



## Appeal Decision

Site visit made on 20 March 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

**Appeal Ref: APP/R5510/W/24/3348756**

**17 Orchard Drive, Hillingdon, Uxbridge UB8 3AE**

- 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 Mr Alpesh Shah against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 29596/APP/2023/3367.
- The development proposed is change of use from a single family dwellinghouse(C3) into a guesthouse (C1).

### Decision

1. The appeal is allowed and planning permission is granted for change of use from a single family dwellinghouse (C3) into a guesthouse (C1) at 17 Orchard Drive, Hillingdon, Uxbridge UB8 3AE, in accordance with application Ref 29596/APP/2023/3367 and subject to the Schedule of Conditions attached to this Decision.

### Preliminary matter

2. The description of the proposal on the application form includes the following superfluous text '(reinstate a previous use of the application property)' which I have omitted for the purposes of my Decision.

### Main Issues

3. The main issues are:
  - i) The effects of the proposal on existing residential accommodation;
  - ii) Whether the proposal would affect highway safety;
  - iii) Whether the proposal would harm the living conditions of neighbours.

### Reasons

#### *Effects on residential accommodation*

4. Policy DMH1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) ('LP') aims to safeguard existing housing. The first part of this Policy says that the net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace. The second part of this Policy relates to planning permission for the subdivision of dwellings, which is not relevant to the proposal
5. The supporting text to the above Policy says that: 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.' This is not a closed list and therefore does not preclude guesthouses (C1), which are also a form of residential accommodation.

6. The appeal property comprises a detached dwellinghouse. The proposed change of use into a guesthouse (C1) would not result in any loss of floorspace. Accordingly, the proposal is supported by the first part of Policy DHM1 of the LP. Therefore, irrespective of the boroughs projected housing needs, the proposal would not undermine existing residential accommodation in the borough.

#### *Highway safety*

7. The appeal property is located along Orchard Drive where on-street parking is restricted to residents that are permit holders only. Orchard Drive forms part of Parking Management Scheme C1.
8. Based on the appellant's submissions, 4 parking spaces are to be provided within the curtilage of the site. On the evidence before me, this is deemed an appropriate provision of car parking given the public transport opportunities within the vicinity of the site. The proposed arrangement would comprise two separate driveways each serving 2 parking spaces. To achieve access to the driveway on the eastern side of the property, the vehicle crossover for this would need to be widened. The Council's Highways Delivery Team has confirmed that if an application was made to widen this driveway it would be supported.
9. Given that the proposal makes acceptable provision for on-site parking and only those that hold a residents parking permit may park on-street, the proposal is unlikely to result in roadside parking to the detriment of pedestrian and highway safety. Accordingly, I find no conflict with the overarching aims for managing highway impacts of Policies DMT 1, DMT 2 and DMT 6 of the LP and Policy T6 of the London Plan (2021).

#### *Living conditions of neighbours*

10. The pattern of activity within a guesthouse would be different to that associated with a family dwelling. In particular, the associated comings and goings this is likely to result in a more intense and varied pattern of activity than that associated with a family dwelling. These factors could manifest in additional noise and disturbance for adjoining neighbours.
11. However, in this case the appeal property is detached and incorporates an adequate frontage and a largely enclosed and sizeable rear garden. These characteristics along with a generous internal layout, make the property of a sufficient size to facilitate the extent of accommodation proposed and the activity associated with this.
12. Furthermore, because of its size, a large single household could occupy the appeal property. This could include some variation in pattern and activity undertaken by different generations of a family, for example parents going to work and separate activities associated with children and their schooling.
13. Furthermore, the submitted Noise Impact Assessment Report ('the NIA') considers the effects of the proposal on the nearest noise sensitive (residential) properties. The NIA is based on guidance from the "*Guidelines for Environmental Noise Impact Assessment*" (November 2014). The appellant advises that this guidance is valid as

it allows a site-specific assessment to be undertaken, comparing the ambient noise level before and after the use becomes operational.

14. The Council has suggested alternative guidance and methodology for the NIA. On the information available to me, the BS 8233 guidance is not relevant or intended for the proposed use, as this presents absolute noise level limits (which are not site-specific) and the BS 4142 methodology covers sources associated with commercial and/or industrial premises, whereas the proposal is for a form of residential use.
15. Accordingly, I attach significant weight to the NIA. Based on calculations undertaken to predict noise emissions associated with the typical future activities, the NIA concludes that predicted noise impact of human speech, both externally and internally and from future car movements, would be negligible.
16. Drawing on the above reasons, the proposal would not result in any adverse noise or disturbance to the detriment of the living conditions of neighbours. Therefore, the proposal would accord with Policies DMHD 1 and DMHB 11 of the LP. Amongst other things, these policies require that development proposals should not adversely impact on the amenity of adjacent properties and open space.

### **Other Matters**

17. In addition to some of the matters addressed above, third parties have raised a number of other issues. The appeal site forms part of the Clayton Way Area of Special Local Character. Nonetheless, the proposed development does not include any extensions or external alterations to the existing building. As such, and because the proposed guesthouse is a form of a residential use, the proposal would not cause harm to the residential character and appearance of the area.
18. There is no evidence to substantiate concerns raised in respect of the impact of the proposal on existing infrastructure and utilities, such as drainage and electricity supply, or that the proposal would result in any increase in crime.
19. In reaching my decision, I have considered the revised version of the National Planning Policy Framework (as amended) that was published in December 2024 but this does not alter my findings on the main issues.

### **Conditions**

20. In addition to the standard timescale condition, I have included a condition specifying the relevant drawings and plans as this provides certainty.
21. In the interests of the satisfactory functioning of the development, conditions requiring a Parking Design and Management Plan and a scheme for design and implementation of a widened vehicle crossover at the development site are necessary and reasonable.
22. Conditions 3 and 4, which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for these to take the form of 'pre-commencement' conditions to have their intended effect. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

## **Conclusion**

23. For the above reasons, I conclude that the appeal should be allowed.

*M Aqbal*

INSPECTOR

## **Schedule of 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 plans and drawings: Location Plan (Planning Portal Reference: PP-12619019v1), Drawing numbers, 5098-3; 5098-4 and 5098-5.
- 3) Prior to the first occupation of the development hereby permitted, a Parking Design and Management Plan shall be submitted to and approved in writing by the local planning authority. The Parking Design and Management Plan shall include all dimensions of the forecourt parking area and parking spaces and indicate how the car parking spaces would be allocated. Thereafter, the development shall be undertaken in accordance with the approved Parking Design and Management Plan.
- 4) Prior to the first occupation of the development hereby permitted, a scheme for the widening of the vehicle crossover for the eastern driveway at the development site and a timescale for the implementation of this shall be submitted to and approved in writing by the local planning authority. Thereafter, the widened vehicle crossover shall be provided in accordance with the approved scheme and timescale, and retained for the life of the development