

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 63 VICTORIA AVENUE HILLINGDON

Development: Conversion of single dwelling to 1 x 3-bed dwelling and 1 x 1-bed dwelling involving internal alterations.

LBH Ref Nos: **8499/APP/2020/2967**

Drawing Nos: Site Location Plan
Block Plan
12/291/13 Rev. A
12/291/11
12/291/12

Date Plans received : 28/09/2020

Date(s) of Amendment(s):

Date Application Valid: 28/09/2020

1. SUMMARY

The application seeks planning permission for the conversion of the existing dwelling into two self-contained residential units.

Whilst the subdivision of the property is acceptable in principle, the proposed two-bedroom dwelling would provide a substandard form of internal accommodation for future occupants. Additionally, the proposed development fails to demonstrate that a satisfactory provision of private external amenity space would be afforded to the future occupants at the site. The proposal would therefore conflict with paragraph 127 of the NPPF (2019), Policy 3.5 of the London Plan (2016) and Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

It should be noted that the Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the "titled balance" as set out in paragraph 11(d) of the NPPF (2019) is not engaged.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development would provide an indoor living area of an unsatisfactory quality for the future occupiers of the proposed residential unit contained within the existing two storey side extension and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal therefore conflicts with paragraph 127 of the National Planning Policy Framework (2019), Policy 3.5 and Table 3.3 of the London Plan (2016) and Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality for the occupants of the development would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal therefore conflicts with paragraph 127 of the National Planning Policy Framework (2019), Policy 3.5 of the London Plan (2016) and Policy DMHB 18 of

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
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- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes

3 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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a), b) or c) to be added depending on the refusal circumstances:

a) 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.

b) 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.

c) 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. However, the amendments required to make the application acceptable are substantial and would materially change the development proposal. They would require further consultation to be undertaken prior to determination which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider the submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on a corner plot on the eastern side of Victoria Avenue, close to the junction with Ryefield Avenue. It comprises a two-storey end of terraced property that has been extended by two separate front porches, a flat roof two storey side extension, a first-floor rear balcony and single storey rear extensions. There is a detached garage at the end of the rear garden, along with other various structures.

The surrounding area is suburban in character, consisting primarily of two storey terraced properties. To the west of the application site is the adjoining mid-terraced property at number 61 Victoria Avenue. To the east of the site, on the opposite side of the highway, lies number 65 Victoria Avenue. The rear boundary of the site adjoins the end of terraced property at number 11 Ryefield Avenue.

The application site does not contain any Listed Buildings, nor does it lie within a designated Conservation Area or an Area of Special Local Character. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land.

Based on the Transport for London's WebCAT planning tool, the application site has a Public Transport Accessibility Level (PTAL) rating of 2 (Poor). The site is not located within a Controlled Parking Zone.

The site falls within Flood Zone 1 and is designated within a Critical Drainage Area.

3.2 Proposed Scheme

The application seeks planning permission for the conversion of the existing property into two self-contained residential units.

The application form states that the proposal is for a one-bedroom self-contained residential unit. However, this stance is not shared by the Council.

The proposed dwelling within the two-storey side extension would contain a bedroom and

a room labelled as a 'study/workroom' at first floor level. The 'study/workroom' would measure 8 square metres and have access to a first-floor rear balcony. In line with the paragraph 10c of the Technical housing standards-nationally described space standard (2015), it is interpreted that the first floor 'study/workroom' would constitute as a single bedroom.

It is therefore considered that the proposal seeks to subdivide the existing single dwelling to a 1 x 3-bedroom dwelling and a 1 x 2-bedroom dwelling. The planning application will be assessed on this basis.

3.3 Relevant Planning History

Comment on Planning History

The relevant planning history attached to this site is listed above.

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

Seven neighbouring properties were consulted by letters dated 2nd October 2020. The consultation period expired on 23rd October 2020. No representations had been received by the end of the consultation period.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMH 1 Safeguarding Existing Housing

DMH 2 Housing Mix

DMH 4 Residential Conversions and Redevelopment

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

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- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes

7. MAIN PLANNING ISSUES

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The proposal would not involve the erection of any extensions, and no new windows would be fitted in the elevations of the property. As such, it is considered that the proposed development would not cause undue harm on the living conditions of neighbouring occupiers, in terms of daylight/sunlight, outlook, privacy and overbearing effect.

It is acknowledged that the proposed two-bedroom dwelling would benefit from a first floor rear balcony. However, this is an existing balcony that the current occupiers at the site have access to. It is therefore considered that the balcony would not result in an unacceptable loss of privacy or overlooking for neighbouring occupiers over and above the existing circumstances.

It is considered that the sub-division of the site into two separate dwellings is unlikely to result in a significant increase in noise levels when compared to the existing use of the property as one large household.

Subsequently, it is considered that the proposal would not adversely affect the residential amenities of neighbouring occupiers, in compliance with Policies DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) requires that all new development achieves a high quality of design in all new buildings, alterations and extensions. Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that new development should harmonise with the character and appearance of the existing street scene and surrounding area, and the scale, form, architectural composition and proportions of the original building.

The proposal would not involve any external alterations to the property or extensions. As such, the proposed development would not impact the character and appearance of the existing property, street scene and surrounding area. It is therefore considered that the proposal would be compliant with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), in this respect.

7.4 Carparking & Layout

CAR PARKING PROVISION & HIGHWAY SAFETY:

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) 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 DMT 6 of the Hillingdon Local Plan: Part Two -

Development Management Policies (2020) seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1.

The proposed block plan shows that two off-street car parking spaces would be provided for the proposed three-bedroom dwelling, and one off-street car parking space would be provided for the proposed two-bedroom dwelling. The level of car parking spaces being proposed would be in accordance with the parking standards set out in Appendix C Table 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and would be reflective of the site's PTAL rating of 2 (Poor).

The proposed car parking spaces would be accessed via the existing crossover on Victoria Road. The crossover is of a sufficient width to ensure that vehicles could safely manoeuvre into the car parking spaces without prejudicing highway safety. The anticipated vehicle movement that would be associated with the proposed development is unlikely to be significantly greater than the existing use of the property as a large household.

Subsequently, it is considered that the proposal would comply with Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), in regards to off-street car parking provision and highway safety.

CYCLE PARKING PROVISION:

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including: iv) the provision of cycle parking and changing facilities in accordance with Appendix C Table 1 which advises that cycle spaces should be located as near as possible to the building entrance(s).

In order to meet the minimum cycle parking standards, set out in Appendix C Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), 2 cycle spaces would be required for the proposed three-bedroom dwelling, and 1 cycle space would be required for the proposed two-bedroom dwelling.

No cycle parking provision details were accompanied with the application. If planning permission were to be granted, a condition would be secured requiring full details of the bicycles store facilities to be submitted to the Council for consideration in order to ensure compliance with Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.5 Urban Design, Access and Security Considerations

INTERNAL AMENITY SPACE PROVISION:

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should: i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

Policy 3.5 of the London Plan (2016) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for future occupants. Table 3.3 contained within Policy 3.5 of the London Plan (2016) requires:

- Two-storey dwellings with 3 bedrooms, 5-person occupancy, to have at least 93 square metres
- Two-storey dwellings with 2 bedrooms, 3-person occupancy, to have at least 70 square metres

The DCLG's Technical housing standards-nationally described space standard (2015) requires double bedrooms to measure at least 11.5 square metres in floor space, and for single bedrooms to measure at least 7.5 square metres.

With a gross internal area of 111 square metres (this figure includes the existing conservatory), the proposed three-bedroom dwelling would meet the minimum space standard requirements set out in Policy 3.5 of the London Plan. It is noted that the room labelled 'bedroom 3' measures 3.8 square metres, and falls below the DCLG's Technical housing standards (2015) requirements for a single bedroom. However, this bedroom forms part of the original layout of the house, whereby properties of this architectural period typically contain box-style rooms as third bedrooms. It is therefore considered that a refusal on this ground would be difficult to sustain in the event an appeal.

As previously mentioned, the proposed dwelling within the two-storey side extension would contain a bedroom and a room labelled as a 'study/workroom' at first floor level. The 'study/workroom' would measure 8 square metres and have access to a first-floor rear balcony. In line with the paragraph 10c of the Technical housing standards-nationally described space standard (2015), it is interpreted that the first floor 'study/workroom' would constitute a single bedroom.

The room labelled as 'bedroom' within the proposed two-bedroom dwelling would measure 9 square metres, which falls below the minimum requirements for a double bedroom set out in the Technical housing standards-nationally described space standard (2015). Furthermore, with a gross internal area of 50 square metres, the proposed two-bedroom dwelling would fall significantly below minimum standards for a 2-bedroom 3-person occupancy as set out in Policy 3.5 of the London Plan (2016).

It is therefore considered that the proposed development would provide future occupants of the proposed two-bedroom dwelling with a substandard form of internal living accommodation, contrary to the NPPF (2019), Policy 3.5 of the London Plan (2016) and Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

EXTERNAL AMENITY SPACE PROVISION

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that residential buildings should provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings. Table 5.3 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that two and three bedroom houses require at least 60 square metres of private amenity space.

The submitted block plan shows that the existing rear garden would be sub-divided. However, the block plan is not accurate because it does not include the footprint of the existing single storey rear additions and conservatory. Nor does it show the footprint of the existing outbuilding and the other various structures that are in the rear garden area.

It has therefore not been satisfactorily demonstrated that the proposed development

would afford future occupants with a satisfactory provision of private external amenity space. Subsequently, it is considered that the proposal would conflict with Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

Policy DMH 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) 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; 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.

The term 'original' is not defined either within the Policy DMH 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) or within the supporting text. In this case, it has been interpreted as the property in its current state and prior to conversion, such that it is not being extended to facilitate a subdivision. Being in excess of 120 square metres in floor area in its current form, the property at number 63 Victoria Avenue is not considered to be a small family dwelling and would be compliant with criteria iii) of Policy DMH 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

The proposed conversion of number 63 Victoria Avenue would not lead to more than 10% of the street being converted into flats. Although each of the proposed residential units would be split over two floors contrary to criteria iv) of Policy DMH 4 of the Hillingdon Local Plan: Part Two Development Management Policies (2020), one of the proposed dwellings would accommodate three bedrooms thereby helping meet the identified housing demand for this type of accommodation.

It is considered, on balance, that the principle of the subdivision of the property is acceptable. However, this is notwithstanding the other planning considerations which are discussed in this report.

It should be noted that the Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the "titled balance" as set out in paragraph 11(d) of the NPPF (2019) is not engaged.

FLOODING AND DRAINAGE:

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated. Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water run-off rates will be refused.

The application site falls within Flood Zone 1 where the risk of flooding from rivers or seas is low. As such, all forms of development, including 'more vulnerable' uses, are considered acceptable in this location, in terms of fluvial flood risk.

It is acknowledged that the site lies within a Critical Drainage Area. However, the proposal would not increase the footprint of the existing property. As such, it is unlikely that the proposed development would exacerbate the surface water flood risk at the site over and beyond the existing circumstances, in accordance with Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMEI 9 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

WASTE AND RECYCLING:

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

No refuse and recycling details were accompanied with the application. However, in the event of an approval, a planning condition would be secured requiring full details of the refuse and recycling facilities to be submitted to the Council for consideration.

COMMUNITY INFRASTRUCTURE LEVY:

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 square metre. CIL rates are index linked.

Paragraph 4 (1)(d) of the Community Infrastructure Levy Regulations 2010 states that a conversion from one into two or more dwellings is not 'development' for the purposes of CIL. The proposed development is therefore not liable to pay CIL.

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
Hillingdon's Local Plan Part 2 Site Allocations and Designations (2020)
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)
Technical Housing Standards - Nationally Described Space Standard (2015)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (2017)
National Planning Policy Framework (2019)

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