



APPEAL BY:
Mr Pawel Magala

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

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

AT:

28 Station Approach, South Ruislip, Middlesex, HA4 6RY

London Borough of Hillingdon Council's Reference: 64458/APP/2024/1215

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

October 2024

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Pawel Magala, in support of the appeal lodged against the refusal of planning application reference 64458/APP/2024/1215.

1.2 The application was dated 5th May 2024 and sought planning permission for the 'Conversion of single dwelling into 2no. self-contained flats comprising 1 x 1 bedroom unit and 1 x 2 bedroom Unit' at no. 28 Station Approach in South Ruislip. The application was refused under delegated authority on 2nd July 2024 for the following reasons:

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).*
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).*
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).*
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).*

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1.3 These grounds of appeal will address the central concerns raised within the council's reasons for refusal, notably:

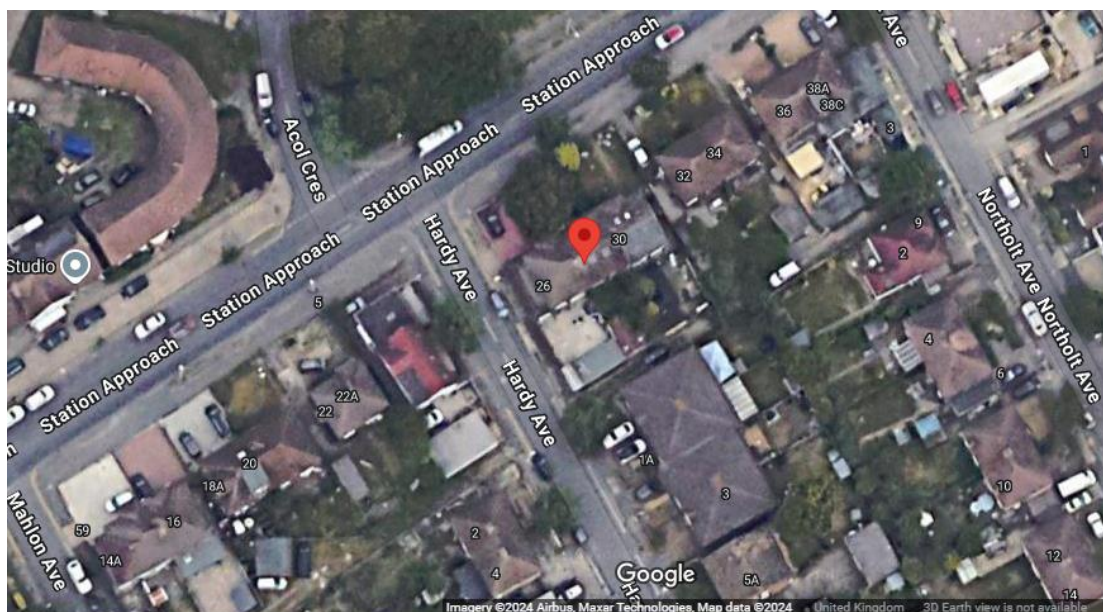
- Whether the proposal would undermine the supply of family housing in the borough; and
- Whether occupiers of the dwelling would have a poor standard of living accommodation; and
- Whether there would be an overprovision of car parking.

1.4 By way of background, pre-application advice was sought for the conversion under application 64458/PRC/2023/7. A meeting was held however, a written report was never received. In summary, the officer confirmed that the principle of the conversion was considered acceptable, regarding a lack of amenity space the officer advised to highlight nearby parks and approximate walking distance.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

2.1 The appeal site is located on the southeastern side of Station Approach. The site is within a predominantly residential area although it is not within a conservation area or within the curtilage of a listed building.



Aerial view of the appeal site and surrounding area

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- 2.2 No. 28 is a mid-terrace property which is set back from the highway and to the rear is a private garden. The building has previously been extended with a single storey rear extension and loft conversion with rear dormer; there is also an outbuilding in the rear garden.



Mid-terrace no. 28 Station approach

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3.0 THE PROPOSED DEVELOPMENT

3.1 The appeal proposal sought planning permission for the *'Conversion of single dwelling into 2no. self-contained flats comprising 1 x 1 bedroom unit and 1 x 2 bedroom Unit'* at no. 28 Station Approach.

3.2 The existing property comprises a 4-bedroom dwelling with accommodation set over three floors:

Ground floor: reception room, combined kitchen/living/dining room, shower.

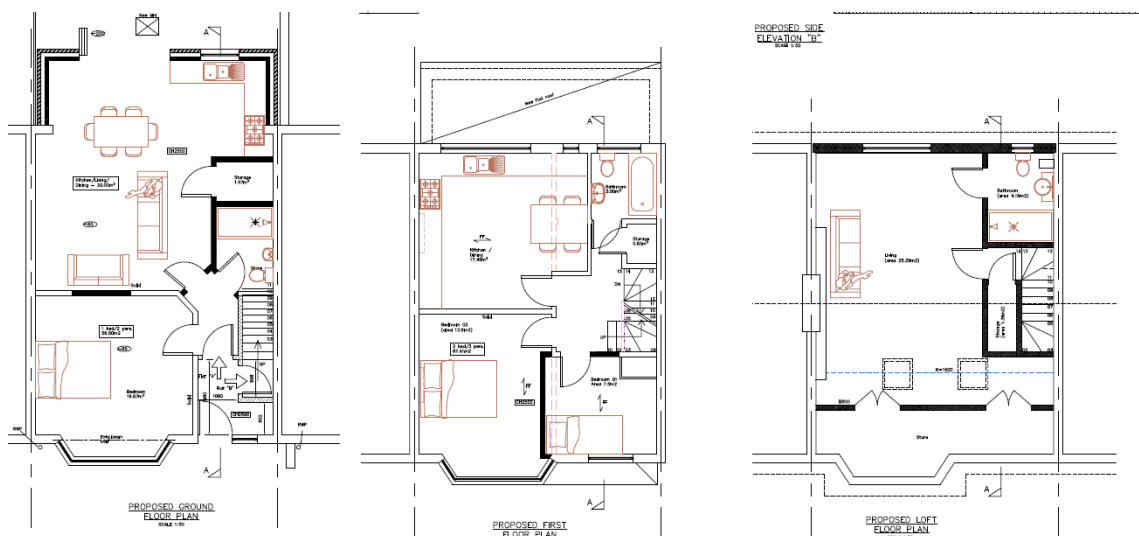
First floor: 3x bedrooms, WC and bathroom

Loft: 1x bedroom and shower room

3.3 The scheme would subdivide the property into two flats comprising:

Flat A: 1-bedroom/2-person GIA 56.5sqm

Flat B: 2-bedroom/3-person GIA 87.41sqm



Proposed layout

3.4 Flat A would have direct access to the rear garden of 42sqm and an existing outbuilding of 14sqm.

3.5 Parking for 3 cars would be available within the front curtilage. Bin storage for both flats would also be placed in the front garden along with cycle storage for Flat B. Flat A would have cycle storage in the rear garden.

4.0 RELEVANT PLANNING POLICY

4.1 The reasons for refusal refer to Policies DMH 1, DMH 2, DMHB 15, DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policies D6, H10 and T6.1 of the London Plan (2021) and the National Planning Policy Framework (2023).

4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF) 2023

4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way.

Delivering a sufficient supply of homes

4.6 Paragraph 60 states *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing*

requirements are addressed and that land with permission is developed without unnecessary delay”.

Achieving well-designed places

- 4.7 Section 12 of the NPPF refers to design, with paragraph 131 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.8 Paragraph 135 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

London Plan

- 4.9 Policies D6, H10 and T6.1 were referred to within the given reasons for refusal.

Policy D6: Housing quality and standards

- 4.10 Housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

Policy H10: Housing size mix

4.11 Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

- 1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment
- 2) the requirement to deliver mixed and inclusive neighbourhoods
- 3) the need to deliver a range of unit types at different price points across London
- 4) the mix of uses in the scheme
- 5) the range of tenures in the scheme.
- 6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity
- 7) the aim to optimise housing potential on sites
- 8) the ability of new development to reduce pressure on conversion, subdivision and amalgamation of existing stock
- 9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing.

Policy T6.1: Residential parking

4.12 New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.

Hillingdon Local Plan: Part Two - Development Management Policies

4.13 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. Policies DMH 1, DMH 2, DMHB 15, DMHB 16 and DMHB 18 were referred to within the given reasons for refusal.

Policy DMH 1: Safeguarding existing housing

4.14 The Council will grant planning permission for the subdivision of dwellings only if:

- i) car parking standards can be met within the curtilage of the site without being detrimental to the street scene;
- ii) all units are self contained with exclusive use of sanitary and kitchen facilities and provided with individual entrances and internal staircases to serve units above ground floor level;

- iii) adequate amenity space is provided for the benefit of residents; and
- iv) adequate living space standards are met.

Policy DMH 2: Housing Mix

- 4.15 The Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need.

Policy DMHB 15: Planning for safer places

- 4.16 Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

Policy DMHB 16: Housing Standards

- 4.17 All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:

- i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
- ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

Policy DMHB 18: Private Outdoor Amenity Space

- 4.18 All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reasons for refusal, notably:

- a) Whether the proposal would undermine the supply of family housing in the borough; and
- b) Whether occupiers of the dwelling would have a poor standard of living accommodation; and
- c) Whether there would be an overprovision of car parking.

5.2 The main considerations in the determination of this appeal are:

- Principle of development
- Impact on occupant amenity
- Car parking provision

Principle of development

5.3 In accordance with the National Planning Policy Framework the council is committed to the supply of new dwellings and sets out ways in which this can be achieved.

5.4 Section 11 of the NPPF has regard to 'Making effective use of land' and states that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions"*.

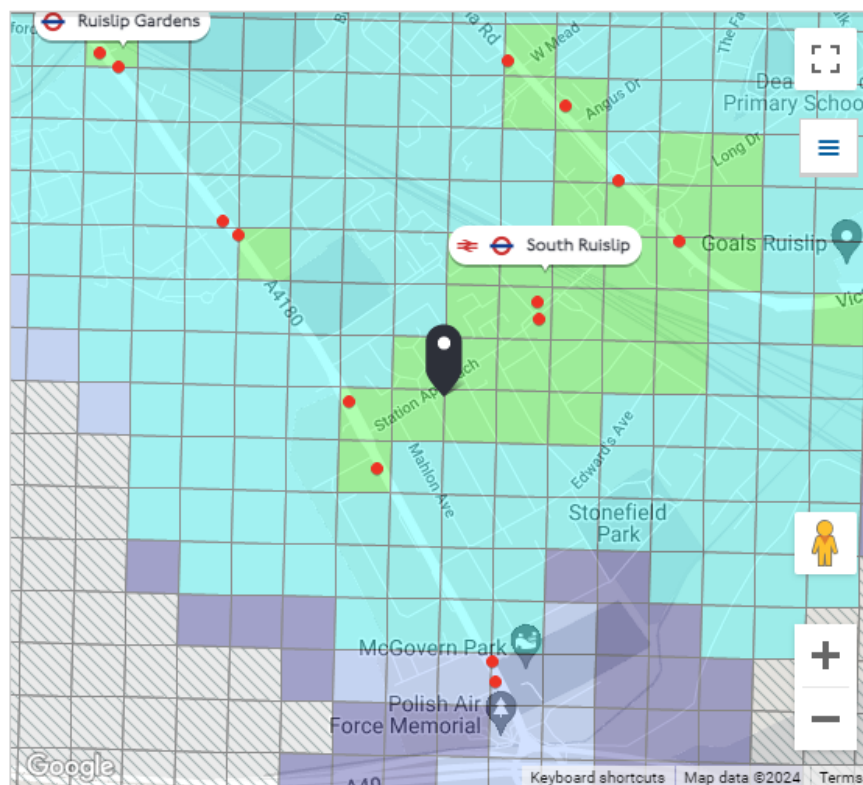
5.5 The London Plan 2021 further supports the essential need for more homes and currently has a target set for the delivery of 1,083 new dwellings per year for the Hillingdon Borough of which 295 should be net housing completions on small sites (below 0.25 hectares in size).

5.6 London Plan policy H2 (Small sites) states that boroughs should pro-actively support well-design new homes on small sites (below 0.25 hectares in size) with paragraph 4.2.4 stating:

*"4.2.4 **Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station** or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2.*

This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs."

- 5.7 The appeal site has a PTAL rating of 3 and is just 300m from South Ruislip train and underground station.



You can click anywhere on the map to change the selected location.

PTAL output for Base Year
3

28 Station Approach
28 Station Approach, Ruislip HA4 6RY, UK
Easting: **510891**, Northing: **185176**

- 5.8 The council's decision has referred to Local Plan policies DMH 1 and DMH 2, and policy H10 of the London Plan stating that the proposal would undermine the supply of family housing within the borough for which there is an identified need.

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- 5.9 London Plan policy H10 (Housing size mix) states that schemes should generally consist of a range of unit sizes, with a requirement to deliver mixed and inclusive neighbourhoods.
- 5.10 Local Plan policies DMH 1 (Safeguarding existing housing) and DMH 2 (Housing Mix) state that the council will grant permission for the subdivision of dwelling and will require the provision of a mix of housing units of different sizes.
- 5.11 The appeal scheme proposes to convert a 4-bedroom property into a 1x 1-bedroom flat and 1x 2-bedroom flat thus creating a net increase in dwellings and providing a mix of housing units which complies with the overall aims of Local Plan policies DMH 1 and DMH 2.
- 5.12 Paragraph 4.10.3 of policy H10 states:

“4.10.3 Well-designed one- and two- bedroom units in suitable locations can attract those wanting to downsize from their existing homes, and this ability to free up existing family stock should be considered when assessing the unit mix of a new build development.”

- 5.13 As highlighted above the site is in an accessible location thus making it suitable for the proposed conversion. Furthermore, the appellant will demonstrate that the proposal would comply with the criteria of policy DMH1 regarding the subdivision of the dwelling.
- 5.14 In summary, the conversion of the property which results in the creation of 1 additional residential unit should be supported as it achieves the overall aims of the NPPF, London Plan and Hillingdon Local Plan: Part Two - Development Management Policies.

Impact on occupant amenity

- 5.15 Paragraph 135 f) of the NPPF states that planning policies and decision should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.16 London Plan policy D6 (Housing quality and standards) states that housing development should be of high quality design with comfortable and functional layouts which are fit for purpose.
- 5.17 Local Plan policies DMHB 15 (Planning for Safer Places) and DMHB 16 (Housing Standards) states that development should ensure adequate defensible space is

provided and that all housing development makes adequate provision of internal space.

- 5.18 Local Plan: Part Two policy DMHB 18 (Private Outdoor Amenity Space) further states that all new development and conversions should provide good quality and useable amenity space.

Table 5.3: Private Outdoor Amenity Space Standards

Dwelling type	No of bedrooms	Minimum amenity space provision (sqm)
Houses	1 bedroom	40
	2 and 3 bedrooms	60
	4 + bedrooms	100
Flats	Studio and 1 bedroom	20
	2 bedrooms	25
	3 + bedrooms	30

- 5.19 The delegated officer's report confirms that the internal living accommodation would be satisfactory in terms of floor space, outlook and natural light.
- 5.20 However, the council refused the development on two grounds relating to the living accommodation of future occupants:

"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."; and

"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."

- 5.21 The scheme as submitted allocated the existing rear garden and outbuilding to the ground floor flat. The outdoor space would be directly accessible from Flat A, has an area of 42sqm and an additional outbuilding of 14sqm. Cycle storage would also be provided within the rear garden and there is no need to take cycles through the flat as access is available to the rear of the property from Hardy Avenue to the west.
- 5.22 Whilst the appellant acknowledges that this would mean that the first floor flat would not have any outdoor space, the location of the site directly opposite a green open space should compensate for this.



Existing rear garden

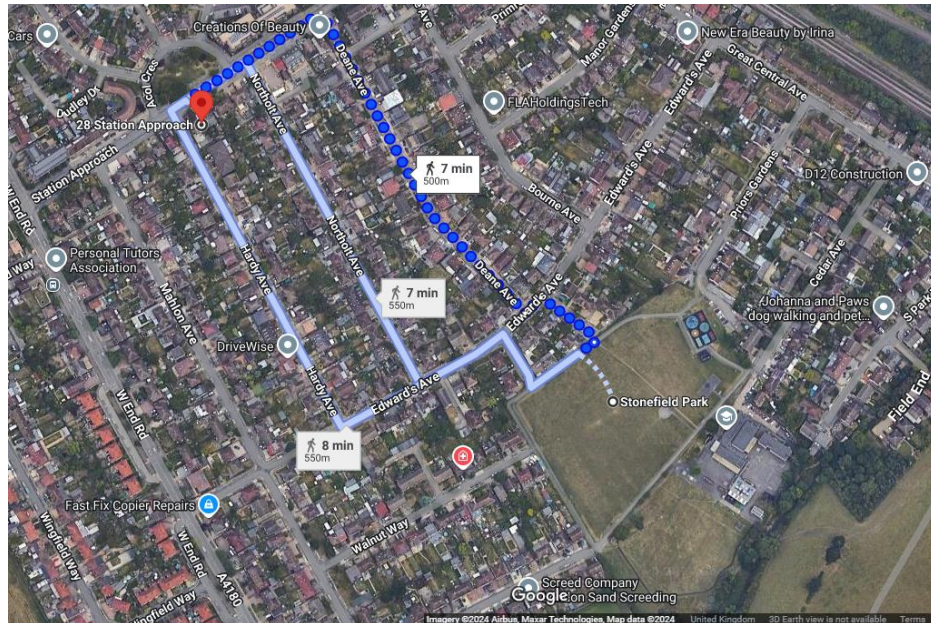


Green open space directly opposite the appeal site

- 5.23 The site is also just a short walk from Stonefield Park to the southeast as shown in the following Google Earth Imagery which also compensates for any shortfall in outdoor space at the appeal site.

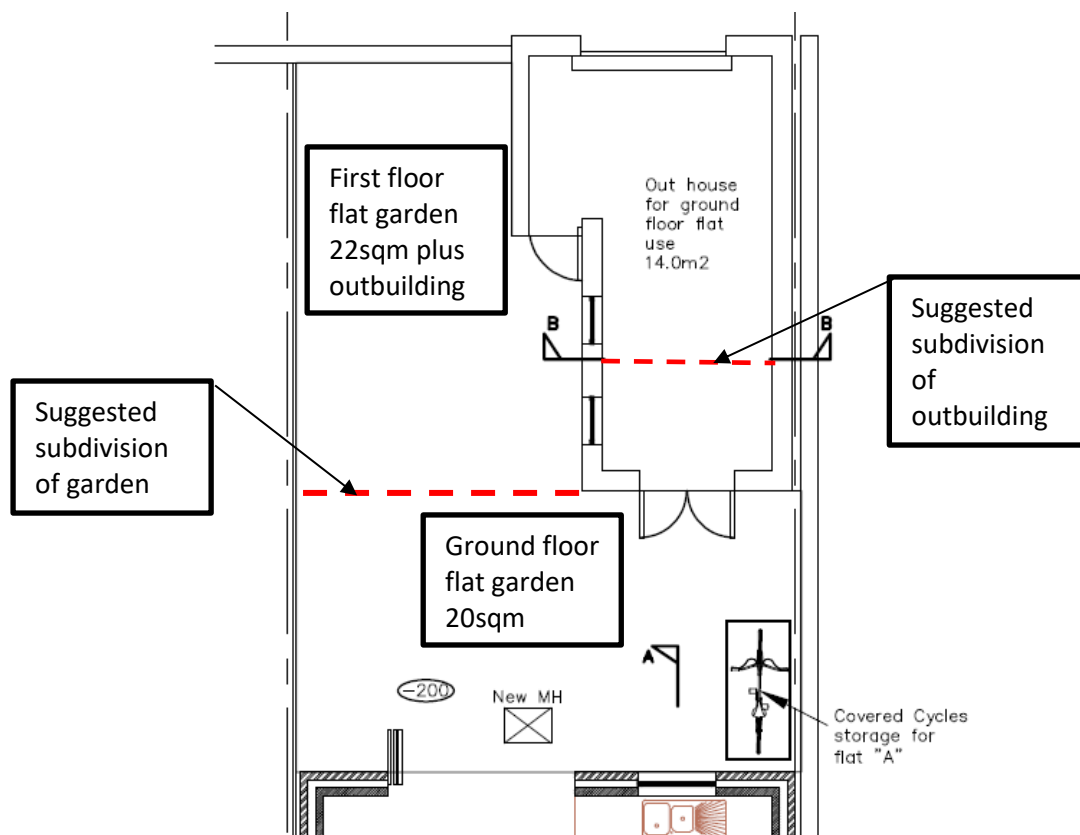
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Proximity to public open space (Google earth)

- 5.24 However, if the site's position and proximity to open space is not considered appropriate the appellant considers that the rear garden could be subdivided to provide both the ground floor and first floor flats with sufficient outdoor space as shown below.



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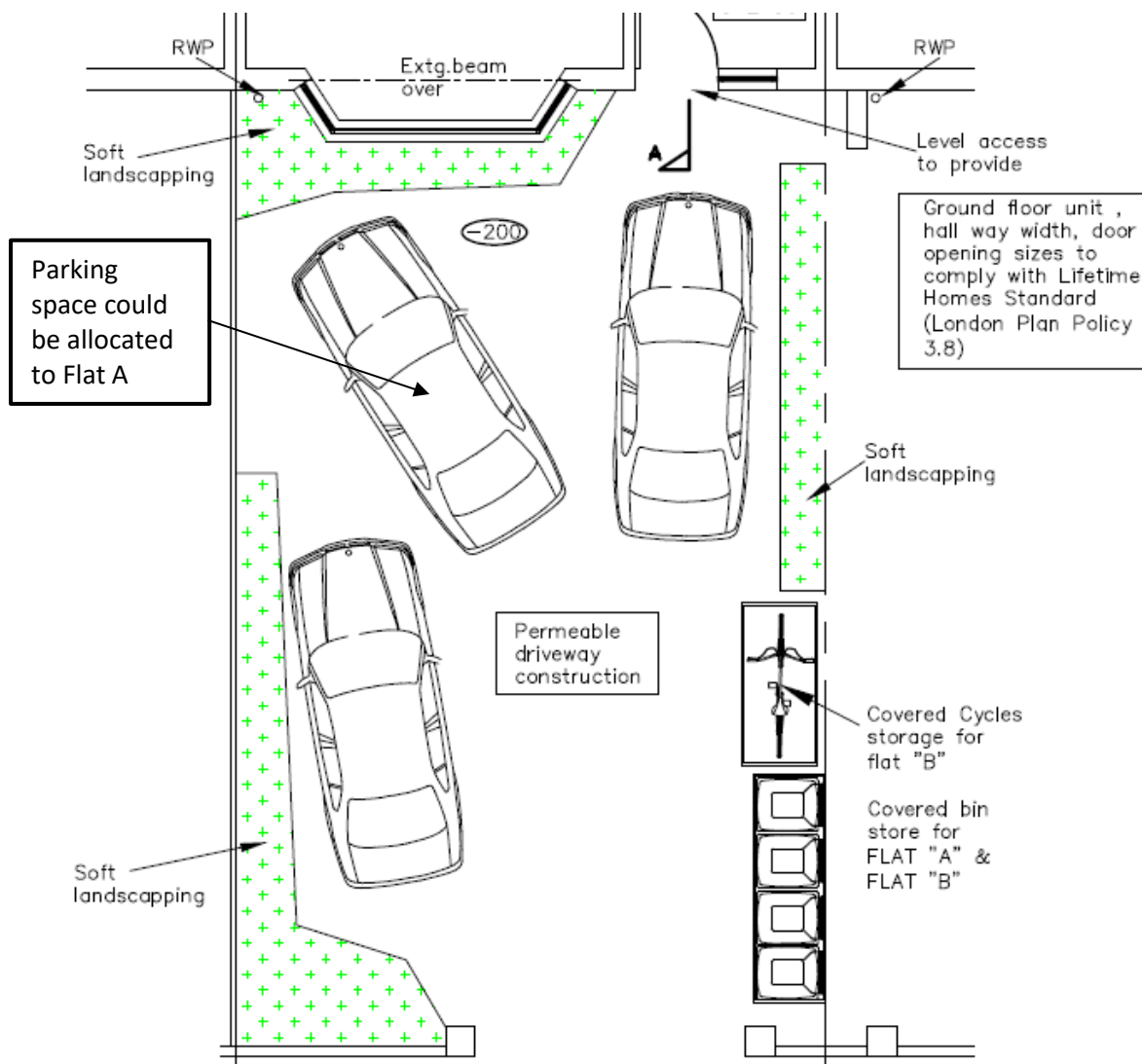
- 5.25 As occupiers of the first floor flat could enter the garden from the rear access road it would not be unreasonable to request that these details could be secured by a condition of approval which would address the second reason for refusal.



Access to rear garden from Hardy Avenue

- 5.26 Therefore, the suggested means of access to a private outdoor space for Flat B would be appropriate and ensure that the scheme would comply with the aims of policy DMH 18.
- 5.27 Regarding the position of parking in relation to the front habitable room windows of the ground floor flat, the appellant asserts that the council's reason for refusal in this regard is unwarranted.

- 5.28 The scheme proposes to alter the existing hardstanding to the front of the property and install a new permeable driveway as well as creating areas of soft landscaping and covered storage for cycles and bins.
- 5.29 An area of soft landscaping would be placed to the front of the bedroom window serving the ground floor flat. It is intended to plant small shrubs which would create a defensible space so other occupiers could not get too close to the ground floor window and cause any privacy issues.
- 5.30 The block plan illustrates three parking spaces to the front of the building and the appellant is willing to allocate specific parking spaces to each flat to ensure that only the occupiers of the ground floor flat park in the space adjacent to the bay window.



Proposed layout

- 5.31 In terms of noise and disturbance it is not expected that the use of the first floor as a self-contained flat and their use of the communal entrance will contribute sufficient noise and disturbance that would be harmful to the living conditions within Flat A.
- 5.32 However, to mitigate against any perceived harm, the appellant would, if necessary, be willing to fit an obscure panel to the window which is angled towards the communal entrance door or install a privacy panel adjacent to the door. Either of these options would help protect the privacy of occupiers of the ground floor bedroom from any direct overlooking but would not unduly impact on the outlook from this window.



Side facing window (inset) could be obscure glazed or privacy panel installed

- 5.33 In summary, the proposed development would provide suitable living conditions for future occupiers. However, if the Inspector is minded to agree with the council the appellant has put forward some suitable solutions which could easily be implemented through a condition of approval to ensure that the development would adhere with the aims of the NPPF, London Plan policy D6 and policies DMHB 15, DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Car parking provision

- 5.34 The NPPF states at paragraphs 115 and 116:

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“115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

116. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

5.35 London Plan policy T6.1 (Residential parking) states *“New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.”*

5.36 Table 10.3 states that one and two bed dwellings in outer London PTAL 2-3 should have up to 0.75 spaces per dwelling.

5.37 Local Plan policy DMT 6 (Vehicle Parking) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 to facilitate sustainable development and address issues relating to congestion and amenity.

5.38 Table 1 of Appendix C sets out that 1 – 2 bedroom flats should provide 1.5 – 1 spaces per unit.

- 5.39 The council refused the development citing that three car parking spaces would result in an over provision of car parking. However, during a pre-application meeting the planning officer confirmed that the number of spaces provided was acceptable.
- 5.40 In response, the appellant states that the three car parking spaces would not exceed and would therefore, adhere to the standards set out under Table 1 of Appendix C and therefore, should be acceptable.
- 5.41 Furthermore, it should be noted that parking on the highway to the front of the appeal site is restricted by double yellow lines and consequently, the proposed number of spaces is helpful in accommodating future occupants as well as any visitors to the property.



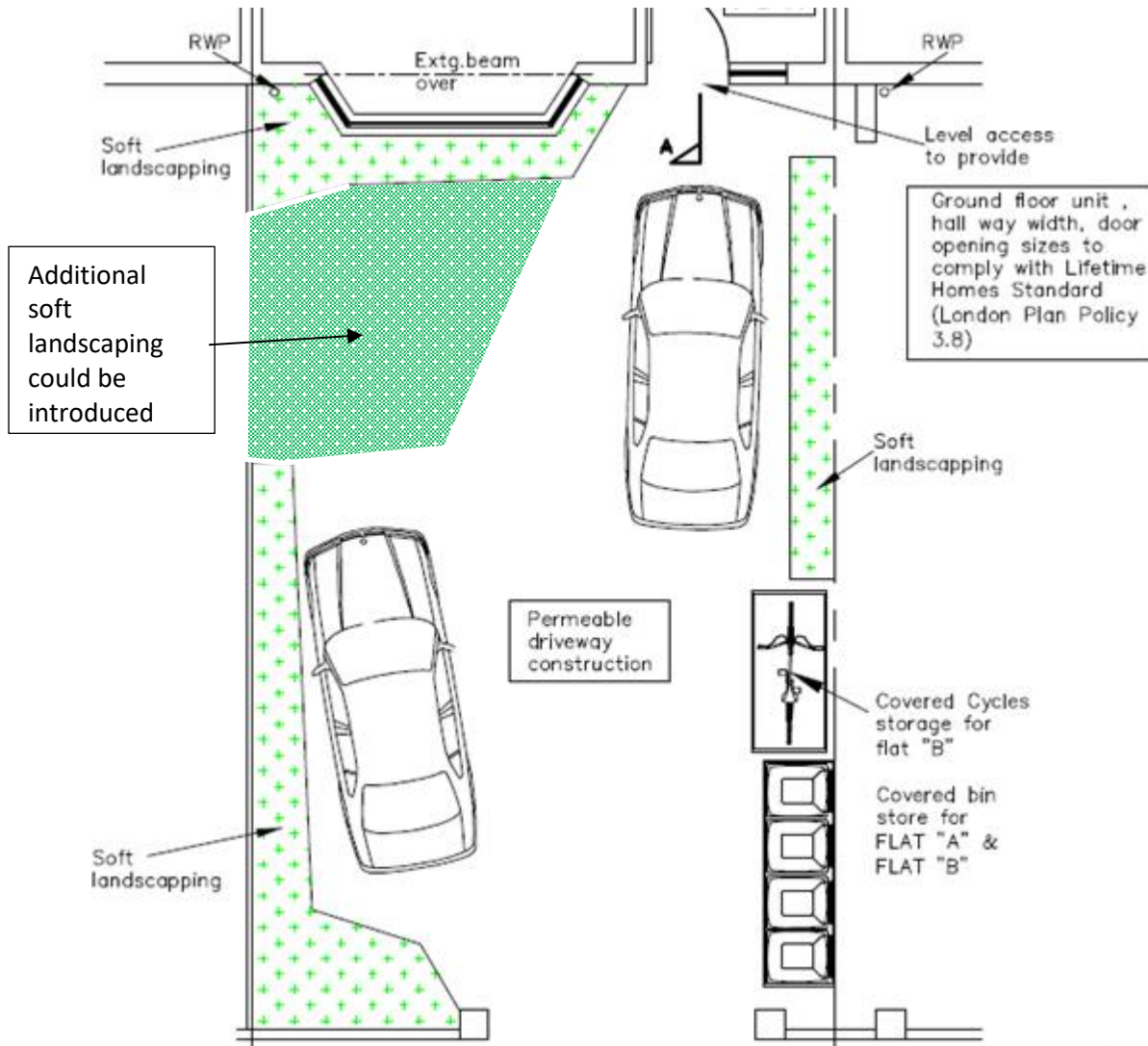
Parking restrictions around the appeal site

- 5.42 Nevertheless, should the proposed layout parking plan be excessive the appellant would willingly reduce the number of car parking spaces to two. This would also

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potentially have a positive impact on the occupiers of the ground floor flat if the parking space adjacent to the entrance door was removed. Additional soft landscaping could be introduced as shown below thus increasing the defensible area to the ground floor flat.



Potential parking arrangement

5.43 It is noted that the delegated officer's report sets out ***"It is therefore recommended that the proposed quantum is reduced to two spaces in order to avoid a related refusal. A parking allocation plan via condition should be provided to confirm a one space provision for each unit"***.

5.44 In summary, the proposed level of parking would achieve the aims of Hillingdon Local Plan policy DMT 6, however, should 3 car parking spaces be excessive the appellant puts forward that an alternative arrangement for 2 spaces which could be secured by condition.

- 5.45 Therefore, the proposal would meet the aims of the NPPF, London Plan policy T6.1 and council policy DMT 6.

6.0 CONCLUSION

- 6.1 The proposed conversion would make efficient use of the existing extended building to meet the aims of national, regional and local planning policy by providing an additional unit of accommodation.
- 6.2 The proposed accommodation would also provide a good standard of living for future occupants in terms of access to outdoor space and future occupiers would not be unduly affected by noise, disturbance, overlooking and privacy.
- 6.3 In addition, the proposed car parking would meet the aims of Local Plan policy DMT 6.
- 6.4 Taking the above points into account, the appellant asserts that the council's reasons for refusal are unsound as the appeal scheme has been demonstrated to be consistent with the aims of Policies DMH 1, DMH 2, DMHB 15, DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policies D6, H10 and T6.1 of the London Plan (2021) and the National Planning Policy Framework (2023).
- 6.5 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed development would not be contrary to national, regional or local planning policy, and for the above reasons it is politely requested that this appeal is allowed.