
Appeal Decision

Site visit made on 11 April 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 05 May 2017

Appeal Ref: APP/R5510/W/17/3167562

115a Station Road, West Drayton, Middlesex UB7 7LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against 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)¹.
 - The appeal is made by Reading and Norwich Estates Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 71948/APP/2016/2092, dated 31 May 2016, was refused by notice dated 26 July 2016.
 - The development proposed is '*change of use to a single residential unit*'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Paragraph O.2 of the GPDO states that development under Class O is permitted subject to the condition that a developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to, amongst other things, transport and highway impacts of the development. Although not specifically cited in the reason for refusal, an informative attached to the decision notice advises that "*had the scheme fallen to be considered under Part 3, Class O of the GPDO, the Council would have raised an objection on highways safety grounds.....*". I shall therefore have regard to the matter in my determination of the appeal.

Main Issues

3. The main issues in this case are:
 - (i) whether sufficient evidence has been provided to demonstrate that the proposal would comprise permitted development under the provisions of the GPDO in respect of change of use from office (Use Class B1(a)) to residential (Use Class C3); and
 - (ii) the effect of the proposal on highway safety.

¹ 'The GPDO'

Reasons

Whether permitted development

4. No 115a Station Road is the first floor of an end-of-terrace, two-storey building (with basement) located within the West Drayton Town Centre. At the time of my site visit the ground floor of the property comprised a vacant estate agent's office (No 115). There is off-street parking on open land to the rear of the building with access via a service road off Brandville Road. The scheme proposes a two-bedroomed flat at first floor level with provision for one parking space within the existing car park.
5. Amongst other things, the appellant's statutory declaration states that, from 29 May 2013 to the date of the document (19 May 2016), No 115 has been continually and without interruption in A2 use, and for the same period No 115a has been used continually and without interruption for B1 office purposes. It is submitted that two separate and independent businesses with independent accesses operate on the site, and as such the proposed change of use of the first floor office to a dwelling comprises permitted development under the provisions of Class O of the GPDO.
6. For its part, the Council argues that the use class of the building is A2 (estate agent) with ancillary offices on the first floor as stated in previous planning applications for the site. It also submits that the business operating from the ground floor of the building is registered elsewhere, and that the address of the company occupying the first floor is incorrect.
7. I agree with the appellant that the registration address of the two companies is not necessarily indicative of their operating locations, although I note that the address of the property management company occupying the first floor of the building is stated as 115 Station Road rather than 115a. I also acknowledge that an estate agent's is a high street operation that attracts visiting members of the public whereas a B1(a) office use involves fewer visitors.
8. However, it is not clear from the evidence before me whether the ground and first floor uses are entirely independent. The existing and proposed floor plans accompanying a 2015 planning application for a two-storey rear extension² show a side door to Brandville Road providing access to both the ground and first floors of the building and internal connectivity between the two floors. A subsequent application³ for change of use of the first floor from office to provide two flats shows the side door serving just the first floor, as do the plans accompanying the appeal proposal.
9. As my visit was unaccompanied I did not inspect the accommodation and was not requested to view the interior by the parties. However, the previous connectivity between the floors suggests to me that the two uses were not independent at the time of the earlier planning application, and segregation took place later the same year before the further application was submitted. In this respect, I also note that the statutory declaration does not address the matter of whether the two businesses have operated separately over the relevant period.

² Ref: 6244/APP/2015/1778

³ Ref: 6244/APP/2015/4513

10. Furthermore, whilst the ground floor may have had kitchen/dining and WC facilities and the first floor a kitchen and shower room at the time of the earlier application, it does not comprise clear evidence that there were two independent businesses operating within the building.
11. On this basis, I am not persuaded that since 29 May 2013 the building has functioned as two independent planning units, and I consider that the building as a whole has a mixed use; namely A2 on the ground floor and B1(a) on the first floor.
12. As such, I conclude on the first issue that sufficient evidence has not been provided to demonstrate that the proposal would comprise permitted development under the provisions of the GPDO in respect of change of use from office (Use Class B1(a)) to residential (Use Class C3).

Highway safety

13. For flats and houses without individual curtilages (as in this case) the car parking standards annexed to Policy AM14 of the *Hillingdon Local Plan: Part 2 - Saved UDP Policies* (HLP) require a maximum of 1.5 parking spaces per dwelling. The proposal makes provision for two parking spaces to serve the A2 use on the ground floor of the building and one space for the proposed first floor flat. The scheme would therefore fail to accord with the Council's parking standards.
14. There is limited on-street parking on Station Road within the vicinity of the appeal site, and some surrounding streets are subject to CPZ⁴ restrictions to control non-residential parking between 9am and 5pm on weekdays. I have no doubt that parking demand locally is high, and especially at evenings and weekends when most residents are at home. However, the site is located within PTAL3⁵ ('moderate accessibility') with access to public transport within reasonable walking distance. Moreover, there is a good range of services and facilities within the Town Centre to meet the day-to-day needs of occupiers of the proposed flat and wider choice in the Primary and Secondary Shopping Centres, which are readily accessible from the site on foot and bicycle.
15. I am not persuaded therefore that rigid application of the parking standards is justified in the circumstances of this case, and I see no compelling reason why the proposal would materially increase on-street parking to the extent that highway safety would be materially compromised. The provision of the parking space to serve the proposed flat could be secured by planning condition if the appeal were to succeed, and the parking layout could be revised if the approved extension were to be built. The Council's concerns in these respects are therefore unfounded. Whilst the proposal would result in the loss of one parking space to serve the A2 use on the site, the two spaces which would be retained would accord with the relevant parking standard.
16. For these reasons, I conclude on the second issue that the proposal would not harm highway safety. As such, it would not conflict with Policy AM7 of the HLP which, amongst other things, seeks to ensure that proposed developments do not prejudice the free flow of traffic or highway and pedestrian safety.

⁴ Controlled Parking Zone

⁵ Public Transport Accessibility Level 3

Other Matter

17. I acknowledge the concerns of the Yiewsley & West Drayton Town Centre Action Group regarding overdevelopment of the site and loss of a commercial unit. However, under the provisions of Paragraph O.2 the GPDO my considerations are confined to the transport and highways impacts of the development, contamination risks of the site and flood risk.

Conclusion

18. Although I have concluded that the appeal proposal would not materially harm highway safety, I am not satisfied on the evidence before me that the existing use of the building would benefit from the permitted development rights afforded by the GPDO. Accordingly, the appeal must fail.

Michael Moffoot

Inspector