

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 an 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.	ADVERTISMENT 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 the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. 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 informative's 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 DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No. **Report of the Interim Director of Planning, Regeneration & Public Realm**

Address: 14 DEVON WAY HILLINGDON

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.

LBH Ref Nos: 27994/APP/2021/3581

Drawing Nos: 2020-14DV-BC-1 Rev. 1.0B
 2020-14DV-BC-2 Rev. 1.0B
 2020-14DV-BC-3 Rev. 1.0B
 2020-14DV-BC-4 Rev. 1.0B
 2020-14DV-BC-5 Rev. 1.0B
 2020-14DV-BC-6 Rev. 1.0B
 Council Tax Property information for 14 Devon Way
 Council Tax Property information for R/O 14 Devon Way
 2 x Aerial images of the front garage at No. 14 Devon Way
 8 pages of photos of the main property at No. 14 Devon Way
 7 pages of photos of the existing rear outbuilding
 Highway Planning Ltd letter dated 21st September 2021

Date Plans received: 22-09-21 **Date(s) of Amendments(s):**

Date Application valid 22-09-21

1. SUMMARY

PRINCIPLE OF DEVELOPMENT:

A) Whether the existing outbuilding constitutes as a self-contained residential unit?

A Lawful Development Certificate was approved on 17th December 2018 for the use of the existing outbuilding as a separate granny annexe (reference 27994/APP/2018/3264). The delegated report relating to application 27994/APP/2018/3264 makes clear that the CLD relates to a single storey building located at the end of the garden. Also, the delegated report goes on to state that evidence was submitted to demonstrate that the applicant was living in the outbuilding.

It was observed that during the Officer site visit that the former wooden outbuilding has been replaced by a brick built outbuilding. It is considered that material changes have been carried out in order to convert the former wooden outbuilding to a brick built one. To such an significant extent that changes made would constitute as development under Section 55 of the Town and Country Planning Act 1990. On this basis, it is contended that the previously approved Lawful Development Certificate no longer applies as the building at the site is materially different to the one considered

by Officers at the time the LDC was granted.

It is established in *Gravesham BC v Secretary of State for the Environment and Another* 1982 (1984) that premises can be properly regarded as being used as a dwellinghouse where they are a single, self-contained unit of occupation which contains normal facilities for cooking, eating, washing and sleeping associated with the use of a dwellinghouse.

In this case, the existing brick built outbuilding at the site contains a kitchen with a sink, oven and stove; an open plan living/dining room; a shower room with a toilet and hand basin; and two bedrooms. It is therefore considered that the outbuilding has all the day-to-day facilities for it to be used as a self-contained residential unit. There is independent access to the outbuilding through the side passageway. Furthermore, the outbuilding has been sectioned off from the main property by the erection of timber fencing running along its front elevation. Given these circumstances, it is considered that the outbuilding is a self-contained residential unit and as such a separate planning unit has been created.

Based on the discussions held during the officer site visit, it is understood that the outbuilding is currently being occupied by a person who manages a portfolio of HMO properties owned by the applicant (a different person), which includes the application. It was also observed that this manager has a family who also resides within the outbuilding.

In light of the above, it is considered prudent to assess the implications of the outbuilding as a self-contained residential unit, especially given that it is included within the red line boundary of the site. This is despite the application form not referring to it in the proposal description.

b) Change of use of the main property from a small House in Multiple Occupation (Use Class C4) to a large House in Multiple Occupation with a 7 bed and 7 persons occupancy (Sui Generis)

Works have been carried out to the former wooden outbuilding structure to the front of the property in order to facilitate the conversion of the main property into a HMO. The existing structure currently serves as Bedroom 6 of the HMO (as shown on the submitted plans). Based on Google Street View images dating back from 2018, significant changes to the front outbuilding to the point where it would constitute as development. As such, the implications of the existing structure has been considered as part of the planning assessment in the main body of this report.

Policy DMH 5: Houses in Multiple Occupation (HMOs) and Student Accommodation states:

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.

Each of the 7 HMO of the bedrooms benefits from their own en-suite shower rooms and a kitchen cabinet with no sink. During the officer site visit it was observed that none of the 7 rooms contain any cooking facilities (or microwaves). The submitted plans shows a communal kitchen and dining room area on ground floor level, and this was confirmed during the site visit. Having regard to the 'Gravesham' Court Judgement, it is considered that the rooms do not constitute as a self-contained units and that the use of the main property is a large HMO (Sui Generis).

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

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. NON2 Non Standard reason for refusal

By virtue of the use of the existing outbuilding as a self-contained residential unit and the physical sub-division 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. NON2 Non Standard reason for refusal

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 mitigate 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. NON2 Non Standard reason for refusal

By reason of its poor levels of outlook, the existing outbuilding (which is being used as 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. NON2 Non Standard reason for refusal

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. NON2 Non Standard reason for refusal

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. I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2. 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.

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. I74 Community Infrastructure Levy (CIL) (Refusing Consent)

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

I53 Compulsory Informative (2)

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

DMHB 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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is occupied by a detached bungalow that has been extended by single storey side/rear extensions, a loft conversion including side and rear dormers. There is an outbuilding in the rear garden which has been sectioned off from the bungalow by timber fencing. The front

forecourt of the property is entirely paved and has sufficient space to accommodate up to 2 vehicles.

The existing property is one of 2 bungalows situated on the opposite side of the road at the southern end of the cul-de-sac in which the site is located. The other dwellings in Devon Way are two storey semi-detached dwellings of generally similar but not identical appearance. There are outbuildings within the immediate vicinity of the site, which are generally being used for ancillary/incidental purposes connected to the main dwellinghouse. A service road which provides access to the rear of commercial and residential properties on Hillingdon Hill runs immediately to the south of the site.

The southern side boundary of the application site adjoins the Hillingdon Village Conservation Area. However, the application site itself does not fall within this heritage asset designation.

3.2 Proposed Scheme

The application form states that the proposal is for the "change of use from C4 House in Multiple Occupation (HMO) to Sui Generis HMO (7 Bed & 7 Persons) with no external alterations.

However, as highlighted in Section 1.0 of this report, material external alterations have been carried out to the wooden outbuilding to the front of the site and to the rear. Also, the rear outbuilding is being used as a self-contained residential unit. These developments have been considered as part of the planning assessment discussed in the main body of this report.

3.3 Relevant Planning History

27994/APP/2018/3264 14 DEVON WAY HILLINGDON

Use of existing outbuilding as a separate granny annexe (Application for a Certificate of Lawful Development for an Existing Development)

Decision: 14-12-2018 Approval

27994/APP/2009/2462 14 DEVON WAY HILLINGDON

Renewal of planning permission ref.27944/APP/2002/1825 dated 16/07/2003: Erection of a six-bedroom detached house with in

Decision: 25-01-2010 Refusal **Appeal:** 23-07-10 Allowed

27994/APP/2002/1825 14 DEVON WAY HILLINGDON

ERECTION OF A SIX-BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE
(INVOLVING DEMOLITION OF A DETACHED BUNGALOW)

Decision: 16-07-2003 Approval

27994/APP/2002/282 14 DEVON WAY HILLINGDON

ERECTION OF A DETACHED TWO STOREY SIDE RESIDENTIAL DWELLING (INVOLVING
DEMOLITION OF EXISTING CHALET BUNGALOW)

Decision: 02-04-2002 Refusal

27994/APP/2001/1699 14 DEVON WAY HILLINGDON
 ALTERATIONS TO ROOF TO PROVIDE A PITCHED ROOF OVER EXISTING FLAT ROOFED
 EXTENSION
Decision: 17-10-2001 Approval

27994/APP/2000/830 14 DEVON WAY HILLINGDON
 ERECTION OF A SINGLE STOREY REAR EXTENSION (APPLICATION FOR A CERTIFICATE
 OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT)
Decision: 16-06-2000 No Further
 Action(P)

27994/A/86/0486 14 DEVON WAY HILLINGDON
 Householder development - residential extension(P)
Decision: 28-04-1986 Approval

27994/79/2253 14 DEVON WAY HILLINGDON
 Householder development - residential extension(P)
Decision: 11-02-1980 Approval

Comment on Planning History

The relevant planning history attached to this site is referenced above.

It should be noted that there are pending enforcement investigation (ref: ENF/203/21) at the site relating to the alleged unauthorised erection of fencing and use of the property as a large HMO (Sui Generis). Also, there are two other enforcement investigations relating to the car port in the front garden (referred as the front outbuilding in this report) (ref: ENF/1129/15/) and the log cabin for residential accommodation (referred to as the former wooden outbuilding in the rear garden) (ref: ENF/556/11/).

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

EXTERNAL CONSULTEES:

17 neighbouring properties were consulted on 5th October 2021. The consultation period expired on 26th October 2021. 5 objections were received (two of which were from the same household), and their comments are summarised as follows:

- Submitted plans are incorrect as there is not four on-site car parking spaces (in reality there is only

space for two)

- The original car port (referred to as the front outbuilding in this report) at the front of 14 Devon Way was previously fenced in and temporarily used as storage.
- The original car port (front outbuilding) has now been made into a permanent structure (serving a bedroom) that comes to the pavement.
- The black box extension (front outbuilding) is not in-keeping with the reset of the street and looks ugly
- The original log cabin in the garden (referred to as the rear outbuilding in this report) has been cladded or rebuilt in brick and appears to have become a permanent structure and dwelling
- The 7 bedroom HMO could be occupied by 14 persons which would cause major parking issues and congestion
- The property should be let out to a family rather than individual persons

PLANNING OFFICER RESPONSE: The points raised about the front and rear outbuildings are noted and these structures form part of the planning assessment. Section 1.0 of this report acknowledges that the application site can only accommodate 2 vehicles. Refer to Section 7.4 for the parking and highway safety assessment.

Hillingdon Village Conservation Panel: No comments received.

INTERNAL CONSULTEES:

Council's Conservation and Urban Design Officer: Declined to comment on the application.

Council's Trees and Landscape Officer: There are no TPO's or Conservation Area designations directly affecting the site, however, the side (southern) boundary is adjacent to the Hillingdon Village Conservation Area. This application appears to be full of inconsistent details concerning the building layout, the outbuilding, parking, bin storage, access to the front door and the landscaped amenity space. To resolve these details the layout should provide space for accessible, a high quality managed landscape to the front and rear for the benefit and enjoyment of residents in accordance with policies DMH5, DMHB11, DMHB14 and DMHB18.

Council's Highways Officer: The proposed development comprises the extension and conversion of the existing dwelling to provide a 7 room House in Multiple Occupation. The proposed HMO will not provide any car parking other than existing.

Due regard is given to the Permitted Development rights that allow the existing dwelling to be converted to a 6 room HMO without the need for a formal planning submission. As such, the consideration of the car parking requirements for the current scheme can only relate to the creation of a seventh room.

According to the TfL PTAL website the site has a PTAL rating of 2.

On-street parking in the vicinity of the site is regulated through single yellow lines and a Residents' Parking Permit scheme HN1, therefore by restricting parking permits to the tenants of the development there is little risk of the proposal resulting in an unacceptable impact to highway operation, parking demand or safety (para 109 NPPF).

Car free developments are suitable in such controlled locations particularly since the London Plan parking standards now prohibit/discourage any residential development car parking and therefore there would be no objection subject to an s106 legal agreement prohibiting the tenants of the HMO

from requesting residential parking permits.

The applicant has stated that the proposals include the provision of secure cycle parking with one space per room, as part of the proposals a bespoke cycle storage enclosure will be provided that will be suitable to accommodate up to 7 bicycles, however none has been shown on the current submitted plans and it is not clear if it can be provided given the forecourt layout, with one car parking space it would appear that a cycle store can be provided. Consequently, the HA believes that there is sufficient scope for the applicant to satisfactorily address this requirement and therefore could be conditioned.

PLANNING OFFICER COMMENT: Notwithstanding the Highways Officer's comment, the rear outbuilding is being used as a self-contained residential unit and its parking and highway safety implications as such has been considered in Section 7.4 of this report.

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
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

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) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. This is supported by Policy DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) which requires HMOs not have a detrimental impact upon the residential amenity of adjoining properties.

The day to day activity associated with the occupiers of the outbuilding, including the comings and goings and using the garden area has an unacceptable impact on the HMO occupants of No.14 Devon Way, in terms of noise and disturbance given the location of the outbuilding and its proximity of the main property. It is considered that the timber fencing that has been erected to the front of the outbuilding does not mitigate this harm.

Also, noise, disturbance and perceived loss of privacy has been caused to the occupiers of the adjacent neighbouring property at No. 12 Devon Way due to the shallow rear gardens at Nos. 12 and 14 and the side passageway that leads to the outbuilding running along the mutual boundary.

Based on planning records, it does not appear that the height or footprint of the brick built outbuilding is different to the former wooden outbuilding. Therefore, the physical structure of the outbuilding has not resulted in a loss of light for neighbouring occupiers.

Taking into account its siting and separation distance, it is considered that the existing (black timber) front outbuilding has not caused harm to residential amenities of neighbouring occupiers.

It is considered that the noise and disturbance resulting from the 7 bedroom, 7 person HMO is not significantly different to its former use as a small HMO accommodating up to 6 persons. If this application had been recommended for approval, a condition would have been secured restricting the number of occupiers living in the property to no more than seven. Also, a condition would have been secured requiring the management of the HMO to be carried out in accordance with the details specified in the submitted 'Site Supervision Management Plan'.

Having regard to the above, it is considered that the use of the outbuilding as a self-contained residential unit has caused harm to the living conditions of the neighbouring occupiers at No. 12 and the occupants of the main HMO property at the site, in terms of noise, disturbance and loss of privacy. This is contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the NPPF (2021).

7.2 Impact on Street Scene

Policies D3 and D4 of the London Plan (2021) require development proposals to be of a high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The outbuilding to the rear of the site has been constructed in brickwork and contains uPVC windows. It has been sectioned off from the main property by fencing. The use of the end of the garden as a separate residential planning unit is an alien form of backland development. It does not reflect the established pattern of development in the local area, which comprises single and two storey dwellings fronting the street.

The existing black timber front outbuilding is not generally supported from a policy perspective. However, weight must be afforded to the former wooden outbuilding that stood in this exact location. It is recognised that the existing structure has been re-clad, but on-balance would not be significantly worse than previously. Also, views of the existing outbuilding is to a degree minimised due to the location of the application site, positioned at the end of the turning head. It is therefore considered overall, on balance, that the existing front outbuilding has not caused harm over and above the former front outbuilding.

In light of the above, it is considered that the use of the rear garden for separate residential use has resulted in harm to the character and appearance of the main property and the surrounding area. This is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMH 56, 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 NPPF (2021).

7.3 Traffic Impact/Pedestrian Safety

Covered in the following section of this report.

7.4 Carparking & Layout

Paragraph 111 of the NPPF (2021) states that development should only be prevented or 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.

Policy T4 of the London Plan (2021) states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

Policy T6 of the London Plan (2021) states that new residential development should not exceed the maximum parking standards set out in Table 10.3. All residential car parking spaces must provide infrastructure for electric or Ultra Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also, that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The application site benefits from a front forecourt that can accommodate 2 vehicles. On-street parking in the vicinity of the site is regulated through single yellow lines a residents' parking permit scheme (HN1). Due regard has been given to the former use of the property as small HMO accommodating up to six persons. However, in the absence of a signed legal agreement to prohibit occupiers from obtaining street parking permits, it is considered that the existing large HMO accommodation coupled with the self-contained residential unit within the outbuilding, would likely park their vehicles on the nearby roads. The site has a PTAL rating of 2 (Poor) which means its likely that occupiers of the site would be reliant on private vehicles as a means of transport. Thereby, exacerbating the pressure for street parking. A parking impact assessment has not been submitted to demonstrate that the street parking spaces on nearby surrounding roads has sufficient capacity to accommodate the additional parking demand generated by the development. Thus, leading to increased instances of dangerous or illegal parking. This in turn, would result in congestion and prejudice highway safety.

For the above reasons, it is considered that the proposed development would have a harmful impact on highway safety. It would 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 NPPF (2021).

7.5 Urban Design, Access and Security Considerations

QUALITY OF RESIDENTIAL ACCOMMODATION:

It is acknowledged that the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) does not contain any specific standards in respect to HMO. The submitted plans shows that the seven bedrooms which are each occupied by a single person range between 9.5 sqm and 20.5 sqm, which is considered to be acceptable when compared to the bedroom standards prescribed in parts 3 and 4 of Policy D6 of the London Plan. The kitchen/dining/living room has a floor area of 25 sqm which is considered to be of a sufficient size to meet the needs of the seven occupants.

Although Bedrooms 3 and 7 have limited outlook, this is considered, on balance, to be acceptable having regard to the former use of the property as a small HMO. Similarly, the relationship between the windows serving Bedrooms 4 and 5 and the communal garden would not be significantly different to former use of the property as a small HMO. With an area of 135 sqm, the communal rear garden for the occupiers of the HMO is considered to provide an adequate provision of external amenity space.

Notwithstanding the above, it is considered that the day to day activity associated with the occupiers of the outbuilding (including their comings and goings) has an unacceptable impact on the HMO occupants of No.14 Devon Way, in terms of noise and disturbance. This is due to the location of the outbuilding and its proximity to the main property at No.14. It is considered that the timber fencing that has been erected to the front of the outbuilding does not mitigate this harm.

The rear outbuilding has a gross internal area of 45 square metres, which falls significantly below the London Plan's minimum 61 sqm requirement for a 2 bedroom, 3 person dwelling. Given the figures in Table 3.1 of the London Plan are minimum standards which are intended to act as a benchmark for high quality design, the shortfall in the internal floor space provision is not appropriate. The front elevation habitable windows face directly towards fencing measuring 1.8metres, which is positioned 1 metre away. The side windows serving the bedrooms within the outbuilding face directly towards the side boundary treatment. It is therefore considered that outbuilding provides unsatisfactory living conditions for its occupiers, in terms of inadequate floor space and poor outlook. It cannot be argued that the existing fencing could be removed as this would give rise to a loss of privacy and overlooking issues between the occupiers of the outbuilding and HMO (which contains habitable windows within its rear elevations)

There is a small section of hardstanding adjacent to the northern flank wall of the outbuilding. However, this area is not considered to constitute as private useable amenity space as its covered in hardstanding and adjoins the side passageway leading to the rear garden of the HMO. Consequently, the outbuilding has no external amenity space provision, which conflicts with the minimum 60 square metre requirement found in Table 5.3 of the Hillingdon Local Plan (Part 2).

Having regard to the above, it is considered that the outbuilding has caused unacceptable noise and disturbance for the HMO occupants of the main property. Also, the outbuilding, which is being used as self-contained residential unit, provides a substandard form of living accommodation, in respect to its gross internal area, poor outlook and absence of any private useable external amenity space provision. This would be contrary to the objectives of Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the NPPF (2021).

7.6 Other Issues

None.

8. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

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