

Appeal Statement

In support of a Planning Appeal at
No 164-170 High Street, Yiewsley,
West Drayton, Uxbridge UB7 7BE

February 2022



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1 INTRODUCTION

- 1.1 This Appeal Statement has been prepared on behalf of Mr Chawla following LB Hillingdon Council's refusal of planning application Ref 19966/APP/2021/3425, which proposed a second floor upwards extension at No 166-170 High Street, Yiewsley UB7 7BE.
- 1.2 The additional floorspace will result in the creation of 6 bedrooms and a communal living/kitchen/dining space classified as a house in multiple occupation (HMO) (Use Class Sui Generis), which will integrate with the existing 7 bedroom HMO at first floor to provide an enhanced living environment for residents. The appeal scheme also proposes a series of external alterations and enhancements to the front elevation of the existing building.
- 1.2 The application was validated by the Council on 9th September 2021 and subsequently refused on 18th January 2022 under delegated powers (please refer to the Decision Notice and Case Officer Report enclosed at **Appendix 1** and **2**).
- 1.3 This Statement will set out why the Council's decision to refuse the planning application was unjustified in terms of local and national planning policy, and accordingly, why the appeal should be allowed.
- 1.4 The grounds of appeal are as follows:
- The creation of new residential floorspace by maximising the re-use of previously developed sites (and in particular airspace above existing residential and commercial premises) is supported by policy at a national and local level. In particular, Paragraph 120(e) of the NPPF states that Councils should allow upward extensions where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers;
 - As demonstrated within this Statement, the approach to the layout of the scheme has been carefully considered and informed by the unique character and layout of the existing building and the wider High Street. The scale and massing of the scheme ensures that there will be no harmful impact upon Yiewsley Recreation Ground or the surrounding street scene, and
 - The scheme has been designed to provide a suitably high quality living environment for new and existing residents by ensuring appropriate levels of privacy, outlook, sunlight/daylight and an internal layout which exceeds relevant standards. Furthermore, the proposal seeks to improve living conditions for the occupiers of the existing first floor HMO by providing enhanced communal areas that accord with modern standards. There will have no adverse impact upon the amenity of the occupiers of any neighbouring properties by way of overlooking, overbearing or overshadowing.
- 1.5 In terms of structure, this Statement will provide a summary of the case background prior to examining the Council's reasons for refusal and demonstrating why these are unjustified and inappropriate in planning terms. The statement addresses the following:

1) Background

- 2) Site and Surroundings;
- 3) Planning History;
- 4) Planning Policy, and
- 5) Planning Considerations.

- 1.6 The Statement concludes that the Council was unjustified in refusing the application, and as such, the appeal should be allowed.

2 BACKGROUND

2.1 Application Ref 19966/APP/2021/3425 was refused by the Council for the following reasons (as worded on the Decision Notice):

1. The proposed extension by virtue of its size, siting, scale, bulk and design would appear as a boxy addition which fails to respect the architectural composition of the host terrace, harming both the character and appearance of both the host building and wider area, including the sensitive views from Yiewsley Recreation Ground, designated Metropolitan Land. The proposal would therefore be contrary to Policies DMHB 11, DMHB 12, DMEI 4 of the Hillingdon Local Plan Part Two Development Management Policies (2020) and Policy G3 of the London Plan (2021).
2. The proposal has failed to demonstrate sufficient cycle storage for the future occupiers in order to encourage sustainable modes of transport, contrary with the London Plan and Policy DMT6 of the Hillingdon Local Plan Part Two Development Management Policies (2020).
3. In the absence of a robust assessment and detailed information relating to the storage of refuse, parking and further noise being created between the floors, including mitigation and organisational strategies, it is considered that the amenity of both existing and future occupiers could be adversely impacted through the intensification of the use, not complying with Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan Part Two Development Management Policies (2020).
4. The proposed development would provide low quality living conditions for future occupiers, in terms of the provision of internal amenity space and overall ceiling height. The proposal would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy D6 and Table 3.1 of the London Plan (2021), the Housing Standards Minor Alterations to the London Plan.

2.2 In the context of the reasons for refusal, it is considered that the key issues in respect of the proposed development can be summarised as follows:

1. Whether the scale and design of the proposed extension would result in unacceptable harm to the visual character and appearance of the host building, wider area (including the terrace of which the building forms part) and Yiewsley Recreation Ground.
2. Whether the development would result in insufficient cycle storage for future occupiers.
3. Whether the intensification of the site (by way of increased noise, parking and refuse storage) would result in an unacceptable impact upon the amenity of existing and future occupiers..
4. Whether the proposed development would provide an unacceptable living environment for occupiers.

3 SITE AND SURROUNDINGS

- 3.1 The site forms part of a mixed use building which accommodates three commercial units (Use Class E) at ground floor level with an existing 7 bedroom HMO at first floor level. The existing HMO only provides a small kitchen and laundry room by way of communal facilities for residents.
- 3.2 The principal frontage of the building faces the High Street to the west. As demonstrated in the photographs below, the building presents a visually dated appearance which means that it does not make a positive contribution to the visual character of the street scene.
- 3.3 The site is located within the identified Yiewsley District Centre and as such benefits from easy access to a wide range of amenities. Notably Yiewsley Library Bus Stop is located 40 metres to the north and West Drayton railway station is 570 metres to the south. Accordingly, the site is in a sustainable location as demonstrated by a PTAL level of 3 (good).
- 3.4 The site forms part of an established mixed use terrace that extends southwards away from the site with commercial units at ground floor and residential dwellings above. Notably, the immediate parade contains of a range of contrasting architectural styles, materials, heights and roof forms.
- 3.5 Furthermore, as demonstrated in the images below there is clear variation in building height within the wider street scene with large detached buildings such as the Aldi food store, Continental House and Kirk House present within the street scene as well as the three and four storey terraced buildings of Nos 112-134 High Street and 111-117 High Street respectively.
- 3.6 The site is not situated within a conservation area nor it a listed building. Please refer to the selection of site images and photographs below.



Image 1: Front view of the site with a discordant fenestration, unattractive shop signage and weathered render



Image 2: View of the site looking south east down the High Street demonstrating the substantial setback from the established building line of the street scene



Image 3: Image of the wider parade facing south east demonstrating clear variation in both the height and design of buildings present



Image 4: Further image of the wider parade looking north east with the site visible in the background and clear variation in the height and design present in neighbouring properties



Image 5: Aldi Yiewsley food store located to the immediate west of the site



Image 6: Four storey apartment development at Nos. 111-117 High Street within the Yiewsley District Centre



Image 7: Three storey terrace at Nos. 112-134 High Street with residential accommodation at upper floor levels within Yiewsley District Centre



Image 8: Three storey apartment development known as Kirk House within Yiewsley District Centre



Image 9: Three storey office development known as Continental House that bookends the northern side of Yiewsley District Centre

4 PLANNING HISTORY

- 4.1 A review of the Council's online records has been undertaken which reveals that the site and surrounding area have been subject to previous planning applications, the most relevant of which are summarised below.

The Site

- 4.2 No relevant applications have been made on the site.

Surrounding Area

- 4.3 Under application **Ref 50096/APP/2013/3820** in March 2014 the amalgamation of two existing class A1 retail units with associated external alterations was undertaken to form a new Aldi food store at 141 High Street, Yiewsley UB7 7QN. Situated directly opposite the site on the other side of the High Street as shown in Section 2.

5 THE PROPOSAL

- 5.1 The development proposal is for the construction of one additional storey onto an existing two storey building. The additional floorspace will result in the creation of 6 bedrooms and a communal living/kitchen/dining space classified as a house in multiple occupation (HMO) (Use Class Sui Generis), which will integrate with the existing 7 bedroom HMO at first floor to provide an enhanced living environment for occupiers. The application also proposes a series of external alterations and enhancements to the front elevation of the existing building.
- 5.2 The proposed extension will raise the existing two storey building by 2.6 metres to provide an overall maximum building height of 9.9 metres.
- 5.3 As demonstrated on the enclosed drawings package, the proposed extension will be set back from the principal southern elevation by approximately 0.9 metres. In addition, the building itself is set back from the established building line fronting the High Street by 1.35 metres. This approach ensures that the massing of the proposed scheme and its impact upon the streetscene will be minimised and that the extension will also appear visually subservient to the host property.
- 5.4 The proposed extension will utilise high quality contemporary design and external materials (including standing seam zinc and black framed windows). Furthermore, external alterations including re-painted render and shopfront alterations are also proposed with a view to enhancing the visual appearance of the building as a whole which will result in the host property making a more positive contribution to the visual character of the street scene compared to existing.
- 5.5 All proposed bedrooms and communal areas will either meet or exceed the Council's adopted standards. Furthermore, all habitable rooms will be served by generous glazing providing high quality outlook and sunlight/daylight for occupiers.
- 5.6 Importantly, the proposal will deliver a new large communal kitchen/dining area for all occupants which will raise the current living conditions of existing occupiers at first floor level to meet with modern standards. Currently, occupants at first floor level have very limited opportunities to socialise/prepare food outside of their bedrooms.
- 5.7 Overall, the considered design approach enables the creation of a visually interesting scheme which maximises the efficiency of the site, delivers high quality residential accommodation for occupiers in a sustainable location and ensures that the visual appearance of the host building will be enhanced (thus improving its relationship with the wider street scene).

6 PLANNING POLICY

6.1 This section provides a review of relevant national and local planning policy and guidance.

NATIONAL POLICY

6.2 The National Planning Policy Framework (NPPF) was revised in July 2021 and sets out the Government's objectives for achieving sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development.

6.3 Development proposals that accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.4 Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

6.5 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. These sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in the framework.

Delivering a Sufficient Supply of Homes

6.6 Paragraph 60 explains that in order to support the Government's commitment to significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward for development where it is needed, that needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

6.7 Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where strategic policies are more than five years old. The five year supply should include an appropriate buffer. Where the local authority chooses to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan the buffer should be 10% to account for any fluctuations in the market during that year. In the event that there has been significant under delivery when measures against the Housing Delivery Test (November 2018 onwards) then a 20% buffer should be applied.

- 6.8 The NPPF is clear at paragraph 11 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

Promoting Healthy Communities

- 6.9 The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Planning decisions should aim to achieve places which promote, amongst other things, safe and accessible developments, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Promoting Sustainable Transport

- 6.10 To protect and exploit opportunities for the use of sustainable transport modes, development should be located and designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities; address the needs of people with disabilities by all modes of transport; create safe and secure places minimising conflicts between traffic and pedestrians; allow for the efficient delivery of goods and access by service and emergency vehicles; and be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.11 Paragraph 111 confirms that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Making Effective Use of Land

- 6.12 The NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 6.13 Paragraph 120 (c) explains that the planning system should specifically give substantial weight to the value of using suitable brownfield land within settlements for new homes and other identified needs.
- 6.14 Further sub-section (d) of this paragraph explains that planning should also promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 6.15 The chapter goes on to discuss how appropriate densities can be achieved. Paragraph 124 sets out that the planning system should support development that makes efficient use of land, taking into account the following:
- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) Local market conditions and viability;

- c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) The desirability of maintaining an area’s prevailing character and setting or of promoting regeneration and change; and
- e) The importance of securing well-designed, attractive and healthy places.

Achieving Well Designed Places

6.16 This chapter sets out at paragraph 130 that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture and appropriate landscaping;
- Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks, and
- Create places that are safe, inclusive and accessible and which promote health and well-being.

Conserving and Enhancing the Historic Environment

6.17 The NPPF builds upon the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and requires at paragraph 197 that local planning authorities in determining planning applications take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

6.18 Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

- 6.19 At paragraph 203, it is stated that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Decision taking

- 6.20 Guidance in paragraph 38 states that local planning authorities should approach decision-taking in a positive and creative way. They should work proactively with planners to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

LOCAL POLICY

- 6.21 In addition to national NPPF guidance it is relevant to consider the adopted and emerging London Plan guidance that in turn supports the local authorities Local Development Framework.

LONDON PLAN (2021)

- 6.22 The London Plan sets the Mayor's strategic development strategy for the capital up until 2046 and forms part of the development plan for Greater London. The site falls within the London Borough of Hillingdon and so the relevant policies include:

- 6.23 The site falls within the London Borough of Hillingdon and so the relevant policies include:

- 6.24 **Policy D3 (Optimising Site Capacity Through the Design-led Approach)** states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity.

- 6.25 Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Borough's where appropriate.

- 6.26 In other areas incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of policy H2.

- 6.27 Development proposals should:

1. Enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions;
2. Encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking and legible entrances to buildings that are aligned with peoples' movement patterns and desire lines in the area;

3. Be street based with clearly defined public and private environments;
4. Facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users;
5. Achieve safe, secure and inclusive environments;
6. Provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside to generate liveliness and interest;
7. Deliver appropriate outlook, privacy and amenity;
8. Provide conveniently located green and open spaces
9. Prevent or mitigate impacts of air quality
10. Respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the character
11. Be of high quality with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive robust materials which weather well.

6.28 **Policy H9 (Ensuring the best use of stock)** states that boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Where they are of a reasonable standard they should generally be protected.

6.29 **Policy T6.1 (Residential Parking)** confirms at paragraph E that large-scale purpose built shared living, student accommodation and other sui generis residential uses should be car-free.

LOCAL DEVELOPMENT FRAMEWORK

6.34 When determining any planning application, the relevant authorities (in this case Hillingdon Borough Council) are under a statutory obligation, as imposed by section 54a of the Town and Country Planning Act 1990, repeated in section 38(8) of the Planning and Compulsory Purchase Act 2004 to make their determination in accordance with the development plan unless material considerations indicate otherwise.

6.35 In this instance the Development Framework currently consists of the Local Plan Part 1 Strategic Policies which sets out the spatial vision and strategy for the Borough and the Local Plan Part 2 Development Management Policies which provides more detailed, specific development management policies in order to support the delivery of the overall spatial vision for the Borough.

6.36 Accordingly, the adopted policies relevant to the determination of this application are summarised below.

Hillingdon Local Plan Part 2 (2020)

- 6.37 **Policy DMTC 1 (Town Centre Developments)** states the Council will support main town centre uses where the development proposal is consistent with the scale and function of the centre. Town centre development will need to demonstrate that:
- i. Adequate width and depth of floorspace has been provided for the town centre uses; and
 - ii. Appropriate servicing arrangements have been provided.
- 6.38 Residential use of ground floor premises in primary and secondary shopping areas and in designated parades will not be supported.
- 6.39 Proposals for main town centre uses in out of centre locations will only be permitted where there is no harm to residential amenity
- 6.40 The Council will also:
- i. Expect proposals for main town centre uses to demonstrate that there are no available or suitable sites in a town centre where an edge of centre or out of centre is proposed, using a sequential approach; and
 - ii. Consider the effect of the proposal either individually or cumulatively on the vitality and viability of existing town centres.
- 6.41 **Policy DMH5 (Houses in Multiple Occupation and Student Accommodation)** states that in all parts of the Borough proposals for the provision of large HMOs, residential hostels, student accommodation and secure accommodation will be required to demonstrate that:
- i. There is good accessibility to local amenities and public transport;
 - ii. They accord with the accessible homes standards and provide satisfactory living conditions for the intended occupiers; and
 - iii. There will be no adverse impact on the amenity of neighbouring properties or the character of the area.
- 6.42 **Policy DMHB 11 (Design of New Development)** outlines that 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 by taking into account the surrounding:
 - Scale of development, considering the height, mass and bulk of adjacent structures;
 - Building plot sizes and widths, plot coverage and established street patterns;
 - Building lines and setbacks, rooflines, streetscape rhythm, gaps between structures and other streetscape elements, such as degree of enclosure;
 - Architectural composition and quality of detailing;
 - Local topography, views both from and to the site; and
 - Impact on neighbouring open spaces and their environment.
 - 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 un-designated and their settings; and
 - v. Landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.
- 6.43 Development proposals should not adversely impact upon the amenity, daylight and sunlight of adjacent properties and open space.
- 6.44 Development will be required to ensure that the design safeguards the re-development of any adjoining sites which have development potential.
- 6.45 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.
- 6.46 **Policy DMHB 13 (Shopfronts)** advocates that new shopfronts and alterations to existing shopfronts should complement the original design, proportions, materials and detailing of the building of which it forms a part and the surrounding street scene.
- 6.47 New shopfronts must be designed to allow equal access for all users. In order to improve and maintain the quality of the public realm, the design of shopfronts should be of a high quality, taking into consideration:
- i. Retention and maintenance of active shopfronts at all times;
 - ii. The relationship between the shopfront and upper floors;
 - iii. The relationship with surrounding shopfronts and buildings;
 - iv. The use of materials which are appropriate to and enhance the character of the local area; and
 - v. The value of existing architectural and historic features.
- 6.48 **Policy DMHB 13A (Advertisements and Shop Signage)** outlines that in order to improve and maintain the quality of the public realm, advertisements, signs and hoardings will be required to demonstrate that:
- i. They complement the scale, form, materials and architectural composition of the individual buildings of which they form a part;
 - ii. They complement the visual amenity and character of the site and surrounding area;
 - iii. They enhance historic assets and their setting;
 - iv. They do not have an adverse impact on public or highway safety;
 - v. They do not lead to visual clutter; and
 - vi. They provide an appropriate type and level of illumination, suitable to the site and its surroundings;

- 6.49 Shop signage will generally be limited to the strip above the shop window and below the upper floor, plus where appropriate one projecting sign. Proposals for further advertising additional to the shop name will be resisted.
- 6.50 Illumination to shopfronts must be sited and designed to avoid any visual intrusion from light pollution to adjoining or nearby residents. Flashing internal or external lighting and/or internally illuminated box lights will not be permitted.
- 6.51 **Policy DMHB 16 (Housing Standards)** Advocates 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 should meet or exceed the most up to date internal space standards.
- 6.53 **Policy DMEI 4 (Development in the Green Belt or on Metropolitan Open Land)** States that inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.
- 6.54 Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposals would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land and the purposes of including land within it, than the existing development, having regard to:
- i. The height and bulk of the existing building on the site;
 - ii. The proportion of the site that is already developed;
 - iii. The footprint, distribution and character of the existing buildings on the site;
 - iv. The relationship of the proposal with any development on the site that is to be retained; and
 - v. The visual amenity and character of the Green Belt and Metropolitan Open Land.
- 6.52 **Policy DMCI 7 (Planning Obligations and Community Infrastructure Levy)** Advises that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).
- 6.53 Planning obligations will be sought on a scheme by scheme basis:
- i. To secure the provision of affordable housing in relation to residential development schemes;
 - ii. Where a development has infrastructure needs that are not addressed through CIL; and
 - iii. To ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.
- 6.54 Applications that fail to secure an appropriate planning obligation will be refused.

6.55 **Policy DMT 6 (Vehicle Parking)** States that development proposals must comply with the parking standards outlined in Appendix C in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i. The variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii. A transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

6.56 All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility.

General Permitted Development Order

6.57 The government has introduced a suite of new permitted development rights which apply in England.

6.58 A right to construct dwellings on top of purpose built blocks of flats was introduced on 1st August 2020 under Class A of Part 20.

6.59 Furthermore, additional permitted development rights will allow flats to be constructed on the topmost storey of commercial, mixed use or residential terraces and detached buildings under Classes AA, AB, AC and AD of Part 20 has applied from 1st September 2020.

6.60 Whilst not directly applicable to this application, the above legislation demonstrates the current national policy position that encourages developers and Council's to utilise redundant airspace above existing buildings in order to deliver the homes required to meet the national housing crisis.

SUMMARY

6.61 The creation of new high quality HMOs to help deliver much needed housing is supported by policy at a national, regional and local level.

6.62 However, the Council will seek to ensure that acceptable living conditions for residents are achieved, there is good accessibility to local amenities and public transport and there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

6.63 In this regard, the NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. The document introduces new guidance to confirm that local authorities should support opportunities to use the airspace above existing residential and commercial premises for new homes.

6.64 In particular, Councils are encouraged to allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

6.65 This is reflected by the recent introduction of permitted development rights as summarised above which will allow flats to be built above existing buildings subject to a prior approval process.

7 PLANNING CONSIDERATIONS

- 7.1 The planning issues relevant to the determination of the development proposal are assessed in detail below.

Principle of Development

- 7.2 As examined within the previous section, the National Planning Policy Framework (NPPF) requires the Council to make the most efficient use of land by maximising the use of previously developed sites and converting existing buildings.
- 7.3 Of relevance to the proposal is Sub Section (e) of paragraph 120, which outlines that Councils should support opportunities to use the airspace above existing residential and commercial premises for new residential floorspace. In addition Local Plan Policy DMH5 and London Plan policy H9 support the provision of large Houses in Multiple Occupation, subject to the relevant criteria.
- 7.4 Accordingly, the principle of development is considered acceptable provided that there is good accessibility to local amenities and public transport, satisfactory living conditions provided for intended occupiers, no adverse impact on the amenity of neighbouring properties or the character of the area and the external design will have no unacceptable impact upon the visual character of the host property or the wider street scene.
- 7.5 Against this background, the principle of development is considered acceptable (particularly given the existing HMO which occupies the first floor of the host property) and the scheme complies with Policies DMH5, DMHB11 of the Local Plan Part 2 and Policy H9 of the London Plan.

Whether the scale and design of the proposed extension would result in unacceptable harm to the visual character and appearance of the host building, wider area (including the terrace of which the building forms part) and Yiewsley Recreation Ground.

- 7.6 In assessing this reason for refusal the Council contend at section 7.2 of the Delegated Report (enclosed at **Appendix 2**) that:

“The application site sits on a parade that remains unbroken past first floor level. Whilst there are examples of three storey buildings significantly further down the High Street, this particular parade has a degree of uniformity with adjacent properties and the immediate site context gives rise to concerns with the new storey proposed and its visual impact.

The addition of a third storey to the building would break this form and be an incongruent addition with the surrounding area. The proposal does have the proposed extension set back from the front elevation, however this would not offset the bulk and massing accrued at this level, with it appearing at odds with not only the host building, but the adjacent buildings. The awkward juxtaposition of this addition would highlight visual prominence of the proposal, when assessing that this parade coincides with the highway narrowing from the North. The resultant impact would be the large boxy addition appearing as an overbearing addition, at odds with the character and appearance of the host building and wider area. This is further compounded by the choice of materials, with the black zinc seam finish appearing considerably more modern and heavy in appearance than the lower levels.”

The design in relation to the host building

- 7.7 As demonstrated on the photographs in Section 3, the existing building presents a visually dated appearance, with render/painted brickwork, an unsymmetrical fenestration at first floor level and variation in shopfront design and fascia sizes at ground floor. Accordingly, it does not make a positive contribution to the visual character of the street scene.
- 7.8 The proposed extension will raise the height of the existing building by 2.6 metres to provide an overall maximum building height of 9.9 metres. This remains 1.2 metres lower than the height of the Aldi store positioned directly opposite the site as examined in the section below.
- 7.9 As demonstrated on the enclosed drawings package, the proposed extension will be set back from the principal southern elevation by approximately 0.9 metres. Furthermore, the extension will rise just 2.2 metres above the existing parapet wall along the principal western elevation. This approach ensures that the massing of the proposed scheme and its impact upon the street scene will be minimised and that the extension will also appear visually subservient to the host property.
- 7.10 The proposed extension will utilise high quality external materials (including standing seam zinc and black framed windows). This will help to create a contemporary external appearance that will contribute in a positive manner to the visual appearance of the host building and clearly highlight the extension as a latter addition. The new fenestration positioned within the extension will provide appropriate symmetry with existing windows at first floor to ensure a harmonious, cohesive front elevation.
- 7.11 Furthermore, the appeal scheme proposes a range of external alterations including re-painting and refurbishment of the main elevations and the introduction of regularised shop signage designed in accordance with Appendix B of the Local Plan. This will help to revitalise the existing poor quality building and ensure that its visual appearance as a whole will be enhanced.
- 7.12 Therefore, in contrast to the Council's assessment, it is our view that in line with Policy DMHB 11 of the Local Plan Part 2 the proposed development ensures the use of high quality materials and finishes and harmonises with the local context taking into account the existing buildings architectural composition and detailing.

The design in relation to the terrace/parade and wider street scene

- 7.13 As explored at paragraph 3.5 of this statement and demonstrated clearly at Image 1, whilst the immediate parade is predominantly two storey there is clear variation in the height, roof form, design and general scale of properties between No. 136 and 170 High Street. Consequently, whilst buildings may be predominantly two storeys there is no overriding consistency in terms of design and scale within the parade. As a result, the proposal site represents an architecturally isolated building within a varied terrace of two storey properties with no prevalent character.
- 7.14 In a similar manner, there is no overriding visual character or design within the wider local area. The buildings vary widely in terms of their external appearance and detailing as demonstrated on the images included at Section 3.
- 7.15 Of particular note is the Aldi food store lying directly across the High Street which rises to 12.4 metres (11.1 metres above land level). Further examples include the three storey Kirk House, four storey

apartment development at Nos. 111-117 High street, three storey terrace at Nos. 112-134 High Street and three storey Continental House at No. 191 High Street that bookends the District Centre.

- 7.16 In contrast to the Council's view that these buildings are "*significantly further down the High Street*" (page 7, Delegated Report). As demonstrated within the street scene photographs and map of the surrounding area at **Appendix 3** these three storey properties and food store clearly form part of the immediate street scene of the site.
- 7.17 Given that the Aldi food store is positioned directly opposite the site, this also clearly forms part of the visual character of the immediate surrounding area.
- 7.18 We are therefore unclear as to why the proposed external material of the extension (grey seam zinc cladding) is deemed to be unacceptable by Officers when the grey cladding on the front elevation of the Aldi store was approved by the Council in 2015 under application Ref: 50096/APP/2015/2177 (please refer to delegated report enclosed at **Appendix 4**).
- 7.19 As explained above, the proposed extension will be set back from the principal southern elevation by approximately 0.9 metres. Furthermore, the extension will rise just 2.2 metres above the existing parapet wall along the principal western elevation. This approach ensures that the massing of the proposed scheme and its impact upon the street scene will be minimal.
- 7.20 In addition to the setback of the proposed extension from the front elevation, the host building itself is set back from the established building line fronting the High Street by a further 1.35 metres compared to adjoining neighbouring properties to the immediate south.
- 7.21 This creates a separation distance of over 5 metres from the main elevation of the host property to the High Street, which will help to ensure that the massing of the proposed extension and its impact upon the street scene will be acceptable.
- 7.22 As such, it is considered the scheme complies with Policy DMHB 12, DMHB 13 and in particular DMHB 11 by maintaining the streetscape rhythm and scale of development seen in the immediate surrounding area. This is further demonstrated in the indicative CGI seen overleaf (and included in high resolution at **Appendix 5**).



Image 10: Indicative CGI of the proposed development with existing frontage improvements

The impact upon views from the Recreation Ground to the rear

7.23 In assessing this issue the Council contend at page 8 of the Delegated Report that:

“The proposal would be visible from the recreation ground, with the additional storey breaking the existing form and being in a prominent visual position. Due to the scale and modernised finish of the proposal, it would appear as an incongruous and visually imposing feature, harmful to the character and appearance of the wider area.”

And consequently that:

“The proposal, by virtue of siting in a visual prominent location, scale and design would be harmful to the visual amenity and character of the Metropolitan Open Land, contrary to Policy DMEI 4 of the Local Plan.”

7.24 Firstly, it is questioned whether policy DMEI 4 is applicable to this application given its specific wording related to sites within designated areas of Metropolitan Open Land (MOL), not those adjacent to it.

7.25 Secondly, it is important to consider why the Falling Lane Recreation Ground was designated as a site worthy of Metropolitan Open Land protection in the first instance. As stated at page 169 of the Local Plan Part 2 Site Allocations and Designations Document the site is considered to contribute to the physical structure of London by being clearly distinguishable from the built up area and a Green Chain.

7.26 As the proposal is for a sensitive intensification at the site of one additional storey, with a total height increase of 2.6 metres, setback from the MOL by approximately 6 metres it is not considered

development will unduly impact on the openness of the recreation ground or the ability to distinguish the MOL from the built up area.

- 7.27 Nevertheless, it is also considered that there will be no discernible impact upon the MOL given that the site is already enclosed on all sides by existing built form in some instance to a height of three storeys with no separation distance as demonstrated in the images below.

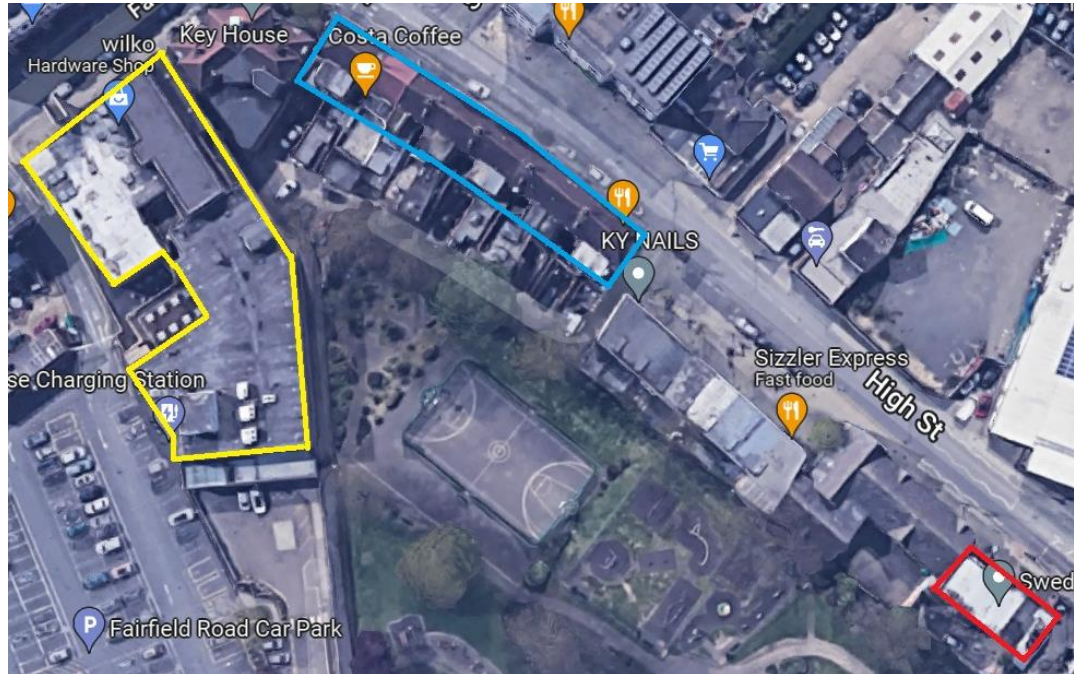


Image 11: Overhead View demonstrating existing three storey properties in blue and yellow that already back directly onto the Recreation Ground with the site outlined in red

- 7.28 As a result it is considered that the proposal complies with Policy DMEI 4 and will have no impact upon the value of designating the Recreation Ground as Metropolitan Open Land.

Whether the development would result in insufficient cycle storage for future occupiers

- 7.29 It was considered throughout the assessment stage that details of cycle and refuse provision may be secured by way of condition upon the granting of a positive decision. Nevertheless in the interests of adopting a fully collaborative approach, an additional site layout plan confirming ample space for secure and accessible cycle and refuse storage to the rear of the building are enclosed as part of this appeal (Drawing Ref: 2114 03.01 Rev A).

- 7.30 Accordingly, the proposed development will not result in insufficient cycle storage for future occupiers as set out within Policy DMT6 of the Local Plan Part 2. Our view is that further details of refuse and cycle storage can be provided for the agreement of the Council prior to works commencing on site should the Inspector be minded to allow the appeal.

Whether the intensification of the site (by way of increased noise, parking and refuse storage) would result in an unacceptable impact upon the amenity of existing and future occupiers.

- 7.31 In assessing this issue the Council have stated at section 7.1 of the Delegated Report:

“Whilst it is accepted the current first floor level is being used as an HMO, the impact of this further intensification has not been robustly assessed, with particular regard to refuse, noise, cycle and car parking and intensification of the single provided amenity space. Whilst it is clear that a large increase of habitants would result in an increase impact for the factors mentioned previously, the applicant has not provided a robust assessment as to measures that would be taken to mitigate in this.

The siting of residential units above the existing would further exacerbate the levels of noise the existing occupiers and neighbouring occupiers would experience Whilst the parade is set back from the main road and there is a large Class E (a) unit opposite, where it is expected there would be a certain level of noise throughout the day including from the commercial units below, these units do have certain operating times. In effect this results in noisy hours being limited. The noisy hours associated with residential uses would not be able to be conditioned in a similar way and there has been no assessment carried out to investigate how this would be impacted with such a large increase of occupants.”

- 7.32 The issue of refuse and cycle storage has been addressed within paragraph 7.17 of this statement. However in summary, it has been demonstrated that the refuse and cycle storage can be easily accommodated within the site as per Drawing Ref 2114 03.01 Rev A and will not result in any unacceptable impacts upon the amenity of occupiers.
- 7.33 It is also noted that as per Policy T6.1 of the London Plan large scale purpose built shared living, student accommodation and other sui generis residential uses (e.g. a large HMO) should be car free. As such when considered in light of this policy, a moderate PTAL level of 3 and adequate cycle provision within the site it is considered that a car free development is acceptable in this instance and will have no impact upon the amenity of occupiers.
- 7.34 It is not considered that the modest increase of 6 occupants will lead to any measurable disturbance in noise to existing and neighbouring occupiers in comparison to the existing levels that may be expected of a town centre property above an existing commercial unit.
- 7.35 To our knowledge, there is no history of noise related complaints at the site and the Council have not provided any evidence to support the claim that there could be unacceptable noise impacts arising as a result of the proposed development. Nevertheless, if this is a concern shared by the Planning Inspectorate then it is appropriate for reasonable acoustic insulation to be secured by way of a pre-occupation condition attached to any decision notice.
- 7.36 On the basis of this assessment, our view is that the proposal complies with Policies DMHB11 and DMH5 of the Hillingdon Local Plan Part 2.

Whether the proposed development would provide an unacceptable living environment for occupiers.

- 7.37 All proposed units have been designed in accordance with Hillingdon’s minimum standard for Houses in Multiple Occupation and as such will meet or exceed all required floorspace levels. Furthermore, all habitable rooms will be served by generous glazing providing high quality outlook and sunlight/daylight for occupiers. Attractive views from the rear elevation of the site over Yiewlsey Recreational Ground will be provided of occupiers of Bedrooms 8, 9 and 10.

- 7.38 The existing HMO on site currently offers very limited facilities with only a small kitchen and laundry area and no reasonable scope for occupiers to interact or socialise outside of their own rooms. Conversely, the proposed scheme will provide a large communal living/dining/kitchen space at first floor for the benefit of all occupiers thus resulting in a significantly improved living environment.
- 7.39 Unfortunately there is no reasonable scope to provide external amenity space due to the unique constraints of the site as a rooftop extension within the defined District Centre. However the substantial Recreational Ground is located directly to the rear with pedestrian access just 70 metres from the site.
- 7.40 Accordingly, our view is that occupants will be able to access outdoor landscaped amenity space in close proximity to the site. In any case given the highly accessible nature of the location within the defined District Centre and its proximity to a wide range of shops and services occupiers are likely to have less need for amenity space.
- 7.41 Notwithstanding this assessment, the Council contend at section 7.5 of the Delegated Report that:
- “The internal height has been shown at 2.3 metres, which when assessed against the national space standards, would fail to meet the suggested recommendations of 2.5 metres for 75% of the gross internal area, to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, so that new housing is of adequate quality, especially in terms of light ventilation and sense of space.”*
- 7.42 Firstly, it is noted that this guidance provides “suggested recommendations” and not statutory guidance. As such, considering the unique context of the site and considered approach to design which aims to keep the massing of development as minimal as possible, it is considered that a floor to ceiling height of 2.3 metres should be considered acceptable in principle in line with the Technical Housing Standards set out within the Nationally Described Space Standards.
- 7.43 Additionally, it is noted that both the nationally described space standards and London Plan standards referred to by the Council are directly applicable to traditional (Use Class C3) residential dwellings only. As a purpose-built sui generis HMO these standards are not applicable to the development and do not reflect the unique and valued accommodation offered by the proposal.
- 7.44 It is also considered that whilst a larger floor to ceiling height may be desirable the development this must be considered in the wider planning balance, most notably the valued accommodation that will be delivered to the local community as a result of the development and importantly the wider improvements to existing living standards for occupiers at first floor level most notably by the provision of a large new communal/kitchen area
- 7.45 The proposal is therefore considered to comply with the relevant London Plan and Local Plan policies and importantly the Nationally Described Space Standards.

8 CONCLUSIONS

8.1 It is concluded that the scheme is in accordance with the NPPF and the Council's adopted Core Strategy. It therefore constitutes appropriate development and should be supported for the following reasons:

- The principle of extending an existing HMO on a previously developed site in a predominately residential location, within the urban area, is supported by national and local policy;
- The NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. The document introduces guidance to confirm that local authorities should support opportunities to use the airspace above existing residential and commercial premises for new residential floorspace. The scheme has been designed in accordance with this guidance and will represent an efficient and effective use of an existing building;
- The application submission proposes a high quality design solution that has been informed by the site's constraints. The proposed roof extension has been designed to be subordinate to the host building and consistent with the design and form of the existing roofscape present within the local area. The extension has been carefully considered to be set back from all road facing elevations to minimise visual impact upon the street scene and will incorporate high quality external materials and a contemporary design form to ensure it will positively impact upon the appearance of the existing building and local area;
- The proposed scheme will provide significant improvements to the existing building with new painted render and regularised shop signage replacing the existing dilapidated render and out of character signage. In addition, the introduction of a symmetrical fenestration arrangement at second floor level will regularise the existing discordant fenestration at first floor level. Thereby, revitalising the building to bring a more positive contribution to the wider street scene.
- The overall standard of accommodation proposed is fully acceptable and of a high standard. The proposed development will provide a suitably high quality living environment for new residents by ensuring appropriate levels of privacy, outlook and internal floorspace areas which meet or exceed relevant target standards. In addition, the living environment for existing occupiers (at first floor level) will be significantly enhanced as the proposal provides enhanced communal areas at second floor level for existing occupiers use;
- The siting and scale of the proposed scheme and positioning of windows ensures that there will be no unacceptable adverse impacts upon the amenity of any neighbouring properties, and
- The site is within a sustainable location with a PTAL level of 3 and close proximity to local amenities and services, such the scheme accords with all relevant Transport, Highways and parking standards within the NPPF and London Plan.

8.2 Overall, the considered design approach enables the creation of a visually interesting scheme which maximises the efficiency of the site, delivers high quality residential accommodation for

occupiers in a sustainable location and ensures that the visual appearance of the host building will be enhanced (thus improving its relationship with the wider street scene).

- 8.3 The scheme adopts the principles of sustainable development in relation to social, economic and environmental factors as it delivers new residential floorspace which is accessible by a choice of travel modes including foot, cycle and public transport.
- 8.4 The scheme has been demonstrated to comply with all relevant national and local planning policies (most notably the NPPF, Policies DMTC1, DMH5, DMHB11, DMHB13, DMHB13A, DMHB16, DMCI7, DMT6 of the Local Plan Part 2 and Policies D3 and H9 of the London Plan).
- 8.5 On this basis it is respectfully requested that the appeal is allowed.

Appendix 1



Mr Harry Johnson
Workplace
4th Floor Churchgate House
56 Oxford Street
Manchester M1 6EU

Application Ref:
19966/APP/2021/3425

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Single storey upwards extension at second floor level to integrate with the existing house in multiple occupation (HMO) at first floor level to provide an additional 6 bedrooms and communal living/kitchen/dining space with associated external alterations to the building frontage

Location of development: 166 High Street Yiewsley

Date of application: 09 September 2021

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning, Transportation and Regeneration

Date: 18 January 2022

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.

(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 19966/APP/2021/3425

SCHEDULE OF REASONS

- 1 · The proposed extension by virtue of its size, siting, scale, bulk and design would appear as a boxy addition which fails to respect the architectural composition of the host terrace, harming both the character and appearance of both the host building and wider area, including the sensitive views from Yiewsley Recreation Ground, designated Metropolitan Land. The proposal would therefore be contrary to Policies DMHB 11, DMHB 12, DMHB 13, DMEI 4 of the Hillingdon Local Plan Part Two Development Management Policies (2020) and Policy G3 of the London Plan (2021).
- 2 · The proposal has failed to demonstrate sufficient cycle storage for the future occupiers in order to encourage sustainable modes of transport, contrary with the London Plan and Policy DMT6 of the Hillingdon Local Plan Part Two Development Management Policies (2020).
- 3 · In the absence of a robust assessment and detailed information relating to the storage of refuse, parking and further noise being created between the floors, including mitigation and organisational strategies, it is considered that the amenity of both existing and future occupiers could be adversely impacted through the intensification of the use, not complying with Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan Part Two Development Management Policies (2020).
- 4 · The proposed development would provide low quality living conditions for future occupiers, in terms of the provision of internal amenity space and overall ceiling height. The proposal would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 and Table 3.1 of the London Plan (2021), the Housing Standards Minor Alterations to The London Plan.

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 19966/APP/2021/3425

SCHEDULE OF PLANS

2114 03.05 - received 09 Sep 2021

2114 03.01 - received 09 Sep 2021

2114 03.04 - received 09 Sep 2021

2114 03.02 - received 09 Sep 2021

2114 03.03 - received 09 Sep 2021

Mialex Planning Statement - received 09 Sep 2021

2114 02.03 - received 09 Sep 2021

2114 02.02 - received 09 Sep 2021

2114 02.01 - received 09 Sep 2021

2114 01.01 - received 09 Sep 2021

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at www.Planning-inspectorate.gov.uk

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 2

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 166 HIGH STREET YIEWSLEY

Development: Single storey upwards extension at second floor level to integrate with the existing house in multiple occupation (HMO) at first floor level to provide an additional 6 bedrooms and communal living/kitchen/dining space with associated external alterations to the building frontage

LBH Ref Nos: **19966/APP/2021/3425**

Drawing Nos: 2114 03.05
 2114 03.01
 2114 03.04
 2114 03.02
 2114 03.03
 Mialex Planning Statement
 2114 02.03
 2114 02.02
 2114 02.01
 2114 01.01

Date Plans received : 09/09/2021

Date(s) of Amendment(s):

Date Application Valid: 09/09/2021

1. SUMMARY

The proposed extension would be out of keeping with the character and appearance of the host building, wider area and appear as a bulky, boxy addition. It would break an existing unbroken parade, with the modern design being harmful to visual amenity of Yiewsley Recreation Ground, designated Metropolitan Land, due to the unsympathetic design and scale. The proposal would therefore be contrary to Policies DMHB 11, DMHB 12, DMHB 13 and DMEI 4 of the Hillingdon Local Plan Part Two Development Management Policies (2020) and Policy G3 of the London Plan (2021).

The applicant has failed to demonstrate sufficient cycle storage for the occupants of the building, contrary with the London Plan and Policy DMT6 of the Hillingdon Local Plan Part Two Development Management Policies (2020).

In the absence of a robust assessment and detailed information of storage of refuse, parking and further noise being created between the floors including mitigation and organisational strategies, it is considered that the amenity of the neighbouring properties would be adversely impacted through the intensification of the use, not complying with Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan Part Two Development Management Policies (2020).

The proposed development would provide low quality living conditions for future occupiers, in terms of the provision of internal amenity space and ceiling height. The proposal would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 and Table 3.1 of the London Plan (2021), the Housing Standards Minor Alterations to The London Plan (2016).

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed extension by virtue of its size, siting, scale, bulk and design would appear as a boxy addition which fails to respect the architectural composition of the host terrace, harming both the character and appearance of both the host building and wider area, including the sensitive views from Yiewsley Recreation Ground, designated Metropolitan Land. The proposal would therefore be contrary to Policies DMHB 11, DMHB 12, DMHB 13, DMEI 4 of the Hillingdon Local Plan Part Two Development Management Policies (2020) and Policy G3 of the London Plan (2021).

2 NON2 Non Standard reason for refusal

The proposal has failed to demonstrate sufficient cycle storage for the future occupiers in order to encourage sustainable modes of transport, contrary with the London Plan and Policy DMT6 of the Hillingdon Local Plan Part Two Development Management Policies (2020).

3 NON2 Non Standard reason for refusal

In the absence of a robust assessment and detailed information relating to the storage of refuse, parking and further noise being created between the floors, including mitigation and organisational strategies, it is considered that the amenity of both existing and future occupiers could be adversely impacted through the intensification of the use, not complying with Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan Part Two Development Management Policies (2020).

4 NON2 Non Standard reason for refusal

The proposed development would provide low quality living conditions for future occupiers, in terms of the provision of internal amenity space and overall ceiling height. The proposal would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 and Table 3.1 of the London Plan (2021), the Housing Standards Minor Alterations to The London Plan.

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site lies centrally on the High Street Yiewsley, between the junctions with Falling Lane and Fairfield Road. The surrounding area is a mix of commercial and residential, with the immediate parade offering commercial units at ground floor level and residential at first floor. The parade remains unbroken, with the forms not exceeding first floor level.

The ground floor is a mix of residential units and first floor is being used as a 7 person HMO. The site is not located within a Conservation Area, is not Listed and does not have any TPOs on site. It has been identified as part of Yiewsley/West Drayton Secondary Shopping Area and Yiewsley/West Drayton Town Centre.

Metropolitan land exists to the rear and there are views from this space to the application site.

3.2 Proposed Scheme

Planning permission is sought for the erection of a third storey extension, facilitating a 6 bedroom HMO and external works, including: regularisation of signage of shopfronts at ground floor level as well as re-rendering and painting the front elevation. The proposal would join the existing 7 bedroom HMO at first floor level, facilitating a 13 bedroom HMO in total.

It is noted that no details on the proposed regularisation of the signage or advertisement consent has been submitted with or alongside this application, as such no assessment can be undertaken on this element.

3.3 Relevant Planning History

Comment on Planning History

No relevant history.

It is unclear whether the first floor has been granted planning permission for use as a 7 person HMO.

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

8 neighbouring properties were consulted by letter on 4-10-21.

One objection was received and can be summarised as:

- Not notified about the application and was only informed through the site notice.
- Rent will be reduced during works and worried about livelihood

Officer response: With regards to point 1, the site notice was erected to ensure the wider area was notified and served its purpose. Point 2 is not a planning consideration and a private matter.

Trees/Landscaping Officer:

This site is occupied by a two-storey building located on the east side / north end of Yiewsley High Street. The ground-floor is sub-divided into three retail units with side covered access to a yard at the rear. The first floor provides 7 bedroom units with shared facilities. There is no external amenity space or planting within the site, although Yiewsley Recreation Ground is located to the rear of the property. There are no TPO's or Conservation Area designations affecting the site.

No trees or other landscape features will be affected by the proposal to extend the building upwards, to provide an additional 6 bedrooms with en suite bathrooms. The planning statement confirms that no external amenity space will be provided for the residents - who can 'access Yiewsley Recreation Ground'. This being the case, the developer should make a financial contribution towards the maintenance and enhancement of this public open space.

No objection subject to securing financial contribution from the developer, via a S.106 agreement, to Green Spaces who manage and maintain Yiewsley Recreation Ground.

Access Officer:

This proposal has been reviewed against the requirements of the 2021 London Plan

policy D7 which should not be applied to the conversion of this existing dwelling. No objections raised from an accessibility perspective.

Highways Officer:

The development proposal involves the construction of an additional storey for the creation of 6 bedrooms (HMO) (Use Class Sui Generis), in addition to the existing 7-bedroom HMO at first floor, resulting in an 13 bedroom HMO.

The consideration of the car parking requirements for the current scheme can only relate to the creation of the 6 additional rooms.

According to the TfL PTAL website the site has a PTAL rating of 3 (good).

London Plan Policy T6.1 (Residential Parking) confirms at paragraph E that large-scale purpose built shared living, student accommodation and other sui generis residential uses should be car-free.

On-street parking in the vicinity of the site is regulated through extensive double and single yellow lines in the immediate vicinity of the site and a Residents' Parking Permit schemes surrounding the site.

Car free developments are suitable in such controlled locations particularly since the London Plan parking standards now prohibit/discourage any residential development car parking. Therefore, the HA would support a car free development in this location.

However, both the London Plan and Policy DMT6 (1 per occupant) require the provision of cycle parking for the additional rooms. It is not clear if cycle parking/store can be provided given the layout therefore, in view of the deficient information provided/none provision of cycle parking on site, contrary to the London Plan and DMT6, the default position of the HA is for refusal.

RECOMMENDATION:

Refuse

Reasons for Refusal:

For the reasons stated above the application has failed to demonstrate a satisfactory policy and design-led approach to the provision and layout of the cycle parking contrary with the London Plan and Policy DNT6.

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:

DMH 5 Houses in Multiple Occupation

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 D6	(2021) Housing quality and standards
LPP SD6	(2021) Town centres and high streets
LPP SD7	(2021) Town centres: development principles and Development Plan Documents

In addition: Development Plan

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 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 - Consolidated With Alterations (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2021) 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 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.

Policy DMH 5: Houses in Multiple Occupation (HMOs) and Student Accommodation A) In all parts of the Borough Proposals for the provision of large HMOs, residential hostels, student accommodation and secure accommodation will be required to demonstrate that:

- i) there is good accessibility to local amenities and public transport;
- ii) they accord with the Accessible Homes standards and provide satisfactory living conditions for the intended occupiers; and
- iii) there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

The proposed third floor addition would be marginally set back from the existing front building line, with an increase of height of 2.6 metres. Given the siting within the existing building lines and no residential properties being either to the front or rear of the site, there would be no undue impact caused by the development on neighbouring amenity through the erection of the structure itself.

However, there would be a substantial intensification of the use of the site, with the number of residential occupants with the extra 6 bedrooms being almost double and an

increase of 85% to what is existing. Policy DMH5, notes that proposals for HMOs should have no adverse impact on the amenity on neighbouring properties.

Whilst it is accepted the current first floor level is being used as an HMO, the impact of this further intensification has not been robustly assessed, with particular regard to refuse, noise, cycle and car parking and intensification of the single provided amenity space. Whilst it is clear that a large increase of habitants would result in an increase impact for the factors mentioned previously, the applicant has not provided a robust assessment as to measures that would be undertaken to mitigate in this.

The siting of residential units above the existing would further exacerbate the levels of noise the existing occupiers and neighbouring occupiers would experience. Whilst the parade is set back from the main road and there is a large Class E (a) unit opposite, where it is expected there would be a certain level of noise throughout the day including from the commercial units below, these units do have certain operating times. In effect, this results in noisy hours being limited. The noisy hours associated with residential uses would not be able to be conditioned in a similar way and there has been no assessment carried out to investigate how this would be impacted with such a large increase of occupants.

In the absence of a robust assessment and detailed information of storage of refuse, parking and further noise being created between the floors including mitigation and organisational strategies, it is considered that the amenity of the neighbouring properties would be adversely impacted through the intensification of the use, not complying with Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan Part Two Development Management Policies (2020).

Consideration has been given to the London Plan (2021) Policies SD6 and SD7 when assessing the impact of this proposal, however given the absence of robust information, it is not considered that promoting an intensification of such a level would be a reasonable approach to meet the overarching Policy aims.

7.2 Impact on Street Scene

The application site sits on a parade that remains unbroken past first floor level. Whilst there are examples of three buildings significantly further down the high street, this particular parade has a degree of uniformity with adjacent properties and the immediate site context gives rise to concerns with the new storey proposed and its visual impact.

The addition of a third storey to the building would break this form and be an incongruent addition with the surrounding area. The proposal does have the proposed extension set back from the front elevation, however this would not offset the bulk and massing accrued at this level, with it appearing at odds with not only the host building, but the adjacent buildings. The awkward juxtaposition of this addition would highlight visual prominence of the proposal, when assessing that this parade coincides with the highway narrowing from the North. The resultant impact would be the large boxy addition appearing as an overbearing addition, at odds with the character and appearance of the host building and wider area. This is further compounded by the choice of materials, with the black zinc seam finish appearing considerably more modern and heavy in appearance than the lower levels.

The application seeks to alter the fenestration at upper floors with black, aluminium framed windows being installed. The alteration would modernise the character and appearance of the building, however given the existing design, particularly with the

fenestration layout and it would appear to have an inconsistent character, further highlighted by the modern finish of the proposed upper floor extension. The resultant form would be a mix match, with the middle floor a traditional finish and design with brickwork and rendering, sandwiched between two modern elements. The placement of the windows has been designed for consideration of the occupants and their needs, however would be at odds with the current first floor level, disruptive to the rhythm and architectural composition of the building, exacerbating the disparity between the two levels.

The proposed elevations show 'regularised' signage for the ground floor commercial units. No further information has been provided detailing the specifics of this with no advertisement application being submitted in conjunction with this application. The proposed CGI image in the Planning Statement does show a modernised shopfront, with the glass and framework finished similarly to the proposed first floor. This would be at odds with the character and appearance of the existing parade of shops but does not form part of the reasons for refusal, as the changes are not shown on the elevation drawings and has not been included in the development description.

Whilst it is accepted that the grocery store opposite is finished in modern grey, it sits alone and is not part of an unbroken shopping parade, with a large percentage of it being finished in brickwork, helping to offset a bulk of the visual impact.

To the rear of the application site (North East) lies Yiewsley Recreation Ground, which is designated Metropolitan Open Land. The proposal would be visible from the recreation ground, with the additional storey breaking the existing form and being in a prominent visual position. Due to the scale and modernised finish of the proposal, it would appear as an incongruous and visually imposing feature, harmful to the character and appearance of the wider area.

The proposal, by virtue of its size, scale, massing, bulk and finish would be harmful to the character and appearance of the host building and wider area, not in accordance with Policies DMHB 11, DMHB 12 and DMHB 13 of the Hillingdon Local Plan Part Two-Development Management Policies (2020).

The proposal, by virtue of siting in a visual prominent location, scale and design would be harmful to the visual amenity and character of the Metropolitan Open Land, contrary to Policy DMEI 4 of the Hillingdon Local Plan Part Two Development Management Policies (2020) and Policy G3 of the London Plan (2021).

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.

As a consequence of the 'car-free' nature of the proposal, any vehicular trip generation uplift is predicted to be negligible and therefore does not raise any specific highway concerns.

7.4 Carparking & Layout

CAR PARKING PROVISION:

Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states 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.

The development proposal involves the construction of an additional storey for the creation of 6 bedrooms (HMO) (Use Class Sui Generis), in addition to the existing 7-bedroom HMO at first floor, resulting in an 13 bedroom HMO.

The consideration of the car parking requirements for the current scheme can only relate to the creation of the 6 additional rooms and not the 7 currently existing at first floor level.

According to the TfL PTAL website the site has a PTAL rating of 3 (good).

London Plan Policy T6.1 (Residential Parking) confirms at paragraph E that large-scale purpose built shared living, student accommodation and other sui generis residential uses should be car-free.

On-street parking in the vicinity of the site is regulated through extensive double and single yellow lines in the immediate vicinity of the site and a Residents' Parking Permit schemes surrounding the site.

Car free developments are suitable in such controlled locations particularly since the London Plan parking standards now prohibit/discourage any residential development car parking. Therefore, the HA would support a car free development in this location.

However, both the London Plan and Policy DMT6 (1 per occupant) require the provision of cycle parking for the additional rooms. It is not clear if cycle parking/store can be provided given the layout therefore, in view of the deficient information provided/none provision of cycle parking on site, the development is contrary to the London Plan and DMT6 as the applicant has failed to demonstrate a satisfactory policy and design-led approach to the provision and layout of the cycle parking contrary with the London Plan and Policy DMT6.

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 D6 of the London Plan (2021) 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 3.1 contained within Policy 3.5 of the London Plan (2016) requires:

The DCLG's Technical housing standards - nationally described space standard (2015) states the same internal space standards, as set out in the current London Plan (2021).

The submitted plans show that Bedrooms labelled as 'Bedroom 10 and Bedroom 11' are capable of two person occupancy. This would result in the occupancy of the proposed second floor at 8 persons in 6 bedrooms.

There would be a single communal space, forming the kitchen and lounge, with an area of approximately 23 metres. This would result in a cramped form of development, with limited internal amenity space to facilitate a kitchen and lounge area for 8 persons, to the detriment of the enjoyment of future occupants.

The internal height has been shown at 2.3 metres, which when assessed against the national space standards, would fail to meet the suggested recommendations of 2.5 metres for 75% of the gross internal area, to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

The proposed development would provide low quality living conditions for future occupiers, in terms of the provision of internal amenity space and ceiling height. The proposal would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 and Table 3.1 of the London Plan (2021), the Housing Standards Minor Alterations to The London Plan (2016).

EXTERNAL AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.

The scheme does not include any external space provision. However, given this is HMO accommodation and the Yiewsley Recreation Ground to the rear, it is considered on balance that it would be unreasonable to refuse the application on this basis alone. However, there would be a requirement for securing financial contribution from the developer, via a S.106 agreement, to Green Spaces who manage and maintain Yiewsley Recreation Ground. This would need to be resolved in any future application.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

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.

Policy DMH 5: Houses in Multiple Occupation (HMOs) and Student Accommodation A) In all parts of the Borough Proposals for the provision of large HMOs, residential hostels, student accommodation and secure accommodation will be required to demonstrate that:

- i) there is good accessibility to local amenities and public transport;
- ii) they accord with the Accessible Homes standards and provide satisfactory living conditions for the intended occupiers; and
- iii) there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

Paragraph 4.6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that "The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account."

DENSITY:

Numerical density levels are considered to be more appropriate to larger sites and are not typically used in the assessment of schemes of less than 10 units. For small scale

development, such as that proposed with this application, it is considered more appropriate to consider how the development with its surroundings and its impact on adjoining occupiers. Please refer to the sections of the report titled 'Impact on Street Scene' and 'Impact on Neighbours'.

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.

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 (2021)
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 (2021)

Contact Officer: Hardev Gill

Telephone No: 01895 250230

Appendix 3

Map and Associated Images Demonstrating the Presence of Three Storey Properties within the
Immediate Street Scene

Three storey properties in the immediate surrounding area of the site



Image 1: Indicative map demonstrating the presence of three storey properties in the immediate street scene to accompany the photographs overleaf



Image 2: Longer views looking in a southerly direction down the High Street with the site outlined in red to the foreground and Nos. 112-134, 111-117 High Street and Kirk House in the background



Image 3: Longer views looking northerly up the High Street with the site outlined in red to the right of the foreground, the Aldi food store in purple to the foreground and Continental House in green to the background

Appendix 4

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, Building Control, Sport & Green Spaces**

Address ALDI, 141 HIGH STREET YIEWSLEY

Development: Installation of new shopfront and alterations to elevations

LBH Ref Nos: **50096/APP/2015/2177**

Drawing Nos: 15/2495/PP1
 110849/P(2)10
 110849/P(2)01
 110849/P(2)02
 110849/P(2)13
 110849/P(2)15
 110849/P(2)16

Date Plans received : 18/06/2015

Date(s) of Amendment(s):

Date Application Valid: 18/06/2015

1. **SUMMARY**

Planning permission is sought for external alterations to the existing retail premises. The store is to revert back to one unit as Iceland have relocated to a new store at no 96-104 High Street.

The amount of retail floorspace on the site remains unchanged. The warehouse/storage area will be retained in its current position as will the office/staff welfare areas.

The external alterations include the external cladding of the front central section with minor alterations to the entrance doors and shopfront. The arched glazed canopy to the front is to be removed. There would be no changes to the positioning of the main access/egress and layout of the customer car park or to the delivery and services access.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered 110849/P(2)15 and 110849/P(2)16 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (July 2011).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT 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 (July 2011) and national guidance.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE28 Shop fronts - design and materials

DAS-SF Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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 saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. 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.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the vacant Iceland Store in the Yiewsley & West Drayton. The High Street bounds the site to the south, to the west is the main retail centre of the town centre, to the north is the Kirby Estate trading area and to the east are the rear of buildings fronting Trout Road.

The store is a single storey brick warehouse-like building with a forward facing gable, comprising both an Aldi store and the (now vacant) Iceland store fronting the High Street. The Aldi store occupies a 24m frontage to the western side of the building whilst the Iceland store occupied the 18m frontage to the east. Iceland have since moved to new premises further along High street and aldi wish to amalgamate the vacant store back to Aldi. The unit was originally one unit and was sub-divided in 2013 under application ref:50096/APP/2013/3820.

The site lies within the primary shopping area of Yiewsley/West Drayton town centres and 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 permission for minor external alterations include the external cladding of the front central section with minor alterations to the entrance doors and shopfront.

3.3 Relevant Planning History

50096/ADV/2015/42 Aldi, 141 High Street Yiewsley
Installation of various illuminated and non-illuminated signage

Decision: 05-08-2015 Approved

50096/APP/2013/3820 Aldi, 141 High Street Yiewsley
External alterations to existing retail premises and amalgamation of the two existing Class A1 retail units.

Decision: 25-03-2014 Approved

Comment on Planning History

50096/ADV/2015/42 -External alterations to existing retail premises and amalgamation of the two existing Class A1 retail units - Approved

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

There have been no third party representations regarding the proposal.
Conservation & Design have no comments to make.

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:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE28	Shop fronts - design and materials
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

In addition:

7. MAIN PLANNING ISSUES

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

The proposed scheme would have no impact on neighbouring properties.

7.2 Impact on Street Scene

Policies BE13 and BE15 of the Hillingdon Local Plan: Part 2 -Saved UDP Policies (November 2012) seek to protect the character and appearance of the street scene from inappropriate development. Policy BE28 of the Hillingdon Local Plan: Part 2 -Saved UDP Policies (November 2012) will not allow shopfronts where the design and materials would result in detrimental harm to the building and the character of the area.

The application site is located at the end of Yiewsley High Street and comprises of two retail units with separate entrances. The entrances are to remain as existing and be used as a separate in and out doors.

The external alterations would include the removal of the arched glazed canopy and the installation of over cladding on the front gable of the building which would be finished with a similar profile and colour as the existing building.

The proposed alterations are minor and are considered to provide an acceptable external appearance and as such, no objection has been raised in terms of design from the Conservation & Design team. The proposal is therefore considered to comply with Policies BE13, BE15 and BE28 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.3 Traffic Impact/Pedestrian Safety

See below.

7.4 Carparking & Layout

The proposal would not result in an increase in traffic to and from the site. There would be no change to the existing vehicular access to the site. The proposal would not result in any changes to the existing parking provision or layout of the car park.

7.5 Urban Design, Access and Security Considerations

There are no issues relating to urban design, access or security.

7.6 Other Issues

There have been no other issues identified.

The proposed advertisements are considered under the application for Advertisement Consent:50096/ADV/2015/42.

8. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
National Planning Policy Framework (March 2012)
National Planning Practice Guidance (March 2014)
London Plan (April 2015)

Contact Officer: Carol Grant

Telephone No: 01895 250230

Appendix 5

