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WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Statement of Case

63 Station Road
Hayes
UB3 4BG

On behalf of Mr Sahota

JANUARY 2021

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APPENDICES

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I INTRODUCTION

- I.1 Walsingham Planning has been instructed by Mr Sahota (the Appellant) to lodge an Appeal on his behalf against the refusal of planning permission for the following development at 63 Station Road in Hayes:

“First floor rear extension and conversion of storage area to a studio flat”

- I.2 The revised planning application (LPA reference 18175/APP/2020/2157), the subject of this Appeal, was validated by Hillingdon Council (HC) on 3 August 2020. It was refused on 22 September 2020 for the two reasons set out in paragraph 3.8 of this Statement of Case and in HC’s Decision Notice.

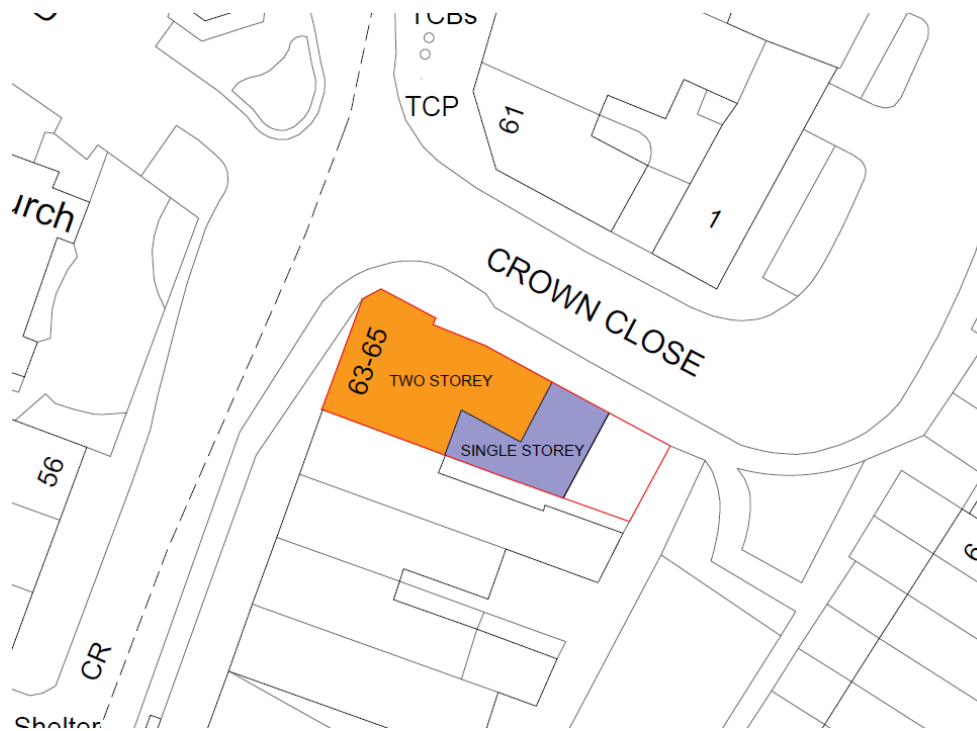
- I.3 The Appellant’s case in support of the proposals is set out under the following sections within this Statement:

2. Site and Surroundings
3. Planning History
4. The Proposal
5. Planning Policy
6. Planning Assessment
7. Conclusions

- I.4 It is concluded that the proposals are materially different to those previously dismissed at appeal; represent sustainable development; are policy compliant in accordance with the adopted Development Plan and all material considerations; and would be suitable in all other respects. The Inspector is therefore respectfully requested to allow the Appeal.

2 SITE AND SURROUNDINGS

- 2.1 The Appeal site (outlined in red below) comprises ground floor retail units; and ancillary storage and existing two bedroom flat above at first floor level. The site is located on the corner of Station Road to the west and Crown Close to the north-east within Hayes Town Centre.



Existing Site Plan

- 2.2 The site benefits from two off-street parking spaces to the rear of the property, beyond which is a private access/service road to the site and neighbouring terraced properties facing Station Road.
- 2.3 Typical of its town centre location, the site is surrounded by a mix of uses encompassing fast food outlets, retail and housing typically two storeys in height, although there is a higher block of flats to the south east of the site.
- 2.4 To the north of the site, beyond Crown Close, are two-storey commercial units. To the east (rear) of the site, beyond the rear access road, is a playground and three-storey block of flats. To the south and attached to the Appeal site is a terrace of two-storey buildings with pitched roofs and in similar uses: commercial units at ground floor level with residential flats above

and to the rear. To the west of the appeal site, and beyond Station Road, are town centre retail units and St Anselm's Church (Grade 2 listed).

- 2.5 63-65 Station Road Hayes is not a listed building and the site is not located within a conservation area.
- 2.6 Being located within Hayes Town Centre, the Appeal site is highly accessible, and this is reflected in its PTAL rating of 5. Bus stops and Hayes and Harlington Railway Station are a short walk away.



Front elevation of 63-65 Station Road (looking east from Station Road)



Rear elevation of 63-65 Station Road (looking west)

3 PLANNING HISTORY

- 3.1 The site has an extensive planning history of rear extensions to provide additional retail space and living accommodation, all of which is listed in the Officer's Report supporting the refused application. The applications of most relevance to this appeal are described in additional detail below.
- 3.2 Planning application ref: 57520/APP/2015/855 for the "*part two storey, part single storey rear extension and enlargement of roof space to create 2 x 2 bed self-contained flats with amenity space and new retail area to rear*" was refused in May 2015 for the four reasons listed in the Officer's Report. This decision was upheld at appeal in September 2015. The proposals included a larger full width two storey extension with external patio area; a roof extension with large dormer window and patio area; and windows and access within the south flank elevation. All documents associated with this application are provided in Appendix I.
- 3.3 Planning application ref: 18175/APP/2017/2180 for a "*single storey rear extension*" was approved in September 2017. This development has been completed and is shown in the photograph below.



North elevation of 63 Station Road (looking south) - showing the single storey rear extension approved under application ref: 18175/APP/2017/2180

- 3.4 Planning application ref: 57520/APP/2019/3607 for a "*first floor rear extension and conversion of existing retail storage space to create 1 x 2 bed self-contained flat with amenity space*" was refused on 10 January 2020 for the three reasons listed in the Officer's Report. This application

included a full width and length two storey extension, including a crown roof, first-floor roof terrace and obscure glazed windows within the side/south flank. All documents associated with this application are provided in Appendix 2.

- 3.5 Planning application ref: 18175/APP/2020/544 for a “*first floor rear extension and creation of 1 x 1-bed self-contained flat*” was refused on 10 June 2020 for the same to reasons as the application the subject of this Appeal. This application retained a full length first floor extension above the ground floor but reduced the first floor’s width such that it retained a gap to its southern boundary shared with 67 Station Road. Also removed from the previous scheme was the first-floor roof terrace and crown roof. Two obscure glazed windows were proposed at first floor level and access was proposed via the building’s existing entrance door on Crown Close. All documents associated with this application are provided in Appendix 3.
- 3.6 The 18175/APP/2020/544 proposal did not include any additional parking owing to the site’s location within Hayes Town Centre and high PTAL rating. A car free development was considered acceptable by HC subject to the provision of one covered and secure bicycle parking space and that the applicant entered into a S106 legal agreement to ensure future residents did not have access to parking permits within the adjacent parking management scheme.
- 3.7 During the course of application 18175/APP/2020/544, it was made clear to the agent that the revised proposals would go to planning committee with a recommendation for approval. Evidence of this is provided within Appendix 4 – Letter to Head of Planning (5 October 2020). As a result of being recommended for approval, the Appellant was instructed to arrange for a Draft Section 106 Agreement to be produced to secure the car free development and the Appellant also agreed to an extension of time to allow for this. HC procedures are clear that neither the S106 Agreement would be progressed, or the application would go to committee if the application were not recommended for approval. The recommendation for approval was based on the case officer’s assessment of the application. The case officer had become very familiar with the Appeal site because of the recent planning history. However, the Council backtracked on its recommendation some two months later when the case officer’s manager reviewed the application and was of the opinion that the proposals did not overcome the Inspector’s concerns in the 2015 appeal decision. The refusal was subsequently issued.
- 3.8 Most recently, planning application ref: 18175/APP/2020/2157, the subject of this Appeal, was validated by HC on 3 August 2020 for the proposals. It was refused under delegated powers on 22 September 2020 for the following two reasons:

1. The proposed development, by reason of its overall siting, size, scale and bulk would result in an over dominant and visually obtrusive form of development in relation to the existing adjoining occupiers of the first floor flat at 67 Station Road and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).
 2. In the absence of a legal agreement or obligation, the applicant has failed to agree to the restrictions of parking permits which is required in order to facilitate sustainable development. The developments therefore fails to provide adequate off street parking provision or demonstrate that the proposal would not lead to a deleterious impact on street parking provision, congestion or local amenity contrary to Policies DMT 2 and DMT 6 Hillingdon Local Plan: Part Two – Development Management Policies (2020).
- 3.9 The refusal is the subject of this Appeal.
- 3.10 The differences between the proposals refused on 10 June and the proposals which are the subject of this Appeal are:
- The extension has been reduced in width further, such that it is now only the width of the existing rear first floor element; and
 - The two first floor windows have been relocated from the south elevation to the north elevation.
- 3.11 No neighbours objected to the proposals. There were also no objections from the Council's Access or Landscape Officers (subject to condition).

4 THE PROPOSAL

- 4.1 Refused application 18175/APP/2020/2157, the subject of this Appeal, is a modest proposal. It proposes the erection of a first-floor rear extension and conversion of an ancillary first floor retail storage area to provide a one-bedroom, one-person studio flat.
- 4.2 As already stated, the extension has been reduced in width from the 18175/APP/2020/544 proposals, such that it is now only the width of 63 Station Road's existing rear first floor element.
- 4.3 The proposed design does not include any external amenity space, windows or access on the building's south (side) elevation.
- 4.4 Access to the flat would be via the existing door along the building's north (side) elevation from Crown Close.
- 4.5 Windows are also on the building's north elevation overlooking Crown Close and on the rear elevation overlooking the rear access road.



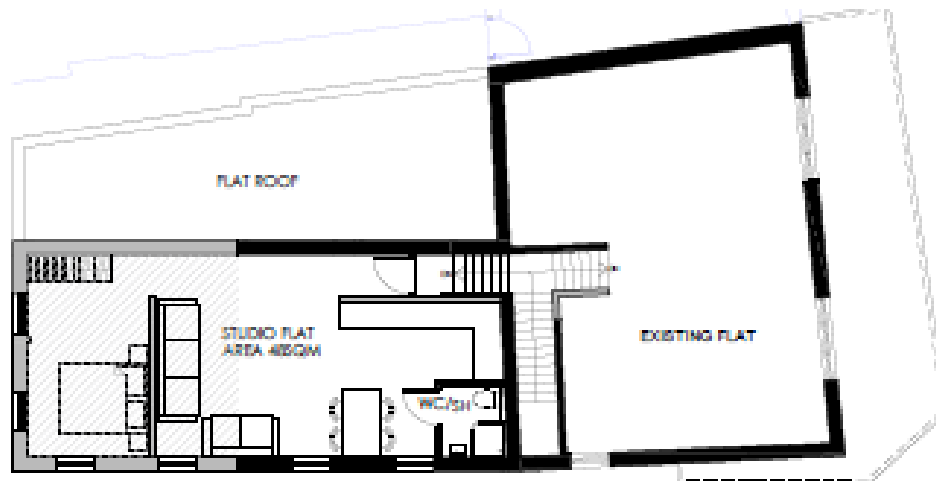
Proposed South and North (Side) Elevations



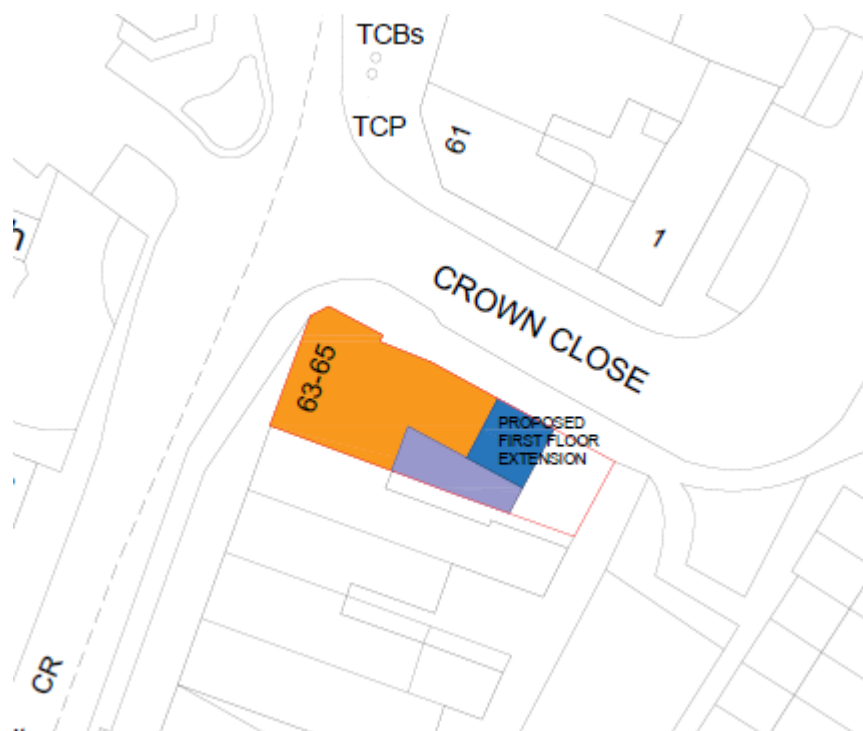
EAST ELEVATION

Proposed East (Rear) Elevation

- 4.6 The first-floor extension would continue the existing rear pitched roof. Building materials would also match the existing building.
- 4.7 The flat would provide one bedroom, an open plan living/dining area and shower room over 48sqm.



Proposed Floor Plan



Proposed Site Plan

5 PLANNING POLICY

- 5.1 This section of the Statement of Case sets out the relevant planning policies at national level and at Development Plan level, as well as any other documents which are material planning considerations.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The duty is therefore for the LPA to exercise its judgement and consider many (sometimes) conflicting issues to decide whether planning permission should be granted. This will mean examining the Development Plan as a whole and taking material considerations which apply to the proposal into account. These must be properly considered otherwise the decision of whether or not to grant permission may be unlawful. This process is often termed the “Planning Balance”.
- 5.3 The statutory Development Plan in this Appeal is HC’s Local Plan Part 1 (2012) and Local Plan Part 2 (2020). It also comprises The London Plan (2016), supplemented by the Intend to Publish Version (December 2019). Whilst reliance on the latter can only be placed on policies which do not currently require revision by the Secretary of State, it is our understanding that the London Plan Intend to Publish Version is being used in decision-making as it is at an advanced stage of preparation. For the purposes of this planning policy section of the document “London Plan” therefore refers to the latest Intend to Publish Version of the Plan.
- 5.4 The National Planning Policy Framework (NPPF) is a significant material planning consideration which must be taken into account in the determination of the Appeal.
- 5.5 A review of the relevant policies and guidance specifically related to the reason for refusal is set out below, starting first with the Development Plan, then the NPPF.

The Development Plan

- 5.6 Relevant policies are attached at Appendix 5.

Local Plan Part 1

- 5.7 The Development Plan places the site within a secondary shopping frontage in Hayes Town Centre.

- 5.8 Policy HI states that the Council will meet and exceed its minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies. This will be achieved by (inter alia) promoting high-quality mixed-use developments and ensuring development makes the most efficient use of brownfield land.
- 5.9 Policy BEI requires all new development to improve and maintain the quality of the built environment through high quality design which is appropriate to its surroundings.

Local Plan Part 2

- 5.10 Policy DMHB 11 requires extensions to be of a high standard of design and to be appropriate to the local context. Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties.
- 5.11 Policy DMHB 12 requires development to be well integrated with the surrounding area.
- 5.12 Policy DMHB 16 requires adequate provision of internal space in order to provide an appropriate living environment. A one person studio flat is required to provide 37sqm.
- 5.13 Policy DMT 2 states that development resulting in unacceptable highway impacts will not be allowed.
- 5.14 Policy DMT 5 requires development to provide safe, direct and inclusive access for pedestrians and cyclists.
- 5.15 Policy DMT 6 requires development to comply with parking standards unless otherwise agreed with the Council and the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.
- 5.16 Policy DMHD 1 relates to alterations and extensions to residential dwellings. Relevant to the proposed rear extension, it requires the proposed development to:
 - a) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area;
 - b) a satisfactory relationship with adjacent dwellings is achieved;
 - c) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height;

- d) new extensions respect the design of the original house and be of matching materials;
- e) there is no unacceptable loss of outlook to neighbouring occupiers;
- f) adequate off-street parking is retained, as set out in Table I: Parking Standards in Appendix C;
- g) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres; and
- h) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design.

London Plan

- 5.17 Relevant policies are attached at Appendix 6.
- 5.18 London Plan Policy GG2 seeks to make the best use of land by applying a design-led approach to determine the optimum development capacity of sites.
- 5.19 London Plan Policy D3 'optimising site capacity through the design-led approach' states that *"all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity."* The Policy goes on to set out guidance and a number of criteria for development proposals focused on the sub-headings of 'form and layout', 'experience', and 'quality and character'.
- 5.20 Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

National Planning Policy Framework

- 5.21 The National Planning Policy Framework (NPPF) was published in March 2012. A revised version of the NPPF was published in July 2018 and minor amendments were incorporated in February 2019. The NPPF is supplemented by the Planning Practice Guidance (PPG), first

published in March 2014. These replace the much more detailed policy and guidance contained in the suite of Planning Policy Statement documents and elsewhere.

5.22 Section 2 of the NPPF puts emphasis on the importance of sustainable development. Paragraph 11 states the presumption in favour of sustainable development which means that Councils should:

- Approve development that accords with an up-to-date development plan without delay; or
- Grant permission where the development plan is absent, silent or relevant policies are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole or specific policies in the Framework indicate that development should be restricted.

5.23 Paragraph 14 sets out that for decision making where the development plan is out of date housing policies the local authority should grant permission unless:

- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies with the Framework when taken as a whole; or
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

5.24 The NPPF recognises that there are three dimensions to sustainable development: economic, social and environmental. Regarding the economic role, there is a need for planning to contribute to building a strong, responsive and competitive economy. Investment in business should not be over-burdened by planning policy expectations. Paragraph 38 of the NPPF sets out that local planning authorities should approach all decisions in a 'positive and creative way'. Where possible decisions at all levels should 'seek to approve applications for sustainable development'.

5.25 Section 5 sets out the Government's objective of significantly boosting the supply of homes. Small housing sites are recognised as making an important contribution to meeting the housing requirement of an area and being able to be delivered relatively quickly compared to larger sites. Specific support is given to the development of windfall sites within existing settlements and to the subdivision of large sites.

- 5.26 Section 7 states that planning policies and decisions should recognise that residential development often plays an important role in ensuring the vitality of centres and it should be encouraged on appropriate sites.
- 5.27 Paragraph 108 requires development sites to promote sustainable transport modes, provide safe and suitable access and mitigate any significant impacts on the transport network or on highway safety.
- 5.28 Paragraph 109 states that development should only be 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.
- 5.29 Section 11 requires the effective and efficient use of land in meeting the need for homes, whilst achieving safe and healthy living conditions. LPAs should take a proactive role in helping to bring forward land that is suitable for meeting development needs and ensure developments make optimal use of the potential of each site.
- 5.30 Paragraph 118 promotes and supports the development of under-utilised land and buildings.
- 5.31 Design is an important part of sustainable development in terms of the environmental objective. The NPPF states in paragraph 127 that planning policies and decisions should ensure 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.

5.32 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.*”

6 PLANNING ASSESSMENT

6.1 The key issues for the Appeal are derived from the reasons for refusal. Broken down these are as follows:

1. Would the siting, size, scale and bulk of the extension result in an over dominant and visually obtrusive form of development? (reason for refusal 1);
2. Would the extension constitute un-neighbourly development, resulting in a material loss of residential amenity? (reason for refusal 1); and
3. Has a suitable legal agreement or obligation restricting the issuing of parking permits been completed? (reason for refusal 2).

6.2 Each of these issues is assessed in this section.

1. Reason for Refusal 1 - Over dominant and visually obtrusive form of development

6.3 The first part of reason for refusal one claims that *“The proposed development, by reason of its overall siting, size, scale and bulk would result in an over dominant and visually obtrusive form of development in relation to the existing adjoining occupiers of the first floor flat at 67 Station Road”* contrary to Policies DMHB 11 and DMHD 1.

6.4 Also relevant to this reason for refusal are the Inspector’s following comments in the 2015 dismissed appeal:

“... the design of the extension is contrived, awkward and excessive in scale, bulk and site coverage. It lacks any cohesion and would appear as an incongruous addition on a prominent corner site in the Town Centre... Furthermore, the fenestration is awkward with the large second floor window located high on the gable end and the rear dormer is squeezed against the side of the roof to the rear. In my view, the design details of the proposed extension would fail to respect the architectural integrity of the host building and would result in an inappropriate form of development in the street scene.”

6.5 Over the course of a number of revised planning applications and since the 2015 scheme dismissed at appeal, the design of the proposed extension has been significantly altered and its scale reduced (as set out in the Planning History section of this Statement) in order to overcome these previous concerns. These alterations can be summarised as follows:

- Removal of the proposed roof extension;
- Removal of the proposed dormer windows;
- Removal of the proposed ground and first floor patios/terraces;
- Removal of all windows on the proposed south flanks elevation;
- Removal of the access on the proposed south elevations;
- Reduction in the number of units from 2 x 2 bed flats to 1 x 1 bed studio flat; and
- Reduction in width of the proposed first floor extension (from full width to the width of the existing rear first floor element).

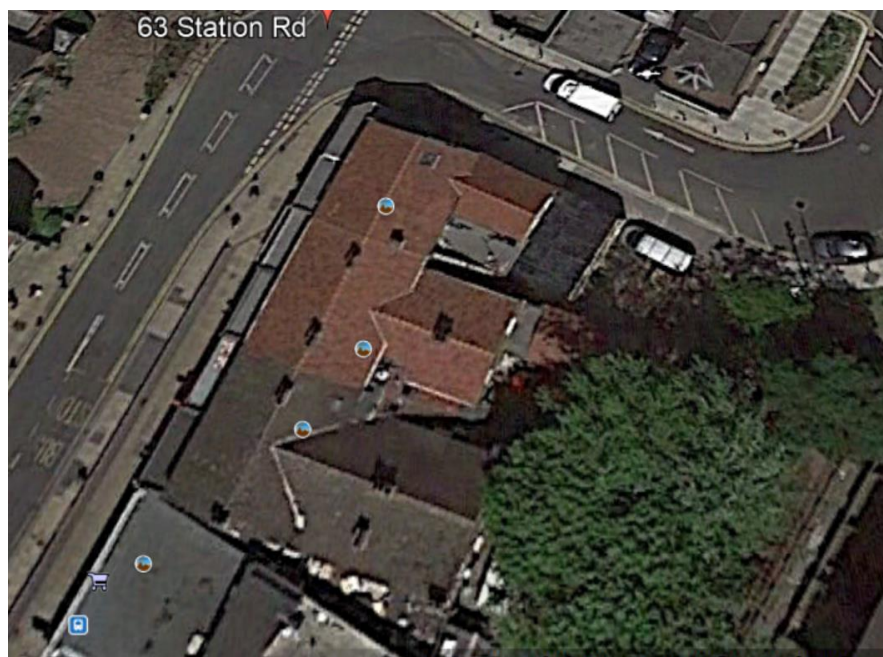
6.6 The proposed modest first floor extension now represents sustainable development which is sympathetic to the existing building and respects its surroundings in terms of siting, size scale and bulk. This was a view which was clearly shared by the case officer in their assessment of planning application 18175/APP/2020/544, as set out in paragraph 3.7 of this Statement. There was obviously a very fine and subjective line in terms of the proposals being considered acceptable development in this previous application and the proposals have been scaled back further since this.

6.7 The proposed development is now in accordance with those relevant design criteria within Policies DMHB 11, DMHD 1 and D3 for the following reasons:

1. The proposed rear first floor element at 63 Station Road continues the same width as the building's existing rear first floor element, which has previously been considered acceptable. As demonstrated in the table below, this proposed width and 'bulk' would be significantly less than the neighbouring joint rear two-storey elements within the terrace (67-71 Station Road and 73-75 Station Road) which have similar plot sizes. The rear first floor elements at 67-71 Station Road and 73-75 Station Road are greater in both width and in bulk.

Property	Approximate width of rear two storey element
63 Station Road	6m (existing and proposed)
67-71 Station Road	8m
73-75 Station Road	9.75m

2. The proposed first floor extension would also retain a greater gap between its neighbouring (67 Station Road) first floor element compared to all neighbouring buildings within the terrace. This is clearly noticeable when looking on aerial images (see below) and on the Proposed Site Plan. The reasons for this are:
- The proposed extension is not as wide as the neighbouring first floor/two-storey elements; and
 - The proposed extension would be located along the northern boundary of the Appeal site. This is compared to 67-71 Station Road and 73-75 Station Road, where the rear first floor/two-storey elements are centrally located.



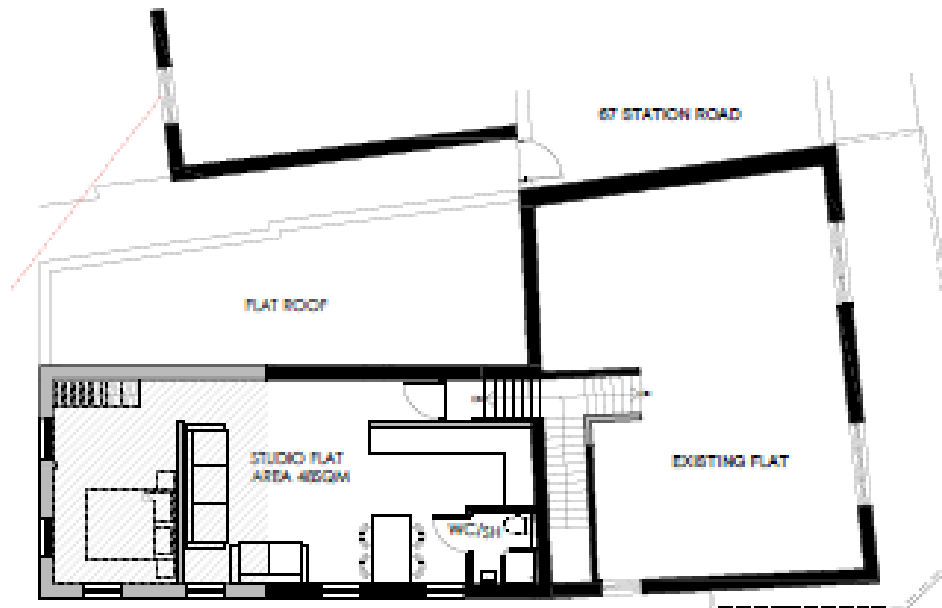
Aerial image showing gaps between rear first floor elements along the terrace (Google Imagery)

3. The existing rear two-storey building line of the Appeal site is short of that of the neighbouring buildings in the terrace. The proposed extension would bring the two-storey building line out to the same point as 73-75 Station Road, such that it would be in-keeping with this; any perceived rhythm would continue; and it would be consistent with a previously acceptable extension depth. It is acknowledged that the extension would project slightly further than the neighbouring two-storey element of 67-71 Station Road, but not to a visually harmful extent and this projection is tempered by the wider gap between the first-floor elements of the buildings, which also ensures acceptable lines of sight.
4. The ridge height of the proposed first floor extension would also be less than the existing ridge height at the neighbouring 67-71 Station Road (as shown on the below Proposed East Elevation drawing). It would continue the pitch of the existing rear roof.



Proposed East (Rear) Elevation showing ridge heights

5. The proposed extension would not extend into the 45-degree line of sight area drawn from the centre of the nearest ground or first floor habitable room of an adjacent property window (67 Station Road), as demonstrated by the below and submitted drawing.



Drawing showing 45-degree sight line from 67 Station Road

6. The proposed architectural details and building materials would match the existing materials.
7. The proposed development would not adversely impact upon the setting or views of the Grade 2 listed St Anselm's Church;
8. The proposed extension would not contain any windows or other openings that overlook other houses at a distance of less than 21 metres.
9. The LPA had no objection to the internal design and layout of the proposals. The proposals meet internal space requirements for a one-bedroom, one-person studio flat (37sqm).
10. There are no adverse impacts on the amenity, outlook, daylight and sunlight of adjacent properties for the reasons set out in paragraphs 6.1 – 6.16.
11. Parking can be adequately addressed as set out in paragraphs 6.17 – 6.21.

6.8 The scale of development is therefore entirely appropriate, compatible and retains a satisfactory relationship with the adjacent structures/dwellings, building plots and streetscene in such that it is compliant with the criteria policies DMHB 11 and DMHD 1. It is no longer excessive or awkward as was deemed the case in the dismissed appeal.

- 6.9 Being of less width and providing a greater gap between first floors, the proposed extension is smaller, less bulky and more sensitive than the neighbouring additions which have previously been allowed within the terrace.
- 6.10 The claim that the proposal would be an overly dominant and visually obtrusive form of development is therefore unsubstantiated.

2. Reason for Refusal 2 - Material loss of residential amenity

- 6.11 The second part of reason for refusal 2 states that “...and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).”
- 6.12 By removing the previously proposed amenity area; patios/terraces; the access; and windows in the extension’s south elevation, previous concerns around overlooking, noise and disturbance to the first floor flat at 67 Station Road have been adequately addressed. Access would be via an existing access along Crown Close.
- 6.13 Equally, the proposed extension would not have an unacceptable adverse impact upon light or outlook of the neighbouring dwelling. 67A Station Road only has a solid entrance door in the alleyway between the two buildings (not a garden area or amenity space) and an obscured window (belonging to a bathroom) on its north elevation facing the proposed extension. Any perceived outlook is therefore limited.
- 6.14 The areas that would be impacted by the proposed development are all non-habitable, secondary rooms/areas. The relationship between the two buildings is therefore already severely limited and so are any perceived impacts upon amenity. Furthermore, the amendments to the scheme which have reduced the extension’s width provide a sufficient first floor gap – one which is greater than that between 71 and 73 Station Road. This gap will continue to allow a similar level of light into the obscured window. Loss of light was not previously a concern of the Inspector’s in the 2015 dismissed appeal and this was before the width and height of the extension were reduced.:

“...I accept that the reduced bulk of the proposed extension would not result in any technical loss of light to the occupants of this property”

- 6.15 The neighbouring residential dwelling at 67 Station Road does include windows on its rear/east elevation. However, as already explained in paragraph 6.7, the extension would not extend into the 45-degree line of sight from these windows. The proposed extension would also be further than 21 metres to the residential dwellings to the east in accordance with the LPAs design criteria contained within Policy DMHD 1.



Rear alleyway, obscured window and entrance door between 65-67 Station Road and 67A Station Road



Rear elevation of 65-67 Station Road (looking west and showing 67A's rear first floor window)

- 6.16 The proposals prevent overlooking, loss of privacy, adverse noise, disturbance and outlook issues in accordance with Policy DES4, such that this reason for refusal is unsubstantiated.

3. Reason for Refusal 2 – Legal Agreement or Obligation

- 6.17 Finally, reason for refusal 2 states that *“In the absence of a legal agreement or obligation, the applicant has failed to agree to the restrictions of parking permits which is required in order to facilitate sustainable development. The developments therefore fails to provide adequate off street parking provision or demonstrate that the proposal would not lead to a deleterious impact on street parking provision, congestion or local amenity contrary to Policies DMT 2 and DMT 6 Hillingdon Local Plan: Part Two – Development Management Policies (2020).”*
- 6.18 It has already been agreed with the LPA that, due to the site’s location within Hayes Town Centre and high PTAL rating, a car free development is acceptable, subject to the provision of one covered and secure bicycle parking space and a S106 legal agreement to ensure future residents do not have access to parking permits within the adjacent parking management scheme.
- 6.19 The appellant has therefore submitted a Draft S106 Agreement to HC for comment (and a copy is submitted here for completeness). This would restrict the future occupant of the flat from applying for a parking permit. The agreement will be completed prior to the Final Comments stage of the appeal.
- 6.20 A secure covered cycle store would be provided in the location shown on the Proposed Ground Floor Plan. Details of which can be secured by condition.
- 6.21 The proposed development is therefore in accordance with Policies DMT 2, DMT 6 and T6, paragraph 109 of the NPPF, such that this reason for refusal is no longer valid.

7 CONCLUSIONS

- 7.1 This Appeal relates to refused application 18175/APP/2020/2157 for the erection of a first-floor rear extension and conversion of storage area to provide a one-bedroom, one-person studio flat.
- 7.2 The proposed development provides much needed additional housing by making efficient use of under-utilised brownfield land.
- 7.3 An additional house will add to the vitality and viability of Hayes Town Centre and contribute to the Council's housing stock.
- 7.4 The Appeal site is in a highly accessible location and promotes sustainable transport modes. There would be no adverse highway impact.
- 7.5 The proposed development has been reduced significantly compared to previous proposals. It is now entirely appropriate in its design and massing, and would respect and integrate well with neighbouring buildings.
- 7.6 The proposed development would have no adverse impact on the amenity of existing or future occupants.
- 7.7 The proposal represents sustainable development. It is in accordance with the Development Plan and the NPPF and overcomes the previous Inspector's concerns. The Inspector is therefore respectfully requested to allow the Appeal.