Report of the Head of Planning & Enforcement

Address 232 WOODLANDS AVENUE RUISLIP

Development: Conversion of existing dwelling to 2 one-bedroom flats involving part two storey, part single storey rear extension with alteration to existing side elevation.

LBH Ref Nos: 66932/APP/2010/793

Drawing Nos: 2778/01 Location Plan Design & Access 2778/01 Rev A

Date Plans Received:	12/04/2010	Date(s) of Amendment(s):	12/04/2010
Date Application Valid:	12/04/2010		

1. SUMMARY

The main considerations are the principle of the subdivision of this dwelling-house into flats, design of the rear extension and impact on the character of the existing house and wider street scene, minimum space standards, the impact upon the amenities of adjoining occupiers and lack of car parking provision.

The existing dwelling falls significantly below the size of property normally considered appropriate for subdivision. Even with a two storey rear extension the property fails to meet internal floor space standards. Lifetime homes standards are not met. Parking provision is inadequate. As such, the application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NONSC Non Standard Condition

The application property is not of a sufficient size to provide a suitable scheme of residential conversion and the proposed one-bedroom flats would fail to provide an adequate internal floor area to afford an adequate standard of residential amenity to future occupiers. As such, the proposal would result in sub-standard residential accommodation, contrary to Policy BE19 of the adopted Hillingdon Unitary Development Plan and Paragraphs 3.5 and 4.6 to 4.8 of the Council's HDAS: 'Residential Layouts'.

2 NONSC Non Standard Condition

The proposal fails to satisfy Lifetime Homes standards, contrary to Policies 3A.5 and 4B.5 of the London Plan (February 2008) and the Council's HDAS: 'Accessible Hillingdon, January 2010'.

3 NONSC Non Standard Condition

The proposal involves the loss of an off-street parking space and fails to make sufficient

provision for off-street parking to serve the proposed flats. The proposal would therefore be likely to give rise to additional on-street car parking, detrimental to highway and pedestrian safety, contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 152 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13 BE15 BE19 BE20 BE21 BE22	New development must harmonise with the existing street scene. Alterations and extensions to existing buildings New development must improve or complement the character of the area. Daylight and sunlight considerations. Siting, bulk and proximity of new buildings/extensions. 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 AM14 HDAS	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. New development and car parking standards. 'Residential Layouts' Section 4 and 'Residential Extensions' Section 6.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved
LPP 4A.3	Policies, September 2007)
AM7	London Plan Policy 4A.3 - Sustainable Design and Construction.
H7	Consideration of traffic generated by proposed developments.
LPP 3A.5	Conversion of residential properties into a number of units
LPP 4B.5	London Plan Policy 3A.5 - Housing Choice
LPP ANX 4	London Plan Policy 4B.5 - Creating an inclusive environment.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 3 bed-roomed semi-detached property with a 6.6 (w) metres north facing rear garden backing onto an overground section of the underground.

Party neighbouring property No 230 does not have any rear extension, but is separated by 1.5 (h) close boarded fencing. There is a 2.5 (w) metres shared driveway with No 234 leading to cojoined garages approximately 4.5 (d) metres from the rear elevation of each property. The site is situated within a developed area as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks planning permission to convert a semi-detached property into 2 single bed roomed flats requiring the construction of a ground floor flat roofed rear extension with dimensions of 5.45 (w) x 3 (d) x 2.9 (h) metres and a rear first-floor rear extension, 2.95 (w) x 3 (d) metres with a hipped pitched roof, 5.5 metres at the eaves rising to 6.8 metres overall at its highest point inset 2.1 (h) metres from the ridge of the original property. The ground floor accommodation would provide the kitchen and extended lounge with French doors and the first floor extension would provide a kitchen with a rear facing casement window. An additional car parking space would be provided in the front garden utilising an existing crossover. To the side would be obscured glazed windows to bathrooms and WC. Materials and external finishes would be to match existing render and tiles. A Design and Access Statement was submitted with the proposal.

3.3 Relevant Planning History

Comment on Relevant Planning History

No planning applications in last 10 years but investigation by enforcement officer of unlawful advertisement hoarding in rear garden.

4. Planning Policies and Standards

The adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) Policies:

H7, BE13, BE15, BE19, BE20, BE21, BE22, BE23, BE24, BE38, AM7 (ii), AM14.

HDAS Sections: 6 two storey rear + HDAS Residential Layouts London Plan Policy 4A.3, London Plan Policy 3A.5 (Housing Choice), London Plan Policy 4B.5 (Creating an Inclusive Environment) - Lifetime Homes

Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

London Plan 2008 Annex 4 Parking Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
AM14	New development and car parking standards.
HDAS	'Residential Layouts' Section 4 and 'Residential Extensions' Section 6.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
AM7	Consideration of traffic generated by proposed developments.
H7	Conversion of residential properties into a number of units
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LPP ANX 4	

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 have been consulted. 5 responses and a petition with 63 signatories has been received.

The petition states 'We the undersigned wish to be represented at the North Planning Committee Meeting, re. 66932/APP/2010/793, 232 Woodlands Avenue, Eastcote, Ruislip. The proposal is out of keeping with the area. The dwellings do not meet minimum floor space requirements.'

The individual responses raise the following concerns:

(i) Original family character of the area should be retained. Proposal represents overdevelopment of the plot and likely to cause degeneration of social environment. Family housing was being promoted here by parties in local elections,

(ii) Car parking in this part of Woodlands Avenue is a problem as Controlled Parking Zone starts just 6 houses away and all available parking spaces are taken by commuters by 8am every day. Proposal would make matters worse.

(iii) Plans lack detail and do not show impact upon No. 234,

(iv) No. 234 shares the very narrow drive and there will be a significant reduction of natural light into kitchen and bathroom,

(v) Total floor area of flats do not meet minimum 50m² requirement of Hillingdon SPD 'Accessible Hillingdon',

(vi) No provision for dustbins and bike storage

(vii) Plans do not show trees/shrubs,

(viii) Parking provision is inadequate. UDP Annex 1 requires 1 space per flat. There is already a huge problem with parking in Woodlands Road as this area is the nearest free parking to Eastcote Station. Commuter and local worker parking results in no spaces being available for residents between 08:30 to 17:00 Mondays to Fridays. Current occupiers do not own a car and proposal will introduce 2 to more cars to the street,

(ix) Extension will encroach into shared drive and will not allow No. 234 to access their garage and park in front of it on the shared drive,

(x) Extension will use scaffolding and am concerned where this will be placed, further restricting use of garage,

(xi) Garage at No. 234 supported by a shared party wall, and no party wall notice has been serve3d giving two months notice,

(xii) Proposed gardens not in keeping with size of family gardens,

(xiii) Garage at application site is used for storage by builder's business and material etc often left on drive which is a safety issue,

(xiv) No notice displayed,

(xv) Entrance hall and stairwell to first floor flat is steep and narrow, restricting access for large furniture etc,

(xvi) Existing breach of planning control (ENF/85/10) with large advertising board being displayed in garden, advertised builder's business which has not been removed,

(xvii) Breach of planning control and history of leaving nails etc on drive give cause for concern that proposed extension would be built with sufficient quality and care.

A ward councillor has requested that this application is presented to committee.

The Eastcote Residents' Association:

(i) The drawings submitted with this application do not give a clear impression of the effect these alterations will have on the adjoining property's access to their garage which is a shared driveway with number 234 Woodlands Avenue, who have a right of way. The narrowing of the driveway will stop access to the garage at 234 and demolition of the garage could cause problems as there is a shared wall between the garages.

(ii) Misleading information has been given regarding the trees and hedges on the site and in adjoining gardens. There are dividing hedges and trees.

(iii) The car parking allocation does not comply with UDP Saved Policies Annex 1. Each one bedroom dwelling should have a dedicated off road car parking space. Woodlands Avenue is very congested with on street parking, these extra vehicles would exacerbate the situation.

(iv) Both the proposed flats are below the minimum required floorspace to comply with Accessible Hillingdon SPD Jan 2010. The front access to both dwellings is through a shared front door, the hallway being divided inside. This leaves a very narrow access to the 1st floor dwelling, and it would be almost impossible to move reasonable sized furniture into this flat.

(v) The single storey rear element of this application is not set back from the boundary with 230 Woodlands Avenue.

(vi) There is no provision for either bin stores or cycle stores.

(vii) Woodlands Avenue is predominately an area of family dwellings, to allow a change to flats would be detrimental to the character of the area.

(viii) It must also be noted that the current owner is a builder and has erected a large sign at the rear of the garden over looking the railway, advertising his business, this is the subject of an

enforcement notice.

Comment: Material points are discussed in the report.

Internal Consultees

Environmental Protection Unit:

Do not wish to object to this proposal or recommend any conditions.

I have considered impact of the proposal on future occupants, from railway noise however have not considered a noise protection scheme necessary in this instance.

Internal noise transmission would be covered by Building Reg Part L requirements for the new build component.

Should planning permission be granted, please ensure the following informative is added in respect of the construction phases.

Waste Strategy:

I would make the following comments on the above application regarding waste management;

There does not appear to be a space allocated for where residents can store waste and recycling. However, the current collection system is based on sacks, so this is not a too great a problem.

The current waste and recycling collection systems are: -

* Weekly residual (refuse) waste - using sacks purchased by the occupier

* Weekly dry recycling collection - using specially marked sacks provided by the Council.

* Fortnightly green garden waste collection - using to specially marked reusable bags provided by the Council.

Waste Development Manager

Highways Engineer.

There are 2 current spaces and only 1 is proposed, whereas the proposal requires 2.

Access Officer:

London Plan policy 3A.5 applies to all new housing. The Accessible Hillingdon SPD, however, is applied to conversions of any size, where it is feasible to incorporate accessible housing standards: unless all the standards can be incorporated successfully, there is little point insisting on a design that will result in compromised accessibility.

For this reason, if a dwelling does not meet all Lifetime Home standards, then it should not be recorded as such.

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document Accessible Hillingdon adopted January 2010.

In the absence of the detail necessary to comprehensively assess the proposed application, the following access observations are provided:

1. Ground floor flat(s) proposed as part of a house conversion should incorporate all relevant Lifetime Home Standards, unless the reasons for non-compliance can be demonstrated.

2. From the internal face of the front door, the wheelchair standard flats should feature an obstruction free area not less than 1500 mm wide and 1800 mm to any door or wall opposite.

3. In the interests of good design an entrance ramp should be avoided. It would be preferable to gently slope (maximum gradient 1:20) the pathway leading to the ground floor entrance door.

4. The bathroom should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.

The plans should indicate the location of a future ¿through the ceiling¿ wheelchair lift.

Conclusion:

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan, together with a Design and Access Statement that demonstrates how standards have been achieved.

Tree & Landscape Officer:

This site is not covered by a TPO nor inside a Conservation area.

There are several mature trees/shrubs at the end of the rear garden, however they are a not constraint to development.

This scheme is therefore considered acceptable in terms of Saved Policy BE38 of the UDP.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The main considerations are the principle of the subdivision of this dwelling-house into flats, design of the rear extension and impact on the character of the existing house and wider street scene, minimum space standards, the impact upon the amenities of adjoining occupiers, landscape impact and car parking provision.

Paragraph 3.5 of the Council's SPD: 'Residential Layouts' advises that in order to provide a suitable standard of residential accommodation, houses will only be considered suitable for conversion if they have a floor area of 120m² or more. The existing property is modest in size with a floor area of 72m². Even with the proposed extensions, the proposed units do not meet minimum spaces standards. Furthermore, the loss of the existing garage means that there is only one parking space. Quite simply, the property is not considered large enough to achieve a satisfactory residential conversion.

7.02 Density of the proposed development

This is not applicable to residential conversion schemes.

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

Neither a relevant nor material consideration as site not within a specifically designated area.

7.04 Airport safeguarding

Neither a relevant nor material consideration as not within any safeguarding areas.

7.05 Impact on the green belt

Neither a relevant nor material consideration as site not in Green Belt

7.06 Environmental Impact

Neither a relevant nor material consideration as Environmental Impact Assessment not required.

7.07 Impact on the character & appearance of the area

In terms of design and appearance, the proposed two and single storey rear extensions at 3 (d) metres would be consistent with HDAS guidance and being contained within the overall width of the semi-detached properties would be in scale and proportion and subordinate to the main properties such that they would not cause harm to the overall appearance of the original buildings nor the character and appearance of the area in general. With a proposed ridgeline of 2.1 (h) metres below the ridge of the existing roof the two storey rear extension would be in scale and proportion appearing subordinate to the main property such that it would not cause harm to the overall appearance of the original buildings nor the cause harm to the overall appearance of the original buildings are scale and proportion appearing subordinate to the main property such that it would not cause harm to the overall appearance of the original building nor the character and appearance of the area in general.

The proposed extension would, therefore, be consistent with HDAS guidance and comply with Policies BE13, BE15, BE19, BE22 and H7 of the adopted UDP (Saved Policies September 2007) and Sections 3 and 6 of the HDAS Design Guidance Residential Extensions.

7.08 Impact on neighbours

With respect to outlook on the amenities of the nearest adjoining occupiers from their rear windows, for the occupiers of Nos. 230 and 234 Woodlands Avenue the proposed first and ground floor rear extension to No. 232 would be consistent with HDAS guidance for a semi-detached property. The first-floor extension would not lie within the 45° vision splay from the nearest first-floor window of No. 230 and due to the combined distance separating the properties comprising the shared driveway again the first-floor extension would not adversely impact on the outlook within a 45° line of sight for the occupiers of No. 234 so there would be no material change in the outlook from their rear windows. Their nearest side and rear windows are to non-habitable rooms for which overshadowing would not be a crucial factor. There are no properties to the rear and with obscured glazed side windows proposed the proposal would be consistent with HDAS guidance such that the occupiers of Nos. 230 and 234 as neighbouring properties would be unlikely to experience overshadowing, loss of outlook or loss of privacy. Therefore, it is considered that the development would meet the requirements of Policies BE20, BE21 and BE24 of the adopted UDP (Saved Policies September 2007) and guidance within Sections 3 and 6 of the HDAS Design Guidance Residential Extensions.

7.09 Living conditions for future occupiers

As discussed at Section 7.01, the floor area of the house is not considered to be adequate to be considered suitable for conversion. Furthermore, HDAS: Residential Layouts requires a minimum internal floor area of 50m²2 for a one-bedroom flat. Although the proposed plans state that the internal floor areas of the ground and first floor flats would be 49.32m² and 48.36m² respectively, officers consider that the actual floor space would be 48.6m2 and 47.7 m2 for the ground and first floor flats. As such, the internal floor areas do not comply with the Council's minimum internal floor areas for one-bedroom flats and the accommodation would not afford a sufficient amount of residential amenity for its future occupiers. The proposed conversion would therefore be contrary to Policy BE19 of the adopted UDP (Saved Policies September 2007) and Paragraphs 3.5 and 4.6 to 4.8 of the HDAS Design Guidance: 'Residential Layouts'.

In terms of the rear garden area, at least 20m² of rear garden should be retained for a one-bedroom flat to provide adequate amenity space. As a result of the proposed development 50m² and 62m² separately accessed rear gardens would be provided. These would meet Policy BE23 of the adopted UDP (Saved Policies September 2007), and the objectives of Paragraph 4.17 of the HDAS Design Guidance: 'Residential Layouts'.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proximity of parking restrictions puts available roadside parking at a premium and is attractive to commuters, therefore on street parking would not necessarily be sufficiently available to allow for any relaxation in on site provision. One parking space is proposed, utilising a crossover, alongside the existing shared side access between Nos. 234 and 232. No provision has been made for cycle parking but this could be addressed by condition as there would be adequate space within the rear amenity area for each flat.

The Borough car parking standards for one-bedroom flats is one parking space per unit. Only one parking space is indicated. Furthermore, the loss of the garage means that potential parking provision is reduced for this property. The shared driveway serving the neighbours property prevents more than one space being provided at the front of the property. Given the site circumstances, it is considered that more than one parking space is required to prevent on-street parking, detrimental to highway and pedestrian safety. The proposal is therefore considered contrary to policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

In terms of design and appearance, the proposed two and single storey rear extensions at 3m deep would be consistent with HDAS guidance and being contained within the overall width of the semi-detached properties would be in scale and proportion and subordinate to the main properties such that they would not cause harm to the overall appearance of the original building nor the character and appearance of the area in general.

7.12 Disabled access

Policy H7 of the adopted UDP (Saved Policies September 2007) regards the conversion of residential properties into more units as acceptable in principle provided all the proposed units would be self-contained meeting minimum space standards and with an internal staircase. The relaxation of the criteria for Policy H7, would only apply where it could be demonstrated to the satisfaction of the Local Planning Authority that a particular need exists which cannot be adequately accommodated by other means. London Plan Policies 3A.4 and 4B.5 respectively refer to housing choice and creating an inclusive environment. The Access Officer noted that the application does not meet a number of Lifetime Homes criteria. Whereas in some cases Lifetime Homes issues can be covered by a condition, this is only when there is sufficient floorspace to enable revisions to be made. In this instance, the internal floor areas do not meet HDAS minimum standards. It is therefore considered that a condition can not be applied to address this issue. Failure to meet Lifetime Homes standards should be a further reason for refusal.

7.13 Provision of affordable & special needs housing

This is not applicable to a residential conversion application.

7.14 Trees, Landscaping and Ecology

There are no landscaping issues to compromise Policy BE38 of the adopted UDP (Saved Policies September 2007).

7.15 Sustainable waste management

The Waste Strategy Manager has no issue with the absence of waste and recycling storage as it is by bag collection within this part of the Borough. The Waste Strategy Manager considers that for two small non-family flats at this site, bag collection would suffice.

7.16 Renewable energy / Sustainability

It is considered that all the proposed habitable rooms, and those altered by the proposals, would maintain an adequate outlook and source of natural light, therefore complying with Policy 4A.3 of the London Plan (2004).

7.17 Flooding or Drainage Issues

The site is not with a flood risk area.

7.18 Noise or Air Quality Issues

Externally and in respect of the new build element these issues have been assessed by the Environmental Protection Unit. No objection is raised subject to conditions which would be applied had the application been recommended for approval.

7.19 Comments on Public Consultations

The material planning aspects of the objections are considered in the report. The health and safety concerns over materials left on the driveway and Party Wall Act concerns are not relevant to the determination of this planning application.

7.20 Planning Obligations

Not appropriate to this development.

7.21 Expediency of enforcement action

There are no enforcement issues directly connected with these proposals.

7.22 Other Issues

There are no other relevant planning issues raised by this application.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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). Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

This is not applicable to this application.

10. CONCLUSION

The main considerations are the principle of the subdivision of this dwelling-house into flats, design of the rear extension and impact on the character of the existing house and wider street scene, minimum space standards, the impact upon the amenities of adjoining occupiers and lack of car parking provision.

The existing dwelling falls significantly below the size of property normally considered appropriate for subdivision. Even with a two storey rear extension the property fails to meet internal floor space standards. Lifetime homes standards are not met. Parking provision is inadequate. As such, the application is recommended for refusal.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007. Hillingdon Design and Accessibility Statement Residential Extensions. London Plan 2008. Lifetime Homes Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

London Plan 2008 Annex 4 Parking Standards

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