

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

**Address** REAR OF 1-3 COLHAM MILL ROAD WEST DRAYTON  
**Development:** 2-bed detached bungalow with associated parking and amenity space.  
**LBH Ref Nos:** 52884/APP/2016/1978  
**Drawing Nos:** Supporting Photographs  
Location/Block Plan Received 10-02-2017  
CM WD 2 Received 10-02-2017  
CM WD 1 Received 10-02-2017

**Date Plans Received:** 25/05/2016                      **Date(s) of Amendment(s):** 22/02/2017  
**Date Application Valid:** 03/05/2017

### 1. **SUMMARY**

The application seeks planning permission for the erection of a 2-bed detached bungalow with associated parking and amenity space.

The proposal would be detrimental to the local context of the area and would have a detrimental impact on the character and appearance of the area. Furthermore the proposal would result in an overly dominant, visually intrusive and un-neighbourly form of development, resulting in a material loss of residential amenity and would fail to provide sufficient on site car parking. The proposal would also fail to provide a satisfactory residential environment to the detriment of the amenity of future occupiers. As such the application is recommended for refusal.

### 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

#### 1            NON2            **Non Standard reason for refusal**

The proposal, by reason of its size, bulk, and proximity, with inadequate separation distances between the proposed dwelling and the existing properties at 2 and 3 Colham Mill Road, would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 2            NON2            **Non Standard reason for refusal**

The proposal has not demonstrated that sufficient off street parking/manoeuvring/access 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.

#### 3            NON2            **Non Standard reason for refusal**

The proposal would result in the provision of habitable rooms with very poor levels of outlook and light to the detriment of the amenities of future occupiers. The proposal is therefore contrary to Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (2016).

**4 NON2 Non Standard reason for refusal**

The proposed building would constitute a cramped form of development, largely filling the space to the 1-3 Colham Mill Road which would result in the closing of an important gap characteristic to the area and would be visually at odds with the predominant character, appearance and scale of buildings within the surrounding street scene and would thus be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan and the council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**INFORMATIVES**

**1 I59 Councils Local Plan : Part 1 - Strategic Policies**

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 (2016). 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 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).

**3 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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.8	(2016) Housing Choice
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

#### 4

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

The application site is located to the South of Nos. 2-3 Colham Mill Road, which are two storey properties with small rear gardens and to the West of the retail properties on Station Road, also two storey. To the South of the site lies No. 4 and 4a, which are semi-detached bungalows. The site comprises derelict land on a 350 sq.m plot with three garages used for storage. Access to the site is via Colham Mill Road.

The site has a PTAL rating of 2 and is located within the developed area as identified in the Hillingdon Local Plan Part Two - UDP Saved Policies (November 2012).

#### 3.2 Proposed Scheme

The application seeks planning permission for the erection of a 2-bed detached bungalow with associated parking and amenity space.

#### 3.3 Relevant Planning History

52884/PRC/2015/195 Land At Rear Of 2 And 3 Colham Mill Road West Drayton  
2 x 2 bedroom, two storey dwellings

**Decision:** 03-03-2016 OBJ

#### Comment on Relevant Planning History

An application for pre-application advice was submitted under application reference number 52884/PRC/2015/195 for the erection of two x two-storey, 2-bedroom dwellings

with associated parking and amenity space. The conclusion of this pre-application advice was as follows:

The proposed building, by reason of its design (in particular the flat roof and materials), size, scale, separation distance from neighbouring properties and substandard access would increase the intensification of the site, result in an overbearing impact, loss of privacy and impact pedestrian and vehicle safety. The proposal would fail to provide a satisfactory residential environment to the detriment of the amenity of future occupiers.

#### **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.
- 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.
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.3 (2016) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.8 (2016) Housing Choice
- LPP 3.5 (2016) Quality and design of housing developments
- LPP 7.4 (2016) Local character
- NPPF1 NPPF - Delivering sustainable development
- 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:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

5 neighbouring properties were consulted by letter dated 17.8.16 and a site notice was displayed to the front of the site which expired on 15.3.17.

6 letters of objection have been received raising the following objections:

1. Overdevelopment of the site.
2. Out of keeping with the locality.
3. Unneighbourly form of development.
4. Rights of access to this site.

Officer note: The issues are addressed in the sections below. The issue relating to rights of access is a civil issue. The application was re-validated following concerns raised that the red edged site area contained land which was under the ownership/control of a third party. Subsequently the red edged application site area has been amended and a revised certificate of ownership submitted.

Ward Councillor: Requests that the application be considered by Committee.

### Internal Consultees

Highways Officer:

This application is for the erection of a bungalow on the rear of an existing residential site in Colham Mill Road. Colham Mill Road is a local road in West Drayton and the site has a PTAL value of 2 which suggests there will be reliance on private cars for trip making. There are existing parking restrictions outside the property to allow free flow of traffic. The site has a vehicular accessway from Colham Mill Road that serves existing dwellings as well as the development site. The site has been the subject of previous pre-app advice where 2 parking spaces per dwelling were suggested. The current proposal is for a 2 bed bungalow with two garage parking spaces provided within the red line boundary of the site. These garage spaces are too narrow and need to be at least 3.0 m wide. There is no secure covered cycle storage provided as part of the proposals but if the garages are of the appropriate size then cycles can be stored in the garage. There is no refuse/recycling bin storage but these issues can be conditioned if approval is likely.

EPU:

The a site does not appear to have had a contaminative use, although it is near to the sites of the former BASF paint factories (remediated for housing around 2000). I am not aware that the nearby sites have affected this land. The land appears to have been derelict with four garages. My only concern would be the quality of the garden soil in the new garden to the bungalow when built. A condition to test the soil could be applied to ensure the garden soils are clean and uncontaminated.

Access Officer: No Objection.

Landscape Officer:

No trees or other significant vegetation which will be affected by the development.

RECOMMENDATION: No objection subject to condition RES9 (parts 1, 2, 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.

Policy 3.4 of the London Plan (2015) seeks to ensure that new development 'takes into account local context and character, the design principles in Chapter 7 and 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 which compromise this policy should be resisted.'

### **7.02 Density of the proposed development**

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

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings and its impact on adjoining occupiers.

### **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**

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk.

HDAS states in paragraph 4.27 that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and building lines of surrounding buildings.

In terms of the layout and siting of the building proposed, the predominant character within this part of Colham Mill Road is two storey semi-detached and terraced dwellings with the properties fronting Station Road to the East being three storey buildings with retail at ground floor. The partial filling of this gap with the proposed building, by reason of its design, size, scale and proximity to existing residential buildings, would appear cramped

and out of keeping with the spacing of development within the locality, in a backland location. The positioning of this dwelling would not respond to the urban grain of the area. Bungalows are not a feature within the area and would not reflect the established character of the area. Overall, it is considered that the proposed building would constitute a cramped form of development, largely filling the space to the rear of 1-3 Colham Mill Road which would result in the closing of an important gap characteristic to the area and would be visually at odds with the predominant character, appearance and scale of buildings within the surrounding street scene and would thus be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan and the council's adopted Supplementary Planning Document HDAS: Residential Layouts.

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

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy. Policy BE21 states that planning permission will not be granted for new buildings which by reason of their siting, bulk and proximity would result in significant loss of residential amenity.

Numbers 2 and 3 Colham Mill Road have relatively short rear gardens at a depth of approximately 6.5m. Whilst the proposed bungalow would be sited 1m off the rear boundary of these properties, a flank to rear separation distance of approximately 7.5-8 m would be achieved between these properties. It is considered that the erection of a detached bungalow, measuring 4m in height, at a distance of just 7.5 m away from the rear elevations of numbers 2 and 3 Colham Mill Road, would result in an un-neighbourly form of development resulting in an unacceptable loss of light and outlook. The proposal, therefore by reason of its size, bulk, design and proximity, with inadequate separation distances between the proposed dwelling and the existing properties at, Nos. 2 and 3 Colham Mill Road, would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE20, and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Documents HDAS Residential Layouts.

#### **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. A two bedroom (3 person) single storey dwelling is required to provide an internal floor area of 61 m<sup>2</sup> which at a floor area of 86 square metres, the proposal complies with.

Concerns are however raised in terms of the outlook that the future occupants of the property would enjoy. Bedroom 2 and the living room would be served by windows located just 3.6 m away from the boundary wall. As such the proposal would result in the provision of habitable rooms with very poor levels of outlook and light to the detriment of the amenities of current and future occupiers. The proposal is therefore contrary to Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (2016).

Policy BE23 of the Hillingdon Local Plan (November 2012) recognises that new residential buildings should 'provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings'. Submitted plans demonstrate that bungalow would be served with external amenity space of approximately 135 sq.m which would exceed the requirements of the Council's guidance HDAS Residential Layouts (2008). However the garden area would be overlooked by the surrounding two storey properties at 2 and 3 Colham Mill Road. The proposed development by reason of its siting and proximity to the adjacent properties at Nos. 2 and 3 Colham Mill Road, would result in a form of development which would not provide satisfactory amenities for future occupiers of that new property, in that there would be unacceptable overlooking of the private amenity space for the new dwelling. The proposal is therefore contrary to Policies BE23 and BE24 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the HDAS Supplementary Planning Document: Residential Layouts, July 2006.

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

Policy AM7 of the Hillingdon Local Plan: Part 2 - 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 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The submitted plans indicate that two garage parking spaces would be provided within the red line boundary of the site. These garage spaces are too narrow to comply with the Council's parking standards which require garages to measure 3 m in width. As such, the proposal has not demonstrated that sufficient off street parking/manoeuvring/access arrangements would be provided, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standard, leading to possible on-street parking/queuing to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local plan - Saved UDP Policies (November 2012) and to the Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007).

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

Not applicable to this application.

#### **7.12 Disabled access**

No accessibility issues are 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.

### **7.15 Sustainable waste management**

Should the application be considered acceptable in all other respects, it would be appropriate to impose a condition to secure acceptable sustainable waste management details.

### **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**

The issues are addressed in the sections of the report above.

### **7.20 Planning obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

Presently calculated these would be;

LBH CIL £11,544.30

London mayoral CIL £4,520.18

Total CIL £16,064.48

### **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**

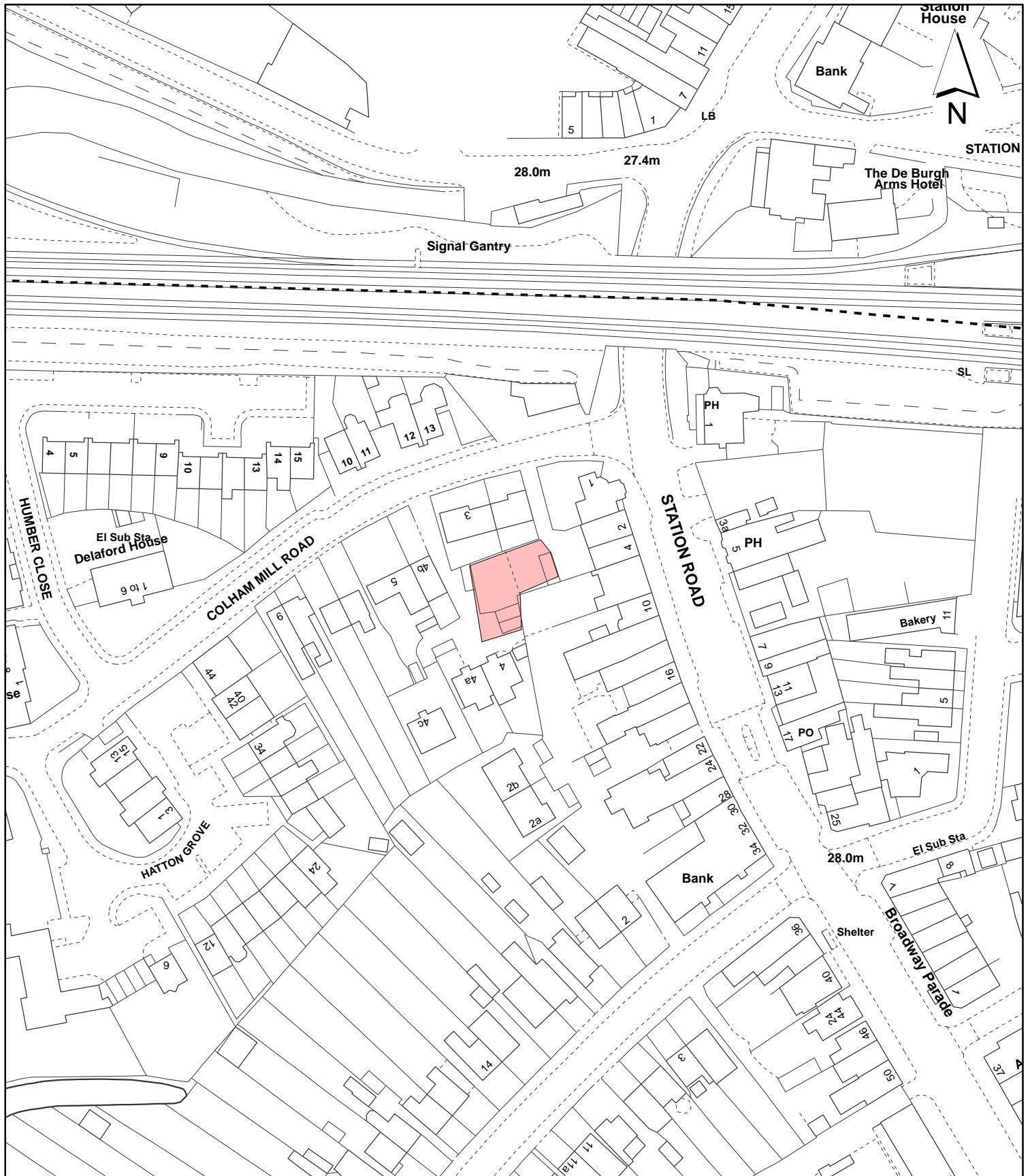
The proposal would be detrimental to the local context of the area and would have a detrimental impact on the character and appearance of the area. Furthermore the proposal would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity and would fail to provide sufficient on site car parking. The proposal would also fail to provide a satisfactory residential environment to the detriment of the amenity of future occupiers. 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

**Contact Officer:** Nicola Taplin

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**Notes:**

 Site boundary

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Site Address:

**Rear of  
 1 - 3 Colham Mill Road**

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

Planning Application Ref:  
**52884/APP/2016/1978**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**September 2017**

