



Mr Gary Elms
Elmstead
82 Mellow Lane East
Hayes End
Hayes UB4 8ER

Application Ref:
69325/APP/2015/2438

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:

Two storey, 3-bed, detached dwelling with associated parking and amenity space and two storey side extension to existing dwelling

Location of development: 82 Mellow Lane East Hayes

Date of application: 13 August 2015

Plan Numbers: See attached Schedule of plans

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

Head of Planning and Enforcement

Date: 8 October 2015

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 proposed detached dwelling, by reason of its size, scale, bulk, siting in an open prominent corner position and projection forward of the return front building line on Hayes End Drive, would result in the loss of an important and distinctive spacious gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an over-development of the site to the detriment of the character and the visual amenities of the area and to this existing open area of the street scene. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of The London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
- 2 · The proposed detached dwelling, by reason of its size, scale, bulk, projection forward of the return front building line on Hayes End Drive and inadequate separation distance between it and the closest adjacent property at No. 84 Hayes End Drive, would result in an unacceptable level of overlooking, overbearing and over-dominating impact on that adjacent property, to the detriment of the visual and residential amenities of occupants of that property, contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts (July 2006).
- 3 · The proposed detached dwelling, by reason of very close proximity to the blank flank wall of the closest adjacent property to the rear at No. 84 Hayes End Road, would result in severely restricted outlook from ground and first floor habitable windows, thereby failing to provide a satisfactory standard of internal living environment for the benefit of future occupiers of the dwelling. The proposal would therefore give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers, contrary to Policy 3.5 of The London Plan (2015), Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
- 4 · The proposal, by reason of the sub-division of the site and its coverage by both the existing and proposed dwellings, would fail to provide usable amenity space of sufficient area and quality commensurate to the size and layout of the extended host dwelling (82 Mellow Lane East). As such the proposal would provide a substandard form of accommodation for current and future occupiers of the existing dwelling, contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

SCHEDULE OF REASONS

- 5 · The proposed development, by reason of the siting and excessive width of the proposed cross over when combined with the existing and the layout of the proposed parking would result in conditions which would be prejudicial to highway and pedestrian safety contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE22	Residential extensions/buildings of two or more storeys.
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
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential

SCHEDULE OF REASONS

LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character

- 3 . On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

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SCHEDULE OF PLANS

08/495/02 - received 12 Aug 2015
08/495/01 - received 12 Aug 2015
08/495/09 - received 29 Jul 2015
08/495/10 - received 29 Jul 2015
08/495/06 - received 29 Jul 2015
08/495/03 - received 29 Jul 2015
08/495/08 - received 29 Jul 2015
08/495/07 - received 29 Jul 2015
08/495/05 - received 29 Jul 2015
08/495/04 - received 29 Jul 2015
Location Plan (1:1250) - received 02 Jul 2015

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's website at <http://.Planning-inspectorate.gov.uk>

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 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.