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Application Ref: 65665/APP/2013/1349

## **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:**

Single storey detached outbuilding to rear for use as a gym and store (Retrospective)

**Location of development:** 17 Maylands Drive, Uxbridge

**Date of application:** 29 May 2013

**Plan Numbers:** See attached Schedule of plans

**Permission is refused for the reason(s) listed on the attached schedule:-**

Head of Planning & Enforcement

**Date: 16 August 2013**

- 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.

# **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

## **REFUSAL OF PLANNING PERMISSION**

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### **SCHEDULE OF REASONS**

- 1 · The proposal is for a detached structure which it is considered is capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted due to increased noise and disturbance impacting on the amenity of neighbouring occupiers, a lack of amenity space for future occupiers, overlooking between the main dwelling and the outbuilding, it is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies OE1, BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the Hillingdon Design and Accessibility Statement - Residential Extensions.
- 2 · The outbuilding which is the subject of this application, when considered in conjunction with other works carried out on the site (and clearly shown on the proposed plans) results in a significant increase in the built up appearance of this site and loss of amenity to the occupiers of number 17 and number 19. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).
- 3 · The outbuilding which is the subject of this application, when considered in conjunction with other works carried out on the site (and clearly shown on the proposed plans) is considered to result in a development which fails to harmonise with the design features and architectural style predominant in the area. The development therefore detracts from the appearance and quality of the North Uxbridge Area of Special Local Character and is contrary to Policy BE5 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

### **INFORMATIVES:**

- 1 · You are advised that it is considered the submitted plans were unclear with regard to what was proposed and what the final site layout would be and are reminded that a clear plan showing what the proposed site layout is required in relation to planning applications.

## **SCHEDULE OF REASONS**

### **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 Unitary Development Plan Saved Policies (September 2007) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

#### **Part 1 Policies:**

PT1.BE1 (2012) Built Environment

#### **Part 2 Policies:**

BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 5.3	(2011) Sustainable design and construction

### **END OF SCHEDULE**

#### **Address:**

Residents Services  
London Borough of Hillingdon  
3 North Civic Centre, High Street, Uxbridge UB8 1UW  
Tel: 01895 250400 / 250401  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## **REFUSAL OF PLANNING PERMISSION**

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### **SCHEDULE OF PLANS**

17003 - received 29 May 2013

17001 - received 24 May 2013

## **RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY**

### **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

#### **Appeals to the Secretary of State**

- 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.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice.
- Appeals must be made 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 or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 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 unless there are special circumstances, which excuse the delay in giving notice of 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 they 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 office 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 in its existing state nor render the land capable of 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.