



Appeal Decision

Site visit made on 30 September 2020

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/R5510/W/20/3247712

Land adjacent to 24 Chestnut Close, Hayes, UB3 1JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Harvinder against the Council of the London Borough of Hillingdon.
 - The application Ref 66635/APP/2019/3219 is dated 26 September 2019.
 - The development proposed is 1- erection of new dwelling on land adjacent to 24 Chestnut Close, Hayes, UB3 1JG 2- erection of single storey rear extension on 24 Chestnut Close, Hayes, UB3 1JG.
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Decision

1. The appeal is allowed and planning permission is granted for: 1- erection of new dwelling on land adjacent to 24 Chestnut Close, Hayes, UB3 1JG, 2- erection of single storey rear extension at 24 Chestnut Close, Hayes, UB3 1JG in accordance with the terms of the application, Ref 66635/APP/2019/3219 dated 26 September 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Officer's Report, prepared after the date on the appeal application form, sets out the Council's objections to the proposal, as summarised in the main issue below.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the building and street scene.

Reasons

Character and appearance

4. The appeal site is a two-storey semi-detached dwelling and garden on a corner plot at the junction of Chestnut Close and Walnut Close. Both the appeal site and 22 Chestnut Close, the corner plot on the other side of the junction with Chestnut Close and Walnut Close, have side gardens. The Council considers that these open spaces, and a common building line between No 24 and the houses to the rear of it on Walnut Close, are important to the street scene.

5. However, in my view, the defining characteristics of the street scene are the common building line shared by houses on Chestnut Close, set back behind front gardens or off-street parking, and their front elevations. These are faced with bricks on the ground floor and render on the first floor and have similar sized windows. The alignment between the appeal site and houses on Walnut Close is not so important because of the gap between them. Also, the opposite corner plots on the junction of Almond Close and Chestnut Close do not have side gardens. They are not therefore defining features of such significance to the street scene that the development of the side garden at the appeal site would cause unacceptable harm.
6. The proposed house would be set back the same distance from the road, and extend along the same frontage building line, as neighbouring properties on Chestnut Close. The front elevation would be faced in brick and render and have windows matching those of No 24. The proposed hipped roof would balance that of No 22, the adjoining house. All of which mean that the proposed dwelling would match and complement the existing building rather than harm its appearance and that of the street.
7. Furthermore, although the street generally comprises a mix of semi-detached houses and terraces of four, there are two terraces of three houses opposite the appeal site on the corner of Chestnut Close and Almond Close. As such, the proposed development in creating a terrace of three houses would not appear out of place.
8. The Council is concerned that because the proposed dwelling is a similar width to No 24, and not set back from its front elevation or down from its roof ridge, that it would not appear subordinate to it. However, the proposal is for a new house rather than an extension to an existing one. As such it is appropriate for the proposed development to be the same height and width and extend along the same building line as No 24.
9. Overall, I consider that the proposed development would cause no harm to the character and appearance of either No 24 or the wider street scene. The proposal would thus comply with policy BE1 of the London Borough of Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies DMHB 11 and DMHB 12 of the London Borough of Hillingdon Local Plan: Part Two – Development Management Policies (January 2020) (LP) and policies 3.5 and 7.4 of the London Plan (2016) which require development to be of a high quality that integrates and harmonises with the local context. As policy DMHD 1 of the LP deals with household extensions and the Council's concern is over the impact of the proposed new dwelling rather than the rear extension to No 24, I do not consider the policy relevant to the main issue.

Conditions

10. I have considered the conditions suggested by the Council. In addition to the standard condition which limits the lifespan of the planning permission, a condition specifying the approved plans is necessary in the interests of clarity. A condition regarding materials and landscaping is necessary to safeguard the character and appearance of the area. Conditions requiring visibility splays to remain unobstructed and for car parking to remain available at all times are necessary to ensure highway safety. Conditions requiring step free access and compliance with the relevant parts in Approved Document M to the Building

Regulations (2010) 2015 are necessary to ensure the building is accessible to a range of occupants including those with reduced mobility.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 01, XEVA/24CC/101, XEVA/24CC/102, XEVA/24CC/103, XEVA/24CC/104, XEVA/24CC/105, XEVA/24CC/106 , XEVA/24CC/107, XEVA/24CC/108, XEVA/24CC/109, XEVA/24CC/110, XEVA/24CC/111 and XEVA/24CC/112 except where these can be modified by any other conditions attached to the permission.
- 3) No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.
- 4) No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

Details of Soft Landscaping

- a) Planting plans (at not less than a scale of 1:100),
- b) Written specification of planting and cultivation works to be undertaken,
- c) Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate.

Details of Hard Landscaping

- d) Refuse Storage (inc. elevations if appropriate)
- e) Cycle Storage (inc. elevations if appropriate)
- f) Means of enclosure/boundary treatments (inc. elevations if appropriate)
- g) Car Parking Layouts
- h) Hard Surfacing Materials
- i) External Lighting

Details of Landscape Maintenance

- j) Landscape Maintenance Schedule for a minimum period of 5 years.



Appeal Decision

Site visit made on 4 February 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/R5510/W/19/3241390

2 Parkfield Road, Ickenham, Uxbridge, UB10 8LN

- 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 Mdn Inv Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 74249/APP/2019/2423, dated 18 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is 'Erection of 2 x 3-bed, two storey semi-detached dwellings with associated parking and amenity space and installation of a vehicular crossover, involving demolition of the existing bungalow'.
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Decision

1. The appeal is allowed. Planning permission is granted for erection of 2 x 3-bedroom semi-detached dwellings with associated parking and amenity space, and installation of a vehicular crossover, involving demolition of the existing bungalow at 2 Parkfield Road, Ickenham, Uxbridge, UB10 8LN in accordance with the terms of the application, Ref: 74249/APP/2019/2423, dated 18 July 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A new Local Plan Document¹ was adopted between the date of application for planning permission and the appeal decision. This replaces the Local Plan Part 2 Saved UDP Policies (2012). Both parties have had the opportunity to comment on any relevant implications for the appeal.
3. The description of development on the application form was inaccurate in referring to a single dwelling. However, the appellant and Council both later refer accurately to the development as two dwellings, which is reflected in the banner heading for this decision and is the description on which I have determined the appeal.

Main Issues

4. The effects of the proposal on:
 - The character and appearance of the area;
 - The living conditions for future occupants, with particular regard to daylight in the first floor 'study'.

¹ London Borough of Hillingdon, Local Plan Part 2, Development Management Policies, Adopted January 2020

Reasons

Character and Appearance

5. The site is close to the entrance of a long, flat cul-de-sac, at this end comprising mainly detached bungalows of no consistent style or finishing material. I observed during the site visit that many incorporated significant extensions and alterations, including roof conversions. The next-door bungalow is semi-detached (No 2A and No 4) and has had the roof raised to the same height as that of the current proposal. Further down the street the number of two storey houses increases, some of which are much larger than surrounding properties and again there is no uniformity in style. Gaps between frontages are generous and combined with large rear gardens, this gives the area a spacious character. Parkfield Road opens on to a busy, predominantly commercial road and the backdrop to the site is that of notably higher buildings, including blocks of flats. The bungalow is the first house on this side of the road and as such makes a moderate contribution to setting the character for the area.
6. The proposals harmonise with the local context because they are within the envelope of height, mass and bulk already established by housing along the street. The plot coverage, building lines and setbacks are all consistent with the character of the area and gaps between structures would only be marginally changed. Proposed materials are appropriate in the context of highly mixed finishes along the rest of the street. I therefore consider this to be an example of good design, as defined in Policy DMHB11 of the Local Plan.
7. The Council suggest that the current upper level open space provides visual relief in a densely developed area and a visual gap between the adjacent bungalows to the north. However, the roof line would only be raised by 1.3 m, to the same height as next door and the roof structure would remain hipped, reducing the potential for visually intrusive bulk. I therefore do not consider this reduction in the upper level space significant in harming visual relief. Sufficient space remains between the buildings, consistent with the HDAS SPD² and when also allowing for the neighbour's garage a visual gap remains that would be consistent with others along the street. I note that the applicant has introduced Dutch gables and crown roof to achieve the equivalent roofline as next door. Whilst I agree with the Council that these structures are not typical of the area, given the wide variety of architectural styles locally, I do not consider the proposal harmful and in conflict with Policy DMHB12, which requires that the established character and quality of the area should be taken into account.
8. For the reasons above I find that the proposals would not harm the character and appearance of the area and are therefore not in conflict with Policies DMHB11 and DMHB12 of the Local Plan, or 3.5 of the London Plan (2016) which ensure among other things, that development responds positively to the character of the surroundings.

Living Conditions

9. I have noted debate over whether the first floor 'study' in proposed No 2b is of sufficient size to be considered a 'bedroom' and have concluded that it is

² Hillingdon Design and Accessibility Statement Supplementary Planning Document (2006)

clearly a habitable room in which occupants could reasonably expect to spend time and it is therefore appropriate that natural light should reach the room. The Council has raised concerns that there would be no 'natural/sunlight'. Plans show there would be two roof lights in the rear elevation and I have therefore concluded that the room would receive natural daylight. However, given the aspect, it is unlikely that it would receive much in the way of direct sunlight. I have not been provided with analysis of whether occupants would have any outlook. The plans show that the rooflights would be at a similar elevation to the rear dormer, but as they would be at an angle and in the absence of any other information, I have assumed that outlook would not be easily achievable.

10. Policy DMHB11 and Policy 3.5 of the London Plan (2016) state that development should be designed to the highest standards. Although not explicit in Policy DMHD11, the supporting text to which I give some weight, says the Council will seek to ensure development optimises levels of daylight and sunlight, and expects the BRE guidance to be followed, although this analysis is not in the documents before me. Section 4.0 of the HDAS SPD only requires that residential development should receive 'adequate' daylight. Given that the room is small, which I have assumed will reduce residence time compared to a larger room, and that there are plenty of other opportunities for outlook from the house, I consider the proposed living standards adequate and do not find conflict with local policies.

Other Matters

11. I have noted concerns from neighbours regarding loss of privacy and parking. I agree with the Council's analysis that, based on the HDAS SPD guidance, there would be no loss of privacy from the proposal. The parking proposals are in line with current guidelines and there should not be any impact on street parking.
12. I also note comments from neighbours regarding house numbering and restoration of fence lines if fruit trees are removed. These are not matters over which I have agency.

Conditions

13. The Council requests that 6 conditions be imposed in addition to those set out in the Officer's Report. In addition to the statutory time limit (1), I have imposed a condition (2) specifying the relevant drawings as this provides certainty. I consider that sufficient information regarding the finishing materials is provided on these drawings and a separate condition to control this is not necessary. Condition (3) is necessary for the purpose of securing and maintaining appropriate soft and hard landscaping, but I have altered the implementation period to prevent it being a pre-commencement condition. I have also amended part 2d regarding requirement for electrical charging points because it is not possible to demonstrate 5% of two parking spaces are served by electrical charging points. This condition also satisfies the recommendations of the tree and landscape officer. Condition (4) secures visibility splays in the interests of highway safety and Condition (5) ensures that car parking provision is secured. Conditions (6) satisfies the recommendation of the access officer in the interests of accessibility over the lifetime of the development. I have not imposed a condition referring to housing standards because I do not have sufficient information to justify this, in line with the Planning Practice Guidance on optional technical standards for housing. The aim of this condition is in any case covered by other legislation.

Conclusions

14. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

B Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the application form and drawing numbers A500-SK1, A500-P-01, A500-P-02, A500-P-03, A500-P-04, A500-P-05, A500-P-06, A500-P-07.
- 3) A landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the development hereby permitted is brought into use and thereafter the development shall be maintained in full accordance with the approved details. The scheme shall include: -
 1. Details of Soft Landscaping
 - a) Planting plans (at not less than a scale of 1:100),
 - b) Written specification of planting and cultivation works to be undertaken,
 - c) Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 2. Details of Hard Landscaping
 - a) Refuse Storage (including elevations, if appropriate)
 - b) Cycle Storage (including elevations, if appropriate)
 - c) Means of enclosure/boundary treatments (including elevations, if appropriate)
 - d) Car Parking Layouts
 - e) Hard Surfacing Materials
 - f) External Lighting
 - g) Other structures (such as play equipment and furniture)
 3. Details of Landscape Maintenance
 - a) Landscape Maintenance Schedule for a minimum period of 5 years.
 - b) Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
- 4) The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all



Appeal Decision

Site visit made on 4 August 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/R5510/W/20/3250434

Morrisons, 43-67 High Street, Yiewsley, West Drayton UB7 7QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Habourside Investments Ltd and WM Morrison Supermarkets PLC against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 2370/APP/2019/2880, dated 29 August 2019, **was refused by notice dated 17 March 2020.**
 - The application sought planning permission for demolition of the existing buildings and the redevelopment of the site to provide a part 4 to part 8 storey building comprising a replacement Class A1 1,643sq.m (GIA) foodstore, 144 residential units, basement car parking and associated works without complying with conditions attached to planning permission Ref 2370/APP/2018/2793, dated 21 August 2019.
 - The conditions in dispute are Nos 2, 3 and 7 which are listed, along with their reasons, in the attached Schedule 1: Disputed Conditions.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and the redevelopment of the site to provide a part 4 to part 8 storey building comprising a replacement Class A1 1,643sq.m (GIA) foodstore, 144 residential units, basement car parking and associated works at Morrisons, 43-67 High Street, Yiewsley, West Drayton UB7 7QQ in accordance with the application Ref 2370/APP/2019/2880, dated 29 August 2019 without compliance with condition numbers 2, 3 and 7 previously imposed on planning permission Ref 2370/APP/2018/2793 dated 21 August 2019 but subject to the conditions in the attached Schedule 2: Imposed Conditions.

Application for costs

2. An application for costs was made by Habourside Investments Ltd and WM Morrison Supermarkets PLC against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matters

3. **In addition to policies within the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 and the adopted London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 ('the LP'), the Council's reasons for refusal cite policies T4 and DF1 of the draft London Plan (Intend to Publish Version 2019) ('the ITPLP').** The Secretary of State's response to the Mayor of London's ITPLP, includes directions for

modification of some aspects of it, although the Mayor may instead put forward alternative changes in order to address the concerns raised.

4. Policies T4 and DF1 of the ITPLP are not subject to modification directed by the Secretary of State. With regard to paragraph 48 of the National Planning Policy Framework (the Framework) and the advanced stage reached, these policies attract significant weight in my decision. Although not relied on within the Council's reasons for refusal, given the matters which are at issue in this appeal, Policies T6 (Car parking) and T6.1 (Residential parking) of the ITPLP are also relevant. Neither these policies, nor the maximum parking standards for Outer London Opportunity Areas identified at Table 10.3 are subject to modification directed by the Secretary of State. I therefore similarly afford significant weight to these policies.
5. I have taken into account comments by the main parties on the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ('the Amendment Regulations') which came into force on 1 September 2020 and amend the Town and Country Planning (Use Classes) Order 1987 ('the Use Classes Order'). Under the Amendment Regulations, a new commercial, business and service' use class (Class E) is created which incorporates former use classes including shops (Class A1).
6. The parties suggest in the event the appeal were to be allowed that references to 'Class A1', including within the description of development, should be amended to the new Class E. However, I have determined the appeal in light of Regulation 4 of the Amendment Regulations which outlines that an application submitted prior to 1 September 2020 referring to uses or use classes specified in the Schedule to the Use Classes Order as at 31st August 2020 should be determined by reference to those uses or use classes. Accordingly, I have retained the references to Class A1 of the Use Classes Order.

Background and Main Issue

7. Planning permission was granted on the appeal site under application reference 2370/APP/2018/2793 ('the original permission') subject to a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 (the Act), and planning conditions. These include condition 2 which sets out the approved plans for the development, condition 3 which sets out the supporting plans and documents, and condition 7 which requires a landscape scheme to include, amongst other things, details of car parking layouts including 101 residential car spaces and 69 retail car parking spaces.
8. The application which is the subject of this appeal was made under Section 73 of the Act for a minor material amendment to the original planning permission. The appellant is seeking to amend the plans approved at condition 2 in order to remove a lower basement level and reconfigure the upper basement level. The resulting changes include a small increase in the area of the upper basement level and a reduction in the number of residential car parking spaces from 101 to 23. In line with this change, some of the supporting information listed at condition 3 has also been updated, and there would be a change to the number of parking spaces from those cited within condition 7.
9. A completed Deed of Variation (DofV) securing planning obligations has also been submitted during the appeal and I return to this matter below.

10. Having regard to the above and the evidence before me, the main issue is the effect that variation of the parking arrangements would have on the safety and convenience of pedestrians and users of the highway network in the vicinity of the site, and on the quality of life of existing residents and future occupiers of the development.

Reasons

11. The original permission relates to the site of an existing supermarket within the Yiewsley/West Drayton Town Centre and Heathrow Opportunity Area. The appeal proposal would not alter the number of retail parking spaces or levels of cycle parking provided. However, where the original planning permission provided for 101 residential parking spaces including 14 accessible spaces, 23 on-site spaces including 4 accessible spaces are now proposed.
12. Parking standards within Policy DMT 6 of the Local Plan and Policy 6.13 and Table 2 of the LP suggest a maximum residential parking provision for the development of around 226 spaces and 216 spaces respectively. Emerging parking standards at Policy T6.1 and Table 10.3 of the ITPLP indicate a lower maximum provision, and in Outer London Opportunity Areas suggest a maximum of 0.5 spaces per dwelling. The 23 residential parking spaces would be below these maximums. As a result, there would be no inherent conflict with these policies and they are not relied on within the Council's reason for refusal.
13. The Council does not seek the maximum residential parking provision of up to 226 spaces under Policy DMT 6. However, it considers the intended parking, with a ratio of 0.16 spaces per dwelling, to be unprecedented in this area, and insufficient to meet the needs of the ward profile and residents and to avoid parking stress along surrounding streets.
14. In support of this, the Council refers to data from the 2011 Census indicating that Hillingdon as a borough has one of the highest rates of car ownership in London, and it suggests that there is an average of one vehicle available per household in the Yiewsley ward which the site is within. Notwithstanding this, data within the Council's highways evidence indicates that 34% of households within the smaller 'output area' that includes the site have no car or van. Moreover, these overall averages mask variations in vehicle availability between different household types. The more detailed breakdowns within the appellant's evidence show that when only households residing in flats, maisonettes, apartments or caravans are considered, around 41% of households within the Yiewsley ward had no access to a vehicle in 2011.
15. Although the Census data is now some years old, it seems clear that whether or not they have access to parking, a significant proportion of households in this area do not have access to a vehicle, particularly those in flats or other smaller dwellings which are of particular relevance given the nature of the development. I have not been provided with any clear evidence that these households are unable to access either local services or destinations to which they need to travel. As a result, I have significant doubts that ownership of a vehicle, and thus provision for parking, would necessarily be an overriding requirement in this area.
16. I also note examples of developments in the Yiewsley/West Drayton area where the Council advises parking ratios have been between 0.85-1 space per dwelling. I have no reason to doubt that this level of parking has historically

been provided. Even so, surveys by the Council of parking within 2 of these developments indicated a significant number of spaces available, albeit that I note these were snapshots and during the daytime.

17. In any case, current levels of parking, vehicle ownership and use in this area do not amount to sufficiently robust evidence that parking to cater for a similar level of ownership or use is necessary, far less that it should be encouraged. In this regard, there are clear policy objectives within the LP, Hillingdon Local Plan Part 1 Strategic Policies 2012 and Local Plan Part 2 as well as the National Planning Policy Framework (the Framework) seeking to reduce private car dependency, congestion, vehicle emissions and impacts on air quality. These objectives are further embodied within the Mayor's Transport Strategy 2018 (MTS) which seeks a modal shift to 56% of trips in Hillingdon and 80% of trips in London by walking, cycling or public transport by 2041.
18. The evidence before me also includes research which shows a strong link between access to parking as a predictor of vehicle ownership, which is in turn closely related to vehicle use. TfL and the Greater London Authority (GLA) have both strongly supported the proposed reduction in parking on the site and I note comments by TfL that congestion, emissions and public health are challenges which all boroughs must contribute to addressing. Further, that reducing residential parking is essential in order to effectively manage the road network in London and deliver the new homes that the city requires.
19. Overall, I find the case that reducing levels of parking encourages reduced vehicle trips and a mode shift to walking, cycling and public transport to be compelling. With regard to the submitted evidence, I have no doubt that current levels of vehicle ownership and use in the area around the site are, at least in part, a factor of the historic availability of parking. It seems to me that providing similar levels of parking in future would perpetuate the ownership and use of private vehicles contrary to wider policy objectives noted above.
20. Nevertheless, Local Plan Policy DMT 1 requires that the transport needs of development are met and impacts addressed in a sustainable manner. I recognise that vehicle ownership and use, and as a consequence the related need for parking, will also be influenced by the accessibility of employment, services and facilities to meet community needs by non-car modes of travel. Policy DMT 2 further seeks to minimise the impact on the surrounding highway, including impacts on local amenity and safety.
21. The site is close to the outer boundary of London, and I acknowledge that the MTS advises that trips in such locations tend to be longer with different start and end points which is a challenge to efficient public transport, and that some people have no choice but to drive. I also note the Council's comments that there is a lack of orbital and north-south public transport links in this area, and that existing residents travel to destinations outside of London by car, highlighting expensive and inconsistent public transport outside of London. Be that as it may, I nevertheless agree with the comments of the Inspector in a recent appeal at Stanford House, 9 Nestles Avenue¹ that PTAL ratings are a good indicator of the level of services available. I note that there are differences in the circumstances and considerations relevant to that appeal, but I see no reason that the general principle should not equally apply here.

¹ Appeal reference APP/R5510/W/19/3230503

22. The site currently has a PTAL of 3 which is categorised as 'moderate'. It is very close to West Drayton station which provides links to destinations including central London, Heathrow and west towards Reading, as well as bus stops served by a number of different local routes. These routes include a frequent 24-hour service, and relatively frequent services on most other routes which enable direct access to a range of service, employment or education centres.
23. While there will be some delay to its opening fully, the Elizabeth Line (Crossrail) will further improve connections from West Drayton in future, including into central London destinations and interchanges as well as to areas west of London. The line may reflect existing routes, but the increased frequency of services and reduced need to change trains to access some destinations will nevertheless enhance convenience, the practicality of various route options and the attractiveness of journeys for future occupiers. TfL and the GLA additionally advise that the opening of this line is expected to increase the PTAL rating of the site to 4 which is categorised as 'good'.
24. I accept that the PTAL rating of the site as existing and anticipated in future is below the highest grades of 5 or 6 where Table 10.3 of the ITPLP indicates development should be car free. Even so, the existing and future connectivity of the site by public transport indicated by these PTAL ratings would in my view undoubtedly provide future occupiers an alternative to travel by private car in order to access a range of destinations, services and employment options. In addition, facilities within walking or cycling distance of the site within the town include a GP surgery, library, primary school, shops and services. Given the range of employment, facilities and locations which are accessible by non-car modes of travel, I am not persuaded that occupiers would need to rely on ownership or use of a private vehicle to be able to access necessary services.
25. The DoFV also includes a replacement Residential Travel Plan (RTP) setting out measures intended to reduce resident car journeys and encourage walking, cycling and public transport use. TfL's Travel Plan Guidance 2013 provides relevant advice. Irrespective of the number of residential parking spaces on site, all occupiers would make travel choices and I therefore consider it important that targets and monitoring reflect the development as a whole according to the number of dwellings. Travel targets and a requirement for 'ITRACE' surveys at years 1, 3 and 5 of occupation of development are now included in the replacement RTP, and would ensure its effectiveness.
26. There is additionally provision within the DoFV for 2 car club spaces on St Stephen's Road, with free membership of the scheme for the first occupiers of each dwelling for 2 years. This is strongly welcomed by the GLA and would enable occupiers to conveniently access a vehicle for occasional journeys.
27. I note that operation of the car club spaces would be subject to consultation, and the Council's contention that car clubs in the borough have had mixed success and the requirement for consultation. Nevertheless, even setting aside the car club, I am satisfied that the level of parking on the site would not be a barrier to the ability of occupiers to access employment, education or other necessary services. While occupiers would not therefore need to rely on private vehicle use or ownership, their choices in this respect would also be influenced by the availability of parking.
28. The majority of dwellings would not have access to parking on the appeal site given the level of residential parking proposed. Much of the surrounding area is

subject to a permit-controlled parking management scheme (PMS), or is time-restricted by yellow lines. The DoFV provides that a restriction on the original planning permission preventing occupiers of the development from acquiring residential parking permits would continue to apply should permission be granted, and that this restriction would be made clear to potential occupiers at the outset.

29. The PMS and time-restricted yellow lines do not currently operate at all hours of the day and week. Even so, the inability to park freely at all times would in my view limit the likelihood of occupiers considering this to be a practical or realistic option. There is a small amount of unrestricted parking near to the site on St Stephen's Road, but I observed that much of this was occupied by vehicles which do not look to have moved for a significant period of time, considerably limiting scope for occupiers to rely on these spaces as available.
30. Given the restrictions on parking around the site, occupiers may instead look to parking on roads outside of the PMS area as an alternative, and the Council has highlighted Otterfield Road and Providence Road as particular locations of concern. Otterfield Road is around 300m away from the site while Providence Road is around 400m away. I accept that this would not necessarily deter all occupiers, but consider that the distance together with the lack of in-person surveillance of vehicles would lead very few potential occupiers to regard this as a practical alternative parking location. I further note that these distances would exceed the 200m walk distance threshold referred to as an area that residents may want to park within the commonly used 'Lambeth method' for parking surveys which is included within the evidence before me. The distance to town centre car parks, with the closest car parks on Fairfield Road and Falling Lane at around 250m and 450m from the site, together with charging and the inability to guarantee access to a space or permit to park in future means I similarly find that occupiers are unlikely to consider this a suitable or practical alternative.
31. Given the limited provision for parking on the site and minimal realistic options for parking in the surrounding area at all times, it is reasonable to assume that the vast majority of dwellings would attract occupiers who do not own or use, nor intend to own or use a car and I have already found that the accessibility of the site would offer suitable alternative modes of travel to support this as a realistic option. I recognise that this would not suit all potential future residents, but occupiers would make decisions whether or not the development would be suitable for their requirements and lifestyle according to their circumstances, and those who did require a vehicle would instead look to alternative developments nearby with greater parking provision.
32. For these reasons, I find that the evidence before me does not demonstrate that a higher level of parking would be required on the site to meet needs, and I find that the proposal would help to facilitate behaviour change away from use of private vehicles. Levels of vehicle ownership and use by occupiers of the development would therefore be markedly different to overall averages for the area, and it would be inappropriate to apply these historic averages to the development in order to predict how much parking is required as the Council has sought to do.
33. For the same reasons, I do not consider reference to Census 2011 data a sound basis on which to challenge the vehicle mode share and trip rates within the

- updated Transport Assessment August 2019 (TA). I accept that they differ from historic averages in the area, but the lower predicted vehicle use reflects the circumstances of the development proposed. I am not therefore persuaded that they are unreasonable, nor that the TA significantly underestimates vehicle usage so as to result in high levels of displacement parking in the surrounding area.
34. Although the Council suggests that the trip rates within the TA would result in a peak of 14 vehicles wishing to park which cannot be accommodated on the site, the 'parking accumulation spreadsheet' on which this is based has not been provided and so I cannot be sure of the assumptions behind it. I note that the purpose of the trip rate assessment within the TA was to test junction capacity, rather than estimate actual traffic generation, but in any event, further details of the management of parking on the site are required by condition 18 of the original permission. The appellant has confirmed that dwellings would be marketed with no parking, with the option to purchase an on-site space if available. Those occupiers who have not purchased a space would therefore be aware that no parking would be available on-site, and the suggestion that vehicles would travel to the site to find no available parking, resulting in a need to seek alternative parking elsewhere therefore seems to me to be flawed and an unrealistic proposition.
35. Even if some occupiers without access to parking on the site did have a vehicle, whether initially or due to a change in circumstances, that does not signify that displaced parking would necessarily cause harm. At my visit, I saw some parking spaces available on both Otterfield Road and on Providence Road which the Council highlights as of concern being the closest unrestricted parking to the site beyond St Stephen's Road, as well as a greater number of spaces on other roads outside of the PMS area nearby. I also observed ample available spaces within the Falling Lane and Fairfield Road car parks, as well as many spaces on-street within the PMS area.
36. I accept that my visit during a weekday late morning was just a snapshot, and the situation may be different in the evening and overnight when residents are more likely to be at home. However, the appellant's Local Car Parking Demand Survey dated 13 December 2019 (LCPDS) considers the availability of parking on-street near to the site and within the Fairfield Road car park, and the Additional Parking Survey (APS) subsequently reviewed parking on Otterfield Road, Providence Road and part of Edgar Road in January 2020.
37. The LCPDS identified significant available parking capacity during the evenings and overnight when residential demand is likely to be greatest, including a substantial number on sections of single-yellow lines which would allow parking outside of the hours of restrictions. The APS also identified 7 available spaces in the early morning on the first survey day and 13 the second day; and 31 and 29 spaces respectively in the early evening on the surveyed unrestricted roads. The LCPDS additionally included a 48-hour parking accumulation assessment of the Fairfield Road car park which identified a minimum of around 74 spaces available. These spaces would offer some scope for occasional visitor parking, even if the number of spaces were to be reduced by up to 30 in future as the Council have suggested is the subject of ongoing discussion.
38. The Council has not disputed or offered any substantive challenge to the results of these surveys, and coupled with my site visit observations I consider that

- the suggestion of existing parking stress in the area has not been substantiated. Given the limited number of future occupiers that I consider are likely to depend on parking in the surrounding area and the apparent availability of parking nearby, I see no reason that the development would lead to protracted searches for spaces or parking in inappropriate locations by either existing or proposed residents. I also have no firm indication that other schemes in the area would seek to vary already agreed parking arrangements which could result in cumulative impacts together with the development.
39. I note the location of the site near to an entrance to St Matthew's Primary School, but potential harm to the safety of pupils and others would be restricted by the lack of realistic capacity for additional parking to that which already takes place on St Stephen's Road. Similarly, while the Council refers to a petition requesting a review of traffic calming on Otterfield Road with apparent mention of parked cars hindering visibility of those seeking to cross the road, there is no substantive evidence that the development would be likely to exacerbate an existing highway safety problem.
40. Moreover, while not currently part of the adopted development plan, emerging Policy T6 of the ITPLP highlights that an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets. Controls would be subject to consultation, and I note that implementation of controls on part of St Stephen's Road was not supported historically. However, I have no firm reason to find that new or extended controls within the wider area would fail to offer an effective means to manage parking if necessary, noting provision within the DofV removing eligibility of future occupiers for resident parking permits.
41. While I have had regard to concerns raised by the Council and interested parties, there is no compelling evidence that displacement parking, should it arise, would cause or exacerbate existing parking stress or lead to injudicious parking of vehicles on the local highway network. As a consequence, I do not find that the proposal would adversely affect the safety or convenience of users of the highway network in the vicinity of the site including pedestrians, or the quality of life of existing residents or future occupiers of the development.
42. Drawing matters together, I find with particular regard to the accessibility of the site that occupiers would be able to access necessary services by non-car modes. Opportunities for occupiers to park freely at all times would be very limited, acting as a significant disincentive to vehicle ownership and use, and encouraging instead a modal shift towards walking, cycling and public transport use. Even if some overspill parking did occur, albeit that I consider this would be fairly limited, the evidence does not demonstrate that this would cause unacceptable harm.
43. I appreciate concern that the development could be used to set a precedent for other proposals with similar provision for parking. However, each proposal must be treated on its individual merits. My findings reflect the specific circumstances of the appeal site including with regard to its location in very close proximity to the station as well as bus stops and local services and the available evidence on parking conditions and available controls locally. No detailed examples of directly comparable sites have been put forward, but even if such proposals did emerge, given the absence of identified harm, I see no

reason that this should be unacceptable or that it would justify withholding permission in this case, particularly noting the strong policy support for reducing parking provision.

44. I therefore conclude on this main issue that the proposed variation of the parking arrangements would not unacceptably harm the safety or convenience of users of the highway network in the vicinity of the site including pedestrians, or the quality of life of existing residents or future occupiers of the development. Accordingly, I find no conflict with Policies DMT 1 or DMT 2 of the Local Plan or Policy 6.3 of the LP. Nor do I find conflict with Policy T4 of the ITPLP to which I give significant weight. These policies require, amongst other things, that the transport needs of development are met, that transport impacts are addressed in a sustainable manner and that development does not contribute to the deterioration of air quality, noise, local amenity or safety.

Other Matters

45. I have given careful consideration to representations made about the proposal. No changes are proposed to the scale or design of the building above ground, and I am satisfied that the effect of the development on the living conditions of neighbouring occupiers would remain acceptable including with regard to sunlight and daylight. There is also no change to the number or mix of dwellings on the site. The DoFV secures obligations previously agreed to provide infrastructure found necessary to support the development, and there is no substantive evidence before me to demonstrate that other existing services and facilities locally are already under undue pressure, or that they would not have the capacity to accommodate future residents. Congestion and noise associated with vehicle movements to and from the site would also be reduced given the lower residential parking now proposed.
46. The removal of the lower basement level means that any effects during the construction period would be likely to be less than under the original planning permission. Any effects would also be short-term, and could be mitigated by careful construction management, including measures to control dust and noise and construction traffic. For these reasons, I do not find that there would be interference to rights under Articles 1 or 8 of the European Convention on Human Rights, as enshrined within the Human Rights Act 1998.
47. I am satisfied that none of the matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and the comments by interested parties do not alter my findings on the main issue.

Planning Obligation

48. The original permission was subject to an agreement under the provisions of section 106 of the Act which secured a number of planning obligations ('the principal agreement'). The DoFV dated 11 August 2019 secures the majority of these obligations unchanged in the event that permission is granted. However, Schedule 1 of the DoFV provides for an adjusted air quality and green infrastructure contribution which reflects the reduced number of parking spaces and the updated Residential Travel Plan discussed within the main issue above. Clause 7 of the DoFV additionally secures that upon commencement of development, the original planning permission shall not be implemented.

49. From the evidence before me, these obligations remain necessary to make the development acceptable in planning terms, and the amendments made by the DoFV ensure that the obligations secured are directly related and fairly and reasonably related in scale and kind to the development. I am therefore satisfied that these obligations accord with the tests at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) ('the CIL Regulations') and reflected at paragraph 56 of the Framework. The proposal would therefore make appropriate provision for affordable housing and for infrastructure in accordance with Policy DMCI 7 of the Local Plan, Policy 8.2 of the LP and Policy DF1 of the ITPLP.
50. Schedule 1 of the DoFV additionally includes obligations which were not part of the principal agreement. These comprise a car club scheme, and a highway improvement contribution towards highway improvement works in accordance with an appended drawing. The highway improvement contribution is supported by a breakdown of costs provided by the Council, and the DoFV also provides that any unexpended or uncommitted part of the contribution would be refunded in accordance with provisions of the principal agreement.
51. The car club scheme would support a reduced reliance on private vehicles and pressure on parking in the area. On the basis of the evidence before me, I am satisfied that the obligations relating to a highway improvement contribution towards those highway improvement works associated with the provision of 2 car club spaces on St Stephen's Road, and outlined at 3.2 of Schedule 1 of the DoFV which secure appropriate membership and advertisement of the car club, are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. Accordingly, these obligations would meet the tests within Regulation 122 of the CIL Regulations and the Framework.
52. The further provision of new marked parking bays on St Stephen's Road are indicated to provide time-limited parking during the day for local residents and shoppers rather than for the development, and it is not clear from the available information how these works would be necessary to make the development acceptable in planning terms. Accordingly, and for the avoidance of doubt, I find that the highway improvement works beyond those related to the car club spaces would fail to meet the tests in Regulation 122 of the CIL Regulations and the Framework. I have not therefore given any weight to this element of the highway improvement works obligations, and it plays no part in my decision.

Conditions

53. The Government's Planning Practice Guidance makes clear that permission granted under Section 73 of the Act should restate the conditions imposed on the earlier permission that continue to have effect, but should not extend the time limit under which the original permission must be started.
54. I have imposed a revised time limit for commencement in accordance with the original permission (condition 1). I have also imposed replacement conditions which contain the updated plan numbers (condition 2); updated supporting documentation (condition 3); and updated details of residential parking requirements as part of landscaping (condition 7). In doing so, I have had regard to the suggested conditions set out within the agreed Statement of

Common Ground (SoCG), as well as subsequent clarification from both main parties confirming the relevant supporting documentation at condition 3.

55. Condition 14 requires provision for cycle facilities. The SoCG highlights that the revision of the drawing referred to within this condition should reflect the updated plan number at condition 2. For the sake of clarity and to ensure the condition relates to the development permitted, I have therefore substituted a replacement condition 14 which contains the updated plan number.
56. I have no information before me about the status of the other non-disputed conditions imposed on the original permission, but in the event that some have been discharged, that is a matter which can be addressed by the parties. I have therefore imposed all those that I consider remain relevant as they appeared on the original permission decision. The appellant has agreed the wording of the pre-commencement conditions. I have not repeated the Council's 'Informatives', but the appellant should be aware of these from the Council's documentation.

Conclusion

57. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR



Appeal Decision

Site visit made on 4 January 2021 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2021

Appeal Ref: APP/R5510/W/20/3260216

32 Hillingdon Hill, Uxbridge UB10 0JB

- 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 Mr B Dhillon of PMSE Property Investments Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 74858/APP/2020/521, dated 13 February 2020, was refused by notice dated 8 April 2020.
- The proposed development is change of use from C3 dwelling house to C4 multiple occupancy 6 person HMO.

Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 dwelling house to C4 multiple occupancy 6 person HMO at 32 Hillingdon Hill, Uxbridge UB10 0JB, in accordance with the terms of the application, Ref 74858/APP/2020/521, dated 13 February 2020, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan at 1:1250 scale, 32 001 and 32 002.
 3. No part of the development shall be occupied until details of facilities to be provided for the screened storage of refuse bins within the site have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
 4. Within three months of the date of this approval, details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between each floor shall be submitted to the local planning authority for approval in writing, and implemented as approved within 6 months of the date of this permission.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
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Main Issue

3. The main issue is the effect of the proposed development on on-street parking and highway safety.

Reasons for the Recommendation

4. The appeal site accommodates a two-storey, mid-terrace property. It forms part of a row of similar properties on the southern side of Hillingdon Hill, numbered 2a-40, which lie adjacent to a busy one-way carriageway.
5. Policy DMT 6 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020 (the Local Plan), states that development proposals must comply with the parking standards set out in Appendix C, Table 1. This Appendix states that a maximum of one space for every two occupants can be provided for HMOs with up to 6 occupants. As there is already one off-street parking space, the provision of off-street parking would fall under the maximum requirement for three spaces. The proposal would therefore comply with the Appendix and so would also comply with Policy DMT 6.
6. I saw during my site visit that many of the properties within the row feature off-street parking. There are also numerous on-street parking spaces available from the front of No 14 towards a bus stop located a short distance beyond the eastern end of the row, many of which were available during the time of my site visit, albeit I accept during the evenings this area would most likely be more heavily parked. Nonetheless, given that many properties have off-street parking spaces, the ample availability of on-street parking, the lack of any robust evidence indicating that there are considerable pressures on local parking capacity and the nearby bus stop that would provide future occupants with an alternative to private vehicular ownership, I consider that the likely parking demand generated by the proposal would not result in any unacceptable harm to on-street parking or highway safety such that the free flow of traffic would be affected.
7. I note the Council's comments relating to car ownership within the ward. However, it is conceivable that the existing dwellinghouse in its current C3 use could accommodate four or five people that could each have their own car. While the slight increase in the maximum occupancy of the property as a result of the proposal may increase on-street parking demand, I do not consider that such an increase would be so great that it would unacceptably harm the existing supply of on-street parking capacity or highway safety.
8. In their statement, the Council reference to a residents' parking management scheme. However, this does not extend to evenings and weekends, so would appear to be designed to control parking by non-residents during the day, perhaps related to Brunel University nearby, rather than excessive amounts of residents parking at evenings and weekends. Furthermore, it is not clear whether the incidents of a resident's driveway being blocked were due to high parking demand in the area, or whether drivers were just taking advantage of existing road markings which suggested that there was still an on-street parking space in front of the driveway.
9. I note the Council's reference to a similar application at No 34 Hillingdon Hill, Ref 9963/APP/2014/1196, which was refused on parking grounds. Since then, however, a retrospective application for an HMO conversion at the same site,

Ref 9963/APP/2015/4634, was allowed on appeal. In their decision, the Inspector found that the Council had not provided any evidence to suggest that there were issues in the area with on-street parking or congestion. Although the scheme before me is larger, I am similarly not persuaded by the Council's evidence and so have arrived at a similar conclusion.

10. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to on-street parking and highway safety. The proposal would therefore comply with Policy DMT 2 of the Local Plan, which states that development proposals must ensure that safe and efficient vehicular access to the highway network is provided to the Council's standards. The proposal would also comply with Policy DMT 6 of the Local Plan, as set out above.

Other Matters

11. While I note that properties within the surrounding area are predominantly single family dwellinghouses, there are also some examples of HMOs. Given that the proposal would result in the conversion of only a single dwellinghouse, I do not consider that it would unacceptably alter the overall character of the surrounding area.
12. As the property would be in use as an HMO, it would not necessarily be the case that only students would occupy the appeal site. Even if this was the case, fears that the property would become a source of excessive noise are unfounded.

Conditions

13. The conditions which are imposed are mostly those which have been suggested by the Council. In addition to the standard timeframe condition, I have imposed a condition requiring that the approved scheme must be built in accordance with the approved drawings in the interests of certainty.
14. I have found it necessary to impose a condition requiring that details of the proposed bin storage facilities are submitted to and approved by the Council before development commences. This is to ensure that the approved scheme would have an acceptable effect on the character and appearance of the site and surrounding area. However, as details of secure, covered cycle storage are clearly set out within the approved drawings, I have not found it necessary to require that any further details are submitted on this aspect of the scheme.
15. In order to ensure that occupants would have sufficiently high standards of living accommodation, I find that it is necessary to impose a condition requiring details of a sound proofing scheme to be submitted and approved by the Council, and for the scheme to be subsequently implemented within a reasonable timeframe.
16. As building regulations lie outside of the remit of town planning, I have not imposed the suggested condition relating to Approved Document M of the Building Regulations.
17. The Council have suggested three conditions relating to hard and soft landscaping. However, as the proposal does not seek to make any further changes to outdoor areas, I do not consider that any of these conditions are necessary in this case.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 4 August 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/R5510/W/20/3250274

Land Rear of 42-48 Windmill Hill, Ruislip HA4 8PT

- 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 Mr Michael Harrington, HGB Motorcycles Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74574/APP/2019/431, dated 12 January 2019, was refused by notice dated 9 December 2019.
 - The development proposed was described as 'construction of a detached building to accommodate commercial floorspace at ground and first floor levels and 3 x 1-bedroom / 1-person flats at 2nd, 3rd and 4th floor levels at the land to the rear of 42-48 Windmill Hill'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a five storey building to create Use Class B8 floor space at ground and first floor levels and 2 x studio flats with associated amenity space at Land Rear of 42-48 Windmill Hill, Ruislip HA4 8PT in accordance with the terms of the application, Ref 74574/APP/2019/431, dated 12 January 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. Nevertheless, amended plans submitted during the determination of the planning application made alterations to the proposal, including to the number of flats. The main parties have advised that some of the plan references listed on the Council's decision notice were incorrect, but have confirmed the plans and revisions which were before the Council at the time of its decision and it is clear from the Council's report that the proposal was considered with reference to the development shown on these amended plans. I have determined the appeal on the same basis. The Council's decision notice also states a revised description of the proposal, referring to 'erection of a five storey building to create Use Class B8 floor space at ground and first floor levels and 2 x studio flats with associated amenity space'. This reflects the development shown on the amended plans and was entered on the appeal form by the appellant, and I have therefore used it in my formal decision above.
3. Both main parties indicate that since the Council determined the application, the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 ('the DMP') was adopted. I have therefore given full weight to the policies within the DMP. By the same token, saved policies of the Local Plan Part 2 Unitary Development Plan 2012 which were cited on the decision notice are no longer part of the development plan and therefore are not relevant to

the determination of this appeal. The Council further advised that the Supplementary Planning Document: Residential Layouts which is cited within the second reason for refusal has also been withdrawn, and I have dealt with the appeal accordingly.

Main Issues

4. The main issues are:

- i) the effect of the proposed parking arrangements on highway safety, the efficient movement of traffic and quality of life for existing residents and future occupiers; and
- ii) whether or not living conditions for occupiers of the proposed dwellings would be acceptable with particular regard to outlook.

Reasons

Parking

5. The appeal site is within Ruislip Manor Town Centre which provides a mix of commercial, residential and community uses. It is located to the rear of the three-storey building at 42-48 Windmill Hill, and is surrounded by buildings along Windmill Hill, West Way, Manor Way and Pembroke Road. The site is currently used as a yard and repair workshop associated with commercial premises at the ground floor level of No 42-48, and is served by an access which runs from Windmill Hill between the side of this building and the rear of development on Manor Way.
6. The appeal proposes a new building on the main part of the site fronting the access providing new commercial space at ground and first-floor levels. Above this, the upper part of the building would have a reduced footprint and would accommodate a studio flat at each of the second and third-floor levels together with a roof terrace.
7. Policy 6.13 of the London Plan – The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP) refers to vehicle parking standards which it states should be the basis for considering proposals. The DMP includes parking standards based on those within the LP, but with some adjustment to address local circumstances. Policy DMT 6 of the DMP states that development should comply with these standards to facilitate sustainable development and address issues related to congestion and amenity, but notes that requirements may be varied including when the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.
8. The main parties indicate that the parking standards would suggest a requirement for up to 7 spaces to serve the commercial floorspace and up to 3 spaces to serve the proposed flats. As no on-site parking is proposed, there would therefore be a shortfall of up to 10 spaces in total. However, standards within both the LP and DMP are expressed as maximum requirements, and the DMP confirms at paragraph 8.30 that the standards do not imply any minimum level. There is therefore no inherent conflict with these policies.
9. In this case, The main parties agree that the site has a Public Transport Accessibility Level (PTAL) of 3 which is categorised as 'moderate', and I saw that the appeal site is located close to Ruislip Manor Station which is served by the Metropolitan and Piccadilly underground lines, as well as bus stops served

- by a number of different routes. Future residents, as well as staff and visitors associated with the commercial floorspace, would therefore benefit from opportunities to travel by modes other than by private vehicles, reducing reliance on these and the associated requirement for on-site parking.
10. The Council advises that the appeal site is within the 'Manor' ward and suggests that around 82.6% of households in this ward have access to a car or van, and that around 36% of residents drive to work with nearly half of these trips being of more than 10km. However, vehicle use and ownership is likely to be influenced, at least in part, by accessibility and in this regard I do not know how the Manor ward area as a whole compares to the appeal site which is very close to the station and bus stops. In addition, these are overall proportions for all households/residents, and it is not clear whether or not they are equally relevant to smaller dwellings of the type proposed on the appeal site. In any case, these figures demonstrate that a reasonable proportion of households do not have access to a car or van. I do not therefore find existing levels of vehicle ownership and use in the area to be a convincing indication that future residential occupiers of the dwellings would inevitably seek to own or use a vehicle, nor that they would be reliant on private vehicles.
11. Given the specific circumstances of the appeal site including its accessibility and the small size of the studio flats, I consider it likely that demand for parking associated with the development as a whole would be less than the maximum 10 spaces suggested by the standards. However, even if I were to find there was a parking requirement of the scale suggested by the Council, no substantive evidence of existing parking pressure in the area which could be exacerbated by the proposal, or to show how the proposal would cause an unacceptable increase in traffic or harm to highway safety has been provided.
12. At the time of my visit, there were several available parking spaces on Pembroke Road very near to the site allowing for short-term stays of up to 60 minutes. There were also a large number of parking bays available near to the site, both on-street and within public car parks operating on a 'pay and display' basis between 0830 to 1800 Monday to Saturday, and while some were subject to maximum stay limits of 2 hours, this was not universally the case. These spaces serve the town centre as a whole, and I saw that many of the commercial uses do not appear to benefit from dedicated parking. In the absence of any firm evidence which would contradict my observations of a good level of available parking capacity, I see no reason that these spaces could not equally serve the commercial floorspace which is proposed on the appeal site or accommodate visitors.
13. Moreover, I saw further opportunities for unrestricted parking to take place on nearby roads. At the time of my visit there were limited spaces available on West Way in the immediate vicinity of the site, and I saw that dropped kerbs reduce opportunities for on-street parking in some locations. Even so, there were nevertheless some spaces available on streets in fairly close proximity of the site, where I noted parking taking place along both sides of streets without resulting in apparent obstruction to the highway.
14. I acknowledge that my visit took place during the day when some residents may be away from home, but this would coincide with the likely operation of the commercial use which generates the majority of the maximum parking requirement under the standards. Furthermore, beyond the marked parking

- places in the town centre noted above, I did not see parking restrictions in place which would point to a high degree of parking stress locally.
15. Given these circumstances, I see no reason that the development would result in unsafe or indiscriminate on-street parking so as to cause obstruction or otherwise adversely affect the safety or operation of the surrounding highway network or local amenity. With regard to the specific circumstances of the appeal before me and the provisions of DMP Policy DMT 6, I am therefore satisfied that variation of the parking standards, which are in any case maximums, would not lead to a deleterious impact on street parking provision, congestion or local amenity and would accordingly be justified.
16. I therefore conclude on this main issue that the proposed parking arrangements would not result in unacceptable harm to highway safety, the efficient movement of traffic or the quality of life for existing residents or future occupiers. The proposal therefore accords with Policies DMT 1, DMT 2 and DMT 6 of the DMP and Policies 6.3 and 6.9 of the LP. Together, these seek to facilitate sustainable development and require, amongst other things, that development makes adequate provision for parking and transport needs and that it does not harm highway safety, congestion or local amenity.
17. The Council's reason for refusal also refers to Policy 6.9 of the LP which relates to cycling. However, the evidence before me does not indicate any concerns in this regard, instead confirming that cycle storage for the dwellings would meet requirements and that provision for the commercial space could be sought by condition. I see no reason to take a different view, and accordingly find no conflict with LP Policy 6.9.

Living Conditions

18. The proposed flats would be positioned along part of the boundary of the site to the rear of development on West Way. No windows are proposed to the side of the building, but each flat would have full height glazing to its front and rear.
19. The main aspect from these windows would predominantly be towards the rear of existing buildings on Manor Way and Pembroke Road respectively. However, it is not uncommon for dwellings to have views towards the rear of neighbouring buildings. The buildings surrounding the site appeared to me to be fairly unremarkable, and not unattractive. With regard to their scale, the spacing provided would also be sufficient to avoid their appearing overbearing or oppressive and they would not give rise to an undue sense of enclosure for occupiers of the development. Moreover, views from the front of the upper flat would largely be over the top of the two-storey buildings on Manor Way, and there would be views from the rear of both flats across the single-storey 'Kwik-Fit Autocare' service centre building on the corner of Pembroke Road and West Way providing occupiers with opportunities for open outlook.
20. I note the Council's suggestion that occupiers would have views over refuse and recycling storage areas. However, the elevated position of the flats within the second and third floor levels of the building means that any direct views towards refuse and recycling storage areas would only be gained by occupiers looking down onto it, and would be likely to be screened at least in part by the building's lower levels. Even if it were visible to occupiers, the storage would make up only a small component of the wider view which would mostly be of the surrounding buildings or green roof of the development. As a result, I find

that nearby refuse or recycling storage would be an unobtrusive element of the overall views available to occupiers and would draw little attention.

21. Policy DMHB 16 of the DMP refers to housing standards and requires adequate provision of internal space in order to provide appropriate living environments. While cited in the Council's reason for refusal, the evidence before me does not indicate that the flats would fail to meet relevant standards, and I find no conflict with this policy.
22. I therefore conclude on this main issue that outlook from the proposed dwellings would be satisfactory, and the proposal would provide acceptable living conditions for future occupiers. I therefore find no conflict with Policies 3.5 or 5.3 of the LP which require, amongst other things, housing development of the highest quality both internally and externally that is comfortable for users.

Other Matters

23. I acknowledge that the development would be visible from some neighbouring dwellings. However, given its scale, the relationship with these dwellings, and the separation distances provided, the building would not be overbearing or result in any significant loss of light or privacy. The use of the roof terrace by occupiers of 2 dwellings would be unlikely to result in any significant noise, and potential adverse impacts of noise associated with the workshop use can be managed and mitigated by conditions. As a result, I am satisfied that the completed development would not unacceptably harm the living conditions of neighbouring occupiers. Notwithstanding the relatively constrained access to the site, any effects during the construction period would be short-term, and could be mitigated by careful construction management.
24. Given the scale of the development and that no parking is proposed on the site, the development is unlikely to result in unacceptable levels of traffic or congestion, and further details of provision for waste storage can be sought by condition. There is no firm evidence before me to suggest that it would not be possible for the development to make suitable provision for drainage. Nor is there firm evidence of any existing security problems that would be exacerbated by the proposal, instead, the additional windows would increase natural surveillance around the site.
25. I have taken into account comments made by interested parties but none of the other matters raised, either individually or collectively, alter my findings on the main issues.

Conditions and Conclusion

26. I have considered the conditions suggested by the Council and consultees. Where necessary, I have altered these for clarity, to ensure compliance with the tests outlined at paragraph 55 of the National Planning Policy Framework, and to avoid the use of pre-commencement clauses where this is not essential for the condition to achieve its purpose.
27. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty (2). A condition to control the external materials (3) is necessary in the interests of the character and appearance of the area.

28. To safeguard the living conditions of neighbouring occupiers and highway safety, a condition is required to agree details of how construction will be managed (4). This is a pre-commencement condition as details need to be agreed before any works take place to ensure that they are satisfactory, and the appellant has agreed to this.
29. The Council has also suggested a condition to require details of boundary treatment to the site. No walls or fences are indicated as part of the development, however, a condition to require further details of the proposed landscaping on the site including works to the access (5) is necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. To promote sustainable transport, secure cycle storage (6) is required. In the interests of the character and appearance of the area and to ensure satisfactory provision, a condition to control storage of waste within the site (7) is necessary. Details of measures to ensure that the living conditions of future and neighbouring occupiers of the site are not harmed by noise including through the use of the building (8) or machinery, plant or extract equipment (9) are also necessary in the interests of the living conditions of future and neighbouring occupiers, although I have altered the conditions suggested by the Council and Environmental Protection Unit to avoid duplication and to require details of measures to be implemented to ensure that they are enforceable and sufficiently precise. The main parties were afforded an opportunity to comment on the wording of conditions 5, 8 and 9.
30. Finally, although the Council have suggested a condition requiring the dwellings to achieve M4(2) Category 2 standards within Approved Document M to the Building Regulations, this includes a requirement for step-free access which would not be achievable here. Accordingly, the condition would not be reasonable, and I have therefore not imposed it.
31. Subject to these conditions, and for the reasons given above, the proposal would comply with the development plan when it is read as a whole. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Appeal Decision

Site visit made on 11 March 2020

by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Appeal Ref: APP/R5510/D/20/3244247

29 Wyteleaf Close, Ruislip HA4 7SP

- 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 Mr Sujal Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 21914/APP/2019/3317, dated 9 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is two storey side extension, single storey rear extension and porch to front including demolition of a conservatory and outbuilding.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has confirmed in section E of the appeal form that the description of development has changed from that stated on the application form. The revised description appears to have been taken from the Council's decision notice. I have amended it slightly in the banner heading above by inserting the word 'extension' in relation to the single storey rear addition, as it more clearly and accurately describes the proposal.
3. Although referred to within the Council's reasons for refusal, at the time that the application was determined, the London Borough of Hillingdon Local Plan: Part Two – Development Management Policies (DMP) was emerging. However, the Council has advised with its appeal submissions that the DMP was adopted on 16 January 2020. Therefore, it now carries full weight and forms part of the development plan for the area.
4. The Local Plan: Part 2 – Saved Unitary Development Plan Policies (November 2012), which includes policies BE13, BE15, BE19, BE22, AM7 and AM14 against which the planning application was initially determined, has now been withdrawn. Instead, the Council relies on policies DMHB 11, DMHB 12, DMHD 1, DMT 2 and DMT 6 of the DMP and advises that the aims and objectives of those policies are consistent with the above withdrawn policies. The Council's Supplementary Planning Document HDAS: Residential Extensions¹, which was referred to in some detail in the Council Officer's Report and is quoted by the appellant, has also been withdrawn.

¹ Adopted December 2008

5. Most of the relevant DMP policies were referred to in the Council's decision notice and the Officer's Report, albeit they were emerging at that point. Therefore, the appellant was made aware of those policies, now adopted, during the application process and has had the opportunity to comment on them in his appeal submissions. Indeed, the appellant's Statement of Case² anticipated that the DMP was likely to have been adopted when the appeal was considered. Therefore, given that and the similar aims and objectives of the replacement policies, it has not been necessary to invite further comments on the now adopted DMP. I am obliged to determine the appeal on the basis of the current development plan, which includes the DMP.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the existing dwelling and the area; and,
- whether there would be sufficient off-street parking and the effect on highway safety.

Reasons

Character and appearance

7. The appeal property is one of a pair of semi-detached dwellings. The house is one and a half storeys and set over two floors. It has a relatively steep pitched roof which stretches down to the first storey and has sizeable front and rear dormers serving the upper floor. The property is located at the bottom of Wyteleaf Close adjacent to a turning head. The pair of semis of which it forms part stand at the end of a line of other semi-detached properties of that same basic design. However, there are also some differently designed full two storey semi-detached houses opposite and a short terrace of houses facing towards the turning head. The area is residential in character with the houses set back from the road, some with side garages and driveways.
8. Policy DMHD 1 of the DMP, indicates, amongst other things, that proposals for alterations and extensions to residential dwellings should ensure that there is no adverse cumulative impact on the character, appearance or quality of the existing street or wider area and that a satisfactory relationship with adjacent dwellings is achieved.
9. Additionally, policy DHMD 1 says that: '*iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary....in order to maintain adequate visual separation and views between houses.*' The proposed side extension would be built up to the side boundary without any set-in. The appellant suggests that, as the extension would be one and a half storeys rather than two storeys, that provision of policy DHMD 1 should not be rigidly applied.
10. However, according to the Council, the side extension would have a width of some 2.5 metres with its dual-pitched roof rising to about 6.6 metres, just 0.5 metres or so below the ridge height of the house. Therefore, it is a sizeable addition. Moreover, although the appeal property and its most immediate

² Prepared by cr2 Planning, dated: January 2020

neighbours are one and a half storey houses, they appear to be of a similar height to the full two storey semi-detached houses along the road. Given those factors, I consider that the set-in required by policy DMHD 1, which is intended to maintain adequate visual separation between houses, is relevant and applicable to the appeal proposal.

11. It is acknowledged that the proposed side extension would comply with some of the criteria within policy DHMD 1, such as its set-back from the main front elevation and being less than half the width of the original building. Notwithstanding, as I saw on my site visit, although some properties have single storey additions, car ports or recessed garages to the side there are reasonable gaps between the gable ends of most of the pairs of semi-detached houses along the road. That visual separation gives some breathing space between the built forms and creates a sense of openness which contributes positively to the character and appearance of the area.
12. While there is an existing single-storey lean-to structure to the side of the appeal property, the height and bulk of the proposed side addition, extending out from just below the existing ridge height, would significantly diminish the visual gap between the appeal dwelling and the main built form of the neighbouring pair of semi-detached houses at Nos 30 and 31. That would create a cramped appearance and an unsatisfactory relationship with the adjacent house, which would be uncharacteristic of the general levels of separation between other pairs of semi-detached houses along the road. Consequently, it would have an adverse effect on the relatively spacious quality and character of the street scene.
13. The appellant maintains that the location of the property towards the end of the road and its set back means that the gap between it and the neighbouring pair of semis is only visible from close range. However, while Wyteleaf Close is a vehicular cul-de-sac, there is pedestrian access via connecting paths from different directions to the surrounding roads and the layout of the area is open rather than enclosed. Therefore, the closing of the visual gap would be readily apparent to pedestrians from various public vantage points near the end of the close and in views from surrounding properties. Consequently, contrary to the view of the appellant, I consider that the reduced visual separation would be noticeable and would negatively affect the character and appearance of the area.
14. Approved two storey side extensions at Nos 28 and 19 are cited by the appellant in support of the appeal proposal. The appellant suggests that those extensions were considered acceptable because of the position of the properties at the end of the close, where there is more space and the houses are not as visible in longer views. I have dealt with the issue of visibility above. While I note the appellant's opinion, those side extensions are materially different from the appeal proposal in several ways.
15. No 28 is the adjoining semi in the pair with the appeal property at No 29. However, No 28 is at the very end of the close and stands adjacent to a relatively spacious pathway and green verge area which separate it from a row of similar semi-detached houses on the next road. Therefore, there is more space next to No 28 to accommodate a side extension without significantly closing the visual gap before the next built form.

16. Similarly, although No 19 is a differently designed two storey semi-detached house opposite, it is also the last house on that side of the road with a sizeable gap between it and the row of terraced houses which stand roughly at right angles to its gable end. Therefore, once again there is more space to accommodate that two-storey side extension without detrimentally compromising visual breaks between properties.
17. In contrast to the above examples, the appeal property is the inner dwelling in the pair and not at the termination of the close. Consequently, it lacks the same generous space between it and the next built form to the north-east which is the adjacent semi at No 30. Therefore, I do not agree with the appellant that the proposed side extension to his property would have a similar minimal effect as its position and relationship with other properties in the road is materially different from Nos 28 and 19.
18. Furthermore, the appellant suggests that the side extension would help to restore symmetry between the pair of semi-detached houses, given the existing side extension at No 28. However, due to its set-ins and set-downs, the proposed side extension would differ from that at No 28, which essentially extends that house seamlessly sideways at the same ridge height. Moreover, the front dormer at No 28 is joined to and extends from the original dormer while the ground floor of the extension forms a garage. In contrast, the front dormer on the appeal extension would be separate from the existing dormer due to the set in of the structure, while the ground floor would be residential, with windows to the front rather than a garage door. Therefore, while I recognise that some of the specific design aspects of the proposal are to comply with development plan policies, given those differences, any alleged restoration of symmetry would be compromised and minimal.
19. The Council considers that the front porch element of the development would be acceptable in terms of size, scale and appearance in relation to the host dwelling and the area. However, while I note the Council's view, the porch is designed with a gable end roof rising to some 3.5 metres. Its form and height would disrupt the continuity of the existing eaves level of the main roof which is consistent across both the appeal dwelling and the other semi in the pair. Moreover, I did not see porch extensions of that design on the other similar semi-detached properties along the close. Consequently, I consider that the front porch would be unsympathetic to the host building and form an incongruous feature in the existing street scene.
20. Overall therefore, I conclude that the size, bulk and proximity to the boundary of the proposed side extension and the design of the porch would adversely affect the character and appearance of the area. In addition, the design of the porch would have a detrimental effect on the character and appearance of the host dwelling. Consequently, those elements of the proposal would conflict with policy BE1 of the Local Plan: Part 1 – Strategic Policies³ and policies DMHD 1, DMHB 11 and DMHB 12 of the DMP, insofar as they seek to ensure development is of high-quality design, integrates with the surrounding area and that extensions form a satisfactory relationship with adjacent dwellings. Furthermore, that development should harmonise with the local context taking account of, amongst other things, streetscape rhythm and gaps between structures.

³ Adopted November 2012

21. The Council has no objection on character and appearance grounds to the rear extension element of the proposal. Given its single storey nature and rear location, I take a similar view. However, I will deal with that aspect further in my conclusion.

Parking

22. The Council expresses concern that the proposed side extension would result in the loss of a parking space in the existing 'car port' area, while adding two bedrooms which would create a 5-bedroom property. **The Council's Parking Standards⁴ indicate 2 parking spaces for dwellings with curtilage, which are 3 or more bed units.** The appeal dwelling has a parking space on its driveway which should be unaffected by the proposal.
23. I note that the appellant submits that the lean-to area described as a car port by the Council is limited in size and not used or useable as a parking space for a standard sized car. **In any event, the Council's Parking Standards are expressed as maximum levels and do not imply any minimum level.⁵ Moreover, the supporting text to policy DMT 6 of the DMP, refers to the London Plan 2016 which indicates that an appropriate balance needs to be struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.**
24. **Policy DMT 6 advises 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.'** However, that must be read in the context that the parking standards are maximums rather than minimums and presumably intended to reduce reliance on cars in favour of public transport, where practicable. Moreover, policy DMT 6 also indicates a degree of flexibility in that it says that the parking requirements may be varied when **'the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.'**
25. **The Council suggests that the development would lead to more on-street parking 'in a street which already struggles for off street parking as not all houses benefit from parking'.** However, as I saw on my site visit, many properties do have some off-road parking and garages. Moreover, while I accept that it is only a snapshot and there may be times of the day when more vehicles are parked on the street, when I visited (between 1015 and 1045 on a weekday morning), there was on-street parking available including within the large turning head area. **Furthermore, there are bus services in the immediate area** and a tube station not far away which provide potential alternatives to car ownership or use.
26. As this residential close is a no-through road for vehicular traffic, levels of congestion are unlikely to be high and I cannot see that the 'queuing' referred to by the Council is a likely consequence. Given the proximity of the large turning head to the appeal property I do not consider appropriate manoeuvring space should be an issue. Therefore, while I also note the comments of a local resident, **on the basis of the limited evidence before me I am not persuaded that the road is subject to particular parking stress or that the proposal would significantly affect on-street parking in the area.**

⁴ Local Plan Part 2 – Development Management Policies: Appendix C: Table 1

⁵ Local Plan Part 2 – Development Management Policies: Paragraph 8.30

27. The above factors lead me to conclude that the proposed parking arrangements would be sufficient and would not result in adverse effects on highway safety. Consequently, there would not be any significant conflict with policies DMT 2 or DMT 6 of the DMP which, amongst other things, seek to ensure that development provides safe and efficient vehicular access to the highway network and that it complies with maximum parking standards and does not lead to deleterious impacts on street parking provision, congestion or local amenity.

Other Matters

28. The appellant mentions briefly in his appeal submissions that extending the house and creating a ground floor bedroom is with the intention of looking after his elderly parents in the longer term. However, the timescale is unclear, and it may be that alternative arrangements could be made if that became necessary. In any event, the planning system is more directly concerned with the wider public interest rather than private interests, unless exceptional personal need has been clearly evidenced, which is not the case here. Therefore, I give that factor limited weight.

Planning Balance and Conclusion

29. I have found that the proposed development would not adversely affect parking availability or highway safety. The scheme would provide additional internal living space for current or future occupiers of the appeal dwelling. However, the harm I have identified to character and appearance and the consequent conflict with the development plan is decisive.
30. As indicated earlier, the Council has not objected to the single storey rear extension and I see no clear reason to take a different view in that respect. Therefore, I have considered whether it would be possible for me to exercise my discretion and to issue a split decision which would allow that element of the scheme. In order for me to do so, it would be necessary for the relevant part of the proposal to be clearly severable, both physically and functionally, from the side extension.
31. However, according to the appellant's submissions and the submitted plans, the ground floor of the side extension wraps around the building into the rear extension. Therefore, it does not appear that the rear extension is clearly severable from the side extension. I also note that the appellant has not requested that I consider such a course of action. As a result of the above factors, it would not be possible or appropriate for me to exercise my discretion to issue a split decision in this case.
32. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR



Appeal Decision

Site visit made on 14 May 2020

by Stephen Wilkinson BA (Hons), BPI, DIP LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/R5510/W/19/3243641

115 Laburnum Road, Hayes, London, UB3 4JZ

- 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 Mr P Chaggar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 16692/APP/2019/3270, dated 29 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is creation of 1x1 bedroom and 1x2 bedroom flats including first floor rear extension from the extended single family dwelling with the associated bin storage, bicycle parking, off street vehicle parking and private amenity space.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of 1x1 bedroom and 1x2 bedroom flats including a first floor rear extension from the extended single family dwelling with the associated bin storage, bicycle parking, off street vehicle parking and private amenity space, in accordance with the terms of the application, Ref 16692/APP/2019/3270, dated 29 September 2019, and the plans submitted with it, subject to the conditions included in the schedule to this letter.

Procedural Matters

2. Since the date of the Council decision to refuse the application for planning permission for this development it has withdrawn the Local Plan Part 2 Saved Unitary Development Plan (UDP) Policies (2012). Accordingly, for the purposes of this appeal it relies on Policy DMT 6 of the Local Plan - Part 2, Development Management Policies 2020 (LP2DMP). **The Council does not rely on the London Plan Consolidated with Alterations (2016) policies to substantiate its case.** The appellant was informed of this change but had no further substantive comment. **My assessment of the appeal is made against DMT 6 policy.**

Main Issue

3. **The main issue is whether there is sufficient parking to serve the development.**

Reasons

4. The appeal site lies in a residential area characterised by short terraces of residential properties. The narrow road widths of Laburnum Road and surrounding streets together with the prevalence of double yellow lines around each road junction and the large number of crossovers to forecourt parking,

- including the appeal site, restrict the opportunities for on street parking. Furthermore, on-street parking involves vehicles being parked partially on the footway; a measure required to enable the free flow of vehicular traffic. Despite these measures, there are still on-street parking spaces available in the area.
5. Although for the purposes of this appeal the Council is not relying on adopted London Plan policy 6.13, this does inform DMT 6 of the LP2DMP in seeking to balance the provision of excessive parking provision through adherence to parking standards in a way which does not undermine sustainable transport use. The inclusion of 2 off-street parking spaces on the forecourt of the appeal site fails the adopted parking standards by 1 space.
 6. Policy DMT 6 of the LP2DMP, requires development to comply with parking standards to facilitate sustainable development. DMT 6A) i) allows for some variance from the adopted standards if this would not result in a deleterious impact for on-street parking, congestion and local amenity. Given that there are a limited number of on-street parking spaces available in the area and in the absence of evidence to substantiate harm which could result from the shortfall of off-street parking, the variance from the adopted parking standards would not result in a deleterious impact for on-street parking, congestion and local amenity. Furthermore, the scheme includes 2 cycle parking stands which would enable use of cycling as an alternative to private transport.
 7. Accordingly, I conclude that despite the shortfall in off-street parking, the proposal is in accordance with policy DMT 6A i) of the LP2DMP. Paragraph 109 of the National Planning Policy Framework 2019, (the Framework) identifies that permission should only be refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts would be severe. No evidence has been presented to suggest that this could be the case. For these reasons the appeal is allowed.

Conditions

8. I have considered the list of conditions suggested by the Council in the light of the Framework and Planning Practice Guidance (PPG). I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the use of materials and boundary treatment is necessary in order to ensure the satisfactory appearance of the development. For the same reason I have included conditions requiring the submission of details relating to the parking areas, cycle stands, waste and recycling storage. In the interests of highway safety, I have included a condition regarding the retention of visibility splays.
9. Furthermore, I have included a condition regarding the installation of sound insulation to protect the living conditions of the occupants of the flats. Finally, I have not included a condition regarding adherence to Approved Document M of the Building Regulations 2010 as the PPG specifically advises that conditions which require adherence to other regulatory regimes will not pass the test of necessity.

Stephen Wilkinson

INSPECTOR



Appeal Decision

Site visit made on 4 February 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/R5510/W/19/3241183

63 Harlington Road, Uxbridge, UB8 3HY

- 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 Mrs N Parmar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 1661/APP/2019/2968, dated 5 September 2019, was refused by notice dated 31 October 2019.
 - The development proposed is 'Convert existing house to 1 x 1 Bed Dwelling and 1 x 2 Bed Dwelling, create new doorway in north east elevation.'
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of an existing house to 1 x 1 Bed Dwelling and 1 x 2 Bed Dwelling and creation of a new doorway in north east elevation at 63 Harlington Road, Uxbridge UB8 3HY in accordance with the terms of the application, Ref 1661/APP/2019/2968, dated 5 September 2019, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. A new Local Plan document¹ was adopted between the date of the application and the appeal decision. This replaces the Local Plan Part 2 Saved UDP Policies (2012). Both parties have had the opportunity to comment on any relevant implications for the appeal.

Main Issue

3. **The effect of the proposal on highway safety.**

Reasons

4. The site fronts the A437, which was observed at the site visit to be an **extremely busy thoroughfare for vehicles**, including frequent buses. **Parking is forbidden along the main road in the vicinity of the site, but some unrestricted on-street parking on nearby quiet side roads was observed during the site visit. No parking is associated with the current 4-bedroom property and no new parking is proposed for the development.** I noted during the site visit that most properties in the area benefit from dedicated off-street parking.

¹ London Borough of Hillingdon, Local Plan Part 2, Development Management Policies, Adopted January 2020

5. The Council has recommended that the development should attract 3 parking spaces based on the London Borough of Hillingdon car parking standards and allowing for a poor PTAL rating. They calculate that this is an additional burden of one car compared to the 2-space ideal for a 4-bedroom house. Policies DMHD1 and DMT6 of the more recent, adopted Local Plan supersede the guidance above. These require that adequate off-street parking is retained, as set out in Table 1, Appendix C, which specifies that there should be a maximum of one space per dwelling of this size, and therefore a maximum of 2 spaces overall for this development. These standards can be varied if there would not be an impact on street parking and a transport appraisal is provided.
6. Given that parking is restricted on the main road, I have assumed that should parking be required for this property, it could take advantage of unregulated on-road spaces along nearby quieter side streets. I observed that there was ample space available at these locations at the site visit during the day, although I recognise that this could be in greater demand at other times. However, most houses in the area have off-street parking and, on this basis, it is a reasonable assumption that sufficient space is likely to remain nearby.
7. The appellant's Transport Statement demonstrates that local facilities are readily accessible without a car and there are good public transport links, with which I concur from my observations at the site visit. This adds weight to the appropriateness of reducing parking spaces from the maximum recommended in local policies.
8. I have also had regard to Policy DMT2, which requires that proposals do not adversely affect the safety of road users. Given parking is clearly not allowed on the main road and if needed, there is adequate on-street parking nearby, I conclude that there would not be harm to highway safety from the proposals.
9. I have had regard to a recent appeal for a similar development at this property² and have come to the same conclusion in regard to parking provision.
10. The proposals are therefore consistent with local policies when on-street parking, nearby facilities and good public transport links are allowed for. I have also given some weight to the fact that there is likely to be limited change in demand for parking from the current situation. I conclude that there would be no increase in risk to highway safety from the proposal.

Conditions

11. The Council suggested a number of conditions, which I have considered in light of the advice in the Framework and Planning Practice Guidance. In some cases I have edited the suggested condition for clarity and enforceability and to avoid the need for pre-commencement conditions.
12. In addition to the standard 3-year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition in respect of materials is appropriate in the interests of character and appearance.
13. A condition regarding cycle parking is appropriate in the interests of sustainable transport. A condition in respect of refuse storage is required in the interests of the living conditions of future residents as well as character and appearance.

² APP/R5510/W/19/3236344

14. A condition in respect of means of enclosure is also required in the interests of the character and appearance of the area and the living conditions of residents. This should also enable the matter of the subdivision of the rear garden area of the property to be considered.
15. The Council has suggested a condition in respect of sound proofing between the floors of the buildings. However, the proposed dwellings would be created by the vertical division of the buildings and a condition in respect of separate floors is therefore not appropriate.

Conclusion

16. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

B Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (8 January 2019); Plans as Proposed DRG No. 12 (January 2019); and Elevations as Proposed DRG No. 13 (January 2019).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the occupation of the development hereby approved, details of facilities to be provided for the screened storage of refuse bins within the site shall have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained
- 5) Prior to the occupation of the development hereby approved details of covered and secure cycle storage shall have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained
- 6) Prior to the occupation of the development hereby approved a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved by the Local Planning Authority. The boundary walls, fences or other means of enclosure as approved shall be erected before the development hereby permitted is occupied.

End of Schedule



Appeal Decision

Site visit made on 4 January 2019

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2019

Appeal Ref: APP/R5510/W/18/3210111

53 and 53a Hawthorne Avenue, Ruislip, HA4 8SP

- 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 Mr Dharam Patel against the decision of London Borough of Hillingdon.
 - The application Ref 15248/APP/2018/982, dated 14 March 2018, was refused by notice dated 3 August 2018
 - The application sought planning permission for the demolition of existing bungalows and the construction of 4 x two bed dwellings and associated parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalows and the construction of 4 x two bed dwellings and associated parking at 53 and 53a Hawthorne Avenue, Ruislip, HA4 8SP in accordance with the terms of the application, Ref 15248/APP/2018/982, dated 14 March 2018, and subject to the conditions listed in the Annex to this decision.

Procedural Matter

2. The application was amended whilst under consideration by the Council to provide 6 parking spaces instead of the 4 spaces originally proposed. I have taken the amended plan into account in my decision.

Main Issue

3. The Council do not raise any objections to the principle of four new houses on the appeal site and accept that the new development would not harm the living conditions of neighbours and would not harm the character and appearance of the area. Accordingly, the main issue is the effect of the proposed development on parking and highway safety.

Reasons

4. The reason for refusal alleges that the appeal proposal includes inadequate on-site parking, which in conjunction with the loss of on-street spaces, would result in additional on-street parking stress in a location where such parking is at a premium, harming highway safety.
5. The appeal site currently comprises two single storey detached bungalows, which would be demolished to accommodate the proposed development. Both properties have crossovers from Hawthorne Road leading to off-street parking

- located at the front of the bungalows, and both also have single storey garages to the side, in the case of 53a set back behind the main house. The frontage of both properties comprises of either hardstanding for the off-street parking or concrete paving slabs.
6. The proposed development includes provision for 6 off-street parking spaces on the site frontage. They are shown in pairs of two, with each having its own separate crossover. In-between these spaces are two strips of land coloured green and two larger strips of land with the notation 'soft landscaping'.
 7. Policy AM14 of the London Borough of Hillingdon Unitary Development Plan (Saved Policies 27 September 2007) (UDP) says that new development will be permitted where it accords with the Council's adopted parking standards. These standards are set out in Annex 1 to the UDP. For residential developments, the standard is broken down into a requirement for 2 spaces per dwelling where the parking is provided within the curtilage to that dwelling or 1.5 spaces per dwelling where the parking is proposed in a communal area and not within an individual dwellings' curtilage. These are maximum standards and Footnote 3 to the Annex says that the precise requirement may vary according to location and household/housing type.
 8. The Council consider that the appropriate standard to apply here is 2 spaces per dwelling, resulting in a requirement for 8 spaces in total.
 9. On my site visit, I noted that the majority of the houses in Hawthorne Avenue have off-street parking for one vehicle and in a number of cases 2 or more vehicles. A number of these properties also appear to comprise large family houses, whereas the appeal scheme is for four 2 bed houses. It is also apparent that compared to the existing layout, the proposed development, with its requirement for an additional new crossover, will only result in the loss of two on-street parking spaces.
 10. Whilst Hawthorne Avenue is designated as a Controlled Parking Zone, which restricts on street parking to permit holders to between the hours of 09.00 to 17.00 Mondays to Saturdays, at the time of my site visit (mid-morning), there were very few cars parked on-street within the vicinity of the appeal site and in fact very few parked along the whole length of Hawthorne Avenue. There was, therefore, a significant surplus of available on-street parking. The appellant has provided photographic evidence, which purports to show that this situation appears to occur in the evening. Whilst this is disputed by the Council, there is no substantive evidence before me which demonstrates that this road suffers from the high levels of parking demand alleged or that it suffers from parking stress.
 11. Even though the Public Transport Accessibility Level of the appeal site, which is used as a measure of a location's connectivity to public transport and has been adopted by Transport for London, is not high, this does not alter my findings on this issue. I note that the location is still reasonably accessible to local services and public transport, with, in particular, Eastcote London Underground Station located just under 10 minutes walking distance from the appeal site.
 12. Based on the above, the proposed parking layout and the size of the dwellings proposed, I am satisfied that the standard of 1.5 spaces per dwelling is appropriate in this case and that the 6 spaces shown is acceptable.

13. In reaching that finding, I have had regard to the fact that the Council's standards pre-date the National Planning Policy Framework (Framework), where paragraph 106 says that local maximum standards should only be set where there is clear and compelling justification that they are necessary in order to manage the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. The evidence before me does not support such a justification.
14. Even if the proposed development resulted in the use of one or two on-street parking spaces, the evidence before me does not suggest that this would lead to any material harm. Paragraph 109 of the Framework confirms that new development should only be prevented on highway grounds where there would be an unacceptable impact on highway safety. The Council allege that the additional on-street parking stress that would result from the appeal scheme would be detrimental to the free flow of traffic and harm highway/pedestrian safety. My findings do not support those views and in the absence of any clear evidence of parking stress, the appeal proposals would not, in my view, result in any significant harm in this respect.
15. Accordingly, the provision of 6 off-street parking spaces within the appeal scheme would be compliant with Policy AM14 and the standards set out in Annex 1 of the UDP.
16. Reference has also been made to Policy AM7, which requires the trip generation of new developments to be assessed. The Officers Delegated Report concluded that the traffic generated by the appeal scheme would not be harmful to highway safety. Whilst I would, therefore, question the relevance of this Policy to the parking issue that has been raised, even if it were relevant it would not have affected my findings.

Other Matters

17. In their appeal submission, the Council has raised a concern in relation to pedestrian access within the proposed parking layout. Whilst this was not a matter raised in their reason for refusal, I have already referred to the fact that the appeal layout shows provision for large areas of hard and soft landscaping on the frontage to the site. There would be sufficient space to accommodate pedestrian access within the parking layout to the new dwellings. This is a matter that can be adequately addressed by a condition, requiring the submission and approval of the proposed parking layout as part of a hard and soft landscaping scheme.
18. I have had regard to the concerns of neighbours regarding overdevelopment, overlooking, the need to protect accommodation to suit the needs of the elderly, the size of parking spaces proposed and lack of on-site turning. However, none of these matters is of sufficient weight to outweigh my findings on the main issue.

Conditions

19. The Council has suggested a number of conditions which I have considered against the advice of the Framework and the Planning Practice Guidance on the use of planning conditions.

20. Conditions relating to the time limit for implementing the development; details of external materials; provision of visibility splays and retention of parking for its intended use, are necessary and reasonable in order to secure a high-quality development and ensure adequate off-street parking.
21. I also consider that a condition which requires the submission and approval of a hard and soft landscaping scheme is necessary and reasonable. However, I have modified this to reflect the nature of the appeal development and to include reference to the need to agree the proposed parking/pedestrian layout. I have also added a further condition, for clarity, to ensure compliance with the submitted plans.
22. I have noted the suggestion by an interested party that a condition withdrawing permitted development rights for roof alterations be imposed. However, national policy advises that such rights should only be withdrawn exceptionally, and there is insufficient justification to do so in this case. The Council have not asked that a condition be imposed to engage optional requirement M4(2) of the Building Regulations, and on the basis of the material before me, there is insufficient policy basis to justify it.

Conclusion

23. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex - Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) No development above slab level shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces of the permitted development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
- 3) No development above slab level shall take place until a landscaping scheme and parking layout has been submitted to and approved in writing by the Local Planning Authority. This shall include: -
 - Planting plans (at not less than a scale of 1:100),
 - Planting schedules, species, densities and cultivation work to be undertaken
 - Refuse storage (inc. elevations if appropriate)
 - Cycle storage (inc. elevations if appropriate)
 - Boundary treatments (inc. elevations if appropriate)
 - Car parking layout and pedestrian access
 - Hard surfacing materials and external lighting
 - Landscape maintenance schedule

- Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or becomes seriously damaged or diseased within a minimum period of 5 years following the completion of the landscaping scheme.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 4) Prior to the occupation of the dwellings hereby approved, the access for the proposed car parking spaces shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
- 5) The car parking spaces to be provided shall be kept available for the parking of cars at all times.
- 6) The development shall conform in all aspects with the plans submitted with application and listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Proposed Plan/Elevations – Drawing No. 53HA/P201/Rev.A

Existing/Proposed Plans/Elevations – Drawing No. 53HA/P202/Rev.C