The Planning Inspectorate

Appeal Decision

Site visit made on 18 February 2013

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2013

Appeal Ref: APP/R5510/A/12/2180990
741 Uxbridge Road, Hayes, Middlesex UB4 8HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Oakwood Housing against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 46700/APP/2012/1266, dated 24 May 2012, was refused by notice dated 30 July 2012.
- The development proposed is described on the application form as *"The conversion of a 5 bedroom HMO registered property into one bedroom, ground floor self contained flat and a one bedroom first floor self contained flat. Each flat is to be afforded its own rear enclosed garden".*

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on :- (i) the living conditions of future occupiers in terms of internal floorspaces and access to outdoor amenity space provision with reference to the first floor flat; (ii) the character and appearance of the street scene with regard to refuse storage facilities; and (iii) highway safety.

Preliminary Matter

3. The Council adopted the Hillingdon Local Plan Part 1: Strategic Policies on the 8 November 2012. Nevertheless, the policies of the London Borough of Hillingdon Unitary Development Plan Saved Policies (2007) (UDP), which were relied upon in the determination of the application, have been identified for retention in Appendix 5 of the Local Plan Part 1.

Reasons

Living Conditions

4. UDP Policy H7 deals with the conversion of residential properties into more units. This policy makes no reference to specific size requirements but seeks to ensure, amongst other things, that units are self-contained with exclusive use of sanitary and kitchen facilities. However, the Council's Hillingdon Design

and Accessibility Statement (HDAS) Supplementary Planning Document, dated July 2006, advises that, in relation to residential conversions, properties with less than 120sqm of floorspace are unlikely to achieve a satisfactory environment for the self-contained units. In addition, Policy 3.5 of The London Plan, adopted in July 2011, deals with the quality and design of housing developments. Part C of this Policy advises that Borough Local Development Frameworks should incorporate minimum space standards that generally conform to those within Table 3.3. This gives the minimum gross internal floor area for a new 1 bed, 2 person flat as 50 sqm.

5. The Council has calculated the internal floorspace for the existing property at 95.68sqm. They have also calculated the floor areas for the proposed flats as 44.29sqm at ground floor and 48.33 sqm at first floor. The appellants dispute these figures and argue that the figures annotated on the proposed floor plans, at 51sqm and 52 sqm for each flat, are accurate.

6. In the absence of any breakdown of calculations or methodology by either party, my own conservative calculations, when taking measurements from Drawing/01, show the Council's estimate of the existing total gross internal floor area to be nearer the mark and well short of the Council's normal size requirement for successful conversions. Accounting then for the shared internal hallway, even allowing for the removal of chimney breasts, the floor areas for either proposed flat would not even satisfy the apparently less onerous minimum floorspace requirements of the London Plan and in the case of the ground floor unit the shortfall would be likely to be fairly considerable.

7. There is no compelling justification before me for the creation of dwelling units that would fall below the minimum size that is considered necessary to provide the high quality housing that is required by The London Plan Policy 3.5. This failure to provide a good standard of amenity for future occupants of the building would also conflict with a core planning principle of The National Planning Policy Framework.

8. It is proposed to subdivide the garden, with the lower half being made available for the exclusive use by the occupants of the first floor flat. This would involve leaving at the front door of the property, walking around the end of the terrace and accessing the rear garden via a narrow pedestrian walkway that serves the rear of the properties along this part of Uxbridge Road.

9. I recognise that access to this space may not be altogether conventional. On the other hand, the space would be private and usable. It would also be directly seen from the rear facing kitchen window of the first floor flat. On balance therefore, I can detect no clear conflict with the aim of UDP Policy BE23, which is to provide sufficient and usable amenity space for all residential developments. Nevertheless, this does not overcome the overall harm to the living conditions of future occupiers in terms of the sizes of the flats proposed.

Character and Appearance

10. The appeal property is located on a busy, classified road, where there is a broad mix of uses, buildings and frontages. The development would make provision for 2 separate bin stores to the front of the property. However, there is no evidence to suggest that these facilities could not be well designed and accommodated within appropriate landscaping to the property's shallow front

garden, in accordance with the relevant advice on this matter contained within the Council's HDAS . Therefore, I am satisfied that this feature would not necessarily appear out of harmony with the existing street scene or wider character of the area. In reaching this conclusion I have had regard to 4 other similar appeal proposals that are before me, at Nos 743,747, 751 and 753 Uxbridge Road (Refs APP/R5510/A/12/2180993, 2180992, 2180986 and 2180995), and any possible cumulative impact these may have. There would therefore be no conflict with the aims and objectives of UDP Policies BE13 or BE19 in this regard.

Highway Safety

11. The Council's parking standards would require a total of 3 parking spaces. This would be 1.5 spaces over and above the level that would be required for a 2-bed dwelling. At the time of my visit however, it was clear that the property was occupied as a house in multiple occupation, providing 5 bedrooms with shared bathroom and kitchen facilities. Whilst the Council has advised that the planning history to the premises identifies it as a single-family dwelling, there is no evidence before me to suggest that its current occupation is unlawful. In those circumstances the Council's standards would require 1 space per 2 habitable rooms, a total of 2.5 spaces.

12. During my visit I noted that there was unrestricted parking along Uxbridge Road immediately outside the terrace and opposite, along a parallel service road in front of a parade of shops. Furthermore, I have been provided with no evidence from the Council to suggest that there are any existing problems of parking stress in the locality.

13. Given the inability of the site to provide any off-street parking at present, and the reasonably minor increase required to satisfy the Council's standards in relation to the existing use of the premises, I find that failure to comply strictly with the Council's parking standards in this case, as required by UDP Policy AM14, would be unlikely to result in any conditions that would be prejudicial to highway safety. In reaching these conclusions I have again had regard to the other appeal cases along Uxbridge Road.

Other Matters

14. I have noted the concern expressed by the appellants over advice that was given to them prior to the application being made. However, this is not directly relevant to the planning merits of the case.

Conclusion

15. Notwithstanding my findings in relation to amenity space provision, the character and appearance of the street scene, and highway safety, I find that the proposal would fail to provide suitable living conditions for future occupiers by reason of the restricted size of the units that would be created. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR