

DELEGATED HOUSEHOLDER 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.	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 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: 41 GRANGE ROAD HAYES

Development: Conversion of outbuilding to habitable accommodation

LBH Ref Nos: 19772/APP/2023/80

Drawing Nos: 01
 Skl
 04
 06
 02

Date Plans received:

Date(s) of Amendments(s):

Date Application valid

1. CONSIDERATIONS

1.1 Site and Locality

The application property is a semi-detached bay fronted dwelling located on the North Western side of Grange Road. The property is constructed of pebble dash render under a plain tiled roof and has been recently been extended by a part two storey, part single storey side/rear extension. The rear garden is flat and enclosed and a detached outbuilding has been built to the rear.

The site lies within the Developed Area and Hayes Village Conservation Area.

1.2 Proposed Scheme

The application seeks planning permission for the conversion of outbuilding to habitable accommodation. The submitted plans are annotated to show the provision of guest lounge/bedroom with kitchen and shower room.

1.3 Relevant Planning History

19772/APP/2021/1787 41 GRANGE ROAD HAYES

Single storey outbuilding to rear for use as a gym/garden store

Decision: 28-06-2021 Approved

19772/APP/2019/1483 41 GRANGE ROAD HAYES

Conversion of roofspace to habitable use to include a rear dormer and 2 front rooflights

Decision: 25-06-2019	Approved
19772/APP/2018/385	41 GRANGE ROAD HAYES
Conversion of roof space to habitable use to include a rear dormer with 3 rooflights.	
Decision: 05-04-2018	Refused
19772/APP/2014/1863	41 GRANGE ROAD HAYES
Part two storey, part single storey side/rear extension and conversion of roof space to habitable use to include 2 rear dormers involving demolition of the existing garage.	
Decision: 22-07-2014	Refused
19772/APP/2014/181	41 GRANGE ROAD HAYES
Conversion of roof space to habitable use to include a rear dormer, 2 front rooflights and a new gable end window (Application for a Certificate of Lawful Development for a Proposed Development)	
Decision: 04-03-2014	Refused
19772/APP/2013/3025	41 GRANGE ROAD HAYES
Part two storey side and single storey rear extension involving demolition of existing garage	
Decision: 11-12-2013	Refused
19772/APP/2013/1815	41 GRANGE ROAD HAYES
Part two storey, part single storey side extension and single storey rear extension involving demolition of garage and store	
Decision: 10-09-2013	Refused
19772/APP/2012/2337	41 GRANGE ROAD HAYES
Part two storey, part single storey side extension and single storey rear extension involving demolition of garage and store	
Decision: 07-12-2012	Refused
19772/APP/2012/1024	41 GRANGE ROAD HAYES
Part double storey Flank and single storey extension and alterations (rear existing garage and store to be demolished).	
Decision: 25-05-2012	No Further Action(P)

Comment on Planning History

The relevant planning history is listed above. It is noted that the outbuilding under construction benefits from planning permission under reference 19772/APP/2021/1787. Condition 4 states:

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes.

REASON

To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date: 15th February 2023

3. Comments on Public Consultations

6 neighbouring properties were consulted by letter dated 12.1.23.

Hayes Conservation Area Advisory Panel.

When permission for the existing gym/garden store (19772/APP/2021/1787) was granted in 2021, a condition was imposed that "The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes." This was "To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties - " The current application is asking for permission to do what was specifically forbidden in 2021. We therefore expect the application to be refused. Reinforcing our position is the absurd and unbelievable description of the 'Outbuilding to be used as guest room'. If this use was to be as part of the main house, we can see no reason to provide a kitchen within it. It is obvious that the building is likely to be rented out as a self-contained dwelling in a position where such a dwelling would not be permitted.

Letters of objection have been received raising concerns about:

1. Subdivision of plot and guest accommodation becoming separate dwelling
2. Parking
3. Loss of privacy
4. General upkeep of site and construction noise/disturbance
5. HMO concerns.

4. 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:

DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHD 2	Outbuildings
LPP D4	(2021) Delivering good design

LPP D8	(2021) Public realm
LPP HC1	(2021) Heritage conservation and growth
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

5. MAIN PLANNING ISSUES

The main planning issues are the use of the outbuilding as a self-contained residential unit, the effect of the development on the character and appearance of the area, the level of impact on neighbouring residential amenity and parking and highway safety.

Use/Character

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

- i) The use of an outbuilding shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and
- ii) Primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

The Council aims to safeguard the character and appearance of an area and the amenity of local residents from inappropriate development, such as 'beds in sheds'. The Local Plan clearly states that the Council will strongly resist proposals for detached outbuildings which are considered to:

- i) be capable of independent occupation from the main dwelling and which effectively constitute a separate dwelling in a position where such a dwelling would not be accepted; or
- ii) result in an over dominant and visually obtrusive form of development and as a result have an adverse effect on the character and appearance of the dwelling and the wider locality.

It has been established through case law that the distinctive characteristic of a dwelling house is its ability to afford those who use it, the facilities required for day-to-day private domestic existence (Gravesham BC v SSE & O'Brien). Section 254 of the Housing Act 2004 refers to basic amenities comprising a toilet, personal washing facilities and cooking facilities.

The submitted drawings clearly show that the outbuilding is capable of being used independently from the main house at 41 Grange Road The outbuilding would contain a bedroom/living room, bathroom and kitchen. As a matter of fact and degree, it is considered that the proposed development would be tantamount to the creation of a self-contained residential unit.

Circular 11/95 advises that in circumstances where the creation of an additional dwelling would be unacceptable it may be appropriate to impose a condition so that the extension or building permitted shall be used solely as ancillary accommodation to the main dwelling. However, as highlighted above in the preceding paragraphs, the development would not provide ancillary accommodation, but rather a self-contained residential unit. As such, a condition requiring the outbuilding to remain ancillary to the main dwelling is not considered to be enforceable, thus failing to pass the conditions tests set out in the NPPF.

Quality of Living Accommodation:

Policy D4 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms. Table 3.1 of the London Plan (2021) requires 1-person studio units to have at a minimum gross internal area of 37 square metres.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - 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. Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space in accordance with Table 5.3.

In this case, the submitted floor plan indicates an internal floor area of 40 square metres which would meet the standards set out above. There would be two windows and a door on the front elevation. These windows would be overlooked by 41 Grange Road and a designated space for private amenity has not been provided. The new dwelling overlooks the large amenity area of 41 Grange Road. By the nature of the design, as explained above, this would compromise the living conditions of both existing and future occupiers.

Consequently, it is considered that the proposal (as a self-contained new home) would fail to provide acceptable internal and external living conditions for both existing future occupiers in line with Policy D4 of the London Plan (2021) and Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Character and Appearance:

The outbuilding has planning permission under application reference 19772/APP/2021/1787 . In visual terms, the proposal would not differ.

Impact on Neighbouring Residential Amenity:

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.

The use of the outbuilding for living accommodation and as a separate residential dwelling would give rise to concerns about noise and general disturbance from uncharacteristic and unfettered comings and goings to and from the rear of the site. It is therefore considered that the proposal could negatively impact on the amenity of neighbouring occupiers, contrary Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Parking and Highway Safety:

The parking provision would be unaffected by the proposed development. It is therefore considered that the proposal would not significantly exacerbate the demand for street parking or prejudice highway safety, in accordance with DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Conclusion:

It is considered that the proposal would result in the creation of a self-contained residential unit. Consequently, the proposed development would be tantamount to a separate self-contained residential unit. As such, the proposal would conflict with the policies set out in the Hillingdon Local Plan: Part One Strategic Policies (2012) and Part Two - Development Management Policies (2020). As such, it is recommended that the application be refused.

6. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Independent occupation

The proposed development, by reason of the existence of an independent access and the provision of facilities within, is considered capable of independent occupation from the main dwelling. As a result, the proposal would be tantamount to a separate self-contained residential unit in a position where such a dwelling would be unacceptable. The proposal is, therefore, contrary to Policies DMHD 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D4 and D6 of the London Plan (2021).

INFORMATIVES

1. 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.

Part 1 Policies

PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHD 2	Outbuildings
LPP D4	(2021) Delivering good design
LPP D8	(2021) Public realm
LPP HC1	(2021) Heritage conservation and growth
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

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