

Appeal Decision

Site visit made on 9 September 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal Ref: APP/R5510/W/24/3343192

79 Bridgwater Road, Ruislip HA4 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Robenc property company ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 2708/APP/2024/16.
 - The development proposed is for a double-storey rear extension already approved under REF: 2708/APP/2023/2540, Outbuilding already approved under REF: 2708/APP/2023/1832, and the conversion of the existing two-storey dwelling into 2no. self-contained flats, with associated front and rear landscaping, bin store and cycle store.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal scheme encompasses a double-storey rear extension, outbuilding and the conversion of the dwelling into 2no. flats. Considering the recent approval of a previous application at the site¹, the Council's reasons for refusal are solely concerned with the conversion of the dwelling into 2no. self-contained flats. Owing to the design and relationship of the proposed rear extension with the neighbouring occupiers and given the extant permission², I have no concerns with this aspect of the proposal.
3. Accordingly, the main issues are the effect of the proposed conversion on:
 - the mix of housing in the area and;
 - the living conditions of future occupiers in relation to privacy, noise and external amenity space.

Reasons

Housing mix

4. The appeal property is a two-storey end terrace dwelling in a residential area. According to the application form it has an existing gross internal floor

¹ Ref: 2708/APP/2023/2540

² Ref: 2708/APP/2023/2540

area of 89 square metres, in the appellants statement of case it is stated as 106.3 square metres. Notwithstanding the discrepancy, its size and layout is suitable for family occupation.

5. To ensure the quality, mix and balance of different types of residential units, Policy DMH 4 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) (DMP) sets out a range of criteria by which the Council will consider the conversion of dwellings to smaller, independent units. It explains that they will only be permitted where, amongst other things, the internal floor area of the original building to be converted is at least 120 square metres.
6. I note that the proposal would increase the floor area of the property in excess of 120 square metres. However, the extensions do not form part of the original building. Given this, the proposal would fail to accord with Policy DMH4 and the proposal would result in the loss of a family-sized dwelling.
7. Policy DMH 4 should also be read in conjunction with Policy DMH 2 of the DMP, which requires a mix of housing units of different sizes to reflect the Council's housing need. The explanatory text 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 (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.
8. Although the conversion of the dwelling would create a net increase in dwellings, it would result in the loss of family-sized accommodation to be replaced by two smaller two-bedroom dwellings. I note the information provided by the appellant from a Zoopla survey which states there is a need for 1 and 2 bedroom flats in London. However, this does not demonstrate housing need in relation to the Borough. As such I do not consider this broad statement provides sufficient justification, and as such, I give this limited weight.
9. The appellant has drawn my attention to two applications³ where the council approved permission where the original floor area was below 120 square metres. However, very little information has been provided by the appellant, such as how many bedrooms were proposed in those cases and therefore, I cannot be sure of the full circumstances which led to their approval.
10. While I note that the appellant has stated the property could be converted to a house of multiple occupation without planning permission, there is no substantive evidence before me that the alternative use suggested is a greater than theoretical possibility or, that if the appeal is dismissed, the alternative would be pursued. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal.
11. In conclusion, the proposal would result in the loss 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 with an absence of any

³ Refs: 1174/APP/2023/2859 & 36469/APP/2023/2836

units larger than two bedrooms. This loss of family-sized accommodation is contrary to Policies DMH 2 and DMH 4 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, the proposal would not result in a net loss of self-contained housing, as such I find no conflict with Policy DMH 1 of the DMP in this regard.

Living conditions

12. The ground floor front bedroom window would be adjacent to the area of vehicle parking and access to the property. Given the quantum of development, I am not persuaded that the overall comings and goings would create that much additional noise and disturbance that it would be unacceptably detrimental to the living conditions of the future occupiers of the ground floor flat.
13. Turning to privacy, the ground floor flat has a large kitchen/living area to the rear, as such the bedroom would be unlikely to be occupied for extended periods of time during the day. While the submitted plans do not specify which flat can park in front of the front bedroom window, I am satisfied if I had been minded to allow the appeal, that this could be dealt with by a condition limiting the car parking to Flat 1. Details of landscaping could also be dealt with by condition, as I consider there is sufficient space to provide landscaping at the front of the ground floor front bedroom window. In coming to this view, I am also mindful of three recently approved applications provided by the appellant, where a similar bedroom arrangement adjacent to a front parking area has been deemed acceptable.
14. The submitted plans detail that the provision of garden space would be significantly above the minimum requirement of 25 square metres as set out in Policy DMHB 18 of the DMP. Whilst access to the garden space for the first-floor flat is less convenient than the ground floor flat, the distance and gated access would not be so onerous as to be prohibitive. The submitted plans show that the boundaries of the two amenity spaces would be demarcated by a 1.8 metre boundary fence and as such would provide a sufficient amount of good quality, usable external amenity space that would ensure adequate privacy for the occupiers of both properties.
15. For the above reasons, I conclude that the proposal would not unacceptably harm the living conditions of future occupiers in relation to noise, privacy and external amenity space. It would therefore accord with Policy DMHB 15 of the DMP which requires adequate defensible space and Policy DMHB 18 which requires good quality and useable private outdoor amenity space. It would also accord with Policy D6 of the LP, which amongst other matters, requires development to have a comfortable and functional layout.

Other Matter

16. An outbuilding in the rear garden forms part of the appeal scheme. No elevation plans of the outbuilding have been submitted, therefore it is not possible for me to fully assess this aspect of the proposal. However, because of a recent certificate of lawful development for an outbuilding of a similar

footprint to that proposed⁴, the Council raised no concerns in relation to this aspect, recommending a condition requiring the height of the outbuilding to match the details of the certificate of lawful development, if the appeal was allowed. As I am dismissing the appeal for other reasons, there has been no need to consider this further.

Conclusion

17. I am satisfied that the development would not result in substandard living conditions for future occupiers. However, for the reasons given above, I conclude that the proposal would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

T Bennett

INSPECTOR

⁴ Ref: 2708/APP/2023/1832