

WRITTEN REPRESENTATIONS APPEAL STATEMENT APPEAL MADE UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

APPELLANT : MR PAUL ANASTASI
SITE ADDRESS : 9 HONEYCROFT HILL, UXBRIDGE, UB10 9NQ
PROPOSAL : CONVERSION OF INTEGRAL GARAGE TO HABITABLE
ACCOMMODATION
APPLICATION : 7634/APP/2025/301
APP. DATE : 7 FEBRUARY 2025
DECISION DATE : 26 MARCH 2025



Date: April 2025 (Rev.1.0)

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1.0 The Appeal Site and Surroundings

- 1.1 The application site comprises a two-storey detached dwelling located on the North side of Honeycroft Hill. To the front of the property is an area of hardstanding, sufficient for 2 off-street car parking spaces.
- 1.2 The application site is not designated within a Conservation Area, nor an Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land.

2.0 Relevant Planning History

- 2.1 7634/APP/2002/424 9 HONEYCROFT HILL UXBRIDGE: ERECTION OF A TWO STOREY SIDE EXTENSION (INVOLVING DEMOLITION OF EXISTING GARAGE). Decision: 19-06-2002 Approved

3.0 Relevant Planning Policies

- 3.1 The following Local Plan Policies are considered relevant to the application:

Part 1 Policies: PT1.BE1 (2012) Built Environment

Part 2 Policies: DMHB 11 Design of New Development

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP D6 (2021) Housing quality and standards

4.0 Comments on Planning Conditions

4.1 The appellant acknowledges and accepts planning conditions 1 through 3. However, he wishes to contest condition 4 as follows:

NONSC Non Standard Condition

The development hereby approved shall not be sub-divided/detached from the main dwelling to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy DMH 4 and DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

The Proposed Development

- 4.4 The LPA is considering a proposal for the conversion of an integrated garage into a habitable accommodation, which would not expand the building's footprint or diminish private amenity space. The LPA has confirmed that the proposed development aligns with relevant policies, specifically BE1, DMHB 11, DMHD 1, and DMHD 18, and satisfies applicable highway safety standards.

The Appellant's Case

- 4.5 The appellant acknowledges the LPA's duty to impose appropriate planning conditions to ensure development aligns with relevant local and national policies upon commencement and completion. However, the appellant contends that the LPA's local policy framework does not explicitly require or provide guidance for restricting or prohibiting the conversion of a Class C3 dwellinghouse to a Class C4 house in multiple occupation (HMO) through a planning condition, whereas a Sui Generis HMO use always requires express planning consent.
- 4.6 The appellant understands that the subdivision of a dwellinghouse into self-contained flats requires express planning permission, as there are no inherent permitted development rights for such alterations. Consequently, the appellant considers the specific condition restricting house-to-flat conversions to be without substantive purpose in this instance.
- 4.7 Furthermore, the appellant notes the existence of an active Article 4 Direction Order within the London Borough of Hillingdon that removes permitted development rights for such conversions. Therefore, the appellant considers Condition 4 to be unnecessary and unduly restrictive, as it effectively removes the potential to utilise permitted development rights under the Schedule 2 Pt 3: Class L of the General Permitted Development Order (GPDO) 2015 for the use of the dwellinghouse as a C4 HMO.

- 4.8 The LPA has provided the following justification for the imposition of Condition 4:

"To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy DMH 4 and DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)."

- 4.9 The appellant respectfully submits that this justification does not constitute a sound and reasonable basis for imposing such a condition. The appellant argues that if this approach were permissible, any subsequent planning permission for minor developments such as extensions or loft conversions could similarly result in the unwarranted loss of established permitted development rights. This method of controlling the future use of the application building through the imposition of a condition on separate planning permission unduly compromises the applicant's rights in exchange for the granted permission and raises potential concerns regarding proportionality.
- 4.10 In support of their position, the appellant draws attention to appeal reference APP/R5510/D/21/3274812 at 11 Honeycroft Hill, Uxbridge UB10 8NQ. In this case, the Planning Inspector allowed a proposed double-storey side extension with a rear projection and attic storage without imposing any condition analogous to Condition 4 of the present appeal application. This precedent suggests that even for more substantial development proposals, the Inspector did not consider this specific type of use control to be necessary.
- 4.11 The appellant acknowledges a similar condition was applied to application 35697/APP/2021/2257 at 19 Honeycroft Hill, Uxbridge. However, for the reasons outlined previously, the appellant disagrees with the LPA's decision to impose Condition 4 in a comparable manner. While the applicant of the cited application may have chosen not to appeal that specific condition, a decision the appellant respects, this does not inherently validate the LPA's procedural correctness or appropriate exercise of their powers under the Town and Country Planning Act in the present case.

5.0 Conclusions

- 5.1 This statement has presented the appellant's views and arguments regarding the LPA's imposition of Condition 4, which the appellant considers unfair and unnecessary.
- 5.2 In light of all arguments presented, the appellant submits that the proposed development should not be unduly hindered by the imposed condition (4), nor should any established permitted development rights associated with the property be jeopardised, removed or restricted, unless there are exceptional and critical circumstances. Absent compelling evidence from the LPA demonstrating a genuine need for the condition, the appeal should be upheld.

APPENDICES:

APPENDIX 1 – Application form

APPENDIX 2 – Application Drawings

APPENDIX 3 – Application Location Plan

APPENDIX 4 – Application Site Photos

APPENDIX 5 – Application Decision Notice

APPENDIX 6 – Application Officer Report

APPENDIX 7 – Appeal Decision for 11 Honeycroft Hill

APPENDIX 8 – Decision Notice for 19 Honeycroft Hill