

Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Robenc property company ltd

Proposal: Conversion of garage to habitable use, erection of a double storey rear/side extension including the insertion of a new side facing window and erection of an outbuilding to rear garden. Conversion of the existing two storey dwelling into 2no. self-contained flats, with associated front and rear landscaping, bin store and cycle store.

Appeal Site:

79 Bridgwater Road Ruislip

1. Introduction

1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the erection of a single storey extension to the side of the dwelling.

1.2 The LPA refused planning permission on 18-03-2024 for the following reasons (as stated on the decision notice):

1. The development would lead to an unacceptable residential conversion where the internal floor area of the original building to be converted is less than 120 sqm and the proposed conversion would result in the loss of a larger family sized dwellinghouse for which there is an established need in the Borough. The proposal would therefore unacceptably undermine the supply of family housing within the Borough for which there is an identified need, contrary to Policies DMH 1, DMH 2 and DM4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2023).

2. The proposed ground floor flats (Flat 1) would fail to provide a satisfactory internal living environment for their future occupiers by virtue of the proximity of the proposed front bedroom windows to the proposed parking/access court and an absence of detail of satisfactory provision of defensible space. Consequently, these bedrooms would lack an appropriate degree of privacy and would be subject to noise and disturbance from the comings and goings taking place within the parking/access court, contrary to Policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), London Plan (2021) Policy D6 and the National Planning Policy Framework (2023).

3. The proposed development as a result of the lack of satisfactory separation and inconvenient access would fail to provide private external amenity space of sufficient size and quality for the proposed homes resulting in substandard living conditions for prospective residents contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the National Planning Policy Framework (2023).

1.2 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report has already been provided. Copies of relevant planning policies has already been sent through to PINs as a part of the LPA original submission.

1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's Appeal statement and accompanying updated drawings.

2. LPA Comments on Appellant's Statement of Case

2.1 Within their statement of case, the appellant has raised the following summarised.

points in response to the reason for refusal, main excerpts copied below:

Reason 1 (Loss of a larger family sized)

- Confirms that the Pre-existing internal area of the property is 106.5 square metres
- The current housing demand for 2-bedroom residential units is growing (figures from Zoopla Jan 2023)
- The current property benefits from permitted development rights which could convert the property to an HMO without permission.
- Comments on other applications approved elsewhere in the borough (1174/APP/2023/2859)

Reason 2 (Lack of Privacy)

- Comments on other similar application approved elsewhere in the borough (36469/APP/2023/2836, 78413/APP/2023/3384 & 17938/APP/2023/2375)

Reason 3 (Size and Quality of amenity)

- Comments on other similar applications approved elsewhere in the boundary. 78413/APP/2023/3384 & 17938/APP/2023/2375

LPA Response to Reason 1

- 2.2 There are two elements to the first reason which justifiably led to the scheme being refused. The first part is that the internal area of the original building is below the threshold allowed for a conversion. The Appellant's statement also acknowledges that the original internal floorspace of the property was approximately 107 square metres.
- 2.3 This is significantly below the required 120 sqm set out in the Policy DMH4 of the Development Management Policies. Whilst, the appellant notes that permission has been granted for an extension (2708/APP/2023/2540), this previous approval was for a domestic extension to enlarge a smaller house thereby providing a more generous layout to a family sized unit. Had this previously approved application included the conversion to 2 residential units as part of the scheme, it would have been refused on the grounds that it was not of suitable size to be converted.
- 2.4 The appellant mentions that with the extension (previously approved), the property would be overly large to be used as a family sized unit. However, in considering the review of the proposed layout (2708/APP/2023/2540), the internal scheme that was approved included living space on ground floor with three bedrooms on the upper floors Appendix B. Its overall size and layout would be suitable sized to be used a 3 or 4 bedroom unit which is in demand within the borough. The LPA would dispute this view that the size of the property with the extension is overly large for one unit but actually serves a specific housing need in the borough.

- 2.5 This leads onto the second element of this reason which would focus on the loss of a larger family sized unit where there is an established need. Policy DMH2 of the Development Management Policies states that the Council will require the provision of a mix of housing to reflect the Council's latest information on housing need. This is supported by para 4.6, which points out that the housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. The previously domestic extension was approved to a dwelling which continued to provide a house with 3 bedroom which maintained the housing supply of properties where there was a need. The supporting text within the policy also highlights that it is for the applicant to demonstrate that this need has been taken into account. No information had been provided in the original submission or the appeal statement to support this. The commentary within the Appellant's appeal statement refers to a Zoopla survey that there is a demand for more 2 beds. This information appears to be focussed a broader analysis of housing demand and cannot be taken as sufficient justification. The statement is not backed by further information associated within Hillingdon Borough and is broader fact that housing is required across all types of tenure.
- 2.6 The LPA would seek to protect the existing larger housing supply that are potentially suitable for a housing need. The combination of both the existing original size and the failure to provide a 3 bedroom unit was significant factor. Whilst the appellant points to other applications approved in the borough, each application is assessed on its own merits. In this instance, the LPA felt that there was no significant beneficial factors to support the application as a whole and it was therefore justified in refusing the scheme.
- 2.7 Another point raised by the Appellant is the use of the property as an HMO under permitted development. At this moment in time, the site is historically a C3 residential unit. The recent permission also granted permission for a domestic extension related to the C3 residential unit. Whilst it is acknowledged that permitted development rights do currently exist in some parts of the borough to convert C3 residential to C4 (Small HMO), this may change overtime. Were the site to be used as a small HMO, it would be subject to a different assessment under a lawful certificate. Furthermore, the property could be reconverted by to a C3 unit which would maintain the supply of a larger housing type. As such the LPA would not give much weight to this point.
- 2.8 The LPA would respectfully request the Inspectorate to dismiss the first reason for refusal.

LPA Response to Reason 2

- 2.9 The LPA have addressed the impact the conversion would have on defensible space to the front room in the delegated report. Converting the property would lead to more comings and goings from occupants and visitors which could impact the overall living standards of future occupants. The proximity of the bay style window to the car parking space would compromise this ground floor resident. There is little or no mitigation factors that could overcome these concerns without a redesigning the front garden area of the site. This would in

turn have a knock-on impact on the parking provision for the site. As such, it was justified in refusing the application.

- 2.10 Whilst the appellant points to other applications approved in the borough, each application is assessed on its own merits. In this instance, the LPA felt that there were no significant beneficial factors to support the application as a whole and it was therefore justified in refusing the scheme.

LPA Response to Reason 3

- 2.11 The LPA have added a further reason for refusal on the overall quality of the private amenity space serving Flats A and B. Its overall layout of the gardens is poor overall quality. The garden area serving flat B would be situated in front of the main living space for Flat A. There is limited detail on the boundary fencing covering this private amenity space which potentially could also cause harm to the ground floor flats amenity. It is also noted that the access arrangements for the upper floor flat would be through a side access road which compromises its overall useability as the Occupants of the upper floor will have to leave the curtilage of the site to gain access to their amenity space from the side. The overall quality of the amenity would therefore be inadequate. Whilst the Appellant mentions that other applications within the borough that have been granted, each case is assessed on its own merits and there are different site-specific circumstances involved. The appellant also mentions that they are willing to consider different layout alternatives. However, securing a layout via condition would be difficult and potentially could impact the standards of accommodation of the ground floor unit. For the above reasons, the proposal would fail to provide adequate external private amenity space for future residents, contrary to the aforementioned policies.

3. Conclusion

- 3.1 For the reasons set out in the delegated report and this statement, the appeal proposal would be unacceptable.
- 3.2 The Inspector is therefore respectfully requested to dismiss the appeal.
- 3.3 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 3.

Appendices

Appendix A – Planning Officer's Delegated Report (already provided)

Appendix B– Proposed plans approved under 2708/APP/2023/2540

Appendix C– The LPA’s Recommended Conditions (enclosed)