



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY

Mr P Chaggar

FOLLOWING THE REFUSAL OF PLANNING PERMISSION BY

The London Borough of Hillingdon Council

REF:

16692/APP/2019/3270

FOR:

First floor rear extension to allow for conversion of existing two storey dwelling into 1 x 1-bed and 1 x 2-bed self contained flats, with associated parking and amenity space

AT:

115 Laburnum Road, Hayes, UB3 4JZ

December 2019

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1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for a *'First floor rear extension to allow for conversion of existing two storey dwelling into 1 x 1-bed and 1 x 2-bed self contained flats, with associated parking and amenity space'* at no. 115 Laburnum Road in Hayes.
- 1.2 The planning application was dated 4th October 2019 and was subsequently refused on 6th December 2019 by the London Borough of Hillingdon Council, with the decision notice stating one reason for refusal, as noted below:
1. *The proposal has not demonstrated that sufficient off street parking arrangements would be provided, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standard, which would lead to on-street parking/queuing to the detriment of public and highway safety contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), to Hillingdon's Adopted Parking Standards (Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).*
- 1.3 By way of background to the case, 6 neighbouring properties were notified by letter of the proposal and a site notice was displayed to the front of the property and by close of consultation no responses had been received.
- 1.4 A consultation response received from the Access Officer concluded the development was acceptable although the Highways response stated there would be a 1 space shortfall and thus recommended that the application was refused.
- 1.5 Following the receipt of the decision the appellant's architect was advised that the best course of action would be to appeal the decision as it had been established that issues relating to parking could be overcome as the decision was purely based on non-compliance rather than the actual availability of parking in the area.
- 1.6 The following statement will therefore, seek to demonstrate why the council's decision to refuse is considered unsound on this occasion and how the appellant considers that the scheme conforms to the aims of national and local planning policy.

2.0 APPEAL PROPERTY



Appeal property

- 2.1 The appeal site comprises an end of terrace dwelling which has been previously extended with a two storey side extension and single storey rear extension.
- 2.2 To the front of the site the hardstanding can accommodate off-street parking for three vehicles whilst to the rear is a modest private garden.



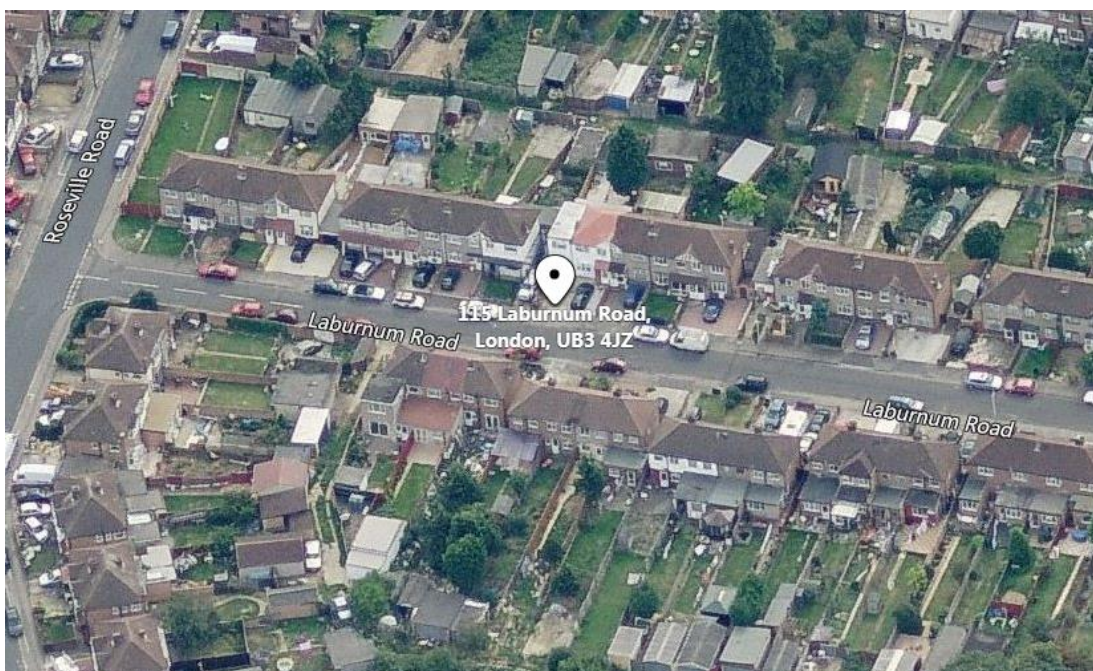
Street scene including appeal property

3.0 APPEAL SITE LOCATION



Aerial view of appeal site and surrounding location

- 3.1 The appeal site is positioned to the southern side of Laburnum Road in a predominantly residential location which is identified as a 'Developed Area' in the saved UDP.
- 3.2 The appeal site is not within a conservation area and the appeal dwelling and neighbouring properties are not listed buildings.



Appeal site location

4.0 PROPOSAL

- 4.1 The proposed scheme sought planning permission for a *'First floor rear extension to allow for conversion of existing two storey dwelling into 1 x 1-bed and 1 x 2-bed self contained flats, with associated parking and amenity space'* at no. 115 Laburnum Road.
- 4.2 The proposed first floor rear extension would measure 3.242m deep x 3.4m wide and would be sited to the western side of the terrace to the rear of the existing two storey side extension and approximately 4.3m in from the adjoining dwelling no. 113.
- 4.3 The existing flat roof of the side extension would be altered to a hipped roof with parapet wall whilst the proposed first floor rear extension would also have a hipped roof which would be set down from the main ridge line.
- 4.4 The extension and alterations to the internal layout would facilitate the conversion of the property into two self-contained units as described below:
- | | | | |
|-----------|--------------|-------------------------|---------------------|
| Flat 115A | Ground Floor | 2 bedroom/3 person unit | 61.04m ² |
| Flat 115B | First Floor | 1 bedroom/2 person unit | 52.41m ² |
- 4.5 The ground floor unit would comprise a combined living/kitchen/diner, single bedroom, shower room and double bedroom.
- 4.6 The first floor unit would comprise a living/dining room, kitchen, double bedroom with dressing area, storage cupboard, bathroom and a new staircase which would provide direct access out to a private rear garden.
- 4.7 The existing rear garden would be subdivided in order to provide each flat with a private outdoor amenity space.
- 4.8 To the front of the site the plans have allocated space for waste and cycle storage with two off-street parking spaces.
- 4.9 All work would be completed to a high standard utilising high quality materials to ensure the development enhanced the appearance of the host property and the wider street scene.

5.0 RELEVANT PLANNING POLICY

- 5.1 The reasons for refusal refer to policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), to Hillingdon's Adopted Parking Standards (Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).
- 5.2 Although not referred to within the decision the National Planning Policy Framework and London Plan are also considered relevant. The following paragraphs will 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)

- 5.3 The National Planning Policy Framework set 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

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

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; 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.

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

- 5.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Delivering a sufficient supply of homes

- 5.6 Paragraph 59 explains that 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.

Promoting sustainable transport

- 5.7 Paragraph 109 states that ***"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."***

Achieving well-designed places

- 5.8 Section 12 of the NPPF refers to design, with paragraph 124 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."*
- 5.9 Paragraph 127 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.*

5.10 Paragraph 130 states:

“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

The London Plan

5.11 The London Plan sets a clear context for considering development needs at local level taking full account of the council’s character. Policies 3.5 and 6.13 are considered relevant.

Policy 3.5: Quality and Design of Housing Developments

5.12 Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces.

Policy 6.13

5.13 The maximum standards set out in Table 6.2 in the Parking Addendum to this chapter should be the basis for considering planning applications (also see Policy 2.8),

informed by policy and guidance below on their application for housing in parts of Outer London with low public transport accessibility (generally PTALs 0-1).

Hillingdon Local Plan: Part Two – Saved Unitary Development Plan Policies

- 5.14 A direction was issued on 24 September 2007 by the Government Office for London confirming Hillingdon's request to 'Save' key local policies and to delete obsolete or rarely used policies. This was effective from the 27 September 2007. Policy AM14 was referred to within the given reason for refusal.

Policy AM14: Accessibility and Movement

- 5.15 New development will only be permitted where it is in accordance with the council's adopted car parking standards as set out in Annex 1.

Hillingdon's Adopted Parking Standards

- 5.16 The parking standards are based on:
- Hillingdon's Interim Parking Standards adopted for planning decision purposes 2002;
 - National Planning Guidance Planning Policy Guidance Note 3: Housing (revised) 2000;
 - London Plan (2004); and
 - Town and Country Planning (Use Classes) (Amendments) (England) Order 2005.

Supplementary Planning Document HDAS: Residential Layouts

- 5.17 This guidance constitutes a statutory Supplementary Planning Document (SPD) and as such its contents represent an important material consideration in the determination of planning applications for new residential development.

Emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)

- 5.18 The Local Plan Part 2 comprises Development Management Policies, Site Allocations and Designations and Policies Map. Once adopted it will deliver the detail of the strategic policies set out in the Local Plan Part 1: Strategic Policies (2012). Together they will form a comprehensive development strategy for the borough up to 2026. Policy DMT 6 was referred to within the given reason for refusal.

Policy DMT 6: Vehicle Parking

- 5.19 Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

6.0 GROUNDS OF APPEAL

6.1 The appellant's case will address the concerns raised within the reason for refusal, notably:

- a) Whether the proposal due to the car parking provision would lead to on-street parking/queuing to the detriment of public and highway safety.

6.2 The council considered the design, standard of accommodation and the impact on neighbouring amenity to be acceptable and the following paragraphs will emphasise the reasoning behind their assessment whilst demonstrating that concerns regarding public and highway safety are unwarranted. Therefore, the following planning considerations are deemed relevant in the determination of this appeal:

- Principle of the development
- Design and impact on the character and appearance of the original dwelling and street scene
- Standard of residential accommodation
- Impact on neighbouring amenity
- Traffic impact/pedestrian safety

Principle of the Development

6.3 In accordance with the aims of 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. The London Plan further supports the essential need for more homes and currently has a target set for the delivery of a minimum of 559 new dwellings per annum in Hillingdon which could be set to significantly rise to 1,553 following the completion of the new draft London Plan.

6.4 Whilst the council can currently demonstrate a deliverable supply this is based on the current London Plan target of just 559 and therefore, given that this figure is potentially set to rise to 1,553 new dwellings per annum small sites such as the appeal site can play a big part in housing delivery. Therefore, the provision of one new unit of accommodation would contribute towards this new target and should be acceptable in principle.

6.5 Housing choice is a priority and government advice promotes the efficient use of previously developed land both to help meet housing requirements and to achieve more sustainable patterns of development. Redevelopment should be encouraged

where it can be demonstrated that it would complement the character of nearby developments and provide a good standard of accommodation.

- 6.6 The London Plan also recognises that the composition of London households is likely to change due partly to social trends and thus single person households and lone parent households are set to increase and therefore, the reconfiguration of the existing property in order to provide two smaller units of accommodation would meet a defined need.
- 6.7 As the proposal would contribute to the residential mix and dwelling types within the area the proposed scheme would protect local character and complement the appearance of the wider area and thus, if the development accords with other relevant policies and proposals within national, regional and local planning policy documents the addition of one new unit of housing should be deemed appropriate.

Design and impact on the character and appearance of the original dwelling and street scene

- 6.8 Paragraph 124 of the NPPF states 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.”*
- 6.9 Emerging policy DMHB11 (Design of New Development) expects all development including extensions, alterations and new buildings to be designed to the highest quality standards and, incorporate principles of good design. Whilst policy DMHD1 (Alterations and Extensions to Residential Dwellings) seeks to ensure amongst other criteria that there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area.
- 6.10 The proposed first floor rear extension and alterations to change the flat roof of the side extension to a hipped roof would result in a positive impact on the host property, the adjoining terrace and the wider street scene. The works would also be completed in complementary matching materials in order to safeguard the visual amenity of the locality.
- 6.11 In response the council have confirmed the design and impact of the development on the character of the building and the streetscape would be in compliance with saved UDP policies and the emerging Hillingdon Local Plan: Part 2 – Development Management Policies with Modifications (March 2019). Given the council’s assessment the appellant states that there should be no reason to disagree with their findings.

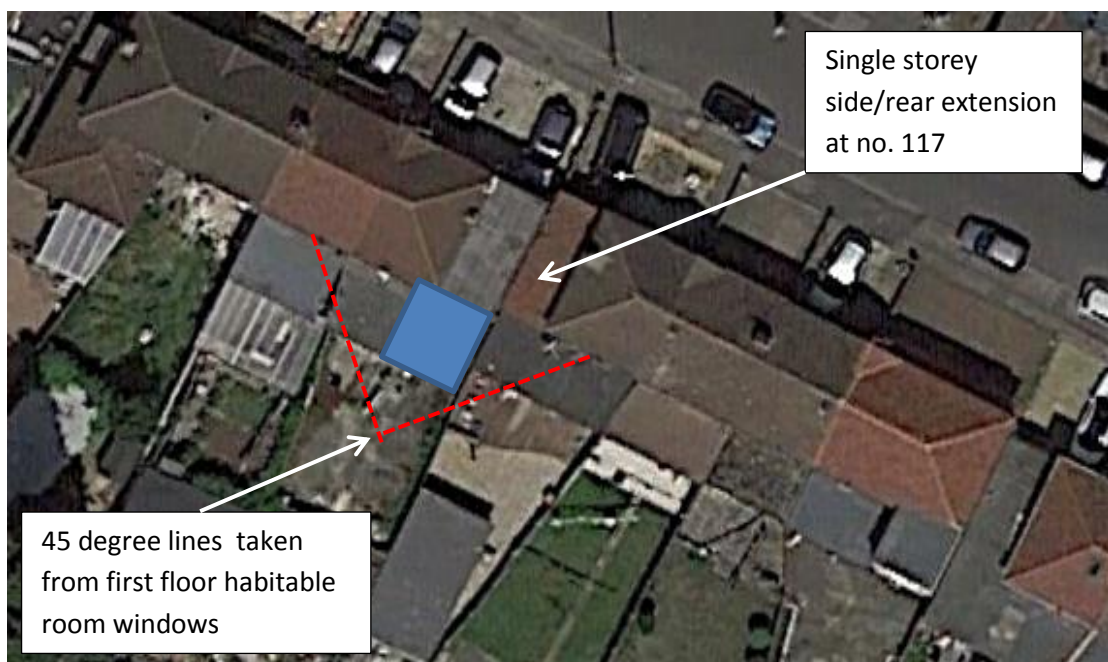
Standard of residential accommodation

- 6.12 London Plan policy 3.5 (Quality and design of housing developments) seeks to ensure that housing developments are of the highest quality internally, externally and in relation to their context and to the wider environment. London Plan Table 3.3 demonstrates the minimum space standards expected for new dwellings taking into account the number of bedrooms, occupants and storeys proposed.
- 6.13 The Mayor's Housing SPG also has regard to the quality of residential accommodation and sets out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight as well as provision of external amenity space.
- 6.14 As set out in section 4.0 'Proposal' the conversion of the property following the construction of the first floor rear extension would provide:
- Flat 115A Ground Floor 2 bedroom/3 person unit 61.04m²
 - Flat 115B First Floor 1 bedroom/2 person unit 52.41m²
- 6.15 According to the London Plan a 2 bed/3 person unit over one storey should provide 61m² whilst a 1 bed/2 person unit over one storey should provide a minimum GIA of 50m². Consequently, both units would provide an adequate level of accommodation that would benefit from a dual aspect with an adequate outlook and a source of natural daylight as well as access to private outdoor amenity space.
- 6.16 In regard to outdoor amenity space both flats would have direct access to their own private garden space as follows:
- Flat 115A Ground Floor 40m² area of private garden
 - Flat 115B First Floor 46m² area of private garden
- 6.17 The council's Residential Layouts SPD recommends amenity space of 20m² for a 1 bed flat and 25m² for a 2 bed flat and therefore, the scheme exceeds the expected minimum standards.
- 6.18 Given the above points, the council have confirmed that the standard of residential accommodation proposed both internally and externally would be acceptable and conform with regional and local planning policy and guidance.

Impact on neighbouring amenity

- 6.19 Paragraph 127 point f) of the NPPF seeks to 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.

- 6.20 Saved policies BE19, BE20 and BE21 state the council will seek to ensure that new development within residential areas complements or improves the amenities, whilst buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them and the amenities of existing houses are safeguarded. Saved policy BE24 also requires new buildings to protect the privacy of the occupiers and their neighbours.
- 6.21 Whilst the proposal seeks to introduce an additional unit of accommodation the scale and layout of the scheme would ensure that the proposal would not result in any detrimental impacts on neighbouring amenity through a significant increase in comings or goings, or noise and disturbance.
- 6.22 In regard to the proposed first floor rear extension this has been sensitively designed and the scale and depth carefully considered in order to ensure that it would not appear overbearing to neighbouring occupiers or result in an unacceptable loss of sunlight or daylight.
- 6.23 Due to the depth of the extension and the layout of the neighbouring houses the proposal would not break a 45 degree line of sight taken from the closest first floor habitable room windows as demonstrated below.



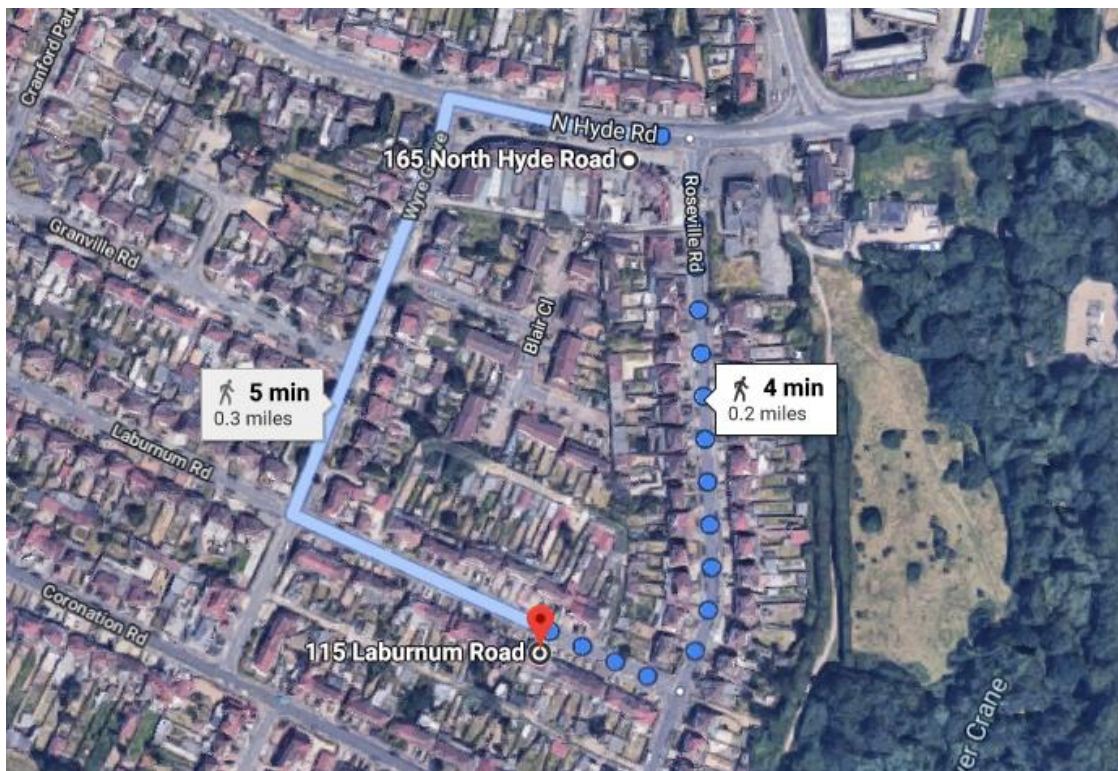
Relationship of development with existing properties

- 6.24 Given the above points the council have also confirmed that the development would be compliant with saved UDP policies, the adopted SPD HDAS: Residential Extensions as well as the emerging Hillingdon Local Plan: Part 2 – Development Management Policies with Modifications (March 2019) and, as such, the appellant states that there should be no sound reason to disagree with this assessment.

Traffic impact/pedestrian safety

- 6.25 Saved UDP policy AM7 seeks to ensure that the traffic generated by a proposed development is acceptable in terms of the capacity and function of existing roads whilst policy AM14 seeks to ensure that development is in accordance with the council's adopted car parking standards as set out in Annex 1.
- 6.26 London Plan policy 6.13 (Parking) states that an appropriate balance should be struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.
- 6.27 Emerging policy DMT 6 (Vehicle Parking) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.
- 6.28 Furthermore, policy DMT6 states that the council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.
- 6.29 This appeal seeks the extension and subdivision of an existing dwelling to 1 x 1-bed and 1 x 2-bed dwellings. Upon reviewing the PTAL rating using the Transport for London WebCAT service this indicates the site has a PTAL rating of 1b demonstrating 'poor' accessibility to public transport.
- 6.30 The proposed development seeks to provide 2 off-street parking spaces and the highways officer has commented that the minimum requirement is 3 off-street parking spaces for such a conversion. The proposal would therefore, potentially displace one vehicle onto the highway.
- 6.31 The council has subsequently considered this to be a sufficient reason to refuse the application on highway safety grounds which is contrary to national policy as the NPPF sets out in paragraph 109 that development should only be refused on highways grounds if the cumulative impact on the highway network is severe. A shortfall of only one parking space cannot reasonably be considered to have a severe impact and therefore, the development should not be refused on highway grounds.
- 6.32 There are no highway restrictions in place on Laburnum Road and signage indicates that vehicles may park partially on the footway without causing an obstruction to pedestrians and others and consequently vehicles can park on both sides of the road whilst still allowing traffic and pedestrians to move freely and safely.

- 6.33 The majority of houses upon Laburnum Road have paved their front gardens in order to provide off-street parking and consequently demand for on-street parking is lowered. Therefore, it does not appear that parking stresses in the area are unacceptable and, as such, the appellant states that Laburnum Road and neighbouring Roseville Road could comfortably accommodate any needs that the conversion may produce.
- 6.34 Whilst the site may have a PTAL rating of 1b the context of the site should be taken into account as there are bus stops within approximately 250m of the site on Roseville Road and there is also a wide selection of commercial units offering a variety of services on North Hyde Road as well as a doctors surgery which are just 0.2miles away as demonstrated below.



Local shopping parade on North Hyde Road

- 6.35 In addition, there are numerous areas of employment in close proximity of the site which are reachable from North Hyde Road and are less than 1 mile away from the site and easily accessible on foot which would further reduce the reliance on a private car due to the walking distances involved.



Appeal site's proximity to employment areas

- 6.36 Consequently, it is emphasised that the proposal given the context of the site and as the scheme would potentially only lead to a minimal increase in on-street parking demand that this would not lead to any significant detrimental impacts on highway or pedestrian safety through indiscriminate parking or queuing in the area.
- 6.37 Furthermore, the council have not provided any substantive evidence that there is insufficient capacity on the roads to meet the increase in parking demand which may arise from the proposal.
- 6.38 As required the scheme proposes to include secure cycle storage upon the front curtilage to encourage occupants to use more sustainable methods of transport.
- 6.39 In summary, whilst the development may potentially lead to a slight increase in parking demand this would not be to the detriment of public and highway safety and therefore, the proposal adheres to the aims of the London Plan which seeks to promote sustainable transport measures and given the capacity of the surrounding highway network the scheme would not lead to a significant demand for on-street parking or result in queuing and therefore, would not be detrimental to public and highway safety.

7.0 CONCLUSIONS

- 7.1 Every development proposal is unique and therefore, we consider that all appeals should be assessed on their own respective merits, having regard to the particular characteristics of each site.
- 7.2 The council have clearly acknowledged that the development through the introduction of a first floor rear extension and subdivision of the site would provide suitable accommodation for future occupants in accordance with the aims of the NPPF and local planning policy.
- 7.3 When taking into account the context of the site including the proximity to both public and commercial services, employment areas and bus routes the appellant states that this indicates that the conversion of the property would not lead to a significant increase in the requirement for on-street parking provision in the area and therefore, the proposal would adhere to the recommendations of the London Plan by promoting sustainable methods of transport.
- 7.4 Paragraph 109 of the NPPF states that ***“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”*** and therefore, it is quite clear that the proposal could not reasonably be considered to result in a severe impact and therefore, the refusal by the council on these grounds is unsound.
- 7.5 Thus, it is considered that the appeal proposal conforms with the aims of the NPPF, policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), to Hillingdon's Adopted Parking Standards (Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).
- 7.6 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

19th December 2019