

## Report of the Head of Planning, Transportation and Regeneration

**Address** 42 HUGHES ROAD HAYES

**Development:** Part two storey, part single storey side/rear extension and conversion of roof space to habitable use to include a rear dormer and 2 front roof light.  
Conversion of dwelling into 1 x 1 bed flat and 1 x 3 bed flat including separate amenity space & off street parking.

**LBH Ref Nos:** 28763/APP/2019/2814

**Drawing Nos:** 16/42/HRH/101  
16/42/HRH/102  
19/42/HRH/105A  
19/42/HRH/103A  
19/42/HRH/104A  
Location Plan

**Date Plans Received:** 22/08/2019

**Date(s) of Amendment(s):**

**Date Application Valid:** 03/10/2019

### 1. SUMMARY

The application seeks planning permission for the erection of a part two storey, part single storey side/rear extension and conversion of roof space to habitable use to include a rear dormer and 2 front roof lights. The extension is part of the proposed conversion of the dwelling into 1 x 1 bed flat and 1 x 3 bed flat including separate amenity space & off street parking. The extensions and alterations proposed are identical to those recently and previously approved as a single private dwelling. The current proposal differs in terms of its internal layout. Whilst the proposal would provide a satisfactory living environment to future occupants of the two flats, the proposal fails to provide satisfactory on site car parking. It should be noted that an appeal has previously been dismissed on this site in part due to the lack of parking. As such the application is recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development fails to provide sufficient off street parking provision and therefore the development is considered to result in substandard car parking provision, leading to on-street parking to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential 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            153            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.
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
DMH 4	Residential Conversions and Redevelopment
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
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
LPP 3.8	(2016) Housing Choice
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

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

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

#### 3.2 Proposed Scheme

The application seeks planning permission for the erection of a part two storey, part single storey side/rear extension and conversion of roof space to habitable use to include a rear dormer and 2 front roof light. Conversion of dwelling into 1 x 1 bed flat and 1 x 3 bed flat including separate amenity space & off street parking.

#### 3.3 Relevant Planning History

28763/APP/2016/1851 42 Hughes Road Hayes

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

**Decision:** 15-07-2016 Approved

28763/APP/2017/4032 42 Hughes Road Hayes

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

**Decision:** 07-02-2018 Refused **Appeal:** 10-10-2018 Dismissed

28763/APP/2019/2337 42 Hughes Road Hayes

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

**Decision:** 04-09-2019 Approved

#### Comment on Relevant Planning History

planning permission was granted under application reference 28763/APP/2019/2337 for the erection of a part two storey, part single storey side/rear extension and conversion of roof

space to habitable use to include a rear dormer and 2 front rooflights.

Officer note: It is noted that the application proposal is identical to that approved under application reference 28763/APP/2016/1851 and 28763/APP/2019/2337 in terms of external appearance. However the internal arrangement of accommodation differs in that the extended property is subdivided into two flats.

28763/APP/2017/4032 - Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflight to create 1 x 2-bed flat, 1 x studio flat and a 4-bed HMO was refused for the following reasons:

1. The proposed development fails to provide sufficient off street parking provision and therefore the development is considered to result in substandard car parking provision, leading to on-street parking to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

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

3. The proposal provides an indoor living area of an unsatisfactory size for the occupiers of the proposed two bedroom flat and bedroom 4 of the HMO and would give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Council's Supplementary Planning Guidance - Houses in Multiple Occupation and other non-self contained housing (August 2004).

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

5. The proposed development comprises a communal amenity area, the use of which would lead to an unacceptable level of overlooking, noise and disturbance to the ground floor flats. The proposal would thus, be detrimental to the residential amenity of future occupiers of the ground floor flats, contrary to Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Documents HDAS: Residential Extensions and HDAS: Residential Layouts.

An appeal was subsequently dismissed.

#### **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

## 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.
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.
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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**

8 neighbouring properties were consulted by letter dated 8.10.19 and a site notice was displayed to the front of the site which expired on 6.11.19.

A petition of objection signed by 26 valid signatories has been received.

1 letter of objection has been received from the occupant of 40 Hughes Road raising concerns about the two storey rear extension restricting light and outlook to a bedroom window and raises concerns about the property being converted into flats.

### **Internal Consultees**

Landscape Officer -

This site is occupied by a two-storey detached house, with a detached garage and store, on the south side of Hughes Road. There are no trees or landscape features of merit and no TPO's or

Conservation Area designations affecting the site. COMMENT No trees will be affected by the proposal. The proposed block plan shows a particularly awkward parking arrangement - the soft landscape indicated is unlikely to survive. It would be better to simplify the parking space, perpendicular to the highway. 25% of the front garden space should be retained as soft landscape. Bin and bike storage should be to the rear of the property. RECOMMENDATION No objection subject to conditions RES9 (parts 1,2 and 5)

Highways Officer - Objection. Tandem parking is not acceptable when the parking spaces relate to paces in different ownership. An appeal has previously been dismissed on this site concerning parking stress. 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 Council's parking standards would require the provision of 3 on site parking spaces. The submitted plans indicate the provision of two tandem spaces within the garage to serve the first floor flat and one space to the frontage to serve the ground floor flat. However at a width of 2.24m the two spaces within the garage fall seriously short of the Council's minimum car parking space standard width of 3m.

## **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'

Policy DMH 4: of the Emerging Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019) pertains to Residential Conversions and Redevelopment and states:

Residential conversions and the redevelopment of dwellings into new blocks of flats will only be permitted where:

- i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats;
- ii) On residential streets longer than 1km the proposed redevelopment site should be taken as the midpoint of a 1km length of road for assessment purposes;
- iii) the internal floor area of the original building to be converted is at least 120 sqm; and
- iv) units are limited to one unit per floor for residential conversions.

A search of the planning history confirms that not more than 10% of properties within the street have been subdivided into flats and the internal floor area of the extended dwelling exceeds 120 square metres.

### **7.02 Density of the proposed development**

Policy 3.4 of the London Plan (2016) seeks to ensure that new development 'takes into account local context and character, the design principles in Chapter 7 and that public transport capacity development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals that compromise this policy should be resisted'.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings, or not, and its impact on adjoining occupiers.

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

Not relevant to the consideration of this application.

**7.04 Airport safeguarding**

Not relevant to the consideration of this application.

**7.05 Impact on the green belt**

Not relevant to the consideration of 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 the existing and adjoining sites. Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

HDAS advises that two storey side extensions should be set back a minimum of 1m from the side boundary to protect the character and appearance of the street scene and protect the gaps between properties. Where a single storey side extension exists and is within 1m of the boundary, the first floor extension should be set in a minimum of 1.5m. It further advises that for semi detached properties; the extension should be set back 1m from the front building line of the existing house and set down 0.5m at roof level to ensure a subordinate appearance. In order to ensure extensions maintain a subordinate appearance to the original dwelling they should not protrude out too far from the rear wall of the original house and for a single storey rear extension on a semi detached property 3.6m in depth with a pitched roof not exceeding 3.4m would be acceptable. HDAS (Loft Conversions and Roof Alterations) advises that the more visible a rear dormer window is from public areas the more important it is that it is well designed. It is important that it appears secondary to the size of the roof face within which it sits. As a guide it should be set at least 0.3m below ridge level, 0.5m above the eaves and 0.5m from the sides of the roof

2 storey side/rear extension:

The proposed development would include the demolition of the existing garage/store and the erection of a two storey side/rear extension which would measure 3m wide when viewed from the front, 4.7m wide when viewed from the rear and would be 11.57m deep. The proposed extension would maintain the dwellings existing height of 8.8m for the depth



of the host dwelling where after the height would drop to 7.36m. It would not be set back from the front and would sit 1m from the boundary with the adjacent dwelling no. 40. Whilst not set back from the front or set down from the ridge, as required by the SPD, it is acceptable as it would restore some form of symmetry to the pair of semi-detached properties of which it forms a part, as the attached property has a similar two storey side extension. Thus, it is not considered that the proposed two storey side extension would appear as an overly dominant addition to the host dwelling and would not have an adverse impact on the amenity of neighbouring dwellings and the street scene and would not therefore be contrary to Policies BE1, BE13, BE15, BE19 and the HDAS, Residential extensions (December 2008).

Single storey side/rear extension:

The proposed single storey side/rear extension would measure 8.8m wide, be 2.8m high and 4.7m deep. Section 3.3 of the HDAS advises that for semi-detached houses with a plot width of greater than 5m a flat roofed rear extension of up to 3.6m deep and 3m high is acceptable. 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) states single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more. Whilst the proposed development would extend to a maximum depth of 4.7m, it would be 3.6m from the rear of the attached property and in line with the single storey elements of No.40 and thus is not considered to represent an un-neighbourly form of development and is considered acceptable.

Rear Dormer:

The proposed dormer would measure 3.32m wide be 2.26m high and 2.76m deep. The upper 1.27m of the dormer would be visible above the roof of the two storey side extension. However the positioning and size of the dormer would otherwise be in compliance with the guidance set out in Section 7 of the HDAS, therefore the proposed dormer is considered acceptable.

The external alterations and extension are identical in appearance to the development recently approved under application reference 28763/APP/2019/2337 and are therefore considered acceptable in visual terms.

#### **7.08 Impact on neighbours**

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Polices (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.

As discussed above, the proposed extensions are not considered to give rise to an unacceptable loss of light, outlook or privacy to occupants of neighbouring dwellings.

#### **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 three bedroom (6 person) flat over 2 storeys is required to provide an internal floor area of 102 m<sup>2</sup> and a one bedroom (2 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).

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 each flat would each be served with external amenity space which would comply with the requirements of the Council's guidance HDAS Residential Layouts (2008).

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The site has a PTAL of 2 (poor) which suggests there will be a strong reliance on private car trips to and from the site. The Council's parking standards would require the provision of 3 on site parking spaces. The submitted plans indicate the provision of two tandem spaces within the garage to serve the first floor flat and one space to the frontage to serve the ground floor flat. However at a width of 2.24m the two spaces within the garage fall seriously short of the Council's minimum car parking space standard width of 3m.

It is noted that the Inspector during consideration of the previous appeal stated:

"The site's poor public transport accessibility level of the site means that occupiers of the proposed development are likely to use private vehicles in preference to more sustainable modes of transport. Given the high parking spacerequirement and shortfall of provision within the proposed development, it is likely that the proposal would generate demand for on-street parking. I observed that the on-street parking areas in the vicinity were limited, and that there were no vacant bays close to the site at the time that I visited, suggesting that on-street parking is already subject to significant demand. Further pressure on demand would disadvantage existing residents. Moreover, a shortage of on-street parking spaces in areas of high demand can lead to additional traffic congestion as drivers search for available bays, which in turn would be potentially harmful to highway safety."

As such, the proposed development fails to provide sufficient off street parking provision and therefore the development is considered to result in substandard car parking provision, leading to on-street parking to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the

Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**7.11 Urban design, access and security**

The issues are addressed in the sections above.

**7.12 Disabled access**

No accessibility concerns are raised.

**7.13 Provision of affordable & special needs housing**

Not relevant to the consideration of 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 advised that no trees will be affected by the proposal. The proposed block plan shows a particularly awkward parking arrangement - the soft landscape indicated is unlikely to survive.

**7.15 Sustainable waste management**

In the event of an approvable scheme a condition could be imposed to secure details of sustainable waste management.

**7.16 Renewable energy / Sustainability**

Not relevant to the consideration of this application.

**7.17 Flooding or Drainage Issues**

Not relevant to the consideration of this application.

**7.18 Noise or Air Quality Issues**

Not relevant to the consideration of this application.

**7.19 Comments on Public Consultations**

The issues 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.

The proposal would not attract a CIL liability.

**7.21 Expediency of enforcement action**

Not relevant to the consideration of this application.

**7.22 Other Issues**

No other issues raised.

**8. Observations of the Borough Solicitor**

General

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

Material considerations are those which are relevant to regulating the development and use

of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

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

#### Planning Conditions

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

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

### **9. Observations of the Director of Finance**

Not applicable

### **10. CONCLUSION**

The application seeks planning permission for the erection of a part two storey, part single storey side/rear extension and conversion of roof space to habitable use to include a rear dormer and 2 front roof light. The proposals involve the conversion of the dwelling into 1 x 1

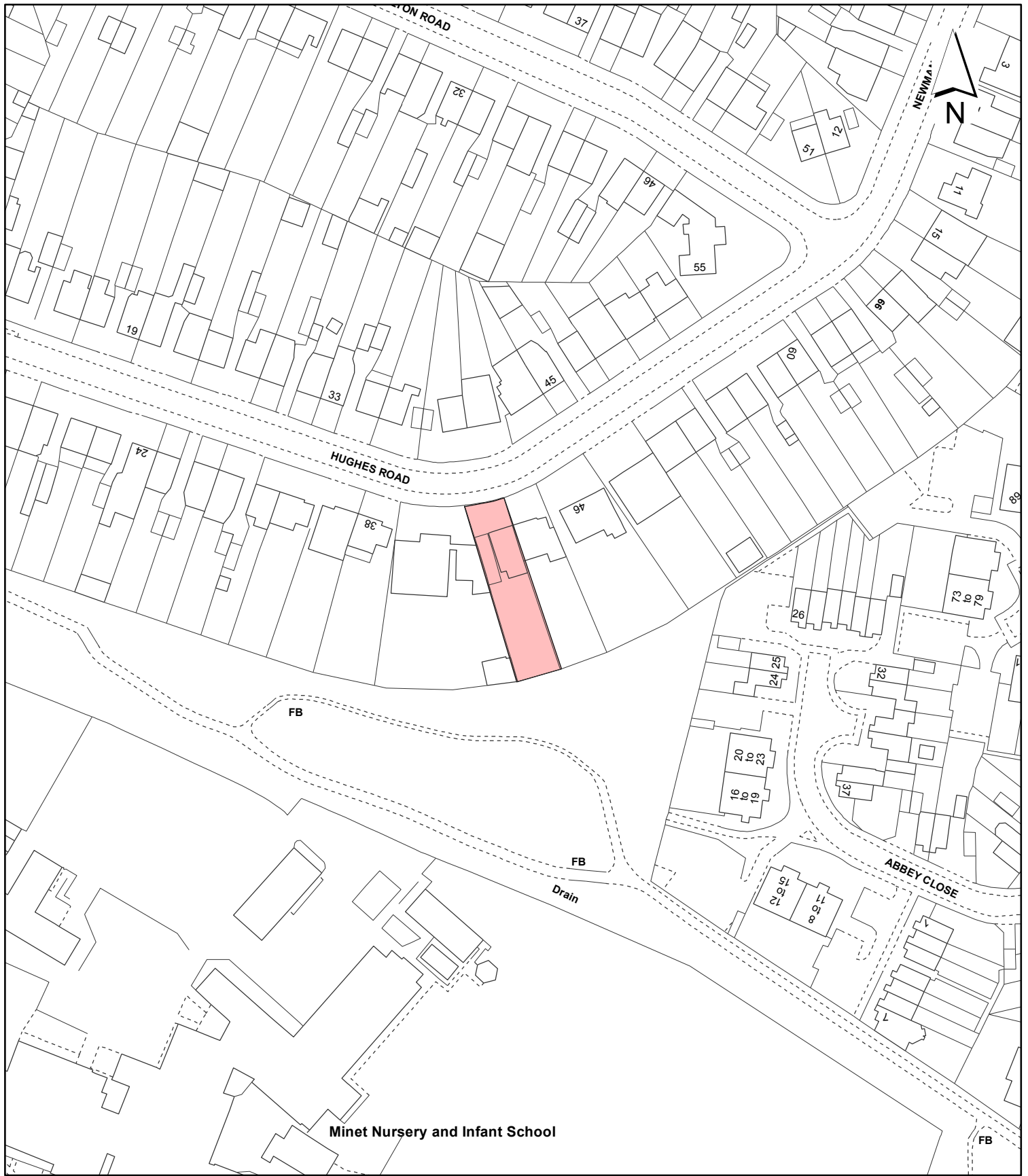
bed flat and 1 x 3 bed flat including separate amenity space & off street parking. The extensions and alterations proposed are identical to those recently and previously approved as a single private dwelling. The current proposal differs in terms of its internal layout. Whilst the proposal would provide a satisfactory living environment to future occupants of the two flats, the proposal fails to provide satisfactory on site car parking. As such 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

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**Notes:**

 Site boundary

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Site Address:

**42 Hughes Road**

Planning Application Ref:

**28763/APP/2019/2814**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**December 2019**

**LONDON BOROUGH OF HILLINGDON**  
**Residents Services**  
**Planning Section**

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**HILLINGDON**  
 LONDON