

Mr Peter Higginbottom

Application Ref:
77095/APP/2022/3764

Planning Insight
12-18 Theobalds Road
WC1X 8SL

Process set out by Condition ZA.2. of Schedule 2 Part 20 Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

The Council of the London Borough of Hillingdon as the Local Planning Authority hereby confirm that their **PRIOR APPROVAL IS REFUSED**: for the proposed development at the address, shown below as described by the description shown below, and in accordance with the information that the developer provided to the Local Authority.

Description of Development:

Prior approval for demolition of ancillary garages and erection of two storey building comprising of two self-contained flats and parking (Application for Prior Approval under Part 20 Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended))

Location of Development: 12-18 Whittles Yard Rear Of, Hallowell Road, Northwood, HA6 1DW

Date of Application: 29th November 2022

Plan Numbers: See attached Schedule of Plans.

Reasons for Refusal:

1. No substantive evidence has been presented to demonstrate that the garages were used ancillary to the workshop buildings at the application. This is notwithstanding planning applications 77095/APP/2022/600 and 77095/APP/2022/1530. The Council is in possession of evidence showing that the garages were previously used by 'Northwood Auto Services'. A Google Search of this company, confirms that they were offering MOT testing services which is a Sui Generis use (although this use has now ceased). Insufficient information has therefore been submitted to demonstrate that the proposal would accord with the requirements of paragraph ZA.1(1)(b)(iii), Class ZA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed replacement building would not comprises a purpose-built detached block of flats. Part 20 of the General Permitted Development Order, as set out in the Town and Country Planning (Permitted Development Miscellaneous Amendments) (England) (Coronavirus)

Regulations states: block of flats "means a building which is divided horizontally and consists of separate and self-contained premises constructed for use for the purposes of a dwellinghouse, and any ancillary facilities constructed solely for use by occupiers of the building". The proposed development comprises two residential units which are divided vertically from each other, and contains proposed parking on the ground floor level which is not solely for use by the future occupants of the proposed building. The proposal therefore fails to comply with the requirements of paragraph ZA.(2)(a), Class ZA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. The proposed development would make an unjustified overprovision of eight car parking spaces for the proposed two residential units being considered as part of this subject application. The submitted Planning Statement suggests that a condition could be secured requiring the proposed on-site car parking provision to be shared with the currently undetermined prior approval applications 77095/APP/2022/3766 and 77095/APP/2022/3767. However, the Local Planning Authority does not share this position as such a condition would not pass the relevant tests set by paragraph 56 of the NPPF (2021), in respect to its failure to be relevant to the development to be permitted and lack of enforceability. The provision of the excessive level of car parking provision would be likely to encourage car dependency rather than the use of more sustainable means of transport, contrary to Policy DMT 6 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policies T6 and T6.1 of the London Plan and the National Planning Policy Framework (2021).
4. The proposed development's introduction of residential accommodation in such close proximity to the retained workshop buildings at the application could lead to complaints and restrictions being put on the prospective businesses that may occupy the workshop buildings. Thus, placing unreasonable burden on them contrary to the 'agent of change' principles set out in Policy D13 of the London Plan and the Planning Practice Guidance. Given the lack of assessment of the early morning noise levels, and in light of the uncertainty surrounding the success of noise mitigation for the two proposed residential units, it cannot be certain that conditions would be sufficient to mitigate the noise impact. The proposal therefore fails to comply with Policy D13 of the London Plan (2021) and the Planning Practice Guidance (more specifically Paragraph: 009 Reference ID: 30-009-20190722)
5. Insufficient evidence has submitted to demonstrate whether noise from the activities associated with the commercial buildings at and surrounding the application site would be at an acceptable level. The general activities from these commercial buildings, including comings and goings from customers, vehicular deliveries some of which may be at unsociable hours, can have an adverse effect and disturb future occupiers of the proposed residential units. It is not considered a condition relating to acoustic insulation would be appropriate as there is no indication that noise levels could be provided within the proposed development, and would be adequate for the needs of future occupiers of the proposed residential units. Accordingly, the noise impacts from the surrounding commercial premises would have a harmful effect on the living conditions of the intended occupiers of the proposed residential units. The proposal would therefore be contrary to Policy DMHB 11 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. The proposed development, by reason of its lack of outlook and absence of any external amenity space provision, would result in substandard forms of living conditions for future occupiers. The proposal would therefore be contrary to Policies DMHB 16 and DMHB18 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).
7. The proposed building, by virtue of its utilitarian design (including its uncharacteristic flat roof profile) and external appearance (which lacks architectural interest) would result in a form of development that is largely unattractive and of a monotonous industrial appearance. This would be a complete oddity with its proposed residential use, despite it being positioned to the rear of two existing workshop buildings. The proposed development would not be of a high quality design or positively contribute to the character and appearance of the area, contrary to Policies DMHB 11, 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).

CONDITIONS

INFORMATIVES

It is important that you read and understand the following informatives:

1. Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

END OF SCHEDULE

Yours Faithfully,



Julia Johnson
Interim Director of Planning, Regeneration and Public Realm.

Date: 6th February 2023

Address:
Planning Services
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High Street, Uxbridge UB8 1UW
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SCHEDULE OF PLANS

P2212-IOA-ZZ-ZZ-DR-A-3001 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3122 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3003 Rev. C01.	Received	10-01-2023
Planning Statement.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3123 Rev. C01.	Received	10-01-2023
Daylight, Sunlight & Overshadowing Assessment October 2022.	Received	10-01-2023
Termination of lease agreement at workshops rear of 14018 Hallowell Road.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3125 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3000 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3004 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3120 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3121 Rev. C01.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3124 Rev. C01.	Received	10-01-2023
Design and Access Statement November 2022.	Received	10-01-2023
P2212-IOA-ZZ-ZZ-DR-A-3002 Rev. C01.	Received	10-01-2023

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.
- If you want to appeal, then you must do so within six months 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.
- 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.