

Mr Peter Higginbottom

Application Ref:
77095/APP/2022/3766

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 workshop and erection of three storey building comprising of four self-contained flats (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: 30th November 2022

Plan Numbers: See attached Schedule of Plans.

Reasons for Refusal:

1. In the absence of any on-site car parking provision for the future occupiers of the proposed residential units, the proposed development is likely to lead to an increase in pressure for on-street parking and have a consequent adverse effect on highway safety, through inconsiderate and potential hazardous parking and a risk to road users. The submitted Planning Statement suggests that a condition could be secured requiring the proposed on-site car parking provision for the currently undetermined prior approval application 77095/APP/2022/3764 to be shared with application development. 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 proposal would therefore be contrary to Policy DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).

2. The proposed development, by virtue of its design and external appearance, would result in an incongruous form of development that would fail to harmonise with the existing local context. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMH 6, DMHB 11 and DMHB 12 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).
3. The proposed development, by reason of its poor outlook and absence of 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).
4. Insufficient evidence has submitted to whether noise from the activities associated with 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).
5. The proposed development, by virtue of its proximity, scale, bulk, massing and height, would result in a loss of outlook, sense of enclosure and overbearing impact for the occupiers at numbers numbers 10 to 14 Hollowell Road and their associated private amenity space. Also, the proposed first floor windows and roof lights fitted in the eastern elevation of the proposed building would given rise to a perceived loss of overlooking for the neighbouring occupiers at numbers 12 to 14 Hallowell Road and their associated private amenity space. The proposal would therefore conflict with Policy DMHB 11 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020) and the National Planning Policy Framework (2021).
6. The proposed development's introduction of residential accommodation in such close proximity to commercial buildings on and surrounding the site could to complaints and restrictions being put on businesses occupying these spaces. 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)

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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SCHEDULE OF PLANS

P2212-IOA-ZZ-ZZ-DR-A-3101 Rec. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3102 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3105 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3004 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3100 Rev. C01.	Received	30-11-2022
Planning Statement.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3103 Rev. C01.	Received	30-11-2022
Daylight, Sunlight & Overshadowing Assessment October 2022.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3000 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3001 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3003 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3104 Rev. C01.	Received	30-11-2022
P2212-IOA-ZZ-ZZ-DR-A-3002 Rev. C01.	Received	30-11-2022
Design and Access Statement.	Received	30-11-2022
Termination of lease agreement at workshops rear of 14018 Hallowell Road.	Received	30-11-2022

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.