
Appeal Decisions

Site visit made on 27 March 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 7th April 2017

Appeal A Ref: APP/R5510/W/16/3164850

The Coach House, 136 Church Road, Hayes, Middlesex UB3 2LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Malkit Purewal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 11004/APP/2016/3315, dated 2 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed is for the conversion of offices into 4 x 2-bedroom flats.
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Appeal B Ref: APP/R5510/W/16/3164848

The Coach House, 136 Church Road, Hayes, Middlesex UB3 2LW

- 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 Malkit Purewal against the decision of the London Borough of Hillingdon.
 - The application Ref 11004/APP/2016/3314, dated 2 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed is for external alterations comprising doors and windows.
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Procedural Matters

1. As set out above there are two appeals on this site. They relate to the same building. The first appeal relates to a refusal to grant approval required under Schedule 2, Part 3, Paragraph O.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The second appeal relates to an application for planning permission for external alterations to windows and doors. I have considered each proposal on its individual merits. However to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Decisions

Appeal A:

2. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) for the change of use from B1a) Offices to form 4 x 2-bed flats (Use Class C3) at The Coach House, 136 Church Road, Hayes, Middlesex UB3 2LW in accordance with the details submitted pursuant to Schedule 2, Part 3 Paragraph O.2.1 and to the following two conditions:
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1. The car parking spaces as shown on the Location Plan and Site Plan drawing CR PN 03E shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings at 136 Church Road and their visitors, and for no other purpose.
2. Nothing in this permission shall be construed to having granted approval for the windows and doors shown on the Proposed Floor Plans and Elevations Drawing CR PN 02D.

Appeal B:

3. The appeal is dismissed.

Main Issues

4. The main issue in Appeal A is the effects of the development on transport and highways, whilst in Appeal B is whether the proposal preserves the character or appearance of the Hayes Village Conservation Area.

Reasons

Transport & Highways (Main issue: Appeal A)

5. The Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2016) to the 2015 GPDO came into effect on 6 April 2016. This amendment affects the rights arising from Class O to which this appeal relates. Of most relevance to this appeal is the requirement that the developer must apply to the local planning authority for a determination as to whether prior approval of the authority is required regarding "transport and highways effects". In addition to these effects, the provisions of the GPDO require the local planning authority to assess the proposed development on the basis of impacts of noise from commercial premises on the intended occupiers of the development; whether or not there are any contamination risks on the site, and; flooding risks. The Council only expressed concerns with the transport and highway effects of the scheme. I would agree with that assessment and my determination of the appeal has been made on this basis.
6. The appeal site is located within a courtyard to the rear of properties fronting Church Road and comprises a two storey former coach house that has been used of late as offices. This is not in dispute. The appeal site is located within the Hayes Village Conservation Area (CA). I am mindful of the statutory duty which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas¹ and national policy which advises that great weight should be given to this objective². It is therefore necessary to consider the effect of the proposal on the setting of the CA.
7. At my site visit, I saw the proposed car park that already provides four spaces. Parking is restricted on the streets immediately around the appeal property. Despite the site's PTAL levels, I found that it is located in a reasonably sustainable town centre location within close proximity of both rail and bus network together with local services and places of employment and leisure. Unlike the view of the Council, it is likely that the accommodation would be attractive to those who either do not have access to a car or who would be able

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² The National Planning Policy Framework paragraph 132

to make an informed decision as to the suitability of such accommodation to meet their individual needs. I am aware that a previous Inspector at appeal³ found that four car parking spaces was considered adequate for four one bedroom flats.

8. The National Planning Policy Framework (the 'Framework') seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. The Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification. It is noted that the Council's Highway Officer did not raise real concerns in relation to the level of parking provision.
9. In the absence of evidence of a local parking issue, I do not consider that the proposal would result in a material shortage in parking provision in this location. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety.
10. Paragraph W(13) of the GPDO states that prior approval may be granted subject to conditions reasonably related to the subject matter. Given the need for car parking to be retained, I consider that the requirement to provide the parking spaces for occupants of the development reasonably relates to highway and traffic issues and is necessary to make the development acceptable in planning terms. As I have found against Appeal B below, for the avoidance of doubt, it is necessary to withdraw approval to the submitted elevations that show the design of the proposed windows and doors.

Conclusion Appeal A:

11. For the above reasons and having regard to all other matters raised, this appeal should be allowed subject to the conditions set out in paragraph 2 above. In granting permission it should be noted that the GPDO states at paragraph O.2(2) that development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Character and appearance: (Main Issue Appeal B)

12. Hayes Village retains evidence of a medieval street pattern centred on the Church of St Mary and the hamlet of Wood Green, which combine to retain a rural village character in an otherwise highly urban area. There are distinctive open green areas that provide a unique setting for the village. Moreover, the immediate area contains a richly varied townscape of historic buildings. Buildings within the immediate vicinity comprise two and three storey buildings of brick and render with small clay tiles or slate covering steeply pitched roofs. Windows and door openings are generally deeply recessed with sash or casement windows presenting a vertical emphasis to the facades. The significance of the CA is derived from this combination of features.
13. Whilst the appeal site is situated to the rear of the Church Street frontage properties, there is a reasonably wide entrance to the site and views of the property would be readily obtained from the gap in the road frontage. The building contributes in a modest way to the historic importance of Hayes Village and its significance as a heritage asset. Moreover, the appeal building has

³ APP/R5510/W/16/3143692

obvious historic ties to the townscape character and setting and reflects albeit to a limited degree the significance of the CA that I have identified. In my view the introduction of modern style windows and doors as depicted in the submitted drawings as a result of their discordance and incongruity would be likely to be harmful albeit minor to the setting and thereby the significance of the CA.

14. I conclude that the proposal would have a minor adverse impact on the character and appearance of the Hayes Village Conservation Area due to the harmful effect on its setting and its significance. This would be contrary to the objectives of national policy which seeks to ensure that the character and appearance of heritage assets are preserved or enhanced⁴.

Conclusion Appeal B

15. For the above reasons and having regard to all other matters raised, Appeal B is dismissed.

Gareth W Thomas

INSPECTOR

⁴ National Planning Policy Framework paragraph 17, 10th bullet point and section 12.