
Appeal Decision

Site visit made on 9 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th November 2016

Appeal Ref: APP/R5510/W/16/3156783

11 Wilmar Close, Uxbridge, Hillingdon, UB8 1AS

- 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 Iassen Kirov against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 63475/APP/2016/1098, dated 15 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is a two storey rear extension and change of use to form two studio flats.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and change of use to form two studio flats at 11 Wilmar Close, Uxbridge, Hillingdon, UB8 1AS in accordance with the terms of the application, Ref 63475/APP/2016/1098, dated 15 March 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1075-1; 1075-2; 1075-3 Rev. A; 1075-4; 1075-5; 1075-6 Rev. A.
 - 3) The external finishes of the extension hereby permitted shall match those of the existing building in material, colour and style.
 - 4) Prior to the first occupation of the development, details of the facilities for screened refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development, and shall thereafter be retained.
 - 5) Prior to the first occupation of the development, details of the facilities for covered and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development, and shall thereafter be retained.
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Application for costs

2. An application for costs was made by Mr Iassen Kirov against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the development would unacceptably reduce the supply of family housing in the area.

Reasons

4. The appeal site comprises a semi-detached property in a residential street close to Uxbridge Town Centre. The property is currently used as a single dwelling, and is of a size that would be attractive to a family. The proposal would convert the property into 2 studio apartments.
5. The Council state that the development would result in the loss of an existing small family dwelling, to the detriment of potential future occupiers. In support of this reason for refusal, the Council rely on saved Policy H7 of the Hillingdon Local Plan: Part Two – Unitary Development Plan (UDP) (adopted in 1998), and the Hillingdon Design and Accessibility Statement Residential Layouts Supplementary Planning Document (SPD) (adopted in 2006).
6. With regard to UDP Policy H7, this states that the conversion of residential properties into more units is acceptable in principle, subject to the criteria set out in the policy. However, Policy H7 does not refer to the retention of existing family dwellings. This policy therefore provides no support for the Council's reason for refusal. With regard to the SPD, the Council refer to paragraph 3.5, which states: "*The conversion of houses into self-contained flats is unlikely to achieve a satisfactory environment where properties have less than 120m² of floorspace*". This statement similarly makes no reference to the need to retain existing family dwellings, and instead states that the purpose of this requirement is to "*achieve a satisfactory environment*". However, it is not in dispute that the proposed apartments would meet the minimum space standards set out in the London Plan. A satisfactory residential environment would therefore be secured.
7. The policies that the Council seek to rely on therefore provide no support for the reason for refusal. In addition, there is no other evidence before me that would support the Council's position. In these circumstances, I must conclude that the development would not unacceptably reduce the supply of family housing in the area. For the reasons set out above, it would not be contrary to Policy H7 of the Hillingdon Local Plan: Part Two UDP (1998), and the Hillingdon Design and Accessibility Statement Residential Layouts SPD (2006).

Other Matters

8. The proposed extension would project 3 m from the rear of the existing property. It would not be sufficiently close to No 15, nor sufficiently large, to have an unacceptable overbearing effect on the rear garden or windows of that property. In particular, it would not breach a 45 degree line of sight from the rear windows of No 15, and would therefore not lead to an unacceptable reduction in light.

9. The extension would be modest in scale, and in keeping with the proportions of the existing property. The submitted plans show that both apartments would be accessed via the existing front door, and there would therefore be no material increase in use of the driveway to access the properties.
10. Given the highly accessible location of the development, which is close to both Uxbridge Town Centre and tube station, the loss of off-street car parking in the form of the existing garage is not unacceptable in this case.

Conditions

11. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. A condition requiring the external materials of the extension to match the existing building is also necessary in order to preserve the character and appearance of the area. The submitted drawings do not specify the details of the proposed bin and cycle storage areas other than their location. I have therefore imposed a condition that requires details of these facilities to be provided prior to occupation of the development. This is to ensure that appropriate facilities are provided for future occupiers of the development.
12. The Council suggested further conditions that would require the submission of boundary treatment details, and a landscaping scheme. However, these are unnecessary as the appeal dwelling is an existing property with established boundary treatments and landscaping. In addition, a proposed condition that would have placed restrictions on the parking area is also unnecessary as no additional parking spaces are proposed.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR