



Appeal Decision

Site visit made on 19 February 2019

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2019

Appeal Ref: APP/R5510/W/18/3216900 92A Dawley Road, Hayes UB3 1NE.

- 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 Harjinder Singh against the decision of the London Borough of Hillingdon Council.
 - The application Ref 6493/APP/2018/3001, dated 11 August 2018, was refused by notice dated 2 November 2018.
 - The development proposed is conversion of existing outbuilding to self-contained studio flat.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding to self-contained studio flat at 92A Dawley Road, Hayes UB3 1NE in accordance with the terms of the application, Ref 6493/APP/2018/3001, dated 11 August 2018, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The appellant's description of the development on the appeal form adopted the description used in the decision notice rather than the original description on the application form. As the description on the appeal form more accurately reflects the proposed development and the appellant has accepted this, I have taken this description for the purposes of my decision.
3. The proposal is chargeable development in respect of the Community Infrastructure Levy (CIL). The collection of the CIL contribution is undertaken by the relevant charging authority on service of a notice that planning permission has been granted in relation to chargeable development. As such the requirement for and any enforcement of the payment of a contribution in relation to the development is not for consideration at this appeal.

Main Issues

4. The main issues are:
 - whether the proposed conversion would have an adverse impact on the living conditions of the present and future occupants of Nos 92A and 92B and of the future occupants of the conversion itself as a result of proximity, noise and disturbance and
 - whether the proposed development would provide sufficient off street parking to ensure no adverse impact on the highway safety of Dawley Road.

Reasons

5. Dawley Road where the appeal site is located is a busy road lined with a mix of two storey semi-detached and detached houses in a range of styles. No 92 has three storeys and at some point in the past been converted into two flats accessed from the side driveway on the north side of the property which leads to the outbuilding which it is proposed to convert and which is set just to the rear of No 92. A deep garden plot extends back to the boundary with the industrial properties on Millington Road. The front garden area to No 92 has been hard paved as a forecourt and, as with most of the other dwellings in the road, is used for off street car parking. A side lane on the south side of No 92 gives access to the rear garden areas and a garage court for No 92 and its neighbours. The outbuilding is a tall, single storey, pitched roof building constructed in brick with a roller shutter main door facing west and is currently used for storage.

Living Conditions

6. Access to the new dwelling is proposed to be down the side driveway between Nos 92 and the side boundary with No 94. The two existing flats have their entrance doors on the side of the house accessed off this driveway. Thus people are already walking down the side of the house to gain access to these flats. There are no side windows on the gable elevation to No 92 and therefore occupants of the new dwelling walking to the new entrance would not be overlooking any rooms. There is a rear facing kitchen window in the rear offshoot to No 92 that would be close to the entrance to the new dwelling but this could be screened by the proposed fence between the new dwelling and No 92 screening the rear garden area. A condition requiring submission of boundary treatment details could secure a height and alignment to the fence that would ensure no overlooking between the properties and a satisfactory relationship between this window and the new dwelling.
7. No 94 does have some windows on the side elevation facing No 92 but there is a degree of separation provided by the side driveway to this house and a boundary hedge and the occupants of No 92 are already using the side access to enter their properties. The entrance to the new dwelling itself would be screened by No 94's garage/outbuilding. I am therefore satisfied that the addition of one more person accessing the new studio flat and using the side entrance would be unlikely to result in undue noise, disturbance or intrude on privacy of existing occupants of either No 92 or No 94.
8. Regarding the impact on the new dwelling from potential noise and disturbance from neighbouring occupants using the garden areas of No 92 the conversion of the storage outbuilding to create the studio flat would include the bricking up of the current door on the south side of the building. No windows would be created on either side of the building facing onto neighbouring gardens and the only windows to habitable rooms would face east and west. Double glazed units in these windows would adequately provide sound insulation for the new dwelling. I am satisfied that the relationship would not be significantly different to that between houses and gardens elsewhere in the immediate vicinity.
9. Subject to the screening off of the private amenity space to be created to the rear of the studio flat with close boarded fencing there would be no privacy or overlooking issues for the flat from neighbouring occupants using adjoining gardens and vice versa. This could be secured by condition.
10. For the reasons above I am satisfied that the level of comings and goings and activity generated by a one bedroom studio flat in this location would not give rise

to problems that would result in adverse impact on the living conditions of existing occupants of Nos 92 or 94 in terms of noise and disturbance. Similarly, despite the proximity of neighbouring garden areas to the new dwelling, I am satisfied that normal domestic use of these garden areas would not give rise to problems for the future occupants of the studio flat in terms of noise and disturbance.

11. Accordingly, there would be no conflict with policy BE1 of the *Hillingdon Local Plan Part 1* (HLP1) which requires new development to protect the amenity of surrounding land and buildings particularly residential properties. The proposal would also accord with saved policies in *Hillingdon Local Plan Part 2 – Saved Unitary Development Plan Policies* (HLP2). The specific circumstances in this case set out above would not lead to problems sometimes associated with tandem development which policy H12 of HLP2 seeks to control. The new development proposed would complement and improve the amenity and character of the area and despite the siting and proximity, would not result in any significant loss of residential amenity. As such the requirements of HLP2 policies BE19 and BE21 would be met and I am satisfied that levels of noise and disturbance generated by the new dwelling or that might affect it would not be such as to conflict with HLP2 policies OE3 and OE5.

Parking and Highway Safety

12. The proposed new dwelling would be provided with an off street parking space on the front forecourt to No 92 along with a further space for one of the existing flats. The other flat has access to a garage at the rear of the property accessed down the private lane between Nos 92 and 90. It was also evident on my visit that there was ample space in front of that garage for an additional vehicle to park if need be. I accept that HLP2 policy AM14 requires that the Council's parking standards are met and the standard is 1.5 spaces per dwelling unit. However this is a maximum standard and a provision of 1 space per unit would meet the *London Plan* parking standards, a view accepted by the Council's Highway Officer.
13. It has been put to me that with two vehicles parked on the forecourt pedestrian access to the flats and new dwelling would be constricted and that the use of the two spaces and manoeuvring could not be achieved without using land outside the appellant's control. The appellant has submitted an amended plan (Ref 03.01B) which demonstrates two full size parking spaces on the forecourt with sufficient space along the boundary with No 94 for pedestrian access to be maintained to the flats and new dwelling. It was my assessment on site that what was shown on the drawing would be achievable and, as this would be a very minor amendment to submitted plans, I am satisfied that it can be accepted.
14. Manoeuvring into or out of the spaces on the forecourt would require the use of highway land. However this is true of most of the houses along Dawley Road where occupants would either be dependent on road space in front of their properties to reverse out of their parking space or to reverse into it from the road. Given that this is standard practice along the length of Dawley Road and is already the situation with the appeal site itself, albeit for one vehicle rather than two, I am not persuaded that this in itself would give rise to any significant additional highway safety problems. Both traffic and pedestrians using Dawley Road would be used to this as a regular occurrence.
15. In any event the site is in a location with a PTAL score of 3 i.e. moderate accessibility to frequent public transport services and, provided provision on site for cycle storage is conditioned, I am satisfied that occupants of the new dwelling

would have reasonable access to sustainable transport modes such that they would not be heavily reliant on private car use.

16. Accordingly, for the reasons above, I am satisfied that the level of parking provision provided would not give rise to any additional highway safety problems. There would be no conflict with HLP2 policy AM7 which seeks to ensure development is acceptable in terms of local highway capacity and general highway and pedestrian safety.

Conditions and Conclusions

17. The Council suggested a number of conditions, which I have considered in the 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.
18. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. Control of the materials to be used on the exterior of the converted building is also necessary to ensure the character and appearance of Dawley Road is not harmed. A condition is also necessary for the submission of details regarding refuse storage to ensure this is located to avoid impact on existing residents and ensure access to bins is appropriate. To promote the use of sustainable forms of transport by the occupant of the dwelling secure provision for cycle storage for the new dwelling will be necessary and as details have not been shown these are conditioned. The provision of boundary divisions will be important to protect the amenity of both existing and future occupants and submission of details of boundary treatment including height and alignment is therefore necessary.
19. Although the council suggested a condition for the submission of a soundproofing scheme the outbuilding is a traditionally constructed brick outbuilding with minimal openings and I am satisfied that the conversion carried out to satisfy the Building Regulation requirements for internal insulation will be sufficient to ensure the building has an adequate level of soundproofing. I am not therefore persuaded that a further condition is necessary to safeguard the amenities of future occupants.
20. The proposal would provide a small studio dwelling that would meet the minimum space standards set out in the *Technical Housing Standards* and in a small way contribute to housing provision in Hillingdon. It can be achieved without unduly impacting on living conditions or highway safety for the reasons set out above. Accordingly the appeal should be allowed and permission granted for the development subject to the conditions set out in the attached Schedule.

P. D. Biggers

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: AA.2017.011/01.01A; AA.2017.011/03.01B.

- 3) No development involving the use of any facing, window or roofing materials shall take place until details of the materials to be used in the construction of external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the studio flat hereby permitted details of facilities to be provided for the screened storage of refuse bins within the site shall be 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 first occupation of the studio flat hereby permitted details of covered and secure cycle storage for 1 bicycle shall be 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 first occupation a detailed scheme specifying the height and alignment of boundary walls, fences or other means of enclosure shall be submitted to and approved by the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved scheme prior to the occupation of the development and thereafter permanently retained.