

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	<input type="checkbox"/>
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	<input type="checkbox"/>
3.	There is no Committee resolution for the enforcement action	<input type="checkbox"/>
4.	There is no effect on listed buildings or their settings	<input type="checkbox"/>
5.	The site is not in the Green Belt (but see 11 below)	<input type="checkbox"/>

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	<input type="checkbox"/>
7.	No petition of 20 or more signatures has been received	<input type="checkbox"/>
8.	Application has not been supported independently by a person/s	<input type="checkbox"/>
9.	The site is not in Green Belt (but see 11 below)	<input type="checkbox"/>

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	<input type="checkbox"/>
11.	Householder application in the Green Belt	<input type="checkbox"/>

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	<input type="checkbox"/>
13.	Refusal of change of use from retail class A1 to any other use	<input type="checkbox"/>
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.	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	<input type="checkbox"/>
16.	Certificate of Lawfulness (for existing use or Development)	<input type="checkbox"/>
17.	Certificate of Appropriate Alternative Development	<input type="checkbox"/>

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	<input type="checkbox"/>
19.	PRIOR APPROVAL APPLICATION	<input type="checkbox"/>
20.	OUT-OF-BOROUGH OBSERVATIONS	<input type="checkbox"/>
21.	CIRCULAR 18/84 APPLICATION	<input type="checkbox"/>
22.	CORPSEWOOD COVENANT APPLICATION	<input type="checkbox"/>
23.	APPROVAL OF DETAILS	<input type="checkbox"/>
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	<input type="checkbox"/>
25.	WORKS TO TREES	<input type="checkbox"/>
26.	OTHER (please specify)	<input type="checkbox"/>

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 Head of Development Management and Building Control**

Address: 10 DOGHURST AVENUE HARLINGTON

Development: Change of use from a prayer room to a habitable space (retrospective).

LBH Ref Nos: 58207/APP/2023/3460

Drawing Nos: 01
 02 - Proposed Elevations
 03 - Proposed Floor and Roof Plan

Date Plans received: 30-11-23 **Date(s) of Amendments(s):**

Date Application valid 30-11-23

1. CONSIDERATIONS

1.1 Site and Locality

The application property is located to the Northern side of Doghurst Avenue, Harlington, with the property's front elevation facing towards the South. The property has a large rear garden which backs onto residential gardens of properties on Boltons Lane. To the front of the site there is a large front garden, which has been fully paved in hardstanding materials providing space for two vehicles to park. The rear garden has a detached outbuilding. The outbuilding is being occupied as habitable accommodation by a family member which includes a bed/living room with kitchenette and shower room which breaches a condition on the original planning permission. The application is submitted following an enforcement investigation in an attempt to regularise the use.

1.2 Proposed Scheme

The application seeks retrospective planning permission for the change of use from a prayer room to a habitable space. The proposed plan indicate that the development would be capable of providing self contained living accommodation.

1.3 Relevant Planning History

58207/APP/2018/80 10 DOGHURST AVENUE HARLINGTON

Single storey outbuilding to rear for use as a prayer room

Decision: 05-03-2018 Approved

58207/APP/2006/3303 10 DOGHURST AVENUE HARLINGTON

ERECTION OF A TWO STOREY REAR EXTENSION

Decision: 22-03-2007 Refused

58207/APP/2006/1296	10 DOGHURST AVENUE HARLINGTON
ERECTION OF A TWO-STOREY REAR EXTENSION.	
Decision: 03-10-2006	Withdrawn
58207/APP/2003/2185	10 DOGHURST AVENUE HARLINGTON
ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION AND FRONT PORCH	
Decision: 31-10-2003	Approved
58207/APP/2003/1723	10 DOGHURST AVENUE HARLINGTON
ERECTION OF A SINGLE STOREY REAR AND SIDE EXTENSION AND FRONT PORCH	
Decision: 11-09-2003	Approved
58207/APP/2003/579	10 DOGHURST AVENUE HARLINGTON
ERECTION OF SINGLE STOREY REAR AND PART REAR/SIDE EXTENSION	
Decision: 08-05-2003	Approved

Comment on Planning History

Planning permission was granted for the outbuilding under application reference 58207/APP/2018/80. Condition 5 requires:

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings as ancillary to the main use of the dwelling 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 Policy BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date: Not applicable

2.2 Site Notice Expiry Date: Not applicable

3. Comments on Public Consultations

The Harlington Village Residents Association, Harmondsworth and Sipson Residents Association and 9 neighbouring properties were consulted by letter dated 5.12.23.

There was no local response.

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

Part 2 Policies:

DMH 6	Garden and Backland Development
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
LPP D1	(2021) London's form, character and capacity for growth
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 D8	(2021) Public realm
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

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.

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 10 Doghurst Avenue. The outbuilding contains a bedroom, bathroom and

kitchen. As a matter of fact and degree, it is considered that the proposed development is 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 37.3 square metres which would meet the standards set out above. There are two windows on the front elevation along with the entrance door. These windows are overlooked by 10 Doghurst Avenue and a designated space for private amenity has not been provided. The new dwelling overlooks the amenity area of 10 Doghurst Avenue. By the nature of the design, as explained above, this would compromise the living conditions of both existing and future occupants.

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 occupants 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:

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings, must harmonise with the local context by taking into account the surrounding settings.

The visual impact of the outbuilding has been previously accepted by the Council.

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 desire to deal with the personal needs of other family members, and the support for the proposal is noted. However, the sub-division of the property would be likely to have a substantial lifespan. The length of time such needs exist is likely to be much less than the lifespan of the self-

contained residential unit, which would then raise an issue about what happens if those needs end well before the lifespan of the residential unit. Although it is noted that the attached space is suitable for a disabled person to reside, with care provided from occupiers of the main dwelling, there is no evidence to require this space to retain a kitchen and a bathroom. These facilities would enable the extension to be used as a self-contained residential unit, without any link to its host.

The use 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 Non Standard reason for refusal

The proposed development, by reason of the provision of facilities within and by having an access which is capable of being used independently, 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, due to being out of keeping with the pattern of surrounding development and requirements for parking, living accommodation and amenity space and the impact on adjoining properties. The proposal is, therefore, contrary to Policies DMHB 11, DMHB 16, DMHB 18, DMT 6 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

Standard 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance..

Part 1 Policies

PT1.BE1	(2012) Built Environment
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Part 2 Policies:

DMH 6	Garden and Backland Development
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
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NPPF2	NPPF 2021 - Achieving sustainable development
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

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