

Report of the Head of Planning, Transportation and Regeneration

Address 37 MERTON AVENUE HILLINGDON

Development: Conversion of dwelling house into 1 x 2-bed and 1 x 1-bed self contained flats with associated parking and amenity space involving single storey rear extension and conversion of roof space to habitable use to include a rear dormer and 3 front rooflights

LBH Ref Nos: 73467/APP/2018/2674

Drawing Nos: MR/HC/00
MR/HC/07
MR/HC/02
MR/HC/01
MR/HC/03
MR/HC/04
MR/HC/05
MR/HC/06

Date Plans Received: 19/07/2018

Date(s) of Amendment(s):

Date Application Valid: 28/08/2018

1. SUMMARY

The application seeks planning permission for the conversion of dwelling house into 1 x 2-bed and 1 x 1-bed self contained flats with associated parking and amenity space involving single storey rear extension and conversion of roof space to habitable use to include a rear dormer and 3 front rooflights. The proposal is considered to represent an overdevelopment of the site which would appear visually incongruous, would represent an unneighbourly form of development, would fail to provide sufficient external amenity space for the first floor flat and has failed to demonstrate sufficient on site parking arrangements.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed rear dormer window, by reason of its size, scale, bulk, and design would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would 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 - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed single storey rear extension, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupiers at 35 and 39 Merton Avenue by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. 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 Extensions.

3 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space for the first floor flat, which is easily accessible and thus usable, would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Non Standard reason for refusal

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

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

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.
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.

H7	Conversion of residential properties into a number of units
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
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land

3 159 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.

4 174 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

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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.

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The submitted plans indicate that two parking spaces are to be provided on the frontage with 2 secure cycle spaces being provided to the rear. The submitted plan indicates that both parking spaces would measure 2.4m in width with a pedestrian access of 1m between. It is apparent from the officer site visit that the width of the frontage is inadequate to provide this parking layout.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises of a two storey mid-terraced property located on the northern side of Merton Avenue which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The property has a flat and enclosed rear garden and the frontage is laid to hardstanding providing one off street parking space.

3.2 Proposed Scheme

The application seeks planning permission for the conversion of dwelling house into 1 x 2-bed and 1 x 1-bed self contained flats with associated parking and amenity space involving single storey rear extension and conversion of roof space to habitable use to include a rear dormer and 3 front rooflights.

3.3 Relevant Planning History

73467/APP/2018/183 37 Merton Avenue Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the origin house by 4 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 3 metres

Decision: 19-02-2018 PRN

73467/APP/2018/192 37 Merton Avenue Hillingdon

Conversion of roof space to habitable use to include a rear dormer and 3 front roof lights (Application for a Certificate of Lawful Development for an Existing Development)

Decision: 26-02-2018 Approved

Comment on Relevant Planning History

It is noted that prior approval has been recently granted for a 4m rear extension and a certificate of lawful development has recently been granted for a loft conversion. Both permissions have not been implemented to date.

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

PT1.H1 (2012) Housing Growth

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.
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BE21	Siting, bulk and proximity of new buildings/extensions.
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NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The Oak Farm Residents Association and 8 neighbouring properties were consulted by letter dated 29.8.18 and a site notice was displayed to the front of the site which expired on 28.9.18.

2 letters of objection have been received raising the following concerns:

1. intensification of development
2. access and security concerns
3. 4m rear extension is too big and in conflict with HDAS guidance.

Ward Councillor: Requests that the application is reported to committee for consideration.

Internal Consultees

Landscape Officer:

According to the proposed layout drawing the hedge in the front garden will be removed which is regrettable. This should be retained if possible. The rear garden will be split into two private gardens.

RECOMMENDATION: No objection subject to the retention of the front hedge and details of hard and soft landscaping, RES9 (parts 1, 2 and 5).

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 this application.

7.04 Airport safeguarding

Not relevant to this application.

7.05 Impact on the green belt

Not relevant 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.

Paragraph 3.3 of the HDAS states that single storey rear extensions proposed on semi-detached houses with a plot measuring 5m wide or more should be no more than 3.6m deep. Likewise paragraph 3.7 states that such extensions should be no more than 3.4m in height. This is to ensure that the extension appears subordinate to the main house. At a depth of 4m, the proposed rear extension would not comply with the HDAS guidance. However, being located to the rear of the site and constructed of matching materials, it is not considered that the rear extension would cause sufficient harm to the architectural integrity of the host dwelling and the character of the area to justify a refusal of planning permission.

Paragraph 7.5 of the HDAS guidance states that it is important to create an extension that will appear secondary to the size of the roof face within which it will be set. Roof extensions that will be as wide as the house and create the appearance of an effective flat roofed third storey will be refused permission. Where the roof can be extended, the Council will recommend a small dormer to be constructed in the centre of the roof face. Paragraph 7.8 states that terraced houses set-ins should be at least 0.5 m with a set down from the ridge by 0.3 m and set above the eaves by 0.5 m. Paragraph 7.9 states that a flat roof will normally be acceptable for a rear dormer. The design and size of the proposed windows should match those on the existing rear elevation. The proposed dormer window would result in a dormer which would not appear secondary to the size of the roof face within it would be set and would create the appearance of an effective flat roofed third storey. Therefore the proposal would 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 - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

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.

At a depth of 4.8m adjoining number 35 and 4m adjoining number 39, the proposed single storey rear extension would fail to comply with the advice contained within HDAS Residential Extensions. The adjoining properties at Number 39 and 35 Merton Avenue are not extended to the rear. It is considered that the proposed extension at the proposed depth alongside the side boundaries would represent an oppressive and overbearing form of development to the occupants of Numbers 35 and 39 Merton Avenue who would suffer an unacceptable loss of light and outlook. As such the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan Part Two Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Document HDAS: Residential Extensions.

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 one bedroom (2 person) flat is required to provide an internal floor area of 50 square metres and a two bedroom (3 person) flat over two storeys is required to provide an internal floor area of 70 m² which the proposal complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of 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 Flat 1 and Flat 2 would each be served with external amenity space of 45 and 48 sqm which would comply with the requirements of the Council's guidance HDAS Residential Layouts (2008). However, the supporting statement confirms that the area closest to the rear of the building would be utilised by the the ground floor flat (1 bed), with the area of the existing garden furthest away being allocated to the first floor 2 bed flat. This rear area would be accessed via a shared walkway to the rear of the site access.

Not only is this a rather long and convoluted route for the prospective occupiers to access their external amenity space it also falls outside of the application red-line site boundary. Access cannot therefore be reasonably gained to this area of private amenity space, given the mid-terraced nature of the application property.

As such the occupants of the larger two bedroom first and second floor flat would not be provided with any usable external amenity space. The proposed development would therefore, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the units would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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 parking spaces are to be provided on the frontage with 2 secure cycle spaces being provided to the rear. The submitted plan indicates that both parking spaces would measure 2.4m in width with a pedestrian access of 1m between. It is apparent from the officer site visit that the width of the frontage is inadequate to provide this parking layout. Therefore 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 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).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility issues are raised.

7.13 Provision of affordable & special needs housing

Not relevant 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 Council's Landscape Officer has confirmed no objection is raised to the proposal subject to the imposition of landscaping conditions to secure acceptable landscaping, refuse storage and car parking layout within the frontage. The proposal is therefore considered acceptable in accordance with Policy BE38 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.15 Sustainable waste management

The submitted plans indicate that refuse storage will be provided for each flat within the frontage and can be secured by way of condition.

7.16 Renewable energy / Sustainability

Not relevant to this application.

7.17 Flooding or Drainage Issues

Not relevant to this application.

7.18 Noise or Air Quality Issues

Not relevant to this application.

7.19 Comments on Public Consultations

The comments raised by consultees are addressed in the report above.

7.20 Planning obligations

CIL

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.

7.21 Expediency of enforcement action

Not relevant 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 relevant to this application.

10. CONCLUSION

The application seeks planning permission for the conversion of dwelling house into 1 x 2-bed and 1 x 1-bed self contained flats with associated parking and amenity space involving single storey rear extension and conversion of roof space to habitable use to include a rear dormer and 3 front rooflights. The proposal is considered to represent an overdevelopment of the site which would appear visually incongruous, would represent an unneighbourly form of development, would fail to provide sufficient external amenity space for the first

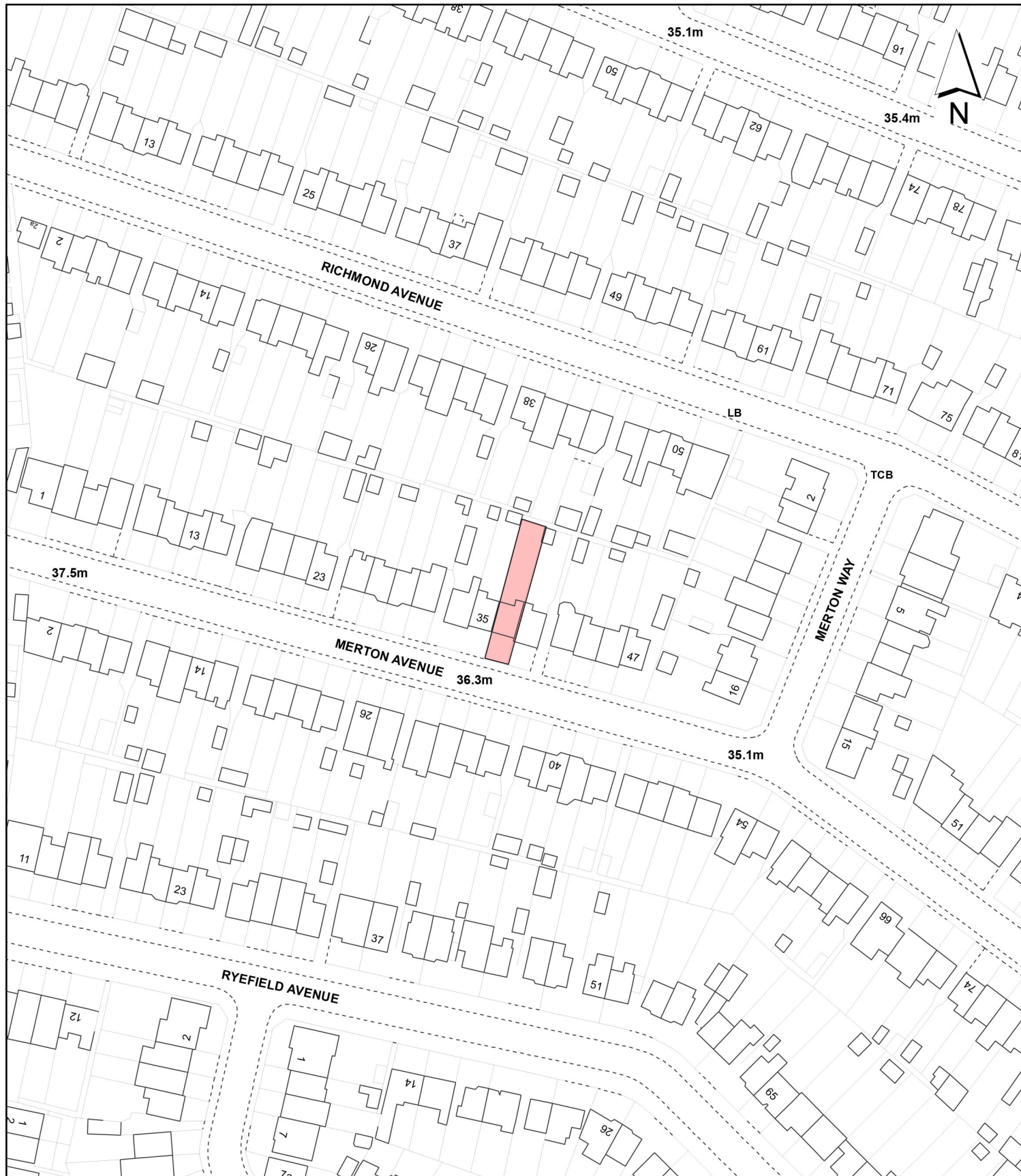
floor flat and has failed to demonstrate sufficient on site parking arrangements.

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

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Notes:

 Site boundary

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Site Address:

**37 Merton Avenue
Hillingdon**

Planning Application Ref:

73467/APP/2018/2674

Planning Committee:

Central & South

Scale:

1:1,250

Date:

October 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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