



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Setandar Junaja

Proposal:
Erection of a single storey side and first floor rear extension, and change of use from house to two flats.

Appeal Site:
35 Bedford Avenue
HAYES
UB4 0DP

Our Ref:
Your Ref:

64163/APP/2022/2894
APP/R5510/W/23/3318295

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 non determination of planning application reference 64163/APP/2022/2894, for the erection of a single storey side and first floor rear extension, and change of use from house to two flats.
- 1.2 The LPA's case is set out in the Statement of Case detailed below. It is understood that copies of relevant planning policies have been sent to PINS with the Appeal Questionnaire.

2. LPA Comments on Appellant's Statement of Case

2.1 Site and Locality

The application site relates to a two storey end-terrace dwellinghouse. It is located on the south side of Bedford Avenue. The application property is adjacent to a highway network, with front garden laid in hardstanding. To the rear is an enclosed garden.

The application site shares a boundary with the adjoining property at No.34 Bedford Avenue. The application site is not located within a conservation area and no listed buildings are within close proximity.

The street scene is residential in character and appearance comprising a mixture of traditional two storey terrace dwellings.

2.2 Proposed Scheme

Erection of a single storey side and first floor rear extension, and change of use from house to two flats.

2.3 Planning Considerations

The main planning issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original building, the impact on the visual amenities of the street scene, the impact on the amenity of adjoining occupiers, the availability of parking and the quality of accommodation provided to future occupiers.

2.5 Impact on Neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that: B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

No 34 Bedford Ave is the terraced property sharing a party wall with the application site. The proposed side extension would be obscured by the existing building lines and therefore is not considered to have any adverse impact on the occupiers at no.34.

Although the proposed first floor rear extension would project 3.6 metres, the plans show that the 45 degrees sightline from the closest habitable room would not be impeded. It is also of note that the first floor proposal would set 3.8 metres away from the shared boundary line which further reduces the impact. No new windows would be erected facing number 34 Bedford Ave so there are no concerns with privacy. It is therefore considered that the amenity of the occupiers at No 34 would not be harmed, complying with policies DMHD1 and DMHB11.

No 36 Bedford Ave sits north of the application site, separated through a walkway. As the application site is a corner plot it has a unique relationship with number 36. At ground floor level the side extension has a moderate height of circa. 3 metres. The separation distance, coupled with the moderate height and set back from the front elevation helps reduce any impact. It is considered that this extension would not result in harm to the occupier of number 36.

At first floor level there would be an increase of 1 window in a hallway/staircase area. It is not considered that the addition of this window would result in a loss of privacy given the orientation between the application site and number 36. As such it is considered that this would not cause undue harm to the amenities of the occupiers at no.36 Bedford Ave. Therefore it is considered that the proposal complies with policies DMHD-1 and DMHB11 of the Hillingdon local plan part two 2020 in this regard.

The windows to the front of the house would service bathrooms, which could be conditioned to be obscure glazed and fixed shut, which would prevent possible overlooking issues arising from the development.

The development would result in a 1 x 2 bed (3 persons) and a x 1 bed, 2 person flats at the property (5 occupants) . The number of occupants at the site would be similar to that of the existing family dwelling. It is therefore considered that the addition of 1 additional residential unit at the site would not result in any over intensification of the sites use, or harmful increase in noise, disturbance or activity.

2.6 Impact on Street Scene

Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020) states: A) All development, including extensions, alterations and new buildings, will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context; ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

The proposed extension has been assessed under 64163/APP/2022/1169 and deemed acceptable. The change of use does not substantially alter the appearance of the previously approved scheme in a way that would alter the previous assessment.

2.7 Traffic Impact/Pedestrian Safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also, that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

On consultation with the Council's Highways Officer, they have raised objections given the lack of information provided as part of the application. Whilst the land allocated for parking has been shown on the site plan, this does not show how the parking would work, whether sufficient parking would be provided (1-1.5 spaces per unit as per appendix C of the Hillingdon Local Plan Part Two (2020)). Importantly, the parking demonstrated for 'Ground floor flat' parking, would result in access outside of the red line and along the pathway to the side. Notably, no notice has been served on other land owners, which this proposal would require if they were to use land outside of the application site.

The applicant has failed to demonstrate that adequate and functional parking space could be provided for future occupiers of the units, particularly by replying on land outside of the red line of the site. Furthermore the parking layout to the side of the site is substandard and the rear access road is too narrow to allow vehicles to turn in and out of it safely. The substandard layouts would create a more hazardous environment for pedestrians and vehicle users, as cars at the site may have reverse onto the road, due to insufficient or poor manoeuvring space. The proposed development is therefore considered to be detrimental to pedestrian and highway safety, as well as the free movement of vehicles on the local highways network. Additionally, no electrical vehicle charging points are proposed and it has not been demonstrated that adequate visibility splays would be provided. The proposed development is therefore considered to be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policy T6 of the London Plan and paragraph 112 (c) and (e) of the NPPF (2021).

Although no details have been provided by the number of cycle storage to be provided, this could be conditioned in the event of an approval and this alone would not be a reason for refusal.

2.8 Urban Design/Access and Security

There are no issues with regards to accessibility, in accordance with Policy D7 of the London Plan (2021).

2.9 Other Issues

INTERNAL AMENITY SPACE PROVISION:

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should: i) meet or exceed the most up to date internal space standards, as set out in Table 5.1.

The space standards set out in Table 5.1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) are the same as those found in Table 3.1 of the London Plan (2021).

Policy D6 of the London Plan (2021) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for future occupants. Table 3.1 of Policy D6 of the London Plan (2021) states that:

- A one storey dwelling with 1 bedroom, 2 person occupancy should provide a GIA of at least 50 square metres;
- A one storey dwelling with 2-bedroom, 3 person occupancy should provide a GIA of at least 61 square metres;

The proposed first floor flat would provide less than 50sqm of internal accommodation, failing to meet the standards.

The proposed ground floor flat would provide residents with 62sqm meeting the floorspace standards.

The drawings do not demonstrate that there would 2.5m head height for the occupants of the property to comply with the standards set out in the London Plan (2021), Policy D6.

It is therefore considered that the proposed development would provide future occupants of the first floor flat with a cramped, unsatisfactory and poor provision of internal amenity space to the detriment of their amenities. The proposal would fail to accord with Policy D6 of the London Plan (2021), DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

Landscaping

Policy DMHB 14: Trees and Landscaping requires:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

In order to facilitate the parking spaces as shown, it would result in no landscaping to the front of the property, resulting in a built form that would not be broken through softlandscaping. The surrounding area currently benefits from greenery to break up the built forms in the area. This intensification, without a scheme to help mitigate this as proposed, would be contrary to Policy DMHB14.

AMENITY SPACE:

No information has been shown as to how each flat would access the rear garden or how the garden would be divided for both properties. The drawings do not demonstrate easy access for both units in and out of the building or into the garden. When combined with the lack of information as to how the garden would be divided, including access by the occupants to the respective spaces, it is considered that the proposal would fail to demonstrate a logical layout and easy access for the occupants of both flats, contrary to Policy DMHB18.

PRINCIPLE OF DEVELOPMENT

Policy DMH 1 states:

- A) The net loss of existing self-contained³ housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.
- B) The Council will grant planning permission for the subdivision of dwellings only if: i) car parking standards can be met within the curtilage of the site without being detrimental to the street scene; ii) all units are self contained with exclusive use of sanitary and kitchen facilities and provided with individual entrances and internal staircases to serve units above ground floor level; iii) adequate amenity space is provided for the benefit of residents; and iv) adequate living space standards are met.

Guidance for the policy states 'In order to meet projected housing needs, the Council aims to resist the loss of residential accommodation within the Borough by means of Policy DMH 1: Safeguarding Existing Housing. For the purposes of this policy, residential accommodation includes Houses in Multiple Occupation (HMOs), student accommodation and other uses falling into Use Classes C3 and C4'

The proposal would see the loss of a 3 bedroom family dwelling, failing to provide a 3 bedroom or 3 person unit to help offset the loss. As such, the principle of development in itself would fail to meet the requirements or aims of Policy DMH1.

3. Conclusion

- 3.1 The impact of the proposed development has been assessed in the Statement of Case. The proposed development would provide its future occupants with a cramped, unsatisfactory and poor standard of internal living accommodation and inaccessible, awkward external space to the detriment of their amenities. The proposal would fail to accord with Policy D6 of the London Plan (2021), DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).
- 3.2 The applicant has failed to demonstrate that adequate and functional parking space could be provided for future occupants of the units, particularly by replying on land outside of the red line of the site. Furthermore the parking layout to the side of the site is substandard and the rear access road is too narrow to allow vehicles to turn in and out of it safely. The substandard layouts would create a more hazardous environment for pedestrians and vehicle users, as cars at the site may have to reverse onto the road, due to insufficient or poor manoeuvring space. The proposed development is therefore considered to be detrimental to pedestrian and highway safety, as well as the free movement of vehicles on the local highways network. Additionally, no electrical vehicle charging points are proposed and it has not been demonstrated that adequate visibility splays would be provided. The proposed development is therefore considered to be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policy T6 of the London Plan and paragraph 112 (c) and (e) of the NPPF (2021).
- 3.3 The proposal has not provided a landscaping scheme, to demonstrate how the intensification of the site will be managed and mitigated, particularly with the erosion of green space to facilitate the parking, contrary to Policy DMHB14 of the Hillingdon Local Plan Part Two (2020).
- 3.4 The conversion of the existing dwelling into 1 x 2 bed and 1 x 1 bed would result in the loss of a 3 bedroom residential unit that is suitable and appropriately sized for a family without its replacement with accommodation of suitable standard. 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) and Policy H10 of the London Plan (2021)

- 3.4 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