

APPEAL STATEMENT & WRITTEN REPRESENTATIONS

APPEAL MADE AGAINST THE NON-DETERMINATION OF A FULL PLANNING APPLICATION
BY THE LONDON BOROUGH OF HILLINGDON

APPELLANT: MS SALLY HARGREAVES
LOCATION: 3 NEWLYN CLOSE, HILLINGDON, MIDDLESEX, UB8 3PA
PROPOSAL: CHANGE OF USE FROM SINGLE DWELLING (USE CLASS C3) TO HOUSE
IN MULTIPLE OCCUPANCY (USE CLASS C4).

LPA REFERENCE: 42457/APP/2020/390
APPLICATION DATE: 5 FEBRUARY 2020
DUE DATE: 11 JUNE 2020
PLAN. COMM. MTG: 1 JULY 2020 (DEFERRED)
STATEMENT DATE: 17 OCTOBER 2020



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1. INTRODUCTION

1.1 This appeal statement has been prepared by OPS Chartered Surveyors on behalf of the appellant Ms Sally Hargreaves to support an appeal against the non-determination by the London Borough of Hillingdon (the "LPA") of a planning application reference number 42457/APP/2020/390 registered on 5 February 2020, for the following proposal at 3 Newlyn Close, Hillingdon, UB8 3PA ("the Site"):

"Change of use from single dwelling (Use Class C3) to house in multiple occupancy (Use Class C4)."

1.2 This Appeal Statement sets out the Appellant's case in support of the proposed development.

1.3 This statement should be read in conjunction with the application paperwork that accompany this appeal as follows:

APPENDIX 1:	APPLICATION DRAWINGS REV.1.0A (29.05.20)
APPENDIX 2:	DESIGN & ACCESS STATEMENT
APPENDIX 3:	APPLICATION FORM
APPENDIX 4:	ACKNOWLEDGEMENT LETTER (18.2.20)
APPENDIX 5:	SUPERSEDED HMO DRAWINGS (03.02.20)
APPENDIX 6:	LBH HMO REGISTER (FEB 2020)
APPENDIX 7:	HMO MANAGEMENT SUPERVISION PLAN
APPENDIX 8:	SITE SUPERVISION MANAGEMENT PLAN
APPENDIX 9:	VOA RECORDS
APPENDIX 10:	13 RUSSET CLOSE - HMO APPEAL DECISION
APPENDIX 11:	LETTER AND PHOTOS TO CASE OFFICER (27.05.20)
APPENDIX 12:	PLANNING COMM MEETING LETTER FOR 01.07.20
APPENDIX 13:	REPRESENTATION LETTER TO PLANNING COMMITTEE (24.06.20)
APPENDIX 14:	DELEGATED OFFICER REPORT
APPENDIX 15:	DECISIONS PLANNING COMMITTEE (DECISION)(01.07.20)
APPENDIX 16:	EMAIL FROM LPA (27.08.20) - CASE OFFICER
APPENDIX 17:	EMAIL TO LPA (12.05.20) AGREED EOT TO 11.06.20
APPENDIX 18:	CENTRAL SOUTH PLANNING COMMITTEE 01.07.20 AGENDA (DATED 07.2020)
APPENDIX 19:	EMAIL FROM LPA (22.09.20) RE: SECOND PLANNING COMMITTEE MEETING
APPENDIX 20:	CROSSOVER SURVEY DRAWINGS REV.1.0B (04.07.20)
APPENDIX 21:	PLANNING COMMITTEE MEETING AUDIO TRANSCRIPT
APPENDIX 22:	20 ABBOTSBURY GARDENS APPEAL DECISION

2. SITE DESCRIPTION & RELEVANT PLANNING HISTORY

2.1 The application site comprises a two-storey semi-detached dwelling situated on the North West side of Newlyn Close, Hillingdon and benefits from a frontage laid partly in hard standing to accommodate up to 2 cars including a detached garage. The surrounding area is residential in character and is made up of a mix of detached and semi-detached dwellings that are set back from the adjacent highway

2.2 The site has one previous planning application granted in 1988 for the erection of a single storey side & rear extension to dwellinghouse to form granny annexe (reference 42457/88/2117)

3. APPEAL PROPOSAL

3.1 The appeal proposal, which was the subject of the non-determination appeal application of the planning application **42457/APP/2020/390** for “a change of use from single dwelling (Use Class C3) to house in multiple occupancy (Use Class C4)”.

3.2 The proposed development details are set out in the Design and Access & Statement (the “DAS”) (as per Appendix 2) dated 5 February 2020 and the following document had been submitted to the LPA as part of the original application:

- Appendix 1: HMO DRAWINGS REV.1.0A (29.05.20)
- Appendix 5: SUPERSEDED HMO DRAWINGS (03.02.20) REV1.0
- Appendix 6: LBH HMO Register (Feb 2020)
- Appendix 7: HMO MANAGEMENT SUPERVISION PLAN
- Appendix 8: SITE SUPERVISION MANAGEMENT PLAN
- Appendix 9: VOA RECORDS
- Appendix 10: 13 RUSSET CLOSE - HMO APPEAL DECISION

3.3 The DAS incorporates the relevant National and Local Planning Policies together with a relevant case-law for the LPA to consider and assesses against the application. The caselaw is enclosed with this statement as **Appendix 10**.

3.4 In view of the above, the appellant is not going to re-quote previously submitted information to the LPA to avoid confusion. The submitted materials and proposal are fully policy compliant, hence the delegated planning officer has recommended for approval. In view of the above, the inspector is kindly asked to refer to the DAS and relevant drawings to make his/own the assessment of the planning application.

4. CASE FOR THE APPELLANT

4.1 The application was submitted to and validated by the LPA on 5 February 2020. The LPA acknowledged the application on 18 February 2020 by issuing an acknowledgement letter to the agent. A copy of the letter is enclosed with this appeal as **Appendix 4**.

4.2 To avoid the doubt, the application was due for determination on 1 April 2020. However, the appellant understood there were objections and a petition from the local residents was raised against the application, hence there was delay in determining the application.

4.3 On 12 May 2020, the LPA requested an extension of time (EOT) for the application to 11 June 2020 so to allocate the case to the next available Planning Committee Meeting and the appellant agreed to the request. A copy of the email confirmation of extension of time is enclosed with this appeal as **Appendix 17**.

4.3 Unfortunately, in late June 2020 the appellant was informed by the LPA that the application would not be allocated to the June 2020 Planning Committee Meeting but 1 July 2020 meeting. Once again, there was no objection from appellant against the second EOT. This was the last agreed EOT between the LPA and appellant.

4.4 On 27 May 2020, the appellant sent a correspondence letter with photos through her agent to the LPA with intention to demonstrate the property has been refurbished to very high standard and ready to be let as HMO to professional tenants. A copy of the letter is enclosed with this appeal as **Appendix 11**.

4.5 A week before the Planning Committee Meeting, on 23 June 2020, the LPA invited the applicant / her agent to make representation for the application. A copy of the letter is enclosed with this appeal as **Appendix 12**.

4.6 In response to the LPA's invitation, the appellant submitted a representation to the LPA through her agent on 24 June 2020. The appellant responded to the concerns raised by the local residents and assured both the local residents and LPA that the proposed HMO use would be operated and managed to the highest standard where possible. A copy of the letter is enclosed with this appeal as **Appendix 13**.

4.7 To avoid the doubt, the case officer has recommended the application for APPROVAL where she stated *"the proposal would provide satisfactory living conditions for the intended occupiers and there will be no adverse impact on the amenity of neighbouring properties or the character of the area. Therefore, the proposed scheme would provide an appropriate standard of accommodation which satisfies all relevant standards."*

4.8 On 1 July 2020, the application was live and subsequently discussed by the Central & South Planning Committee on the YouTube channel at <https://www.youtube.com/watch?v=Gzr2WsE31yk>. The discussion started at 00:05:50 and finished at 1:03:10 with a deferred decision. An audio transcript of the meeting has been prepared by the applicant and is enclosed with this statement as **Appendix 21**.

4.9 The case was deferred by the Planning Committee Members with the following queries raised by the Councillors, for further investigation by the LPA:

- i) would the existing cross-over be sufficient for the use of 3 cars?
- ii) was there another HMO in Newlyn Close?

PARKING

4.10 The appellant would like to draw the Inspector's attention to following time-frames : "0:36:14", "0:41:14" & "0:59:43" where the Head of Planning Mr James Roger had repeatedly suggested and advised the Planning Committee that:

- the proposal 3 parking space would be policy compliant (0:36:14)
- the LPA's North Committee did refuse an HMO application not too long ago in 20 Abbotsbury Gardens, Ruislip but was allowed in the appeal where the HMO had only two parking space. (0:41:14). A copy of the appeal decision is enclosed with this statement as **Appendix 22**.
- members could restrict the occupation to six persons and he would be recommending to members to approve it but with extra conditions. But if members are genuinely concerned that they didn't think what was on the ground measured up then officers could go out with tape measures. (0:59:43)

4.11 The appellant's understanding of the above is that the Head of Planning has made it clear to the committee member that the proposal would comply with many of the Council's current policies, post his professional assessment and view.

4.12 To recap, the Council's Highway Engineer also confirmed that both the existing crossover and proposed parking arrangement would comply with the Council's Highway requirements and these were quoted at 0:35:13 & 0:40:50 during the meeting. Please refer to audio transcript in **Appendix 21**.

4.13 In addition to the above, the Appendix 10 caselaw at 13 Russet Close Hillingdon set a precedent and confirmed by the inspector that a small shortfall in the parking space would not necessary prohibit the conversion of C3 Dwelling to C4 HMO in an Article 4 area due to the ease of access to public transport and local facilities and one space could be reasonably waived in that case. In terms of physical location, the current application has many similarities to 13 Russet Close and 20 Abbotsbury Gardens, hence it should be supported.

4.14 In response to the LPA's first concern, the appellant has instructed his agent who is a RICS Chartered Surveyor to conduct a detail survey of the existing crossover and driveway. The survey result is presented under **Appendix 20**.

4.15 The survey drawing reference "2020-3NC-HMO-FP5" (Rev.1.0B, page 5, dated 04 July 2020) confirms the existing crossover width is about 2.85m at the entrance of the driveway and 3.0m at the outer edge of the pavement. Hence, the existing

crossover is sufficient for vehicles to pass through and manoeuvre in and out of the driveway without any issue.

4.16 A further a sweep path analysis drawing has been supplied to the LPA on 11 September 2020 to demonstrate the current parking arrangement and spacing would be suitable for three vehicles. The sweep path analysis drawing (on page 4) is enclosed with the statement as **Appendix 20**.

4.17 On 11 September 2020, the LPA wrote to the agent and suggested the existing garage would not comply with the Council's standard for internal width of a garage of 3m. The appellant then advised the LPA that during the last Committee Meeting, the Head of Planning suggested that the Planning Inspector had allowed the appeal for 20 Abbotsbury Gardens where two parking spaces were proposed and was similar to this appeal case. In light of the appeal case, appellant urged the LPA to allow her to keep the existing garage as it would be seen unreasonable for the LPA to request demolition of the garage in order to make it policy compliant. The above email communication is enclosed with this statement as **Appendix 19**.

ALLEGED SECOND HMO IN NEWLYN CLOSE

4.18 In response to the LPA's second concern, the appellant submits that there has been no other known HMO in Newlyn Close either to the appellant or LPA prior to the submission of the planning application in Feb 2020.

4.19 To avoid any doubt, it was also confirmed by the Planning Team Leader Meghji Hirani in the Committee Meeting (at 0:27:07) that during the assessment of the application the council would have to rely on the council's own records as per Hillingdon's Development Plan. However, in this case the council's records showed no existing HMO within 100m of the application site. He further suggested that even with the second HMO found, the HMO concentration would be marginally over by 0.05 and confirmed that 2 (HMOs) would be the limit that the Council would accept in Newlyn Close.

4.20 The appellant wishes to express her appreciation towards Cllr Janet Duncan (Labour Leader) for her support of the case where she stated in her speech (at 0:46:14) *"if this meets our policy which it does even with the unauthorised one, that would mean that there were 1.95 properties, in other words two (/too) I think if it went to appeal that would be allowed so I think that this person is trying to not do it as an unauthorised thing, is trying to provide decent accommodation which would be licensed (&) registered."* The appellant wishes to point out that that both the parking and existing HMO concentration are all supported by senior Planning Officer

including Mr James Roger and Leader Meghji Hirani, as well as the Labour Leader Councillor Mrs Janet Duncan indicating the application is in fact policy compliant.

4.21 The appellant submits to the Inspector that the proposed HMO use will not breach any requirement under policy DMH5 especially when the proposal has already demonstrated that premises would provide high quality accommodation and suitable for professionals including but not exclusive to doctors and nurses working at the Hillingdon Hospital.

4.22 Despite the appellant has been trying her best liaise with the LPA to obtain a confirmation for the next Planning Committee Meeting, there has been no positive answer to that. Without a confirmed date and the application is running close to the 6 months deadline for non-determination, the appellant has no other choices but to lodge an appeal against the LPA since the LPA had already advised the agent on 22 September 2020 that the case would not be allocated to the October 2020 Committee Meeting.

4.23 To date, the delay in reaching a decision by the LPA for a relatively small scale and straight forward application has been causing unnecessary distress to the appellant due to the prolonged period of non-determination by the LPA and/or their Councillors with or without any intention to issue the full decision.

4.24 To avoid the doubt, there has been no further EOT made between the LPA and appellant post the Planning Committee Meeting on 1 July 2020.

5. CONCLUSION

5.1 The appellant considers the planning application for the change of use from C3 Dwelling to C4 HMO will comply with the relevant national and local policies, following the submission of all the materials and supporting evidences to the LPA, in particular with full support of the case officer report.

5.2 In addition to that both the Head of Planning and Planning Team Leader have already confirmed the application would comply with the Council's Policies in many ways and recommended the Committee Members for approval.

5.3 In light of the proposal will provide high quality accommodation and good living condition to the future occupants without causing negative impact to immediate neighbourhood, any resistance in approving the application by the LPA's would be seen unreasonable and against the NPPF. Therefore, the appellant respectfully asks that the inspector to assess and determine the application on its merits while accounting for the appellant's patient and co-operation with the LPA throughout the planning process, yet the LPA have failed to determine the case after 6 months and caused unnecessary delay and frustration to the appellant. The appellant further asks the inspector to grant the planning permission for this application.

-end of statement-