

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 115 LABURNUM ROAD HAYES

Development: First floor rear extension to allow for conversion of existing two storey dwelling into 1 x 1-bed and 1 x 2-bed self contained flats, with associated parking and amenity space

LBH Ref Nos: **16692/APP/2019/3270**

Drawing Nos: Design & Access
 115laburnumroad/2019/01
 115laburnumroad/2019/02
 115laburnumroad/2019/03
 115laburnumroad/2019/05A
 115laburnumroad/2019/04A
 115laburnumroad/2019/06A
 115laburnumroad/2019/07A
 115laburnumroad/2019/08A

Date Plans received : 04/10/2019 **Date(s) of Amendment(s):** 29/11/2019

Date Application Valid: 04/10/2019

1. SUMMARY

The application site is located on the North Eastern side of Laburnum Road, Hayes, and is an end of terrace dwelling. The property has a front garden with two off street parking spaces. To the rear the property has a large garden, backing onto the residential gardens of properties on Coronation Road. The property has been extended previously by way of a single storey rear extension and a two storey side extension, characterised by a flat roof.

The proposal is for the erection of a first floor flat, a pitched roof over existing two storey side extension and the conversion of this single dwelling house into two flats. The proposed changes to the property are not considered to be detrimental to the visual amenities of the street scene, nor to be detrimental to the neighbouring properties. Amended plans have been received showing changes to the floor plans of the proposal, allowing for the first floor flat to have direct access to the garden. However, the development still fails to meet the car parking standards.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal has not demonstrated that sufficient off street parking arrangements would be provided, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standard, which would lead to on-street parking/queuing to the detriment of public and highway safety contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), to Hillingdon's Adopted Parking Standards (Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

INFORMATIVES

1 I71 LBH worked applicant in a positive & proactive (Refusing)

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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement as further parking space could not be accommodated for.

2 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).

3 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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
DMT 6	Vehicle Parking
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
DMH 1	Safeguarding Existing Housing
DMHB 11	Design of New Development
H7	Conversion of residential properties into a number of units
DMH 4	Residential Conversions and Redevelopment

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

4 I59 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.

5 I71 LBH worked applicant in a positive & proactive (Refusing)

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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

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 site is located on the North Eastern side of Laburnum Road, Hayes, and is an end of terrace dwelling. The property has a front garden with two off street parking spaces. To the rear the property has a large garden, backing onto the residential gardens of properties on Coronation Road. The property has been extended previously by way of a single storey rear extension and a two storey side extension, characterised by a flat roof.

The street scene is residential in character and appearance comprising mainly of terraced properties. No other properties along Laburnum Road appear to be converted into flats, and application site hence would be the first.

The application site lies within the Developed Area as identified in the saved UDP (November 2012).

3.2 Proposed Scheme

The application proposes the erection of a first floor rear extension to allow for conversion of existing two storey dwelling into 1 x 1-bed and 1 x 2-bed self contained flats, with associated parking and amenity space. The development also involved the erection of a pitched roof to the existing two storey side extension, currently characterised with a flat roof.

3.3 Relevant Planning History

16692/A/84/1106 115 Laburnum Road Hayes
Single storey rear extension.

Decision: 02-08-1984 Approved

Comment on Planning History

16692/A/84/1106 - APPROVED - In 1984 a single storey rear extension was granted permission.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

6 Neighbouring properties were notified by letter on 11.10.19. A site notice was also displayed to the front of the property.

However, no representation was received.

Access officer: This development application has been assessed against the requirements of London Plan policy 3.8 (c). Given that the existing dwellinghouse is not particularly accessible, and as only relatively minor works would be required to execute the proposed conversion, the above policy should not be applied. Conclusion: acceptable

Highways officer: Thank you for your consultation regarding the proposed works at the above location. Proposals comprise the extensions and conversion to an existing two storey dwelling to 1 x 1-bed and 1 x 2-bed self contained units with associated parking and amenity space. Upon reviewing the Public Transport Accessibility Level (PTAL) rating for the development using the Transport for London WebCAT service, it is indicated that the site contains a poor PTAL rating of 1b. It is therefore likely that future occupants would require dependency on the private car for trip making. When considering the quantum of development against the London Borough of Hillingdon emerging Car Parking Standards, it is required that this scheme provide 3 parking spaces. It is apparent from the submissions that this proposal only makes provision for 2 spaces thus providing a 1 space shortfall. Overall, it is considered that this application will result in displaced parking along the highway network. Mindful of the above, I must recommend that this application is refused.

6. 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:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

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.
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In addition: 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.

Policy H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that conversion of houses into multiple units would be considered as acceptable in principle provided this can be achieved without causing demonstrable harm to the residential amenities or character of the area and providing an adequate level of amenities can be provided for future occupiers of that dwelling. As such, there are no objections to the development in principle.

Policy DMH 4: Residential Conversions and Redevelopment states that 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. Checking the history of Laburnum Road, Hayes, no other application for the conversion of a single dwelling into flats have been granted. An application has been submitted by 15 Laburnum Road, however this property has not been granted planning permission.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy BE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) indicates that uses and associated structures which are likely to be detrimental to the amenity of the adjoining occupiers or the area generally will not be approved. Policies BE19 and BE20 resist any development which would have an adverse impact upon the amenity of nearby residents and occupants through loss of daylight and privacy.

Policy BE21 also indicates that planning permission will not be granted for new development which by reason of its siting, bulk and proximity, would result in a significant loss in residential amenity. The Council's Supplementary Planning Document for residential extensions (HDAS) indicates that rear extensions will only be allowed where there is no significant over-dominance, overshadowing, loss of outlook and daylight. In particular, the extension should not protrude out too far from the rear wall of the original house.

The proposed first floor rear extension will measure a depth of 3.242 m and would be sited towards No. 117 Laburnum Road, to the side extension. The extension is set down

from the main ridge by more than 0.5 m, and is proposed to have matching eaves as requested. Although the extension abuts the boundary line shared with No. 117, the first floor windows to the this property are set some distance away, and hence a 3.242 m deep extension is not considered to infringe upon the 45 degree splay line taken from the immediate neighbour. To the other side, No. 113, wont be impacted given the distance of separation. As such, the development is not considered to constitute an un-neighbourly form of development. The proposal would be in compliance to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions and the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.2 Impact on Street Scene

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that: A) All development, including extensions, alterations and new buildings, will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context; ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also required that there is no unacceptable loss of outlook to neighbouring occupiers.

The conversion of the dwelling to two flats would not involve any external changes visible from the street scene, and the first floor rear extension would similarly not be visible. The erection of a new pitched roof over the flat roofed two storey side extension is a feature welcomed to the street scene, and would form an improved streetscene appearance to what is currently existing on site. The pitched roof follows the design of the existing property and is set to have the same ridge and eaves height as to what is existing. As such, these alterations would successfully maintain the character of the existing building and would not unduly impact upon the streetscape. It is considered to be in compliance with Policies BE13, BE15, and BE19 of the UDP (Saved Policies, 2012) and the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.3 Traffic Impact/Pedestrian Safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan 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 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of 1.5 parking spaces per flat.

Policy DMT 6 of the emerging Local Plan: Part Two (2019) requires development proposals to comply with the car parking standards in order to facilitate sustainable

development. Developments are required to demonstrate the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.

The submitted plans show that 2 off street parking spaces can be provided within the frontage. The highways officer has commented upon this provision, stating that the minimum requirement is 3 off street parking spaces for such a conversion. The highways officer refers to the Public Transport Accessibility Level (PTAL) rating for the development using the Transport for London WebCAT service, stating that the site has a PTAL rating 1b. This suggests that the dependency of private cars on Laburnum Road is high. The development would therefore lead to additional on street parking to the detriment of public and highway and pedestrian safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) and the Council's adopted car parking standards and Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019)

7.4 Carparking & Layout

Discussed above.

7.5 Urban Design, Access and Security Considerations

Internal Floor Space:

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise 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.

The ground floor flat will have 2 bedrooms, a kitchen, living room and a separate shower room. A two bedroom three person dwelling at single storey is required to provide an internal floor area of 61 m², the proposed development has an internal floor area of 61.04 m² and hence is in compliance.

The first floor flat is proposed to have a double bedroom at first floor level with a kitchen, bathroom, living room and storage space. A one bedroom two person dwelling at two storeys is required to provide an internal floor area of 50 m². The first floor flat would have an internal floor area of 52.41 m². As such, the proposal would provide a living area of a satisfactory size of the minimum internal floor spaces requirements for developments of this nature, and the new dwelling would satisfactory achieve good living environment for future occupants. The proposal is in compliance to Policy 3.5 and Table 3.3 of the London Plan (March 2016) and Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016).

External Amenity Space:

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'. Section 4.0 of the HDAS Residential Layouts guidance advises that at least 25 m2 of shared private amenity space should be provided per 2 bedroom flats. Furthermore, the emerging policies Part 2 Policy DMHD1 appendix A, Part A) vi), which states that for Alterations and extensions to residential dwellings; adequate garden space is retained.

The agent has been contacted regarding the initially proposed garden layout which would result in development where the first floor flat would not be able to access the rear of the property. The agent has been advised to amend the drawings to give direct access, with measures that would secure privacy of both flats. The agent has successfully demonstrated that the first floor flat would have access from the two storey rear element into the rear amenity space, via an internal staircase and separate door from the ground floor flat. A 1.8 m tall timber fence will separate up the amenity spaces to ensure the sense of privacy is secured. The first floor flat will be able to enjoy private amenity towards the rear of the garden, with a garden space of 46 sq.m and the ground floor flat would benefit from 40 sq.m. As such, submitted plans demonstrate that each flat would be served by external amenity space, and hence would comply with the requirements of the Council's guidance HDAS Residential Layouts (2008).

7.6 Other Issues

No other issues.

8. Reference Documents

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

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