



Mr Sammy Chan
Ops Chartered Surveyors
17 Garvin Avenue
Beaconsfield
HP9 1RD

Application Ref: 27994/APP/2021/3581

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:

Change of use from C4 house in multiple occupancy (HMO) to sui generis HMO for 7 bed and 7 persons with no external alterations.

Location of development: 14 Devon Way Hillingdon

Date of application: 22nd September 2021

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: 8 February 2023

- 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 existing outbuilding, by reason of its provision of facilities required for day-to-day private domestic existence and the availability of independent access to it, has resulted in the creation of a self-contained residential unit in a backland position where such a dwelling is unacceptable, due to the requirements of internal and external amenity space for occupiers, detrimental impact on the character and appearance of the area, harmful to the living conditions of neighbouring occupiers and harmful effect to the character of the area. The proposal therefore conflicts with Policies DMH 6, DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18, DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3, D4, D6, D8, T6 and T6.1 of the London Plan (2021) and the National Planning Policy Framework (2021).
- 2 By virtue of the use of the existing outbuilding as a self-contained residential unit and the physical subdivision of the application site, the development represents an inappropriate and alien form of backland development that fails to reflect the established pattern of development in the local area. The proposal has therefore caused harm to the character and appearance of the area, contrary to Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).
- 3 By virtue of its proximity, siting and self-contained residential use and access arrangements, the outbuilding has caused harm to the living conditions of the existing occupiers of the main property at number 14 Devon Way and the neighbouring occupiers at number 12 Devon Way and their respective private amenity space, in terms of noise and disturbance. The timber fencing that has been erected to subdivide the outbuilding from the main property has not mitigated this identified harm. The proposal is therefore contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).
- 4 By reason of its poor levels of outlook, the existing outbuilding (which is being used as a self-contained residential unit), has resulted in a substandard form of internal living accommodation to the detriment of the amenity of its occupiers. The proposal, therefore, conflicts with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).
- 5 The existing outbuilding (which is being used as a self-contained residential unit) has no private useable amenity space provision, and has therefore resulted in a substandard form of external living accommodation to the detriment of the amenity of its occupiers. The proposal, therefore, conflicts with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).
- 6 In the absence of a legal agreement to prohibit the issuing of parking permits to the occupiers of the site which is located within a permit-controlled area, the occupiers of the House in Multiple Occupation and occupiers of the outbuilding which is being used as a self-contained residential unit, is likely to lead to an increase in pressure for on-street parking and have a consequent adverse effect on highway safety, through inconsiderate and potential hazardous parking and a risk to road users. The proposal would therefore be contrary to Policy DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).

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 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.
- 3 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

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies

PT1.BE1 (2012) Built Environment

Part 2 Policies

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

END OF SCHEDULE

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

2020-14DV-BC-2 Rev. 1.0B - received 13 Sep 2022

2020-14DV-BC-3 Rev. 1.0B - received 13 Sep 2022

2020-14DV-BC-4 Rev. 1.0B - received 13 Sep 2022

2020-14DV-BC-6 Rev. 1.0B - received 13 Sep 2022

2020-14DV-BC-5 Rev. 1.0B - received 13 Sep 2022

Highway Planning Ltd letter dated 21st September 2021 - received 22 Sep 2021

7 pages of photos of the existing rear outbuilding - received 13 Sep 2022

2 x Aerial images of the front garage at No. 14 Devon Way - received 13 Sep 2022

Council Tax Property information for R/O 14 Devon Way - received 13 Sep 2022

2020-14DV-BC-1 Rev. 1.0B - received 13 Sep 2022

Council Tax Property information for 14 Devon Way - received 13 Sep 2022

8 pages of photos of the main property at No. 14 Devon Way - received 13 Sep 2022

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

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 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 inless 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.