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## **Planning, Design and Access Statements in support of a revised Planning Application**

**Site Address: 67 Bishops Road UB3 2TF**

### Proposed Development

Demolition of garage and erection of a detached 2 storey 1 bed 2 person dwellinghouse with associated amenity spaces, vehicular parking and new crossover, bicycle and bin stores on land adjacent to 67 Bishops Road.

### Purpose of planning statement:

Applicant's case as to why planning permission now ought to be granted.

**Prepared by Mr Mohamed Bharadia of Planning Appeal Ltd**

**Submitted by Ms Maria Golasowska of Architects MGDC Ltd**

**15 March 2022**

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## **1 INTRODUCTION and GENERAL BACKGROUND**

- 1.1. The LPA is implored to carefully consider the contents of this Planning Statement in its entirety as part of its decision-making process of this re-submitted application. The LPA ought to take into account ALL relevant and important policies including from the London Plan 2021 adopted on 2 March 2021.
- 1.2. This statement should be read in conjunction with the plans, photographs and statements being submitted to the LPA as part of the application together with all the development plan or national policy references, representations now being submitted and case law referred to.
- 1.3. This application seeks to address the remaining single reason for dismissal in February 2022 of a s78 TCPA90 appeal under PINS reference APP/R5510/W/17/3285377. The appeal was against the refusal decision under LPA reference 51120/APP/2021/1616 of August 2021.

## **2 APPEAL PROPERTY, LOCATION AND PLANNING HISTORY**

- 2.1. In the interests of brevity, the Applicant refers to the site location and proposed block plan together with the other plans that form part of the application; these together with the photographs below provide a visual description of the site in terms of its size, scale, curtilage and the prevailing site context. The LPA is familiar with the planning history of the site.
- 2.2. In the appeal decision APP/R5510/W/17/3285377, the inspector found no harm in regard to two of the three main issues in dispute. He held 1) that the proposed detached house would provide an acceptable living conditions for future occupiers with specific regard to amenity space and the effect of the proposed development on the living conditions of neighbouring occupiers with respect to privacy; and 2) that the proposed development would make acceptable provision for accessible facilities.
- 2.3. The Inspector expressed concern in relation to the effect of the proposed development on parking provision and highway safety. At DL7, the Inspector indicated that the Council's maximum parking standards require two spaces for vehicular parking. The three spaces were deemed insufficient in this location. At DL8, the Inspector was critical of the layout of one of the two parking spaces. At DL9 the Inspector acknowledges that the more recent London Plan Policy T6 and T6.1 are relevant and part f) of policy T6 allows for a motorcycle parking space to count towards the maximum for vehicle parking spaces.

### 3 DEVELOPMENT PLAN

- 3.1. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, the statutory development plan polices are deserving of primacy with relevant material considerations to be taken into account in the planning balance.
- 3.2. The development plan is tiered and comprises: 1) The London Plan 2021 ("NLP") adopted on 2 March 2021, and 2) the development plan documents making the London Borough of Hillingdon Local Plan ("LP") comprising Local Plan Part 1 adopted 2012 and Local Plan Part 2 adopted January 2020.
- 3.3. The LPA made the following commitment to the examining inspector of the Local Plan Part 2 as stated at paragraph 14 of the examination report dated 22 October 2019: "The HLPP2 is a plan that is intended to implement the strategy and objectives of HLPP1. It was widely accepted at the hearings that during the course of plan preparation there had been material changes in both national and London-wide policy along with a significant increase in growth in the Borough. Therefore, the Council have committed to an early review of the Local Plan in response to the emerging new London Plan...".
- 3.4. The new development on brownfield land proposed on this small infill site involves the demolition of the side garage and creation of a 2 storey 1 bed 2 person detached dwelling with a GIA of 60sqm and in this location meets the relevant policy requirements. It is of a high standard of design that blends with the local character and that will enhance the health and well-being of future occupants. The existing house has 3 rooms on the first floor; however, the third room is around 6 sqm and does not meet the space standards described for a single bedroom (7.5 sqm). Thus, the existing house's layout is such that it ought to be classified not as a 3 bedroom house but as a 2 bedroom (plus study) house.
- 3.5. Policy DMH1: the existing 2 bed dwelling is retained while creating a windfall new dwelling on a small infill site that provides the symmetry to number 65A. Parking for **4 vehicles** is created within the front curtilage for the existing and new dwellings. National described internal space standards are met and adequate external amenity space is available for both dwellings commensurate to their size and level of occupancy.
- 3.6. Policy DMH2: a spacious 60sqm internal area 1 bedroom 2 person dwelling is created and can be ideal for a starter home at the private affordable end. This is in line with **Policy D6** of the NLP.
- 3.7. Policy DMHB11: The dwelling has been designed to a very high standard

incorporating policy guidance here and under the NLP.

- 3.8. Policy DMHB16: The space standards are exceeded to provide an appropriate living environment for two adult persons with a well-designed, dual-aspect layout and good size internal areas and storage.
- 3.9. Policy DMHB18: Good size, private, useable and functional outdoor amenity spaces are provided for both donor and new dwellings. For the new 1 bed 2 person house, the outdoor amenity spaces comprises 30 sqm of private rear garden and 10 sqm of private and screened balcony space on the first floor. This meets with the above policy and is significantly in excess of the quantum stated in Policy D6 of the NLP. For the 2 bed 3 person donor dwelling the retained outdoor amenity space is broken down as follows: 48 sqm rear garden, 6 sqm front landscaped visual amenity and 6 sqm side vegetable garden. This issue of quantum and quality has been settled in the appeal decision.
- 3.10. Policy DMT5: bicycle storage spaces are provided to promote sustainable transport and healthy living for the occupants. This is also in line with **Policy T5** of the NLP.
- 3.11. Policy DMT6: **4 vehicle parking spaces** in total are created: 2 for the donor dwelling (1 car and 1 motorcycle) and 2 motorcycle spaces for the new 1 bed 2 person dwelling. This is in line with the maximum standards stated in table 1 of Appendix C. The policy also requires assessment whether the impact of any spillover parking on neighbouring roads would have a deleterious impact. It also conforms to the NLP **Policy T6** (see table 10.3 – focus on ‘up to’) and **Policy T6.1** of the NLP. **Note under T6 f) where indicated, a motorcycle parking space counts towards the maximum for car parking spaces.** Also account needs to be taken holistically of relevant **policies DMEI 14, DMT 1, DMT 2, DMT 4, DMT 5** and from NLP policies **T1, T2 and T5** to avoid rigidity on parking quants. Also see previous appeal decisions in your possession on this issue elsewhere and paragraph 102 of NPPF as well Department of Transport’s Decarbonisation strategy and promotion of active, sustainable travel.
- 3.12. This proposal delivers on the NLP Good Growth Objectives **GG2** (Efficient use of Land) and **GG4** (Delivering homes for Londoners). Paragraph 2.0.3 states (emphasis added): “*If London is to meet the challenges of the future, all parts of London will need to embrace and manage change. Not all change will be transformative – in many places, change will occur incrementally. This is especially the case in outer London, where the suburban pattern of development has significant potential for appropriate intensification over time, particularly for additional housing.*”
- 3.13. NLP Housing policies **H1** (Housing), **H2** (Small Sites) and **H10** (Housing Mix) apply

and are relevant and important for incremental delivery of housing and on small sites such as this. Based on evidence within the *2017 London Strategic Housing Market Assessment (SHMA)*, paragraph 4.10.3 states (emphasis added): Well-designed one- and two- bedroom units in suitable locations can attract those wanting to downsize from their existing homes, and this ability to free up existing family stock should be considered...

3.14. Paragraph 4.1.2 of the NLP (emphasis added): *"For the purposes of the Plan, London is considered as a single housing market area, with a series of complex and interlinked sub-markets. The advantage of strategic planning is that it allows London to focus development in the most sustainable locations, allowing all of London's land use needs to be planned for with an understanding of how best to deliver them across the capital. Because of London's ability to plan strategically, boroughs are not required to carry out their own housing needs assessment but must plan for, and seek to deliver, the housing targets in this Plan. These have been informed by the SHLAA and the SHMA."*

3.15. NLP Design policies **D1** (Design) and **D3** (Site Optimisation) are also relevant and important and the proposed development is in compliance with these policies.

#### **4 APPLICANT REPRESENTATIONS AND MATERIAL CONSIDERATIONS**

4.1. The new 1 bed 2 person dwelling has been carefully designed for compliance overall with the development which must be read as a whole subject to other material considerations.

4.2. The Appellant refers the decision maker to the appeal decision APP/R5510/W/17/3285377, attached for ease, which is a material consideration.

#### **5 CONCLUSION**

5.1. The Applicant requests the LPA to give consideration to representations made in this statement. This revised proposal satisfactorily overcomes the outstanding parking and highway safety issue on which the Inspector found against the Applicant. The development now ought to be approved in the overall planning balance and not doing so would constitute unreasonable behaviour on the part of the LPA, in the Applicant's submission.



## Appeal Decision

Site visit made on 25 January 2022

**by A Price BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> February 2022**

**Appeal Ref: APP/R5510/W/21/3283577**

**67 Bishops Road, Hayes UB3 2TF**

- 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 Vipul Patel against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 51120/APP/2021/1616, dated 22 April 2021, was refused by notice dated 13 August 2021.
- The development proposed is described on the application form as 'demolition of garage and erection of a detached 2 storey 1 bed 2 person dwellinghouse with associated amenity spaces, vehicle parking and new crossover, bicycle and bin stores on land adjacent to 67 Bishops Road'.

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. An amended plan with a revised scheme (drawing A-PD-067-PL-110 Rev 01) was submitted. Whilst this did not form part of the original planning application, and an appeal should not be used to evolve a scheme, this plan shows very minor changes to internal layout. Since the fundamental aspects of the proposed development remain as submitted, and there has been the opportunity for comment on them, I have taken them into account.
3. The site has been the subject of a previous appeal under Ref. APP/R5510/W/17/3173483. I have had regard to this previous appeal decision, and the amendments that have since been made to the scheme, in making my decision.
4. An application for costs was made by Mr Vipul Patel against the Council. This application is the subject of a separate Decision.

### **Main Issues**

5. The main issues are:
  - the effect of the proposed development on parking provision and highway safety;
  - whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to amenity space and the effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to privacy; and

- whether the proposed development would make acceptable provision for accessible facilities.

## Reasons

### *Parking Provision and Highway Safety*

6. The area surrounding the appeal site is not subject to a controlled parking zone although is regulated by the use of double yellow lines in places. Many of the properties surrounding the site, including the appeal site itself, have vehicular crossovers and off-street parking. Some informal on-street parking also takes places along streets. Bishops Road is part of a very dense residential area made up of a number of long interconnecting streets. During my early afternoon site visit I noted a number of parked cars along the street, including partly on the footways. This is likely to be at a higher volume in the evenings and at weekends.
7. The Council's standards require two spaces to be provided for car parking. The development proposed would take place on the site of existing car parking in the form of a garage. A single, angled parking space is proposed in front of the new dwelling with two parking spaces indicated in front of the existing property. This would be insufficient against the standards and could displace parking onto the street.
8. One of the two parking spaces serving the retained property would be awkwardly positioned on the site. In all likelihood, this space could not be used freely unless the other space was free of parked vehicles. Such an inconvenient arrangement could also result in additional on-street parking.
9. The Council's parking standards are a maximum and London Plan policies encourage reduced reliance on the car and consequently parking provision requirements. The appellant also contends that the Council has not considered the provision of motorcycle or scooter parking in lieu of car parking.
10. Given the appeal site's poor Public Transport Accessibility Level rating, however, it is highly likely that there would be a reliance on private cars for making trips to and from the new property. The provision of motorcycle and scooter parking is set out within the Council's parking standards, but is in addition to, not in lieu of, the provision of appropriate levels of car parking. Moreover, no evidence of motorcycle or scooter parking provision has been provided.
11. With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development would add to the existing on-street parking levels on Bishops Road and neighbouring streets, increasing the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety.
12. Consequently, the proposed development would be contrary to the relevant provisions of Policies DMT2 and DMT6 of the Hillingdon Local Plan Part Two – Development Management Policies (2020) (Local Plan), which in summary seek to avoid the prejudicing of free flow of traffic or highway and pedestrian safety and to provide sufficient parking.

### *Living Conditions*

13. Policy DMHB18 of the Local Plan requires 40sqm of private amenity space for new 1-bedroom developments. These spaces should be well located, well designed and usable for the private enjoyment of the occupier. This would be provided in the form of a rear garden and a first floor terrace.
14. By reason of its location to the rear of the property, this amenity space would be suitably private and useable, assimilating with the size and quality of gardens in the surrounding area.
15. The existing property is a 3-bedroom dwelling. Under Local Plan policy, if this were a new build, it would require 60sqm of private amenity space, compared with the 48sqm proposed. Despite this shortfall, Policy DMHB18 does not explicitly reference requirements for existing or historically established properties. In any case, the shortfall here would be fairly minimal and the space to the rear would remain useable and private.
16. The proposed first floor balcony would enable views over neighbouring gardens and towards the property to the immediate rear. That said, appropriate measures to mitigate the impact of overlooking from the balcony could be satisfactorily achieved by condition, requiring details of a suitably high and opaque screening. Whilst this would limit outlook from the proposed balcony and the rear facing room from which it extends, this would not be the only amenity space provided and the property would be dual aspect.
17. The proposal would therefore provide an acceptable size and quality of amenity space consummate to the size and layout of both the existing house and the proposed dwelling. In addition, and subject to conditions in the event the appeal was allowed, there would be no adverse effect on the privacy of neighbours. The proposal would therefore accord with the relevant provisions of policies DMHB11 and DMHB18 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020), which in summary seek to ensure that developments complement or improve the amenity and character of an area, that development provides or maintains sufficient external amenity space, and protects the amenity of neighbours.

### *Accessibility*

18. The proposed development would provide a ground floor WC and wash basin, as required to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. However, it is not clear from the submission whether all of the other technical requirements have been met. Nevertheless, I consider it possible to overcome this matter by the inclusion of a suitably worded condition to ensure that the design of the development satisfies these requirements, in the event that the appeal was allowed.
19. I therefore find that the proposed development could be sufficiently accessible in accordance with Policy DMHB11 of the Local Plan, which in summary seeks to ensure the highest standards of design.

### **Other Matters**

20. Policy H2 of the London Plan supports the development of small sites. Be this as it may, the principle of the proposed development is not a contentious

matter in the appeal, and I have no reason to disagree. The harm I have found relates to how it would be located, laid out and designed.

21. The appellant refers to the nearby development at 65 Bishops Road, a site subject to very similar circumstances. However, this development took place over ten years ago and was approved under a different planning policy regime. As such, I do not consider the two sites to be directly comparable although I have considered the effects of the development relative to its immediate context.

### **Conclusion**

22. In regard to two of the three main issues, I have found that harm would not arise. This being a lack of harm, however, would be neutral in any balance, and by definition unable to weigh against the harm that I have found in regard to parking provision and highway safety. This would lead to conflict with the development plan for which there are no material considerations worthy of sufficient weight to indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*A Price*

INSPECTOR