

Report of the Head of Planning, Transportation and Regeneration

Address 106 PORTERS WAY WEST DRAYTON

Development: Two storey side/rear extension, single storey rear extension and single storey front extension to allow conversion into 2 x studio flats and 1 x 1-bed self contained flat, with associated parking and amenity space

LBH Ref Nos: 72945/APP/2019/430

Drawing Nos: 77_A
71_B
76_A
75_A
74_B
73_B
72_B
70_A
08_A
07_A
06_A
05_A
04_A
03_A
02_A
78_A

Date Plans Received: 05/02/2019

Date(s) of Amendment(s):

Date Application Valid: 07/02/2019

1. SUMMARY

The application seeks planning permission for the erection of a two storey side/rear extension, single storey rear extension and single storey front extension to allow conversion into 2 x studio flats and 1 x 1-bed self contained flat, with associated parking and amenity space. It is noted that there remains an extant planning permission and certificate of lawful development for a two storey side extension and single storey rear extension. However the proposal involves an additional staircase and porch to the side/rear and a double porch to the front over that which was previously approved which is considered to represent a visually incongruous addition to the streetscene, in combination with the extensions previously approved. Furthermore, the proposal is considered an overdevelopment on the site given that it would fail to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. The application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal by reason of its siting, layout, size and site coverage, would result in a cramped development of the site, which is visually incongruous and overdominant, therefore failing to harmonise with the established character of the surrounding area. The

proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19, BE21, and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and Policy DMHD 1: Alterations and Extensions to Residential Dwellings of the London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019).

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and 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), the adopted Supplementary Planning Document HDAS: Residential Layouts and Policy DMHD 1: Alterations and Extensions to Residential Dwellings of the London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019).

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.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement,

HDAS-LAY	Supplementary Planning Document, adopted December 2008 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

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

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises a two storey semi-detached house located on the Southern side of Porters Way, on a prominent corner plot at its junction with South Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The property has hardstanding to the front and two crossovers, one to the front and one to the side in South Road. The garden to the side and rear is enclosed by 1.8 m high wooden panel fencing. Bollards are located on the corner of footway and along South Road.

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey side/rear extension, single storey rear extension and single storey front extension to allow conversion into 2 x studio flats and 1 x 1-bed self contained flat, with associated parking and amenity space.

3.3 Relevant Planning History

72945/APP/2017/2090 106 Porters Way West Drayton
Two storey side extension

Decision: 17-10-2017 Approved

72945/APP/2018/378 106 Porters Way West Drayton

Single storey rear extension and porch to front (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 13-02-2018 Approved

Comment on Relevant Planning History

It is noted that there remains an extant planning permission and certificate of lawful development for a two storey side extension and single storey rear extension as detailed in the planning history above.

Officer comment: The external differences between the extant permission and Permitted Development scheme are the addition of a part two storey, part single storey side/rear extension to provide access to the first floor flat (involving an extension to the roof of the extant two storey side extension) and the addition of a front porch.

4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

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.

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.

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 neighbouring properties were consulted by letter dated 11.2.19 and a site notice was displayed to the front of the site which expired on 13.3.19.

1 letter of objection has been received raising concerns about:

1. Overdevelopment
2. Intensification of use causing unacceptable noise and disturbance to surrounding residential properties
3. additional car parking causing amenity concerns
4. scale of accommodation out of keeping with family housing in locality
5. Staircase addition out of keeping on this prominent corner plot.
6. Approval would create a precedent

The application has been called to Committee by the Ward Councillor who has raised concerns about overdevelopment.

Internal Consultees

Highways

Proposals comprise the extension and conversion of an existing dwelling into 1 x 1-bed and 2 x studio units with associated parking. Upon reviewing the PTAL rating for the proposed development using the Transport for London WebCAT service, it is indicated that the site has 'poor' access to public transport with a PTAL rating of 1b. It is therefore likely that there will be high emphasis on the private car. 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 Councils adopted Car Parking Standards. On this basis, it is required that this proposal provide 2 parking spaces. It is apparent that this requisite has been accommodated for whilst providing an over-provision of 1 space. Whilst the submitted drawings indicate a widened crossover, the plans show that the existing crossovers are to be retained with the site frontage itself being widened to accommodate the additional vehicle. Cycle parking is in accordance with the London Plan minimum standards which suggest each unit be provided with a minimum of 1 secure and covered space. In terms of refuse collection, this is to take place as per the existing situation on-street. Mindful of the above, I do not have any objections to this application with regard to highway impacts.

Access Officer - No objection

EPU - No Comment

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 applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

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. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

With regards to the proposed side extension, paragraph 5.1 of the Council's adopted HDAS SPD: Residential Extensions requires all extensions and buildings of two or more storeys to be set back a minimum of 1 m from the side boundary of the property for the full height of the building. This is to ensure the protection of the character and appearance of the street scene and the gaps between properties, preventing houses from combining visually to form a terraced appearance. Paragraph 5.3 gives advice that where two storey or first floor side extensions are proposed where the side of the house adjoins a road or open space, there may be some scope for flexibility on the set-in. A relaxation of the 1 m set-in may be considered where the openness of the corner plot would be maintained and return building lines are not breached. Where an existing return building line exists, any extension should ensure that the openness of the area is maintained and the return building is not exceeded.

The open space character and visual gaps also help to clearly define the semi-detached contexts of several junction/corner properties in the immediate locality. It is accepted that there is an extant consent for both the two storey side extension and single storey rear extension to this property as a single private dwellinghouse. This scheme further increases the bulk of the extended dwelling by the addition of a part single storey part two storey side/rear extension to accommodate the staircase and entrance porch to the proposed first floor flat and the addition of a double width porch to the front elevation. It is considered that

the additional bulk, over that which has permission would subsume the architectural integrity of the host dwelling on this prominent corner location and result in an incongruous addition to the street scene. The proposal by reason of its siting, design, layout, size, and site coverage, would result in a cramped development of the site, which is visually incongruous and overdominant, therefore failing to harmonise with the established character of the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Council's Supplementary Planning Document HDAS: Residential Layouts and Policy DMHD 1: Alterations and Extensions to Residential Dwellings of the London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019).

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.

Number 45 South Road has a blank flank elevation and given the degree of separation between the two properties, the occupants of this property would not suffer an unacceptable loss of light, outlook or privacy. The proposed extension would be entirely screened by the host dwelling from adjoining number 104 Porters Way. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

No details have been provided to demonstrate that adequate sound insulation could be provided; however, this could be dealt with by way of condition in the event of an approvable scheme.

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 person studio flat with shower room is required to provide 37 square metres and a 1 bedroom two person flat is required to provide 50 square metres 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).

Section 4 of the Council's HDAS: Residential Layouts states that developments should incorporate usable, attractively laid out and conveniently located garden space in relation to

the flats which they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area. The submitted plans indicate that the two ground floor studios would each be served by a modest private garden of 21.6 and 26.3 square metres and the first floor flat would be served by a private amenity space to the side measuring 29.4 square metres. Concerns are however raised by the quality of the outdoor amenity space, and particularly that to the side which lies to the side of the extended dwelling and the road. The outdoor amenity space would not be particularly private and would be dominated by activity from the adjacent car parking and activity along the road. The amenity space quality is considered to represent a symptom of overdevelopment. As such, the proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), and the Council's HDAS (SPD): 'Residential Layouts',

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 the Hillingdon Local Plan: Part Two - 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 the Hillingdon Local Plan: Part Two - 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 one parking space would be provided to the side and two to the front with the provision of secure cycle storage for each flat. The Highways Officer has raised no objection to the proposal as detailed above.

7.11 Urban design, access and security

These issues are covered elsewhere in the report.

7.12 Disabled access

No accessibility concerns are raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

7.15 Sustainable waste management

The submitted plans indicate that refuse storage will be provided for each flat within the frontage and can be secured by way of condition. The submitted plans indicate that there would be additional landscaping which could be secured by way of condition in the event of an approvable scheme.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The comments are addressed in the sections 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 £60 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

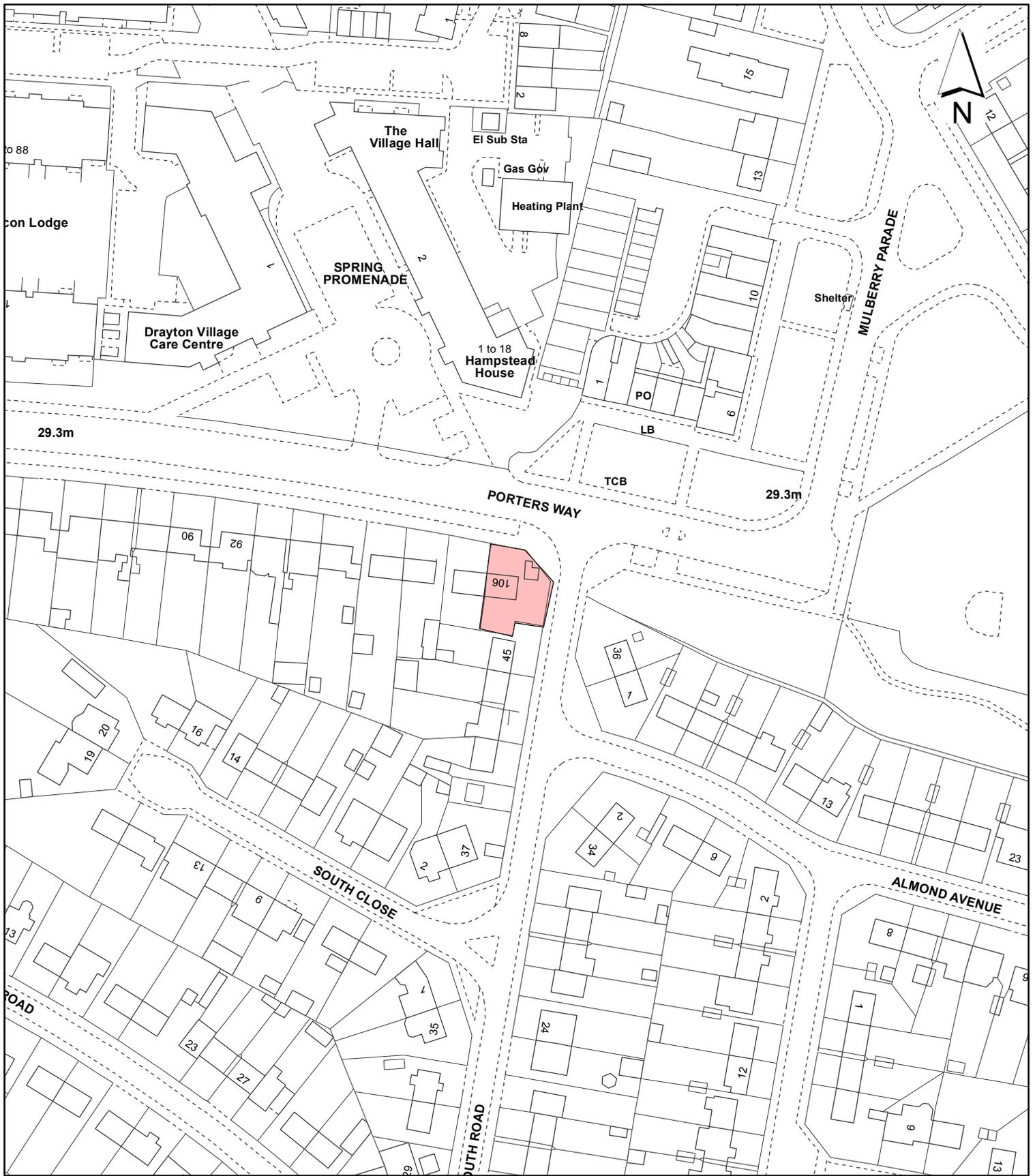
The application seeks planning permission for the erection of a two storey side/rear extension, single storey rear extension and single storey front extension to allow conversion into 2 x studio flats and 1 x 1-bed self contained flat, with associated parking and amenity space. It is noted that there remains an extant planning permission and certificate of lawful development for a two storey side extension and single storey rear extension. However the proposal involves an additional staircase and porch to the side/rear and a double porch to the front over that which was previously approved which is considered to represent a visually incongruous addition to the streetscene, in combination with the extensions previously approved. Furthermore, the proposal is considered an overdevelopment on the site given that it would fail to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. The application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

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Notes:

 Site boundary

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Site Address:

**106 Porters Way
 West Drayton**

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

Planning Application Ref:
72945/APP/2019/430

Scale:
1:1,250

Planning Committee:
Central & South

Date:
May 2019

