development. The units across the development are of an unsatisfactory size and accommodate substandard form of living accommodation to the detriment of the amenities of future occupiers. The proposal fails to provide adequate private or communal amenity space for occupiers and future occupiers, nor does the application provide adequate mitigation measures against external noise. In addition, the proposal has not provided sufficient off street parking/manoeuvring/access arrangements, and therefore the development provides inadequate car parking provision to the Council's approved car parking standard, leading to on-street parking/queuing to the detriment of public and highway safety. The application is therefore 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)
Technical Housing Standards - Nationally Described Space Standard
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

Contact Officer: Zenab Haji-Ismail

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Rear of
 25 Botwell Lane**

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

Planning Application Ref:
1644/APP/2017/1625

Scale:
1:1,250

Planning Committee:
Central & South

Date:
August 2017

