

Report of the Head of Planning, Sport and Green Spaces

Address 30 NEW BROADWAY UXBRIDGE ROAD HILLINGDON

Development: Single storey rear extension to create 1 x 2-bed self-contained flat and installation of rear balconies at first and second floor flats.

LBH Ref Nos: 27047/APP/2017/4587

Drawing Nos: LP
11
100
10
101

Date Plans Received: 20/12/2017

Date(s) of Amendment(s):

Date Application Valid: 20/12/2017

1. SUMMARY

The application seeks planning permission for a single storey rear extension to create 1 x 2 bed self contained flat and installation of rear balconies at first and second floor flats.

The application site currently comprises of 2 x 2 bed flats on the upper floors with permission granted via appeal for the change of use of the ground floor use from shop (Use Class A1 to 1 x 2 bed flat (C3) under planning ref:27047/APP/2016/3255.

The proposed development would fail to meet the gross internal floor standards and minimum garden standards for a 2 bed flat and and combined with the poor level of outlook and poor refuse arrangements, the proposals would result in a substandard level of residential amenity for the future occupiers of the property. Furthermore given the lack of off street car parking spaces, this would contribute to the existing parking stress in the surrounding streets to the detriment of highway and pedestrian safety.

The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal would result in poor outlook for Bedroom 1 and Bedroom 2 within Flat 1 and the kitchen/living area and Bedroom 2 within Flat 4 due to their proximity to the external staircase, the proposed bin stores and the site boundary walls. The proposals would fail to provide an adequate outlook and natural lighting to habitable rooms resulting in a poor standard of residential amenity and reliance upon artificial means of lighting, contrary to Policies 3.5 and 5.3 of the London Plan (March 2016) and Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The proposed development fails to provide sufficient off street parking, 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 Council's adopted Supplementary Planning Documents HDAS: Residential Extensions and HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposed extension by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the extended property, would result in an over-development of the site detrimental to the residential amenity of the 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 Extensions.

4 NON2 Non Standard reason for refusal

Flat 4 has a proposed floor area at 56 sq m and therefore fails to meet the minimum standard for a 2 bedroom self contained flat contrary to table 3.3 of the London Plan 2016 and the nationally prescribed floorspace standards, Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

5 NON2 Non Standard reason for refusal

The proposed location of the refuse/bin storage area would result in poor outlook for the residents of Flat 1 and due to its location is likely to give rise to odour, noise and general disturbance to the occupiers of both Flats 1 and 4 contrary to policy 5.16 of the London Plan 2016, policies EM11, BE20, BE21 and OE1 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

INFORMATIVES

1 I71 LBH worked applicant in a positive & proactive (Refusing)

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.

a) 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.

2 I74 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated on the North-Eastern side of Uxbridge Road, and forms part of a group of buildings which are positioned along a sub-route adjacent to the main highway known as New Broadway. The ground floor premises has now ceased use as a commercial premises with permission granted for change of use to C3 Residential Use which has yet to be implemented. To the rear is a large stretched garden comprising of soft landscaping.

Directly adjacent to the North-West of the site lies the British Legion Club, albeit that the building lies to the North West of its plot. The application site occupies an end terrace location with the adjoining neighbours comprising of a similar group of buildings that are occupied by a part commercial part residential use. 29 New Broadway has a rear single storey element.

3.2 Proposed Scheme

Planning permission is sought for a single storey rear extension to create 1 x 2 bed self contained flats and installation of rear balconies at first and second floor flats.

The proposed single storey rear extension would measure a maximum of 10.5 m in depth, 6 m in width and would have a flat roof with a maximum height of 2.8 m.

The proposed rear balconies to the first floor would measure the entire width of the original rear wall and would have a floor area of 7 square metres with a 1 m high glass balustrade to 3 sides. The balcony to the second floor would measure 2 square metres, and likewise would have a 1 m high glass balustrade.

The proposed extensions and alterations would be finished in materials to match the existing.

3.3 Relevant Planning History

27047/APP/2016/3255 30 New Broadway Uxbridge Road Hillingdon

Change of use from shop (Use Class A1) to 1 x 2-bed flat (Use Class C3) (Prior Approval)

Decision: 25-10-2016 Refused

Appeal: 26-05-2017 Allowed

27047/C/90/0735 30 New Broadway Uxbridge Road Hillingdon

Formation of external fire escape to second floor flat

Decision: 11-06-1990 Approved

Comment on Relevant Planning History

27047/APP/2016/3255PAO: Change of use from shop (Use Class A1) to 1 x 2-bed flat (Use Class C3) (Prior Approval) - Refused planning permission but allowed at appeal.

The current application seeks to add an additional 2 bed flat at ground floor level within a proposed single storey rear extension. The flat would have a gross internal floor area of 56 square metres, would comprise of an open plan lounge/ kitchen/ dining area with one bathroom.

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:

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.
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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 3.5	(2016) Quality and design of housing developments
LPP 5.3	(2016) Sustainable design and construction
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
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

A total of 7 adjoining and nearby neighbouring properties were consulted via letter dated 04.01.18 including a site notice displayed outside the premises on 10.01.18.

No representations received.

Internal Consultees

A total of 3 internal consultees, comprising of the Access Officer, The Environmental Protection Unit and Highways were consulted.

Access Officer: No comments.

EPU: No comments.

Highways: This application is for an extension to an existing property on Uxbridge Road Hillingdon to create a new 2b flat. The site is part of a parade of shops off Uxbridge Road which is a classified road on the Council Road Network. There is evidence of parking stress in the streets surrounding the site along with parking restrictions in the area surrounding the site. 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. The proposals are to increase the site provision by 1 x 2b flat. There is no information provided regarding car or cycle parking in the applicant's submission so I suggest you refuse the application as the Council could not support a car-free development in an area with such a poor PTAL value and high parking stress.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The National Planning Policy Framework (NPPF) states there is a presumption in favour of sustainable development which is described for decision taking as "approving development proposals which accord with the development plan." As a core planning principle the effective use of land is encouraged by reusing land that has been previously developed (Brownfield land).

The proposed site currently comprises a 3 storey end of terrace building within the developed area. This constitutes 'previously developed land'. There is a presumption expressed in the National Planning Policy Framework (NPPF) in favour of residential development on previously developed (Brownfield) land subject to other material planning considerations.

There are, in principle, no objections to the principle of development of the site, subject to all other material planning considerations being acceptable in accordance with Hillingdon Local Plan policies

7.02 Density of the proposed development

Not applicable.

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

Not applicable as the site is not within a conservation area and is not listed.

7.04 Airport safeguarding

Not applicable as the height of the building is not increasing.

7.05 Impact on the green belt

Not applicable as the site is not in the Green Belt.

7.07 Impact on the character & appearance of the area

Paragraph 56 of the Planning Policy Framework (NPPF) (March 2012) states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

Paragraph 64 of the NPPF states 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 7.1 of the London Plan states that "design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and

accessibility of the neighbourhood".

Policy 7.4 of the London Plan states, "Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function 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. Policy BE13 of The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states "the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area".

The proposed single storey rear extension would project beyond the rear wall of a commercial parade and therefore would not be prominent in the wider street scene. Furthermore, the overall size and scale of the extension would reflect similar development to adjoining properties and therefore would not be out of keeping with the neighbouring development, albeit the surrounding built form appears to be in use to service the retail uses along this parade.

As such, the proposal is considered to comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 should protect the privacy of the occupiers and their neighbours.

The proposed extension is considered not to cause any undue loss of residential amenity to the occupiers of the neighbouring first floor flats, in terms of loss of light, loss of outlook or overshadowing, as the proposed extension would be single storey and 2.8 m in height, which is not considered to cause any detrimental impact upon the occupiers of the first floor flats. The adjoining property to the South East at No. 29 is occupied as commercial (non-residential use) at ground floor and will also not be affected. The British Legion Club sits to the North-West.

The proposed balconies would be erected beyond the first and second floor rear windows above the proposed single storey rear extension.

Given the location of the balconies, it is not possible to see through any habitable room windows of any adjoining properties on New Broadway or surrounding streets, and given the adjoining properties to either side comprise of non-residential use including a similar rear extension protruding for the entirety of the adjoining rear area and the separation

distance from the adjoining neighbour to the rear it is considered not to result in a significant increase in overlooking.

It is therefore considered that the proposed extension would not result in an unacceptable loss of light, outlook or privacy and as such, the proposal would not represent an unneighbourly form of development, in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

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. Table 3.3 sets out how the minimum space standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standards.

The Housing Standards Minor Alterations to the London Plan March 2016 requires a single storey 2 bed dwelling for 3 people to benefit from a gross internal floor area of 61 square metres. A bedroom measuring a maximum of 7.5 square metres would be classified as a single bedroom for one person, and a double bedroom (2 people) should measure a minimum of 11.5 square metres.

Flat 4 indicates it would benefit from two bedrooms respectively measuring 6.5 sq m and 10 sq m. The proposed floor area at 56 sq m is considered sufficient to serve a 1 bedroom 2 person flat which requires 51 sq m however as bedroom 2 would nevertheless fail to meet the minimum standard of 7.5 sq m for a single bedroom it could essentially be occupied as a second bedroom, and therefore would fail to meet the minimum floor area requirements for a 2 bed self contained flat.

Furthermore the submitted plans show bedroom 2 to benefit from a single side window which would be sited some 1 m from, the side boundary and as such any outlook from this habitable room and any natural light received would be extremely poor. Additionally, although the open plan kitchen/ lounge/ dining area would benefit from a set of double patio doors to the rear elevation, given the staggered internal layout, this would result in a poor level of outlook and light entering the living area. This is a similar concern within regard to Bedroom 1 and Bedroom 2 of Flat 1 which would also have extremely poor outlook and natural light due to their proximity to the external staircase and refuse area.

As such, the scheme fails to comply with Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 5.3 and 3.5 of the London Plan (March 2016).

Outdoor Amenity Space:

The SPD HDAS: Residential Layouts includes in paragraph 4.17 minimum amenity space standards for private amenity space. A 2 bedroom flat should have a minimum space of 25 sq m per flat. The submitted drawings show that the private amenity space would measure approximately 13 sq m, as such would fall considerably shy of the minimum standard to protect the amenities of the future occupiers and would therefore be contrary to Policy BE23 of the Hillingdon Local plan - Saved UDP Policies (November 2012).

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 proposed development seeks a single storey rear extension to create an additional 1 x 2 bedroom self contained flat. The Councils adopted Car Parking Standard seeks a maximum of 1.5 spaces per flat. The application site has a PTAL of 2 (poor) which suggest there will be a strong reliance on private car trips to and from the site. The Councils Highway Officer has stated there is evidence of parking stress in the streets surrounding the site along with parking restrictions, including no information regarding car or cycle parking has been submitted to support the application. The application site lies within an area with such a poor PTAL value and high parking stress, that the Council could not support a car-free development.

The proposed development would lead to additional on street parking to the detriment of public and highway and pedestrian safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) and the Council's adopted car parking standards.

7.11 Urban design, access and security

The proposed rear extension cannot be viewed from the street and is unlikely to have wider visual impacts when viewed from the rear of other neighbouring properties.

7.12 Disabled access

Not applicable.

7.13 Provision of affordable & special needs housing

The application is below the threshold at which affordable housing should be sought under Policy 3A.10 of the London Plan and the Council's adopted Planning Obligations SPD, nor is it considered that a higher level of development could be achieved on this site.

Accordingly, the proposal does not give rise to the need for affordable housing provision for a development of this size and consideration of these matters is not necessary.

7.14 Trees, landscaping and Ecology

No trees or ecology would be affected by the proposal.

7.15 Sustainable waste management

The proposed refuse arrangements include the provision of 4 refuse bins at the bottom of the external staircase adjacent to Bedrooms 1 and 2 of Flat 4. Moreover the refuse would need to be moved along a narrow walkway adjacent to Flat 4 in order to move it to be collected from the shared service road. This arrangement is unsatisfactory as it will result in odour, noise and disturbance to the occupiers of Flat 1 and Flat 4.

The proposed location of the refuse/bin storage area would result in poor outlook for the residents of Flat 1 and due to its location is likely to give rise to odour, noise and general disturbance to the occupiers of both Flats 1 and 4 contrary to policy 5.16 of the London Plan 2016, policies EM11, BE20, BE21 and OE1 of the Hillingdon Local Plan - Saved UDP Policies (November 2012)

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

The site is not located in an area at risk of flooding.

7.18 Noise or Air Quality Issues

The proposed location of the refuse/bin storage area would result in poor outlook for the residents of Flat 1 and due to its location is likely to give rise to odour, noise and general disturbance to the occupiers of both Flats 1 and 4 contrary to policy 5.16 of the London Plan 2016, policies EM11, BE20, BE21 and OE1 of the Hillingdon Local Plan - Saved UDP Policies (November 2012)

7.19 Comments on Public Consultations

Discussed within main body of the report.

7.20 Planning obligations

Not applicable

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), requires that where developments generate the need for additional facilities, financial contributions will be sought. Infrastructure Levy (Amendment) Regulations 2011. 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.

It applies where a proposal would result in an increase in a gross internal floorspace of 100 metres square or more or where a proposal would create 1 or more residential units.

The proposal produces a net increase of 56 square metres and presently calculated the proposal would attract a CIL Liability if planning permission were to be granted.

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

Planning permission is sought for the erection of a single storey rear extension to create a 1 x 2 bed self contained dwelling and installation of rear balconies at first and second floor flats.

The proposed development would fail to meet the gross internal floor standards and minimum garden standards for a 2 bed flat and combined with the poor level of outlook and poor refuse arrangements, the proposals would result in a substandard level of residential amenity for the future occupiers of the property. Furthermore given the lack of off street car parking spaces, this would contribute to the existing parking stress in the surrounding streets to the detriment of highway and pedestrian 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)

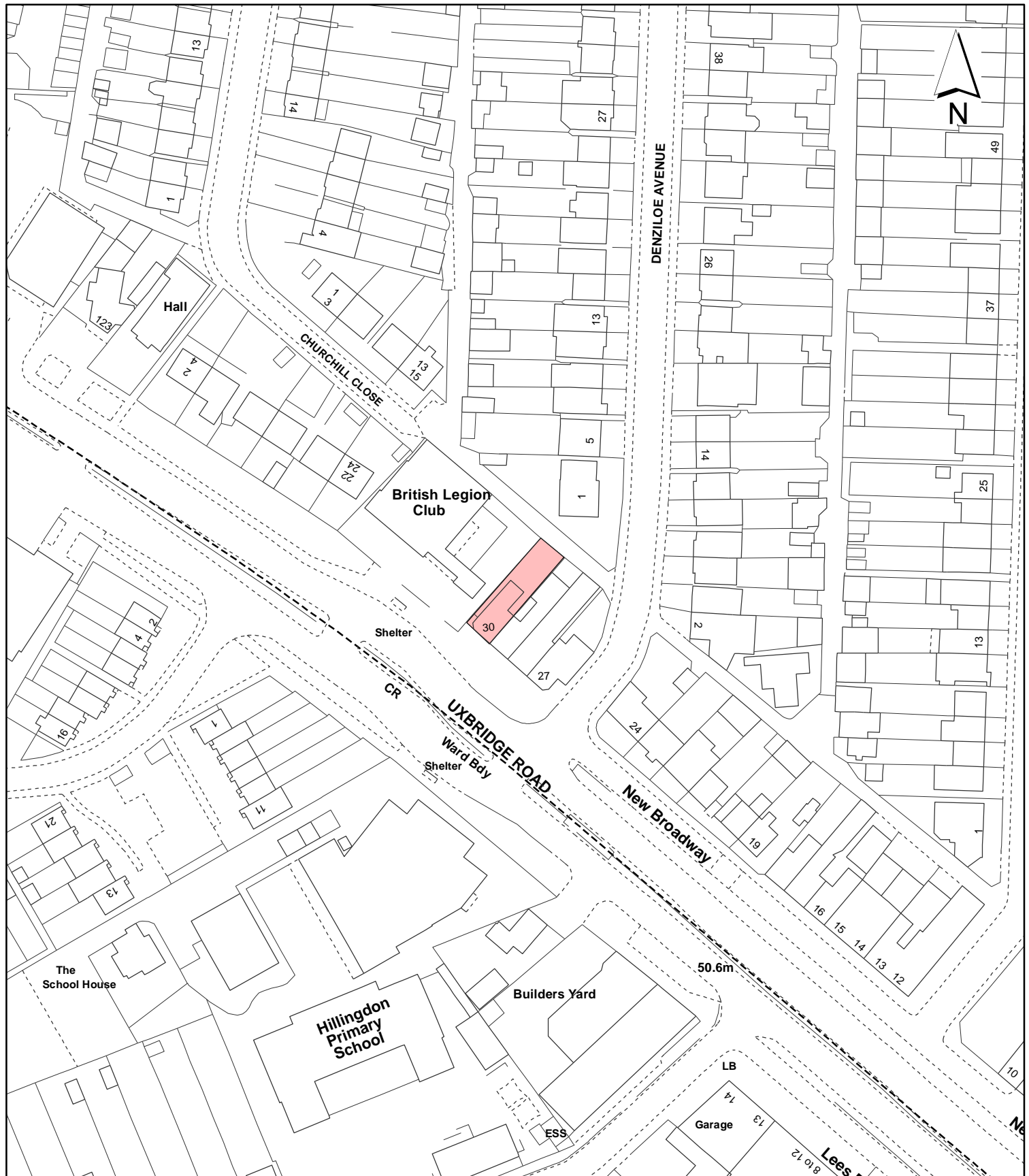
The Housing Standards Minor Alterations to The London Plan (March 2016)

Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)

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: Naim Poptani

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Notes:

 Site boundary

For identification purposes only.

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Site Address:

30 New Broadway

Planning Application Ref:

27047/APP/2017/4587

Planning Committee:

Central & South

Scale:

1:1,250

Date:

April 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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