

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. Interim Director of Planning, Regeneration & Public Realm 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 Interim Director of Planning, Regeneration & Public Realm**

Address 13 THORPLAND AVENUE ICKENHAM

Development: Change of use from Class C3 to a mixed use Class C3 and Class E involving garage conversion into a physiotherapy clinic and Medico legal advice clinic and the erection of a single storey rear extension behind the existing garage.

LBH Ref Nos: **69147/APP/2022/1662**

Drawing Nos: 101 A
06 03A
06 04A

Date Plans received : 23/05/2022

Date(s) of Amendment(s):

Date Application Valid: 23/05/2022

1. SUMMARY

The application seeks planning permission for a change of use from Class C3 to a mixed use Class C3 and Class E involving garage conversion into a physiotherapy clinic and legal advice clinic and the erection of a single storey rear extension behind the existing garage.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The applicant has failed to demonstrate that the proposed location of the new, commercial business would support and strengthen the role of town centres as a main focus for Londoners' sense of place and local identity in conflict with Policy SD6 of the London Plan (2021).

INFORMATIVES

1 I71 LBH worked applicant in a positive & proactive (Refusing)

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

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the eastern side of Thorpland Avenue and comprises an end-of-terrace house with a single storey side garage. There is a driveway to the front

providing one off-street parking space and a landscaped front garden. To the south lies the attached property, No.15 Thorpland Avenue and to the north lies a car park for the flats.

The street is characterised by terraced properties.

3.2 Proposed Scheme

The application seeks planning permission for a change of use from Class C3 to a mixed use Class C3 and Class E involving garage conversion into a physiotherapy clinic and Medico legal advice clinic and the erection of a single storey rear extension behind the existing garage.

The purpose for the garage conversion to:

- Medico Legal Expert Witness consultations for Personal injury claims
- Run by Salma Burhan (applicant)
 - o Periodicity: 1 to 2 Days (adhoc) a week up to 4 hours each day. Each consultation is 30-45mins.
 - o Qualified Doctor: GP and Medico Legal GP Expert Witness registered with MEDCO.
 - o Remote video consultation, and on occasional basis in person one to one claimant consultation & assessment. No medical treatment or interventions provided.
- Physiotherapy / Osteopathy.
 - o Periodicity: 8 - 16 per Full day.
 - o Each consultation can be 30-45 min mins.
- Only 1 - 2 visitors will be present at the clinic as this is only appointment based system.

Hours of operation:

Between 8am to 8pm Monday to Friday, and 9am to 1pm Saturdays and at no time on Sundays.

3.3 Relevant Planning History

69147/APP/2013/1032 13 Thorpland Avenue Ickenham

Single storey rear extension and conversion of attached garage to habitable room to include alterations to front elevation

Decision: 18-06-2013 Refused

69147/APP/2013/2647 13 Thorpland Avenue Ickenham

Single storey rear extension and conversion of attached garage to habitable room to include alterations to front elevation

Decision: 13-11-2013 Refused

Comment on Planning History

The relevant planning history is listed above.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

2 letters of objection have been received raising concerns about:

1. The block plan appears incorrect including garages which are not applicant controlled
2. Concerns about parking
3. Appointment system must be maintained
4. Concerns about signage in the future

Highways

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

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

Part 2 Policies:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D4	(2021) Delivering good design
LPP D8	(2021) Public realm
LPP T6	(2021) Car parking

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

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

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (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) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The proposed extension and alterations to the existing garage would not result in an undue loss of light, outlook or privacy to occupants of the neighbouring dwellings. Whilst the area is predominantly residential in character, a limited commercial use could be acceptable in terms of its impact on neighbouring dwellings. The applicant proposes an appointment based business with no more than 2 visitors on site at any one time, with restricted hours of operation. If the development were otherwise acceptable it would be reasonable to impose conditions to restrict the hours of operation and secure a management plan, to ensure that the scale of the commercial activity does not result in an undue loss of amenity to occupants of adjacent residential properties.

7.2 Impact on Street Scene

The main considerations are the design and impact on the character of the existing property, the impact upon the streetscene and locality the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision.

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also required that there is no unacceptable loss of outlook to neighbouring occupiers.

With regard to rear extensions Policy DMHD1 requires:

- i) single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more;
- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;

The proposed extensions and alterations to the property are considered subordinate in scale and would respect the architectural integrity of the host dwelling and locality.

7.3 Traffic Impact/Pedestrian Safety

See below.

7.4 Carparking & Layout

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 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.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

The site is located in Ickenham within a residential catchment and is currently an end of terrace single tenure 3-bedroom residence with a garage to the side and 3 on-plot parking spaces located on the frontage and to the side.

It is proposed to convert the garage located to the side of the house with an extension to the rear to provide a single consultation & waiting room serving a Physiotherapy/Osteopathy treatment centre (with up to 16 attendees per day) and a facility for expert witness consultations for personal injury claims (with up to 8 visitors over 1 or 2 days per week). The facility would be open from 8am to 8pm Monday to Friday & 9am to 1 pm on Saturday and it would function on an 'appointment based' system whereby only 1 to 2 attendees would be present on-site at any one time.

The surrounding road network is generally devoid of parking restrictions with the exception of double yellow lines covering the opposite side of Thorpland Avenue together with road junctions in the proximity of the address. The public transport accessibility level (PTAL) for the location scores a rating of 2 which is considered as 'poor' and therefore increases dependency on the use of private motor transport to and from the address.

Parking Provision

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

The proposed D1 use would demand 2 on-plot parking spaces per consulting room to

accord with the adopted parking standard and 3 spaces are proposed. It is assumed that 1 space would be retained by the applicant who resides at the address whilst the remaining 2 spaces would be dedicated to the proposal. As a single consulting room is proposed, the standard is therefore met. The 'appointment based' system whereby only 1 to 2 attendees would be present on-site at any one time will also assist in minimising on-plot or cumulative on-street parking demand and is therefore welcomed.

Cycle Parking

In terms of cycle parking, there would be a requirement to provide 1 secure and accessible spaces per 50 staff and 1 per 10 visitors. However, the relatively small scale of the proposal has been taken into account, and it is considered appropriate to request 2 cycle parking spaces which can be secured by way of planning condition.

Vehicular Trip Generation

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.

The proposal would understandably raise the level of vehicular activity to and from the address. Nevertheless, the anticipated net uplift in trip generation related to proposal does not raise any immediate highway concerns given the relative 'low-key' spread of activity throughout the day which inherently dilutes cumulative impacts further assisted by the 'appointment based' system that limits attendance to 1 to 2 visitors at any one time. The anticipated net level of generation is therefore considered marginal in highway impact terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

7.5 Urban Design, Access and Security Considerations

The issues are addressed in the sections above.

7.6 Other Issues

Principle of Development

The application site is located within a residential area, outside of any town centre or high street. This is material in the context of the development plan, particularly the London Plan.

Policy SD6 of the London Plan (2021) states:

The vitality and viability of London's varied town centres should be promoted and enhanced by:

- 1) encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses
- 2) identifying locations for mixed-use or housing-led intensification to optimise residential growth potential, securing a high-quality environment and complementing local character and heritage assets

- 3) delivering sustainable access to a competitive range of services and activities by walking, cycling and public transport
- 4) strengthening the role of town centres as a main focus for Londoners' sense of place and local identity in the capital
- 5) ensuring town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy

Points 4 and 5 discourage commercial uses outside town centres and high streets. The applicant has advanced no other material considerations support the application, or any evidence to support this location. The location of the commercial use outside of an appropriate town centres location is therefore a concern.

The new mixed use, in a residential area, could be acceptable in amenity terms with respect to impact on neighbours however, it could and likely would have an wider impact by drawing commercial use out of town centres and high streets. Demand would be reduced for commercial spaces and there are no unique site circumstances here to justify the change at this particular property.

It is noted that the users of the space reside next door but this is not a sufficient material consideration to warrant a departure from Policy SD6 in particular.

8. Reference Documents

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

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