

Report of the Head of Planning, Sport and Green Spaces

Address 42 HUGHES ROAD HAYES

Development: Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflight to create 1 x 2-bed flat, 1 x studio flat and a 4-bed HMO

LBH Ref Nos: 28763/APP/2017/4032

Drawing Nos: 16/42/HRH/102
16/42/HRH/103
42HUGHES/PL04
42HUGHES/PL06
16/42/HRH/101
16/42/HRH/104
Design and Access Statemen

Date Plans Received: 07/11/2017

Date(s) of Amendment(s):

Date Application Valid: 20/11/2017

1. SUMMARY

The application seeks planning permission for the erection of a part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflights to create 1 x 2-bed flat, 1 x studio flat and a 4-bed HMO (House in Multiple occupation). The extensions to the property are identical to those recently approved under application 28763/APP/2016/1851 as a single private dwelling. This application seeks permission for the subdivision of the extended dwelling. It is considered that the number of residents proposed within the building would be substantially more than if a large family were to occupy the dwelling and therefore the impact on neighbouring occupiers, in terms of movements of residents at all times of the day and night and consequently noise and disturbance would be greater than could reasonably be expected if the property were occupied by a family and thus the proposal is considered to have an unacceptable and undue impact on existing residential amenity. The proposal also fails to provide sufficient off street parking provision which meets the council's approved parking standards to service the proposed dwellings and would fail to provide a satisfactory residential environment for future occupiers. The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development fails to provide sufficient off street parking provision and therefore the development is considered to result in substandard car parking provision, leading to on-street parking 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 Extensions

2 NON2 Non Standard reason for refusal

The proposal would result in an overintensive use of the site to the detriment of the residential amenities of adjoining occupiers by reason of noise and disturbance. Therefore the proposal would be contrary to policies BE19, BE21 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the and the Council's Supplementary Planning Guidance - Houses in Multiple Occupation and other non-self contained housing (August 2004).

3 NON2 Non Standard reason for refusal

The proposal provides an indoor living area of an unsatisfactory size for the occupiers of the proposed two bedroom flat and bedroom 4 of the HMO and would give 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 Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Council's Supplementary Planning Guidance - Houses in Multiple Occupation and other non-self contained housing (August 2004).

4 NON2 Non Standard reason for refusal

The proposed development would fail to provide a communal habitable room of more than 10 square metres. As such the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Guidance - Houses in Multiple Occupation and other non-self contained housing (August 2004).

5 NON2 Non Standard reason for refusal

The proposed development comprises a communal amenity area, the use of which would lead to an unacceptable level of overlooking, noise and disturbance to the ground floor flats. The proposal would thus, be detrimental to the residential amenity of future occupiers of the ground floor flats, contrary to Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Documents HDAS: Residential Extensions and 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.
H7	Conversion of residential properties into a number of units
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.
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

3. CONSIDERATIONS

3.1 Site and Locality

This application relates to a two storey semi detached dwelling with a hipped roof and a prominent front bay located on the South side of Hughes Road. The property currently benefits from a detached garage/store which runs the full length of the dwelling and sits against the Western boundary of the site. The area to the front of the property is partially laid to hardstanding, and makes off-street parking provision for two vehicles within the curtilage of the application site.

The surrounding area is residential in character, with a number of the surrounding properties having been previously extended. The application site is located within a 'Developed Area' as identified within the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The applications seeks planning permission for the erection of a part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflights to create 1 x 2-bed flat, 1 x studio flat and a 4-bed HMO.

3.3 Relevant Planning History

28763/APP/2016/1851 42 Hughes Road Hayes

Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflight

Decision: 15-07-2016 Approved

Comment on Relevant Planning History

28763/APP/2016/1851 - Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflights. 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.

H7 Conversion of residential properties into a number of units

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.

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.
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LPP 3.5	(2016) Quality and design of housing developments
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

4 neighbouring properties were consulted by letter dated 22.11.17 and a site notice was displayed to the front of the site which expired on 22.12.17.

A petition of objection and 3 letters of objection have been received raising concerns about:

1. Over intensive use of site.
2. Noise and disturbance.
3. Inadequate parking provision.
4. Use incompatible with residential use of the area.

Internal Consultees

Highways Officer:

This application is for the extension and conversion of an existing dwelling in Hughes Road Hayes to create 2 flats and a 4bed HMO. Hughes Road is a local road that is subject to parking stress as not all dwellings have off-street car parking. The existing dwelling has a vehicular crossover that leads to an attached garage. The site has a PTAL of 2 (poor) which suggests there will be a strong reliance on private car trips to and from the site. There is an existing approved permission for extensions to the house but that was for a single family dwelling. The proposals involve extending the property to create two flats (1 x 2b + 1 x studio) as well as a 4b HMO. The on-site car parking requirement for the 2 flats would be 3 spaces and for the HMO would be 2 spaces which equates to a total of 5 spaces. The

proposed layout plan shows only 2 spaces provided at the front of the property so on that basis there is insufficient off-street car parking provided as part of the proposals. There are bin stores shown but I would suggest this area needs enlarging to cope with recycling facilities (can be conditioned). There is no cycle storage shown on the layout plan and secure covered cycle storage for 4 cycles should be provided (can be conditioned). On the basis of the above comments I suggest you refuse this change of use based on insufficient off-street car parking.

Access Officer - No comments.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies within an established residential area, as such, there would be no objection in principle to the intensification of the residential use of the site, providing that it accords with all relevant planning policies.

In particular, paragraph 7.15 of the Hillingdon Local Plan (November 2012) recognises that Policy H7 of the Hillingdon Local Plan (November 2012) serves to ensure that 'conversions achieve satisfactory environmental and amenity standards'

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 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, or not, and its impact on adjoining occupiers.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of 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 NPPF (2012) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. Paragraph 4.14 of the Residential Layouts HDAS SPD

specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice 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 lines of surrounding buildings.

Planning permission has recently been granted for the proposed extensions to this property under application reference 28763/APP/2016/1851 as a single private dwelling. The proposed physical alterations to the building are therefore considered acceptable.

7.08 Impact on neighbours

The application proposes no additional extensions to the building over that which was recently granted planning permission under application reference 28763/APP/2016/1851 as a single private dwelling. Therefore, the development would cause no significant harm in terms of loss of light, loss of outlook or loss of privacy. However, It is considered, given the size of the rooms being provided that there is the potential for 7 unrelated individuals to live together sharing basic amenities such as a kitchen and a bathroom within the HMO and 4 additional occupants of the proposed two flats. It is considered that the number of residents proposed within the building would be substantially more than if a large family were to occupy the dwelling and therefore the impact on neighbouring occupiers, in terms of movements of residents at all times of the day and night and consequently noise and disturbance would be greater than could reasonably be expected if the property were occupied by a family and thus the proposal is considered to have an unacceptable and undue impact on existing residential amenity and the proposal would therefore be contrary to Policies BE19, BE21 and OE3 of the Hillingdon Local Plan: Part Two - Saved Policies (November 2014).

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) flat over two floors is required to provide an internal floor area of 70 m² and a studio flat with shower room is required to provide an internal floor area of 37 square metres. The proposed two bedroom unit would, at a floor area of 62 square metres, fail to meet this minimum standard. As such the proposal provides an indoor living area of an unsatisfactory size for the occupiers of the proposed two bedroom flat and would give 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 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).

The proposed development is also seeking change of use to a 4 bed HMO. The Houses in

Multiple Occupation SPD (2004) sets minimum standards for bedrooms sizes and requires a minimum of 6.5 - 10 sq.m of internal space for a 1-person bedroom. The proposed development comprises 4 bedrooms ranging in size as follows:

- Bedroom 1 - 12 square metres plus en-suite.
- Bedroom 2 - 11 square metres plus en-suite.
- Bedroom 3 - 10- square metres plus en-suite.
- Bedroom 4 - 5 square metres.

The single bedroom would not therefore meet the minimum size for a single bedroom to meet the Council's standards and would provide a poor standard of amenity to its future occupar

Furthermore, the Council's SPG on HMO's requires the provision of a ground floor communal habitable room (not including a kitchen) of more than 10 square metres to provide a suitable living environment for future occupiers. The development also fails in this regard

In summary, the proposal would fail to provide a satisfactory residential environment for future occupiers, contrary to Policy BE19 of the Hillingdon Local Plan (November 2012) and Policy 3.5 of the London Plan (2016) and the Supplementary Planning Guidance: Houses in Multiple Occupation and other non-self contained housing (August 2004).

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'. The Council's SPG on HMO's require the provision of 15 square metres of external amenity space for each habitable room (excluding those used for communal living purposes). The submitted plans indicate that a shared amenity space of 246 square metres would be provided. Whilst this would be sufficient in terms of area, this shared rear space would be directly adjacent to the ground floor flats whose windows adjoin it. In principal other occupiers could use the space right outside the rear windows to the ground floor flats which would adversely affect the privacy and amenity of those flats. There are no measures proposed with regard to screening or separating those flats from the potential for noise, disturbance and overlooking arising from the use of the amenity space by the other occupiers in the development. Therefore, the living conditions of occupiers of the ground floor flats would not be adequately protected in terms of overlooking, noise and disturbance and the proposal would be contrary to Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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 site has a PTAL of 2 (poor) which suggests there will be a strong reliance on private car trips to and from the site. There is an existing approved permission for extensions to the house but that was for a single family dwelling. The proposals would require on-site car parking for the 2 flats to be 3 spaces and for the HMO would be 2 spaces which equates to

a total of 5 spaces. The proposed layout plan shows only 2 spaces provided. As such, the proposed development fails to provide sufficient off street parking provision which meets the council's approved parking standards to service the proposed dwellings. The development would therefore lead to additional on street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's adopted car parking standards.

7.11 Urban design, access and security

The issues are discussed in the sections above.

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. The established garden contains a number of trees and shrubs, with the most significant trees situated on, or close to, the rear boundary. In the event of an approvable scheme, it would be reasonable to impose landscaping conditions.

7.15 Sustainable waste management

In the event of an approvable scheme, it would be reasonable to impose a condition to secure sustainable waste management.

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

Noise issues are addressed in the section above.

7.19 Comments on Public Consultations

The comments are addressed in the sections 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.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 115.01 sq metres of additional floorspace are presently calculated as follows:

Hillingdon CIL = £12,006.08

London Mayoral CIL = £4,700.99

Total = £16,707.07

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

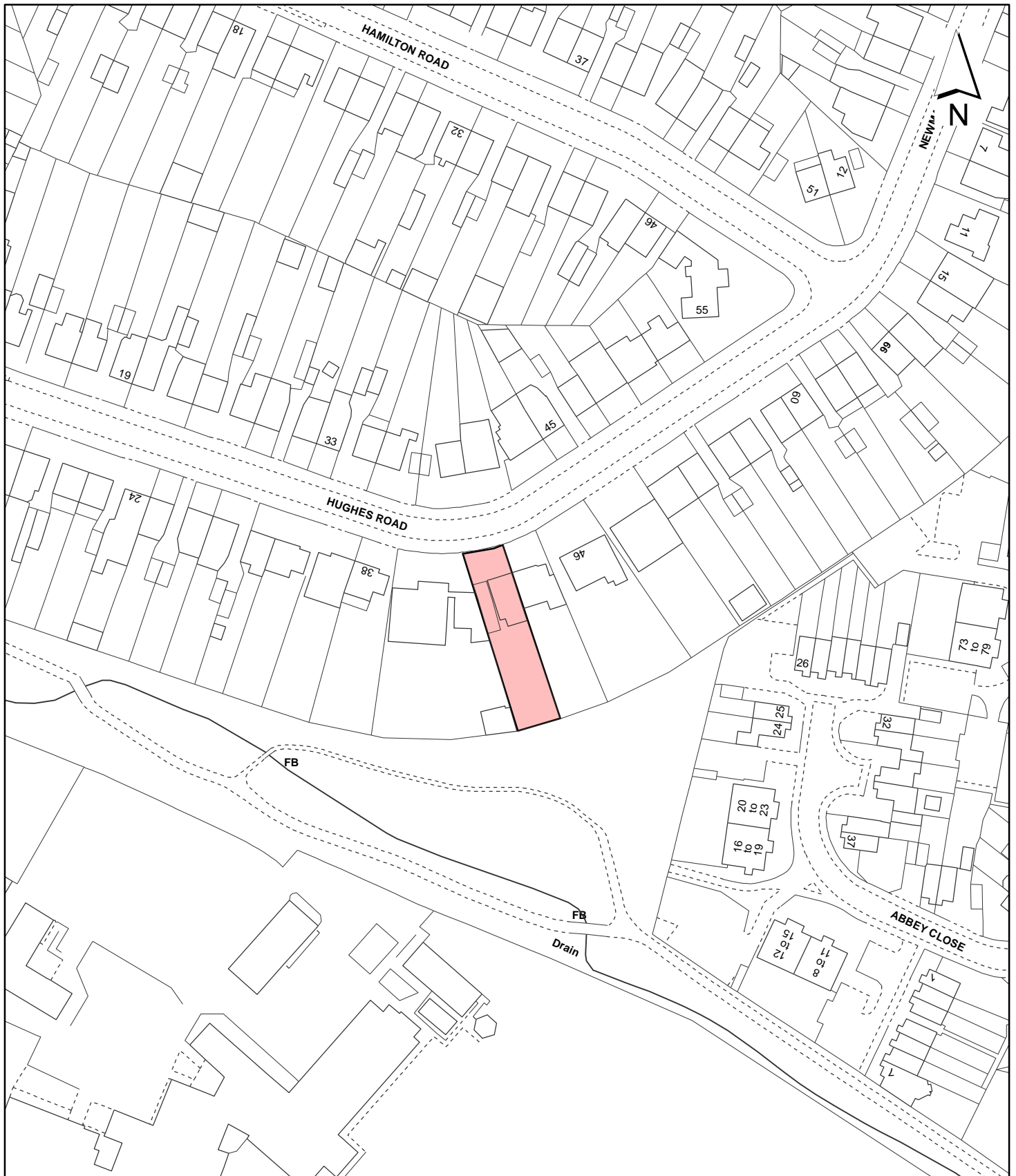
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11. Reference Documents


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
Hillingdon Supplementary Planning Guidance Houses in Multiple Occupation;

Contact Officer: Nicola Taplin

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Notes

 Site boundary

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Site Address

**42 Hughes Road,
Hayes**

Planning Application Ref:

28763/APP/2017/4203

Planning Committee

Central and South

Scale

1:1,250

Date

February 2018

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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