

Report of the Head of Planning, Transportation and Regeneration

Address 60 CARFAX ROAD HAYES

Development: Single storey detached outbuilding to rear for use as a hair salon (Retrospective)

LBH Ref Nos: 51061/APP/2017/4328

Drawing Nos: 2017-65-01 Rev. A
Location Plan (1:1250)

Date Plans Received: 30/11/2017 **Date(s) of Amendment(s):**

Date Application Valid: 29/01/2018

1. CONSIDERATIONS

1.1 Site and Locality

The application property is located on the Western side of Carfax Road and comprises a semi-detached dwelling set within an 6.0 m wide plot. The property has a large rear garden with an outbuilding to the end of the plot. To the front of the site there is a small front garden which has been partly paved in hardstanding but does not provide off street parking spaces. The property has been extended to the side by way of an extension however no relevant planning applications associated to this appear.

The site is bordered to the North by 58 Carfax Road and to the South by 62 Carfax Road, whilst garages and Canford Park Academy are located at the rear of the site.

1.2 Proposed Scheme

The application seeks retrospective permission for the use of a rear outbuilding as a hair salon.

1.3 Relevant Planning History Comment on Planning History

There have been two previous enforcement cases related to the outbuilding, with issues that the building is being used as a beauty salon. The first case REF: ENF/367/08/ENT No Further Action was taken. The second enforcement case associated REF: ENF/533/17/ECC is still ongoing. This application seeks to legalise the issues surrounding this use of part of this outbuilding.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

Three neighbouring properties were consulted regarding the application and a site notice

was issued to the front of the property which expired on 19.03.18.

By the end of the 21 day consultation period, one objection was received. The main concerns relate to parking and issues of a loss of privacy to the rear garden space.

Officer Comment: These issues will be addressed in the main body of the report.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
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

5. MAIN PLANNING ISSUES

The application seeks planning permission for the incidental use of the property's outbuilding to be used for the provision of beauty treatments. The application follows an enforcement investigation.

The applicant has submitted the following evidence in support of the application.

- A completed application form.
- Location Plan.
- Existing/Proposed Plans.

The onus is on the Applicant to establish on the balance of probabilities that the use of the outbuilding for beauty treatments is ancillary to the main dwelling.

Uses that are ancillary to the primary use of the land do not involve development. Both the nature and scale of the use in question are relevant in determining whether the use is ancillary.

The concept 'ancillary' is not covered in legislation and is a judge made concept. The Planning Portal offers the following guidance:

The key test is whether the overall character of the dwelling will change as a result of the business.

If the answer to any of the following questions is 'yes', then permission will probably be needed:

- Will your home no longer be used mainly as a private residence?
- Will your business result in a marked rise in traffic or people calling?
- Will your business involve any activities unusual in a residential area?
- Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?

The Applicant has confirmed the property including all buildings within its curtilage will remain as a single family dwelling house. The Applicant has answered 'No' to all the other questions asked.

A further set of questions were directed to the agent in order to assess how busy the service provided will be, and to give a general understanding of the additional noise and traffic that may be potentially caused as a result of the proposal.

Will there be anyone, who does not live at the property, employed to work at the salon?

How many customers will attend a week?

Will there be an appointment system?

What will be the working hours?

It is confirmed by the agent/applicant that the outbuilding will be used on appointment basis, and in the case of an approval this will be a condition established. No one will be employed by the salon, and only those residing in the household will provide the service. The occupiers expect no more than 5 customers a week, although have suggested opening hours will be from 10.00 AM to 4.00 PM Monday to Friday, 10.00 AM to 1.00 PM Saturday and no business on Sunday. These opening hours suggests that there is a capacity to provide for more than the 5 people that has been confirmed to be booked in weekly. The outbuilding is proposed to be used for 34 hours per week as a beauty salon, spread across 6 days a week. It is unrealistic to assume that only 5 people will attend the salon weekly and even if that was considered to be the case, such a number cannot be considered a viable business. Previously, when used as a salon, neighbouring properties have raised concerns regarding overcrowding, congestion and noise issues. Furthermore, although the customers may be local and within walking distance this cannot be conditioned through planning. Customers may decide to drive to the site for the service provided. The property is able to accommodate for 2 off-street parking spaces which is not considered acceptable to accommodate for the occupiers of the dwelling and the customers. of the proposed use

It is a matter of fact and degree as to whether the activities are considered unusual in a residential area. The application proposes for a part use of the building as a salon, with a utility room, wash room and child play area. The outbuilding is not separated from the dwelling and all residents of this family house have full and unfettered access to the outbuilding. The beauty operations at the property are not isolated or withdrawn from normal family use. The property is still in use as a private dwelling. The use and treatments are solely undertaken by the applicant according to information provided by the agent and

applicant.

However, the footprint of the outbuilding is 48.96 square metres and is considered excessive in comparison to the main dwellinghouse. The outbuilding measures larger than the original dwellinghouse by approximately 10 square metres. The outbuilding has been designed with many divisions internally and many walls of separation. The outbuilding has two entrances and 4 rooms. One of the entrances will limit access to only the proposed hair salon, while the other entrance will give access to a utility area, wash room and childrens playroom. At an internal floor area of 48.96 square metres, the extended outbuilding exceeds the National Minimum Floor Space Standards for a 1 bedroom dwelling. Given its layout, scale and independent access, the extended outbuilding is considered to be capable of independent use. It is not considered that the imposition of a restrictive condition would adequately address the issue of potential future use.

In respect to the proposed outbuilding, section 9.0 of the adopted HDAS guidance advises that outbuilding should be positioned as far as possible from the main house, and be set in from the side boundaries by 0.5 m. Windows and doors should also be restricted to the elevation facing the rear of the host dwelling. The proposal fails to comply with this advice as it is only set in from the side and rear boundaries by 0.2 m.

Taking into consideration the above it is considered that the outbuilding will not be of incidental use to the property, confirming that there will be unacceptable noise and disturbance concerns relating from the use of the outbuilding for the provision of beauty treatments and incidental family uses. The information provided regarding the use of the building and the number of customers attending, along with the design and size of the building is considered unacceptable. Hence neighbouring properties will experience additional and detrimental loss of residential amenities.

The application is therefore recommended for REFUSAL.

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 **NON2** Non Standard reason for refusal

The use, by reason of clients travelling to and from the premises in conjunction with the hairdressing business, results in an increase in traffic generation and congestion, and noise and general disturbance to the detriment of the amenities of the occupiers of the nearby residential properties. The use is therefore contrary to Policies BE19, BE21, OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007).

2 **NON2** Non Standard reason for refusal

There are no dedicated parking spaces provided for customers associated with the use of the outbuilding as a hairdressing business. As such, the use results in additional on-street car parking, to the detriment of highway and pedestrian safety. The use is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007).

3 **NON2** Non Standard reason for refusal

The outbuilding by virtue of its size, scale, internal layout, provision of facilities including a

shower room/washroom, and two separate accesses, would be detrimental to the visual amenity of adjoining occupiers and the locality and is considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be acceptable as it could result in unacceptable impact on adjoining occupiers and additional requirements for parking and amenity space. The proposal is therefore contrary to Policies BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Document HDAS Residential Extensions.

INFORMATIVES

- 1 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.

Standard Informatives

- 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 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 (July 2011) and national guidance.

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
OE1	Protection of the character and amenities of surrounding

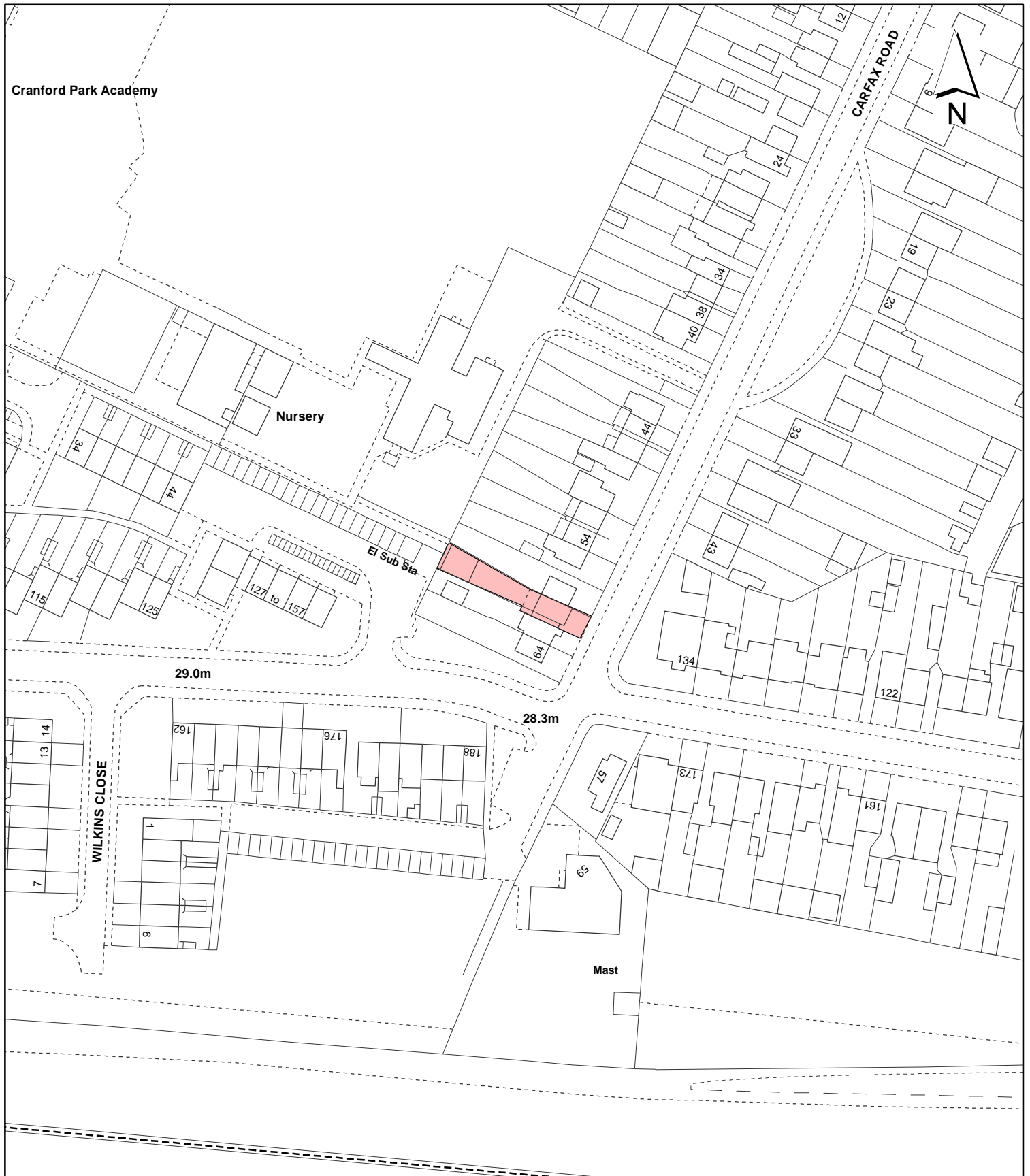
properties and the local area

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

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Notes:

 Site boundary

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 Telephone No.: Uxbridge 250111

Planning Application Ref:

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Scale:

1:1,250

Planning Committee:

Central & South

Date:

May 2018



HILLINGDON
 LONDON