



# Appeal Decision

Site visit made on 9 August 2023

**by G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> August 2023

**Appeal Ref: APP/R5510/W/23/3315732**

**4 Church Close, West Drayton, Hillingdon, UB7 7PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr B Hafuzi (GBH Property Ltd) against the London Borough of Hillingdon.
- The application Ref. 27891/APP/2022/2859 was dated 13 September 2022.
- The application sought planning permission for the conversion of existing 6 people C4 HMO to a 7 people sui generis HMO.

## Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing 6 people C4 HMO to a 7 people sui generis HMO at 4 Church Close, West Drayton, Hillingdon, UB7 7PY in accordance with the terms of the application, Ref. 27891/APP/2022/2859, dated 13 September 2022, and subject to the conditions listed in the Annex to this decision.

## Preliminary Matters

2. I have taken the Appellant's name from the application form as this differs slightly to that on the appeal form.
3. The appeal site is already being used as an HMO for 6 people for which I understand a Licence was issued in September 2022. However, submissions from interested parties have suggested that the host property is already being used as a 7 people HMO. Whilst I noted on my site visit that there were 7 door bells, I was unable to firmly confirm this change, either from my site visit or the submitted evidence, and have, therefore, proceeded to determine the appeal on the basis that planning permission is sought for the conversion of the host property to a 7 people HMO.

## Main Issue

4. The appeal was lodged against non-determination and in response the Council's Planning Committee resolved, on 10 May 2023, that had they been in a position to do so the application would have been refused on parking and highway safety grounds. The Planning Officers Report to Planning Committee (PCR) concluded that the appeal proposal would preserve the character and appearance of the West Drayton Conservation Area; that one (1) additional occupant (bedroom) would not result in any harm to the living conditions of neighbours; and that acceptable internal and external living conditions would

be provided for the future residents of the HMO. Accordingly, the main issue in this appeal is the effect of the proposal on parking and highway safety.

## **Reasons**

5. The frontage to the appeal site is already used as off-street parking to serve the existing HMO. Although the individual spaces are not marked out on site, the submitted plans indicate that there is room for up to 4 spaces. However, I note that the existing layout plan does not reflect that on site in that it omits some existing shrubs and a grassed area along the common boundary with 6 Church Close. The latter restricts the extent of the frontage available for parking, suggesting that the amount of space available to park 4 cars is tight. Even so, the proposed layout shows parking for up to 3 cars as well as the introduction of new landscaping margins and refuse storage (for up to 4 bins).
6. The Council contend that the proposed parking layout, in particular the space that is shown parallel to the road, would be difficult to access and exit. I am not convinced that that is the case, but even so, the Appellant indicates that this space could be turned 90° so that, as with the other 2 spaces, it fronts onto the road. That arrangement would be similar to existing and would, in my view, represent an acceptable revised layout that could be secured by condition. Whilst there could be the potential to accommodate 4 spaces, that would compromise the margins provided for new landscaping and the space available for refuse storage, improvements that would benefit both tenants and the wider streetscene. However, even with the provision of 3 parking spaces, the Council contend that the proposal would result in a shortfall of off-street parking that would be harmful to highway safety.
7. In support of their objection the Council have referred to policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 – Development Management Policies (HLPP2) (January 2020). These policies seek, amongst other requirements, to ensure that: proposals meet the needs that arise from new development in a sustainable way that integrates with existing transport networks so that development does not contribute further to congestion or have any significant adverse transport impacts; proposals include measures to reduce car use; and that proposals comply with the relevant maximum parking standards unless there is a justification for varying those standards. Reference has also been made to policy T4 of The London Plan (March 2021) (TLP), which requires the transport impact of new development to be assessed and mitigated.
8. The relevant parking standards are included in Appendix C Table 1 to HLPP2. For HMO's with up to 6 people the requirement is for 1 car parking space per two people. HMO's for 6+ people are to be assessed through a transport appraisal and travel plan. The Council contend that in the absence of a transport appraisal or travel plan, there is a requirement for 4 spaces. In relation to cycling, the HLPP2 requirement is for 1 space per occupant. The proposed layout includes a cycle shelter with a rack for 8 cycles sited within the rear amenity area and accessed via a side pedestrian gate to the host property.
9. The proposed level of cycle parking meets the requirements of HLPP2, and would be safe and secure. The shortfall in car parking relates to 1 space, which I assume the Council have extrapolated from their maximum standards and then rounded up. The Council allege that this shortfall would result in overspill parking onto the narrow and congested Church Close, which would be

harmful to the free flow of traffic and to the safety of pedestrians and other road users. No substantial evidence, in the form of, for example, surveys or photographs of the existing parking situation and traffic flows on Church Close, have been provided to support these statements. Whilst I acknowledge that interested parties have raised similar issues, based on the submissions I have read, this is all anecdotal and there is again no clear firm evidence to support the concerns that have been raised.

10. The Highway Authority's consultation response refers to the failure to submit a transport appraisal or travel plan. However, a transport appraisal was included in the Appellants Design & Access Statement (September 2022). The latter, is, in my view, an appropriate and proportional appraisal bearing in mind the nature of the proposal, which, as I confirmed above, is for 1 additional person (bedroom) within the HMO. The appeal proposal is not a major development where trip generation and modal split are likely to be factors in determining the acceptability of the scheme in highway terms.
11. It is unclear whether the Highway Authority were aware of the appraisal contained within the D&AS, although the PCR goes onto suggests that they did not, in any case, consider such an assessment to be required. Similarly, the PCR states that the Highway Authority did not consider a travel plan to be required as one of its main components would be to enable more people to cycle, and that objective would be met through the provision of 8 cycle spaces. The PCR also goes on to confirm that other travel plan measures were not considered, by the Highway Authority, to be suitable for an HMO of up to 7 people.
12. During my site visit, there were no cars parked on-street and the road was very quiet apart from some minor traffic accessing the adjacent park. I accept that this position is likely to change in the evening or at the times when the park is busier, such as at the weekend. Even so and as I confirmed above, there is no evidence before me which demonstrates or points to the level of congestion or on-street parking that is alluded to by the Council and interested parties.
13. As I also observed on site, all the existing properties in the road appear to benefit from off-street for up to 2 or more spaces. The PCR states that the crossovers to serve these spaces limit on-street parking to 3 spaces, which is not a figure I would dispute and I have assumed was reached on the basis of where the road is wide enough so that on-street parking does not obstruct traffic or pedestrians using the existing pavements. The PCR also confirms that on-street parking is not subject to any restrictions.
14. Within the above context, I am satisfied that the proposed layout could be revised to accommodate 3 spaces in a similar arrangement to existing and that this would provide sufficient pedestrian and vehicle visibility. However, other than anecdotal evidence, there is no substantive evidence which demonstrates that even the existing HMO gives rise to any significant issues in relation to on-street parking. Similarly, there evidence that the provision of 1 additional person (occupant) would result in any additional impact or lead to the demand for a further on-site parking or as to why available on-street parking could not meet any demand that may arise.
15. Moreover, significant weight must, in my view, be given to the appeal sites location within a sustainable and accessible location, with good access to local

services, facilities and public transport, as well as good opportunities for cycling and walking, all of which provide opportunities to reduce reliance on the private car. The Public Transport Accessibility Level (PTAL) of the appeal site is 3, which is a good rating, based on its access to various local bus services and as I observed on site its access to West Drayton Station, which is about a 12 minute walk from the appeal site.

16. The Appellant has also drawn my attention to policy T6 and T6.1 of TLP which, amongst other requirements, seeks to ensure that new development: provides for maximum parking standards; restricts parking in line with levels of public transport accessibility; starts from the basis of car free developments where a site is well connected to public transport; provides electric charging points; and promotes car free large scale *sui generis* residential uses. The supporting text, at paragraphs 10.6.1 to 10.6.8 (inclusive), state that the objective of the policies is to manage London's road network and reduce congestion, which can often be a barrier to opportunities for walking and cycling. Also, to ensure that the maximum standards take account of PTAL ratings, the proposed use class, local circumstances and the conditions for walking and cycling.
17. The proposal relates to an existing *sui generis* residential use, which, although not a large use, has: a good level of accessibility to public transport; where provision for electric charging facilities can be secured through a condition; and where conditions for walking and cycling are good. The proposal incorporates parking for 3 cars and would provide secure and safe cycle parking to the required standards. As such and bearing in mind that TLP postdates the adoption of HLPP2, even if the proposal for 1 additional person resulted in pressure on on-street parking the evidence before me does not demonstrate that this would lead to any significant harm.
18. Paragraph 111 of the National Planning Policy Framework (July 2021) (Framework) states that new development should only be prevented on highway grounds where there would be an unacceptable impact on highway safety. Whilst the Council and interested parties contend that the shortfall of 1 off-street parking space would be detrimental to the free flow of traffic and harm highway/pedestrian safety, my findings do not support those views. There is an absence of clear firm evidence to demonstrate that the appeal proposal would contribute or add to any concerns over parking stress in the road or to alleged congestion, and as such the proposal would not, in my view, result in an unacceptable impact on highway safety.
19. For the above reasons, I find that the conversion of the appeal property from a 6 people HMO to a 7 person HMO would not be harmful to highway safety. Accordingly, the proposal would be compliant with policies DMT 1, DMT 2 and DMT 6 of HLPP2, policies T4, T6 and T6.1 of TLP and the corresponding policies of the Framework.

### **Other Matters**

20. Interested parties have raised concerns that the proposal would lead to an overdevelopment of the site, that the HMO would be out of character with the area, that the development would harm the conservation area and result in associated refuse issues. The harm to the conservation area is a matter I address below. In relation to the remaining concerns, I am satisfied that none of these would lead to any significant harm and this finding is supported by the fact that they are not matters that have been raised by the Council. Some

raise issues that can be controlled by conditions or through other legislation such as the licensing of the HMO. As to being out of character, the policies of the development plan and Framework seek to promote a mixture of housing types and tenures to meet local needs, which this conversion would go some way towards addressing. It would also promote the more effective use of the appeal site whilst ensuring safe and healthy living conditions for future occupiers and existing neighbours. These are benefits that add significant weight to my overall findings.

21. Turning to heritage assets, the appeal site lies within the West Drayton Conservation Area (WDCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework and in the policies of the development plan. The proposed alterations to the parking layout on the frontage to the appeal site are modest. Compared to the existing layout, the new landscape margins and refuse storage would, in my view, represent a modest improvement. As such, I am satisfied that the appeal proposal would preserve the character and appearance of the WDCA, as a whole, in that it would leave it unharmed.

### **Conditions**

22. The Council has suggested a number of conditions which I have considered against the advice of the Framework and the Planning Practice Guidance on the use of planning conditions.
23. Conditions relating to compliance with the approved plans and associated documents, that limit the occupancy of the HMO to only 7 persons, that require the submission and approval of details of electric charging point(s) and a hard and soft landscaping scheme, are necessary and reasonable in order to secure a high-quality development, to protect neighbours living conditions, to reflect the details included in the application and to encourage sustainable travel. I have, in some cases, slightly amended the suggested wording.
24. I have also added a condition that requires the submission and approval of a revised parking layout to reflect my earlier findings and in the interests of highway and pedestrian safety.

### **Conclusion**

25. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

*G Roberts*

INSPECTOR

### **Annex - Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2021-4CC-SGHMO-1; 2021-4CC-SGHMO-3; 2021-4CC-SGHMO-4; 2021-4CC-SGHMO-5; Design & Access Statement; Site Supervision Management Plan; HMO Management Supervision Plan.
- 3) The property shall only be used as an HMO for no more than seven (7) people at any one time.
- 4) The development hereby permitted shall not be occupied until details of electric vehicle charging point(s) have been submitted to and approved in writing by the Local Planning Authority. One active, double socket, Ev charging point shall be provided for the HMO. Thereafter, the development shall not be occupied until the approved charging point(s) have been implemented in accordance with the approved plan and shall be permanently retained for the life of the development.
- 5) Notwithstanding condition 2) above and the details of the car parking layout shown on the submitted plans, no development shall take place until a revised car parking layout plan, showing the provision of three parallel car parking spaces fronting onto Church Close, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include: -
  - Planting plans (at not less than a scale of 1:100),
  - Planting schedules, species, densities and cultivation work to be undertaken
  - Refuse storage (inc. elevations if appropriate)
  - Cycle storage (inc. elevations if appropriate)
  - Boundary treatments (inc. elevations if appropriate)
  - Car parking layout and pedestrian access
  - Hard surfacing materials and external lighting
  - Landscape maintenance schedule
  - Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or becomes seriously damaged or diseased within a minimum period of 5 years following the completion of the landscaping scheme.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### **End of Annex.**