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Ltd
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Application Ref:
75827/APP/2022/1355

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:

Conversion of dwelling into 2 self-contained flats with the erection of a ground floor front extension and part single, part double storey rear extension

Location of development: 11 Birchway Hayes

Date of application: 25 April 2022

Plan Numbers: See attached Schedule of plans

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

Interim Director of Planning, Regeneration & Public Realm

Date: 12 August 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.

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SCHEDULE OF REASONS

- 1 . The proposed conversion of the existing three-bedroom single dwelling at number 11 Birchway into 1 x one-bedroom flat and 1 x two-bedroom flat would result in the loss of a residential unit that is suitable and appropriately sized (under 120sqm) for a family. The proposal would therefore unacceptably undermine the supply of family housing within the Borough, contrary to Policies DMH 1, DMH 2 and DMH 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).
- 2 . The proposed part two storey, part single storey rear extension, by virtue of its design, size, scale, bulk, depth and height, would form a oversized and dominant addition to the original dwelling which would harm its architectural integrity and the character and appearance of the locality. The proposal is therefore considered to be contrary to Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), as well as paragraph 130 of the NPPF (2021).
- 3 . The proposed parking area and overly large crossover would result in the loss of a large silver birch tree street tree, an overprovision of working and would also endanger pedestrians crossing the site and the site vehicle users. The development is therefore considered to be contrary to Policies DMT 2, DMT 6 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policy T4 and T6 of the London Plan (2021) and The London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy (2019).

INFORMATIVES:

- 1 . The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 . The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies

DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development

SCHEDULE OF REASONS

DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
LLP D1	(2021) London's form character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

- 3 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a) We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

- 4 . This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

END OF SCHEDULE

SCHEDULE OF REASONS

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

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SCHEDULE OF PLANS

Location Plan - received 25 Apr 2022

ASB844 - 01HPA - received 25 Apr 2022

ASB844- 03HPA - received 25 Apr 2022

ASB844- 02HPA - received 25 Apr 2022

ASB844- 04HPA - received 25 Apr 2022

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**](http://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**](http://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.