



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Pawel Magala

Proposal:
Conversion of single dwelling into 2no. self-contained flats comprising 1 x 1 bedroom unit
and 1 x 2 bedroom unit.

Appeal Site:
28 Station Approach, South Ruislip

Our Ref:
Your Ref:

64458/APP/2024/1215
APP/R5510/W/24/3354486

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 application reference 64458/APP/2024/1215, for the conversion of single dwelling into 2no. self-contained flats comprising 1 x 1 bedroom unit and 1 x 2 bedroom unit.
- 1.2 The LPA refused planning permission on 02.07.2024 for the following reason (as stated on the decision notice):
 - 1.2.1 The conversion of the four-bedroom dwelling into 1 x 1-bed and 1 x 2-bed flats would result in the loss of a residential unit that is suitable and appropriately sized for a family. 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 and DMH 2 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).
 - 1.2.2 The proposed first floor flat would have no private outdoor amenity space. The occupiers of the new dwelling would therefore be subjected to a poor standard of living accommodation to the detriment of their amenities. The proposal would therefore be contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135 (f) of the NPPF (2023).
 - 1.2.3 The proposed development proposes three car parking spaces which would result in an over provision of car parking, the proposal would therefore be contrary to Policy T6.1 of the London Plan (2021).
 - 1.2.4 The proposed development, by virtue of the proximity of the on-site car parking space in relation to the front habitable windows, would cause unacceptable noise, disturbance, overlooking and loss of privacy for the future occupants of the ground floor flat. The proposal would therefore result in a substandard form of internal residential accommodation to the detriment of the amenity of the future occupiers of the proposed development, contrary to Policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2023).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 Within their statement of case the appellant has raised the following summarised points:
 - The conversion of the 4-bedroom dwelling into 1 x 1-bed and 1 x 2-bed flats provides a mix of housing sizes, contributing to meeting housing needs for smaller units.

- The first-floor flat's lack of private external amenity space is mitigated by the proximity to nearby public parks and open space.
- The provision of three parking spaces is justified by the site's location and accessibility.
- The proposed parking arrangement will not result in unacceptable noise, disturbance, or privacy issues, and mitigation measures such as soft landscaping and obscured glazing can reduce potential impacts on the ground-floor flat's amenity.

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

Loss of Family Housing

- 2.2 The appellant argues that converting the four-bedroom family home into 1 x 1-bed and 1 x 2-bed flats helps deliver a mix of unit sizes. However, Policy DMH 1 and DMH 2 of the Hillingdon Local Plan safeguards family-sized homes, which the Strategic Housing Market Assessment (SHMA) identifies as critically needed, especially affordable family units. The London Plan defines family housing as having three or more bedrooms, and the proposed scheme fails to meet this definition, reducing the already limited supply.
- 2.3 The appellant references Paragraph 4.10.3 of Policy H10, which supports the creation of one- and two-bedroom units in new developments to free up existing family homes. However, this guidance is intended for new builds, not the conversion of existing family homes. The proposal erodes rather than frees up family housing stock, directly conflicting with the purpose of this policy. Additionally, Policy H10 of the London Plan stresses the need for a balanced housing mix that includes family-sized and affordable units. The proposal undermines this objective by providing neither family-sized nor affordable housing, as identified in the SHMA, and fails to address local and regional housing needs.
- 2.4 A recent appeal decision, APP/R5510/W/24/3343192 at 79 Bridgwater Road, Ruislip (Appendix 2), reinforces the importance of retaining family housing in the borough. The Inspector dismissed the appeal, citing the loss of family-sized accommodation as contrary to Policies DMH 2 and DMH 4 of the Hillingdon Local Plan, as well as Policy H10 of the London Plan. Despite the proposal increasing the overall number of units, it failed to address the borough's significant need for family housing. The current scheme similarly diminishes the stock of family homes, directly conflicting with these policies.

Lack of Private Outdoor Amenity Space for First-Floor Flat

- 2.5 The appellant claims the absence of private outdoor space for the first-floor flat is acceptable due to nearby public parks. While the appellant points to nearby public spaces, Policy DMHB 18 of the Hillingdon Local Plan (2020) requires all new developments to provide private outdoor amenity space for residents. For a first-floor flat, this is crucial for ensuring good living conditions. The NPPF (2023) also supports high-quality residential environments, which include access to adequate private outdoor areas. Relying on public spaces does not meet the standard set by these policies, as it cannot provide the same level of privacy and personal outdoor space for the first-floor flat's occupiers. Therefore, the proposal fails to meet local and national standards for residential amenity.
- 2.6 The importance of providing adequate private amenity space has been reinforced in recent appeal decisions, such as Appeal Decision APP/L5240/W/23/3328105 at 30 Wyvern Road (Appendix 3). In this case, the Planning Inspector found that the lack of private outdoor

space for upper-floor flats would harm the quality of life for future occupants. While the site was near public open spaces, the Inspector emphasised that such spaces do not replace the need for private amenity areas, which provide essential privacy and usability. The proposal's failure to meet policies requiring private outdoor space led to its refusal, highlighting the importance of such provisions in ensuring a high standard of living.

- 2.7 The appeal statement also suggests that the private amenity space for the ground floor flat could be subdivided to serve the first floor flat. The proposed rear access for the first-floor flat to the garden is impractical and fails to meet Policy DMHB 18 of the Hillingdon Local Plan, which requires private amenity spaces to be directly accessible from the dwelling. This design undermines usability, convenience, and privacy, especially for those with limited mobility. Rear access compromises both privacy and security, further highlighting the substandard quality of the proposed amenity provision.

Overprovision of Car Parking

- 2.8 The appellant's claim that three parking spaces are acceptable due to the location's accessibility is inconsistent with Policy T6.1 of the London Plan (2021) and Policy DMT 6 of the Hillingdon Local Plan (2020), which both advocate for limiting residential parking in areas with high accessibility to public transport. The site has a PTAL rating of 3, and the London Plan specifies that developments in areas with such ratings should provide a maximum of 0.75 parking spaces per unit, equating to approximately two spaces for the two flats proposed. The appellant's proposal exceeds this maximum, which could lead to issues of car over-provision and urban sprawl. Additionally, the London Plan emphasizes the need to promote sustainable transport options, including walking, cycling, and public transport, to reduce dependency on cars.

Noise, Disturbance, and Loss of Privacy from Car Parking

- 2.9 The appellant argues that the proposed parking arrangement, while close to the ground-floor flat, would not result in undue disturbance. However, Policy DMHB 15 and DMHB 16 of the Hillingdon Local Plan, alongside Policy D6 of the London Plan, emphasise the need to safeguard residential amenity by ensuring environments are free from noise, disturbance, and loss of privacy.
- 2.10 The proposed proximity of parking spaces to habitable rooms fails to adequately mitigate potential harm. While soft landscaping and obscure glazing may reduce visual intrusion, they do not address the noise and disturbance associated with car movements, engines, and other associated activities. Furthermore, such measures may not sufficiently buffer the noise levels to ensure a high standard of living conditions. Consequently, the proposed scheme would lead to substandard living conditions for the future occupants, contrary to both local and regional policy.

3. Other Matters

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.
- 3.2 It is important to note that, contrary to point 1.4 of the appeal statement, a formal pre-application advice report was issued on 27th March 2023, raising an objection to the scheme. This report followed the pre-application meeting held on 20th March 2023. A copy of the report was posted to the agent and is available in the appendices (Appendix 4).
- 3.3 The report detailed that additional information was required with regards to the addressing the principle of the development. It highlighted that the proposal would be contrary to

requirements of Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) due to first floor flat not having any private outdoor amenity space and could not be supported by the Council. Concerns were also raised regarding the car parking.

4. Conclusion

- 4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 4.2 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 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions

Appendix 2 – Appeal Decision (79 Bridgwater Road)

Appendix 3 – Appeal Decision (30 Wyvern Road)

Appendix 4 – Pre-application Advice Formal Report 64458/PRC/2023/7