

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 VILLAGE HOUSE 13-15 SWAKELEYS ROAD ICKENHAM

Development: Change of use of storage room in existing shop to additional habitable accommodation for the first floor flat (Retrospective)

LBH Ref Nos: **19121/APP/2021/103**

Drawing Nos: PA-01 Rev. A

Date Plans received : 03/02/2021 **Date(s) of Amendment(s):**

Date Application Valid: 03/02/2021

1. SUMMARY

This proposal considers the change of use of a small storage room in the existing unit, to additional habitable accommodation for the first floor flat.

The proposed alterations would not impact on the character of the existing building or the neighbouring properties. Also the minimal reduction in floor space for the existing opticians would not impact on the viability of the Local Centre. However the proposal would result in the provision of a habitable room with poor amenity for future occupiers.

As such the proposal is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of the siting of the ground floor flank window, given its proximity to the side boundary and the flank wall of the adjoining property and the fact that the window would face directly onto the service road, would result in the provision of a habitable room with very limited levels of outlook and natural lighting that would suffer from additional noise and loss of privacy, that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers. to the detriment of the amenities of current and future occupiers, contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D6 and SI2 of the London Plan (2021).

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.

DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
LPP SD6	(2021) Town centres and high streets
LPP D6	(2021) Housing quality and standards
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP HC1	(2021) Heritage conservation and growth
LPP T6	(2021) Car parking
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

3 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 Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

4 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.

3. CONSIDERATIONS

3.1 Site and Locality

No. 13-15 Swakeleys Road is an opticians occupying the ground floor of the unit in a parade of shops in Ickenham village centre. It previously comprised of a shop to the front with an examination room behind and a storage room to the rear, adjacent to the entrance to the flat above.

The site falls within Ickenham Local Centre and the Ickenham Village Conservation Area as identified in the Hillingdon Local Plan.

3.2 Proposed Scheme

The proposal is for the change of use of the ground floor storage area to form additional residential space for the first floor flat.

3.3 Relevant Planning History

19121/APP/2012/2683 Panstar House Swakeleys Road Ickenham

Part change of use of first floor from Use Class B1 (Office) to Use Class C3 (Dwelling Houses) to create 1 x 2- bedroom flat, involving installation of new access gates

Decision: 21-01-2013 Approved

19121/APP/2014/1839 Rear Outbuilding Of Panstar House, 13-15 Swakeleys Road Ickenha

Change of use from B1 (Offices) to C3 (Dwellinghouses) to create 2 self contained flats (Prior Approval)

Decision: 23-07-2014 PRN

19121/APP/2017/2190 Flat 1 A Village House 13-15 Swakeleys Road Ickenham

Details pursuant to Condition 3 (Acoustic information and positioning of fencing) of planning permission Ref: 19121/APP/2017/65 dated 28-04-2017 (Conservatory to rear and new screening).

Decision: 16-08-2017 Approved

19121/APP/2017/65 Flat 1, Village House 13-15 Swakeleys Road Ickenham

Conservatory to rear and new screening. (Retrospective)

Decision: 25-04-2017 Approved

Comment on Planning History

Consent for the change of use of the upper floor from an office to residential was approved in 2013.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 10th March 2021

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

31 neighbours and the Ickenham Residents Association were consulted for a period of 21 days expiring on the 26 February 2021. No responses were received.

Conservation and Urban Design - No comment.

Access Officer - No objections raised from an accessibility perspective.

Trees/Landscaping - The proposed change of use only affects the internal layout / use of the building. There will be no effect on any external space.

Environmental Protection - No response.

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.HE1 (2012) Heritage

Part 2 Policies:

DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
LPP SD6	(2021) Town centres and high streets
LPP D6	(2021) Housing quality and standards
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP HC1	(2021) Heritage conservation and growth
LPP T6	(2021) Car parking
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

In addition: Development Plan
Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

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

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties or onto private open spaces. A minimum of 21m separation distance between windows of habitable rooms will be required to maintain privacy. The Council will also expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The proposal does not include any enlargement of the premises and it is not considered would impact on the amenity of nearby properties.

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.

Policy DMHB 4 also advises new development within or on the fringes of conservation areas will be expected to preserve or enhance the character and appearance of the area. It should sustain and enhance its significance and make a positive contribution to the local character and distinctiveness.

The proposal would result in no external alterations to the premises and would be not impact on the character and appearance of the existing building and the surrounding Conservation Area. The proposal would be in accordance with policies DMHB 4 and DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020).

7.3 Traffic Impact/Pedestrian Safety

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider 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.

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

This is minor change which would not significantly impact on traffic movements or parking provision.

7.4 Carparking & Layout

As above.

7.5 Urban Design, Access and Security Considerations

The proposal would include an additional room at ground floor level, which is identified as a study. It is noted that this room measures approximately 11sqm and is of a size which could easily be utilised as a habitable room. This would have a window facing the flank wall of the neighbouring building at a distance of just 3m. This would result in a very limited level of outlook and light within this room and would result in a very oppressive environment for future occupiers. It is also noted that this would face directly onto the access road leading to the rear of the shop premises and the residential properties to the rear, resulting in a loss of privacy and increased noise for future occupiers. Consequently, it would be unpleasant to occupy, and requires artificial light for it to be useable.

Accordingly, the development has an unacceptable and harmful effect on the living conditions of existing and future occupiers, with particular reference to outlook and light. It conflicts with Policies DMHB 11 and DMHD 1 of the Local Plan: Part 2 which collectively seek to ensure that all development incorporates principles of good design, including ensuring that the internal design and layout of development maximises sustainability. It also conflicts with Policies D6 and SI2 of The London Plan, which respectively require that housing development should provide comfortable and functional layouts which are fit for purpose, and that residential development should be energy efficient.

7.6 Other Issues

Principle of Development

Policy DMTC 3 seeks to maintain the viability of Local Centres and advises that the Council will protect and enhance the function of local centres by retaining uses that support their continued viability and attractiveness to the locality they serve.

The proposal would see the loss of a small store room at the rear of the property, which would retain approximately 77% of the original floor space within the existing mixed use Class D1/E opticians. Given the small quantum of floor space that would be lost, it is not considered that this would significantly impact on the viability or function of the existing unit.

It is therefore considered that the principle of development is acceptable.

8. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2 (2020).

The London Plan (2021).

Supplementary Planning Document 'Accessible Hillingdon'.

National Planning Policy Framework.

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