

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 HAYES TOWN INDOOR MARKET 15B STATION ROAD HAYES

Development: Addition of a second floor for use as storage

LBH Ref Nos: **17297/APP/2019/2228**

Drawing Nos: S-2
S-4
S-3
S-1
Location Plan

Date Plans received : 05/08/2019

Date(s) of Amendment(s):

Date Application Valid: 05/08/2019

1. **SUMMARY**

The application relates to the addition of a second floor for use as storage.

The scale and design of the proposed second floor extension has been assessed and considered unacceptable. Also given the close proximity to the existing residential units on Station Road, it is considered that the proposal would have a negative impact upon the amenity of the neighbouring occupiers.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its size, scale, bulk, design in particular the roof profile(s) would fail to appear as subordinate additions and would result in incongruous additions which would be detrimental to the architectural composition of the original building, the visual amenities of the street scene and the character and appearance of the wider Area. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

2 NON2 Non Standard reason for refusal

The proposed building by virtue of its size, scale, bulk, height and proximity, would be detrimental to the amenities of the adjoining occupiers by reason of loss of daylight/sunlight, visual intrusion, overdominance, loss of outlook and loss of privacy. Therefore the proposal would be contrary to Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

3 NON2 Non Standard reason for refusal

In the absence of an appraisal relating to parking demand and vehicular activity linked to the proposal, the application fails to demonstrate that the scheme would not result in harm to the local highway network and is therefore considered contrary to Policies AM2,

AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policies DMT1, DMT2 and DMT6 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

INFORMATIVES

1

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the east side of Station Road, to the rear of the commercial units at Nos.13 and 15 Station Road. It comprises a two storey detached building previously used for 3 car spaces at ground floor and a storage distribution area at first floor level (both related to the A1 retail unit of No.15 Station Road). The ground floor is now in use as a A1 retail unit. The site is accessed through an arched alleyway between the commercial units of Nos.11 and 15 Station Road. A corrugated sheeted roof (which is not apart of the application) covers the passageway between the application building and the arched alleyway.

To the west, lies the main Hayes Town Centre with the application site situated in between A2 Office (Thomas Cook Travel Agents No.11 Station Road) and a Class A1 retail unit (No.15 Station Road). Directly above the commercial units on this parade are residential properties which face directly onto the application site. Two external stairways provide access to these residential units to the front of the application site.

Directly to the north, to the rear of the shops is an area of hard standing used for vehicular parking.

The application site lies within the Hayes Primary Shopping Area and a developed area as designated by the policies of the Hillingdon Local Plan (2012).

3.2 Proposed Scheme

The application relates to the construction of a second floor, flat roofed extension above the existing two storey property. The proposed extension would be situated above the existing two storey building at second floor level and measure 7.37 m in width and 14.57 m in depth with an increase in the height of the building by 3 metres. This would be accessed by a new internal staircase leading up from the existing staircase.

3.3 Relevant Planning History

17297/ADV/2013/32 15b Station Road Hayes

The advertisement is existing and retrospective planning permission is sought.

Decision: 21-05-2013 NFA

17297/APP/2000/444 15b Station Road Hayes

ERECTION OF A TWO STOREY BUILDING FOR USE AS A FOOD MANUFACTURING PLACE (CLASS B1 USE) WITH ANCILLARY STORAGE AND OFFICE FACILITIES

Decision: 17-08-2000 Refused

17297/APP/2004/2485 15b Station Road Hayes

ERECTION OF A TWO STOREY ANCILLARY STORAGE BUILDING (FOR NO.15 STATION ROAD) WITH CAR PARKING (INVOLVING DEMOLITION OF EXISTING WORKSHOP BUILDING)

Decision: 04-11-2004 Approved

17297/APP/2011/2231 15b Station Road Hayes

Change of Use from Use Class B8 (Storage and Distribution) to Use Class A1 (Shops) covered car park to retail shop

Decision: 14-02-2012 Refused

Appeal: 25-07-2012 Allowed

17297/APP/2013/3265 15b Station Road Hayes

Change of use of the existing retail unit (A1 use) to a restaurant (A3 use).

Decision: 14-11-2013 Refused

17297/B/88/1091 15b Station Road Hayes

Continued use of unit for car repairs including panel beating & paint spraying

Decision: 26-07-1988 Refused

Appeal: 14-04-1989 Dismissed

Comment on Planning History

The application site benefits from a range of enforcement actions and planning applications seeking planning consent from as early as 1988.

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 consulted by letter dated 7/8/19 and a site notice was displayed in the area. By the close of the consultation period, 2 objections were received who raised their concerns for the following matters:

1. loss of light and over shadowing
2. overlooking/loss of privacy
3. adequate of parking/loading and turning
4. highway safety
5. traffic generation
6. noise and disturbance
7. hazardous materials stores

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.
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.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 6	NPPF-6 2018 - Building a strong, competitive economy
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

In addition:

7. MAIN PLANNING ISSUES

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

Policy OE1, OE3 and BE24 of the Hillingdon Local Plan (November 2012) require the design of new developments to protect the amenity and privacy of neighbouring dwellings. Also the proposed development should not breach the 45 degree guideline when taken from the rear elevation of the neighbouring dwelling, ensuring no significant loss of light, loss of outlook or sense of dominance in accordance with Policy BE20 and BE21 of the Hillingdon Local Plan (November 2012).

The Council's HDAS 'Residential Layouts' advises at paragraph 4.9 that buildings should avoid being over dominant from neighbouring properties and normally a minimum 15 m separation distance should be maintained.

The proposed property would be situated above the existing two storey dwelling at second floor and measure 7.37 m in width and 14.57 m in depth with the increase height of the building by 3 m, giving a total height of 9 m. This would be accessed by a new internal staircase leading up from the existing staircase.

The nearest residential properties lie above the commercial units situated directly north and west of the site. The control of opening hours could potentially protect these residents from disturbance during off-peak times, however, it is considered that the proposed development would attract a greater level of activity from customers coming and going than the existing use. Additional noise and disturbance from movement of customers would cause a detrimental impact on the residential properties at first floor level that face onto this unit. Furthermore, customers can stand outside the first floor and second floor unit, or move freely within the car park area with the potential to overlook the residential units only area of amenity space and the habitable room windows in the rear of the dwellings. Even though, these neighbours are at first floor level and within a town centre location, this perception of overlooking would be so great that it would unacceptably reduce their amenity.

The proposal includes 1 additional window facing the existing flats. Although the windows at first floor and second floor serve non habitable rooms and could be conditioned to be retained as obscure glazed and fixed shut, there would be direct overlooking in close proximity to the bedroom windows of the adjoining residential properties. As such it is considered that the proposal would result in an unacceptable loss of privacy to the adjacent occupiers.

The cumulative combination of the additional noise and disturbance from customer movement, along with the perception of overlooking would therefore represent an unneighbourly form of development. Therefore the proposal fails to comply with Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1, BE13, BE15, BE19 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.2 Impact on Street Scene

Policy BE15 of the Hillingdon Local Plan Part two (Saved UDP Policies) requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building. Policy BE13 requires the layout and appearance of extensions to harmonise with the existing street scene and Policy BE19 ensures any new development complements or improves the amenity and character of the area.

The proposed property would be situated above the existing two storey dwelling at second floor and measure 7.37 m in width and 14.57 m in depth with the increase height of the building by 3 m, giving a total height of 9 m. This would be accessed by a new internal staircase leading up from the existing staircase. The proposed development at second floor would have a footprint of 107.4 sq metres. No evidence has been put forward on which I could base a finding that the building is reasonably required for a purpose incidental to the enjoyment of the property as a storage/shop. The applicant has failed to provide justification for why such a large structure is necessary and why two showers, two toilets and two kitchen facilities and the inclusion of a significant level of glazed openings would be required for purposes incidental to the enjoyment of the main property.

Furthermore, the proposed roof profile should match that of the existing roof. This would not be possible as the property would have a big flat roof. This results in an unbalanced appearance between the other buildings in the wider area and would impact unduly on the character and appearance of the existing and adjoining properties and the visual amenities of the street scene and the area in general.

The proposal would therefore be contrary to Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the HDAS Supplementary Planning Document (December 2008) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.3 Traffic Impact/Pedestrian Safety

The property is accessed through a narrow access road with poor visibility and no provision for pedestrians. The use of this access road by pedestrians is considered unsuitable. Furthermore, due to the addition of a second floor, it would lead to an intensification of delivery and staff vehicles, ultimately detrimental to highway and pedestrian safety. No supporting information has been provided indicating where deliveries would take place. Nor has any plan been submitted which shows an area for both customer and staff parking.

Highway officer also commented that "in the absence of an appraisal relating to parking demand and vehicular activity linked to the proposal, the application fails to demonstrate that the scheme would not result in harm to the local highway network and is therefore considered contrary to Local Plan Saved UDP Policies AM2,AM7 and AM14 and Policies DMT 1, DMT 2 and DMT 6 of the emerging Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

7.4 Carparking & Layout

as above

7.5 Urban Design, Access and Security Considerations

as above

7.6 Other Issues

Given the above consideration, the application is recommended for refusal

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)
The London Plan (2016)
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Technical Housing Standards - Nationally Described Space Standard
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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