

Appeal Decision

Site visit made on 16 May 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2023

Appeal Ref: APP/R5510/W/22/3310267

11 Birchway, Hayes UB3 3PA

- 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 Mohit Malik against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75827/APP/2022/1355, dated 25 April 2022, was refused by notice dated 12 August 2022.
 - The development proposed is conversion of dwelling into 2 self-contained flats with the erection of a ground floor front extension and part single, part double storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would provide an appropriate housing mix, with particular regard to family housing needs in the Borough;
 - parking and pedestrian/highway safety; and
 - the effect on the character and appearance of the host building and surrounding area.

Reasons

Housing mix

3. The appeal site is a 3-bedroom, semi-detached dwelling with gardens to the front and rear. It is a size and layout that is suitable for family occupation¹. The proposal seeks to convert the dwelling into a 2-bed flat at ground floor level and a 1-bed flat at first floor level, together with various extensions.
4. Policy DMH4 of the Hillingdon Local Plan: Part 2 - Development Management Policies 2020 (the DMP) states that the conversion of dwellings into new flats will only be permitted where, amongst other things, the internal floor area of the original building is at least 120m². By the appellant's measurements, the original building has an internal floor area of only 66m². As such, there is clear conflict with Policy DMH4 in this regard. The proposal's compliance with other criteria in Policy DMH4 does not circumvent the need to meet the minimum original floor area requirement.

¹ The glossary to the London Plan 2021 defines family housing as 'A dwelling that by virtue of its size, layout and design is suitable for a family to live in and generally has three, four, five or more bedrooms'.

5. Policy DMH4 should also be read in conjunction with Policy DMH2, which requires a mix of housing units of different sizes to reflect the Council's housing need. The explanatory text to Policy DMH2 indicates a substantial borough wide requirement for larger affordable and private market units, particularly three-bedroom properties. Applicants are required to demonstrate that this need has been taken into account. Similarly, Policy H10 of the London Plan 2021 (the LP) states that new development should consist of a range of unit sizes, taking account of various factors including need in the area for family housing.
6. Although the conversion of the dwelling would create a net increase in dwelling units, it would result in the loss of family-sized accommodation to be replaced by smaller one and two bedroom dwellings. I have not been provided with any compelling evidence which demonstrates that the proposal has taken the local housing need into account. As such, I have no substantive evidence that there is no longer a greater need for family-sized accommodation in the area.
7. The appellant has drawn my attention to 37 Birchway where planning permission was granted for conversion into three flats following its enlargement². However, it is significant that this example pre-dates the adoption of both the DMP and LP in 2020 and 2021 respectively, and so, was considered under a different planning policy context. It therefore has little bearing on my assessment of this appeal.
8. In conclusion, the proposal would reduce the availability of family-sized accommodation and, on the evidence before me, would fail to contribute to a housing mix which meets the needs of the Borough. This is contrary to Policies DMH2 and DM4 of the DMP, and Policy H10 of the LP. It would also be contrary to the National Planning Policy Framework (the Framework) where it seeks to ensure development provides the size, type, and tenure of housing needed for different groups in the community. However, as the proposal would not result in a net loss of self-contained housing in the general sense, I find no conflict with Policy DMH1 of the DMP in this regard.

Parking and pedestrian/highway safety

9. The site layout drawing shows the creation of three off-street parking bays at the front of the site, which the Council advises would represent an overprovision of one space when assessed against the maximum parking standards set out in Policy DMT6 of the DMP and Policy T6.1 of the LP. However, the appellant has indicated they would be prepared to remove one of the bays to comply with the parking standards. This could also potentially overcome the Council's concerns regarding the width of the new crossover and the conflict with a street tree outside the site, albeit no amended plans have been provided to this effect.
10. The above notwithstanding, parking bays must be appropriately sized and laid out to ensure they are useable in practice and do not cause any obstruction of the public highway. It is difficult to ascertain from the drawings whether the proposed bays meet the Council's minimum dimensions of 2.4m in width by 4.8m in length. Either way, it is notable that the layout provides little, if any, space for circulation around the bays, with the bays being positioned hard up against the front wall of the new porch and the edge of the pavement. This

² LPA ref: 61976/APP/2018/3935

would render the arrangement impractical and would be likely to result in vehicles overhanging the public footway and causing an obstruction to pedestrians. While removal of the third bay may potentially allow for a different parking arrangement, I have no plans which demonstrate that an acceptable layout would be achieved. This is not something which should be left to a planning condition.

11. Therefore, despite the suggested reduction in the number of parking bays, I conclude that the proposal would not make suitable provision for parking, to the detriment of pedestrian and highway safety. In this regard, there is conflict with the parking and highway safety requirements of Policies DMT2 and DMT6 of the DMP, as well as Policies T4 and T6 of the LP.

Character and appearance

12. The houses along Birchway are set back from the road along a generally consistent building line, but many contain small porches at the front. The proposed porch would have a modest projection and width, in keeping with the established character. Furthermore, the street tree outside the site could be retained by the suggested removal of a parking bay.
13. In terms of the rear extensions, these would add considerably to the massing at the rear of the building. However, Policy DMHD1 of the DMP only prohibits full-width rear extensions to listed buildings and in conservation areas, neither of which apply in this case. There would be some conflict with the criteria of Policy DMHD1 as the depth of the single-storey element would exceed 3.6m. Even so, its depth would still be limited in the overall context of the size of the rear garden. Moreover, the rear elevations here do not display a high degree of consistency in building lines or appearance due to the variety of extensions and roof alterations already present. In this context and given the limited private vantage points from which the rear extensions would be seen, there would be minimal impact on the character and appearance of the host building and surrounding area.
14. I therefore conclude that the development would not unacceptably harm the character or appearance of the host property and surrounding area. Thus, despite the minor conflict identified, the proposal complies with the overarching design aims of Policies DMHD1 and DMHB11 of the DMP, and Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012).

Conclusion

15. I have found that the proposal would give rise to significant conflict with the contents of the development plan relating to family housing need and parking/highway safety. As such, the proposal conflicts with the development plan as a whole, and there are no material considerations, including the Framework, which indicate that planning permission should be granted for the development which is in conflict with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR