



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Mohit Malik

Proposal:

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

Appeal Site:

11 Birchway Hayes, UB3 3PE

Our Ref:
Your Ref:

75827/APP/2022/1355
APP/R5510/W/22/3310267

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission.
- 1.2 The LPA refused planning permission on 12.08.2022 for the following reasons (as stated on the decision notice):
1. The proposed conversion of the existing three-bedroom single dwelling at number 11 Birchway into 1 x one-bedroom flat and 1 x two-bedroom flat would result in the loss of a residential unit that is suitable and appropriately sized (under 120sqm) for a family. The proposal would therefore unacceptably undermine the supply of family housing within the Borough, contrary to Policies DMH 1, DMH 2 and DMH 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).
 2. The proposed part two storey, part single storey rear extension, by virtue of its design, size, scale, bulk, depth and height, would form a oversized and dominant addition to the original dwelling which would harm its architectural integrity and the character and appearance of the locality. The proposal is therefore considered to be contrary to Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), as well as paragraph 130 of the NPPF (2021).
 3. The proposed parking area and overly large crossover would result in the loss of a large silver birch tree street tree, an overprovision of parking and would also endanger pedestrians crossing the site and the site vehicle users. This part of the development would therefore be harmful to the character and appearance of the streetscene and locality, undermine sustainable modes of travel and would have a detrimental impact on highway and pedestrian safety. The development is therefore considered to be contrary to Policies DMT 2, DMT 6 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policy T4 and T6 of the London Plan (2021) and The London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy (2019).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 Within their statement of case the appellant has raised the following summarised points:
- The loss of the existing family house should be considered as acceptable as consent was given to convert No.37 Birchway after it was extended (61976/APP/2014/915 and 61976/APP/2018/3935).

- We are happy to remove 1 of the proposed parking spaces, this would overcome the councils concerns regarding the impact of the proposal on the local highways network.

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

- 2.2 No.37 Birchway was granted planning permission for 'Conversion of two storey dwelling into 3 x self-contained studio flats, porch to front, single storey outbuilding to rear for use as a communal storage space, associated amenity space, cycle and bin storage (Part retrospective)' under planning application No.61976/APP/2018/3935. The scheme was granted planning permission in 2019, prior to the adoption of the Hillingdon Local Plan Part 2 (2020) and the London Plan (2021), both of which seek to protect the Borough's housing stock and to promote family sized housing (3 bedrooms or more). As such the previous approval provides no weight in favour of the proposed development. Furthermore, the schemes are materially different, No.37 Birchway was much larger than the dwelling subject of this application (thus more suitable for conversion), prior to it being granted planning permission for conversion. Refusal reason 1 should therefore be upheld.
- 2.3 The proposed development would have an adverse impact on the local highways network for reasons set out in section 1.2.3 of this report, as well as the Officer's Delegated Report and Decision Notice. No amended plans have been submitted to show the parking space which would be removed or that any alternate parking plan would overcome concerns raised regarding the proposal's adverse highways impact. Refusal reason 3 should therefore be upheld.
- 2.4 The proposed development is not in keeping with the character and appearance of the area and it is considered to be harmful to the visual amenities of the streetscene and host dwelling, for reasons set out in section 1.2.2 of this report, as well as the Officer's Delegated Report and Decision Notice. Refusal reason 2 should therefore be upheld.
- 2.5 The net provision of 1 additional residential unit (alongside minor economic benefits) would not outweigh the schemes significant harm to the character and appearance of the area.

3. Other Matters

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

4. Conclusion

- 4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.

- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions