



Appeal Decision

Site visit made on 24 March 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/R5510/W/24/3354486

28 Station Approach, South Ruislip, Ruislip, Hillingdon HA4 6RY

- 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 Pawel Magala against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 64458/APP/2024/1215.
 - The development proposed is described as “conversion of single dwelling into 2no. self-contained flats comprising 1x 1 bedroom unit and 1x 2 bedroom unit”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development differs between the application form and the decision notice. I note however, that the appellant has adopted the wording from the Council’s decision notice in their appeal documentation. I have therefore proceeded on this basis and used the Council’s wording from its decision notice in the banner heading of my decision which is a more precise description of development.

Main Issues

3. The main issues are:
 - whether the proposed housing mix would be appropriate, with particular regard to the need for family housing;
 - whether the proposed development would provide adequate living conditions for future occupants, with particular regard to the provision of private outdoor amenity space; noise and disturbance; and privacy; and
 - whether the proposed parking provision would be appropriate based on the location of the site.

Reasons

Housing mix

4. The appeal property comprises a four-bedroom, two storey, terraced property, with a private drive and rear garden area. The Council points to the London Plan (2021) (LP) definition of family housing as properties with more than three bedrooms. The status of the existing property as a family unit is not contested by the appellant.

5. The subtext of Policy DMH 2 of the Hillingdon Local Plan Part Two – Development Management Policies (2020) (DMP) identifies at paragraph 4.6 that there is a substantial borough-wide requirement for larger affordable and private market units.
6. Both Policies DMH 2 of the DMP and H10 of the LP seeks to ensure that development provides a mix of housing units of sizes to reflect local evidence on housing need. Based on the evidence before me there is an identified need for family housing within the borough and I have no compelling evidence to the contrary.
7. The appeal proposal would result in the loss of the family unit and its replacement with two smaller flats of one and two bedrooms.
8. The appellant states that the appeal scheme would provide a mix of units compliant with the overall aims of Policies DMH 1 and DMH 2 of the DMP. The appellant also highlights that Policy H10 of the LP supports smaller units to help free up existing family stock, and in this regard, the appellant states the net gain in units makes the appeal site suitable for the proposed conversion as it would free up family housing in the area.
9. However, the appeal proposal would result in the loss of a family sized unit, and I have no compelling evidence before me demonstrating that the creation of the two flats would directly result in the freeing up of other family housing within the area. Furthermore, I note Policy H10 also seeks to encourage new development to help reduce pressure on the conversion of existing housing stock which is what would happen in this case.
10. As such, I do not have compelling evidence before me which demonstrates how local needs, with specific regard to the loss of the family unit, has been taken into account by the appeal scheme.
11. The appellant has also noted that the existing family unit could be underoccupied, however has not provided further evidence in this regard. In any case, if the existing property is currently underoccupied, this does not justify its permanent loss as it still forms part of the family housing stock of the borough. I have no evidence before me demonstrating the existing property is unsuitable for a family to reside within it.
12. Therefore, I find that based on the evidence before me, the loss of a family unit and its replacement with two smaller units fails to account for and contribute to a housing mix which helps meet the identified needs of the borough. The appeal proposal would therefore conflict with Policy DMH 1 and DMH 2 of the DMP and Policy H10 of the LP. These policies seek to safeguard existing housing stock and ensure that development proposals provide a mix of housing units of different sizes to reflect the needs within the area.

Living conditions of future occupiers

13. The appeal scheme does not provide any outdoor private amenity space for the two-bedroom flat.
14. The appeal site is within walking distance of the green opposite and Stonefield Park. However, I note that these green spaces are public and as such would not serve the same function as private outdoor amenity space and would be insufficient to make up for the deficit of outdoor space at the appeal site.

15. Future occupiers of the flat could not undertake the usual activities associated with a private garden, such as hanging out washing or sitting outside. As such, I find that the flat would provide an inadequate form of residential accommodation which would be harmful to its occupiers living conditions.
16. The appellant has suggested that a condition could be applied, whereby a plan would be submitted for approval which demonstrates that the garden could be sub-divided and the first floor flat would access the garden through the rear gate.
17. In order to facilitate this, a future occupier of the flat would be required to leave the property, walk along Station Approach and down Hardy Avenue to access this rear gate. I find that this would be poorly located in relation to the flat and inconvenient for future occupiers to access. The suggestion of night-time lighting, secured entry points, and mobility aids do not overcome this issue. This arrangement would be unsatisfactory in relation to living conditions and therefore would not be a reasonable condition to overcome this issue.
18. The flat situated on the ground floor would have its single bedroom situated at the front of the property, adjacent to the shared front door and with outlook through a bay window directly into the proposed shared parking area.
19. Future occupiers of the bedroom would be subject to noise and disturbance associated with the movement of vehicles, such as engine noise and light from the headlights. Users of the parking area would also have direct views into the bedroom. Due to the proximity of the bedroom to the parking area, I find that this would result in a highly intrusive relationship in relation to noise, disturbance and overlooking from users of the parking area which would be detrimental to the living conditions of future occupiers of this flat.
20. The appellant has suggested mitigation measures, including soft landscaping, obscure glazing on the side panel of the bay window and planting. They also suggest that parking for the ground floor flat could be allocated in front of the bedroom window and that the level of parking could be reduced in order to increase the amount of landscaping and therefore buffer between the bedroom window and parking spaces. However, I do not have convincing evidence before me which demonstrates any of these measures would fully mitigate my concerns, particularly in relation to noise and disturbance from vehicles.
21. For the reasons given, the appeal proposal would conflict with Policies DMHB 15, DMHB 16 and DMHB18 of the DMP and Policy D6 of the LP. These policies seek to ensure that development provides good quality and usable private outdoor amenity space, and an appropriate living environment with comfortable, functional and fit for purpose layouts.

Parking provision

22. The parties agree that the appeal site has a PTAL score of 3. Policy T6.1 of the LP sets out that within outer London, sites with a PTAL of 2 – 3 should provide up to 0.75 spaces per 1 – 2 bed property.
23. I also note that the appellant has highlighted that Policy DMT 6 of the DMP sets out a different standard of 1 – 1.5 spaces for 1 and 2 bedroom flats. I note that the Council has not relied on this policy in its refusal.

24. Clearly there is a degree of conflict between the two policies over the appropriate level of parking for the appeal site. I am mindful that the Planning Practice Guidance¹ advises that under section 38(5) of the Planning and Compulsory Purchase Act, where there is a conflict in policy, the conflict must be resolved in favour of the policy which is contained in the last document adopted, approved or published, which in this case is the LP. I therefore have attached greater weight to the parking requirements set out in Policy T6.1 of the LP which I have applied in this case.
25. The Council has confirmed in its evidence, the LP requirement would equate to approximately two spaces for the two flats proposed. I also note this is the position of the Highway Authority which has suggested reducing the quantum of spaces to two in their consultation response to the planning application.
26. The appellant has suggested that, notwithstanding the details shown on the proposed plans, they would be willing to reduce the number of spaces down to two, facilitated by soft landscaping to reduce the hardstanding and would be secured by a condition.
27. In the event that I was minded to allow the appeal, I am satisfied an appropriately worded condition could be imposed to secure two parking spaces which would be appropriate provision in this location. As such, subject to such a condition, the proposal would comply with Policy T6.1 of the LP.

Other Matters

28. The appellant has also highlighted that pre-application advice was sought prior to the submission of the application, whereby the Council did not overtly object to the loss of the family unit or parking provision. The Council has provided the written copy of the pre-application advice as part of its evidence. I am mindful that pre-application discussions are informal and not binding on any future decision the LPA may make once a proposal has been subject to the formal planning process. In any case, I have assessed the appeal proposal on its own planning merits based on the evidence before me.

Planning Balance

29. The development would be an efficient use of land which would help to meet housing targets in a more sustainable PTAL 3 – 6 area. The provision of housing is also supported by paragraph 61, and the effective use of land by Section 11 of the National Planning Policy Framework.
30. However, given the scale of the proposal, the benefits in this instance would be small, and only carry limited weight. This would be insufficient to outweigh the conflicts with the development plan that I have identified in relation to the proposed mix resulting in the loss of a family unit and the inadequate living conditions of both flats. These are matters of significant weight against granting planning permission.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

¹ 012 Reference ID: 21b-012-20140306

C Housden

INSPECTOR