
Appeal Decision

Site visit made on 5 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/R5510/W/17/3171606

12-14 Bentinck Court, Bentinck Road, West Drayton UB7 7RQ

- 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 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Peter Ward (Keymat Technology Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70766/APP/2016/4283, dated 19 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is the conversion of the existing two storey B1 office accommodation to C3 residential use comprising 9 No 1 Bed apartments.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of the existing two storey B1 office accommodation to C3 residential use comprising 9 No 1 Bed apartments at 12-14 Bentinck Court, Bentinck Road, West Drayton UB7 7RQ in accordance with the terms of the application Ref 70766/APP/2016/4283, dated 19 October 2016, and the plans submitted with it subject to the conditions in Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a) of the GPDO.

Application for costs

2. An application for costs was made by Mr Peter Ward (Keymat Technology Ltd) against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural matter

3. In the interests of clarity, the description of development given in the banner heading above is an abbreviated form of the one given within the application form¹.

¹ Which reads: "Conversion of the existing two storey B1 office accommodation to C3 residential use comprising 9 No 1 bed apartments including the provision of on site bin storage/refuse, cycle provision and 2 No. Visitor parking bays, all as detailed in the attached plans and documents. To support the application we have provided the following information (1) Transport Notes P1633 TN and P1532-TN/DC Produced by Crosby Transport Planning (2) Phase 1 Geo-Environmental Site Assessment Ref: 51700P1R1 produced by Rec Limited (3) Proposed layout plans-produced by WCEC Architects (4) Proposed development summary- produced by Lambert Smith Hampton"

Background and Main Issue

4. I have been supplied with no substantive evidence to suggest that the appeal property does not benefit from the permitted development right arising from paragraph O of the GPDO. However, this right is subject to the condition that before beginning the development the 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 things², the transport and highways impacts of the development. As the Council's Decision Notice focuses on the adequacy of the proposed parking arrangements for the appeal scheme, and there is no dispute regarding the other prior approval conditions, I therefore consider the main issue to be the transport and highways impacts of the proposed development.

Reasons

5. Part of a complex of buildings in commercial use not far from West Drayton railway station, the appeal premises is of two storeys, either end of its upper floor bridging the entrance and exit to the courtyard to its rear. The proposed development would convert the premises to provide 9 residential apartments. The submitted plans show two parking spaces to the rear along with cycle storage.
6. The proposed apartments would be of a modest size, which would limit the amount of occupants that could reasonably reside there. Moreover, the appeal property is close to West Drayton railway station, and I have been supplied with a Public Transport Accessibility Level (PTAL) assessment which establishes that the site has a PTAL rating of 3. I am also mindful that this accessibility rating is likely to improve further as a result of Crossrail services using West Drayton station in the future. Furthermore, the proposed development would supply accessible cycle parking. Taken together, these aspects of the proposed development would tend to limit car ownership at the site, and therefore it is reasonable to take the figure of the generation of 1 parking space per residential unit from the Officer Report as a basis for the likely level of parking demand arising from the appeal scheme. In arriving at this view, I note that the relevant development plan policy³ in respect of parking, whilst a material consideration in the assessment of schemes subject to the prior approval process, sets maximum rather than minimum parking levels.
7. The appeal property is within a controlled parking zone, which restricts the availability of on street spaces to those with parking permits. I saw that the proposed onsite parking space is constrained due to the presence of columns adjacent to it, and would thus, for practical purposes only be likely to accommodate one car on a day to day basis rather than the two spaces shown on plan. However, I am conscious of the Transport Technical Note (dated November 2016) submitted by the appellant, based on comprehensive parking surveys of the area, which show that between 25 and 30 spaces were available in the immediate area on the nights that it was surveyed. Moreover, at the time of my early evening site visit I saw that although there was limited space available on Bentinck Road adjacent to the appeal property, the availability of parking spaces in side streets near to the appeal building was much less

² Which are: contamination risks on the site; flooding risks on the site; and impacts of noise from commercial premises on the intended occupiers of the development.

³ Policy AM14 of the Hillingdon Unitary Development Plan (adopted 1998)

constrained. Whilst these observations were admittedly only snapshots, to my mind they add further weight to the findings of the Transport Technical Note.

8. Taking these matters together, I consider that it has not been demonstrated that the modest additional demand for on-street parking caused by the development would lead to undue pressure for limited on-street space to the detriment of either highway safety or the transport network more generally. In arriving at this view, I am mindful that developments elsewhere along Bentinck Road could increase demand for parking, but an absence of substantive evidence regarding the level of on-site provision at these developments limits the amount of weight that I attach to this observation in the overall planning balance.
9. Moreover, I am mindful that the proposed use of the appeal premises is likely to result in significantly less transport movements than that of its current use as a sales office, and I note from the Officer Report reference to the high reliance on car use of the current operation at the appeal premises. In this regard the proposed development would reduce considerably the appeal site's impacts to the transport network.
10. Furthermore, as the entrance and exit to the site would be unaltered as a result of the proposed development it would not materially change access or manoeuvrability around the site. I note comments about the proposed placement of cycle racks adjacent to an entrance to a neighbouring office building; however, it has not been demonstrated that this would substantially restrict the access to this door or impair its use. As a result, this is not a matter that alters my findings in this regard.
11. Accordingly, and mindful of the National Planning Policy Framework⁴, in this regard I consider that it has not been demonstrated that the proposed development would result in cumulatively severe transport impacts, or that a safe and suitable access could not be achieved. Thus, for the reasons given above, I conclude that the proposed development would not cause significantly harmful transport or highways impacts. The proposed development would thus meet the relevant condition of the GPDO in this regard.

Other Matters

12. I have no substantive evidence to suggest that the residential use of the building would cause a detrimental effect to adjacent businesses, or would diminish the security of the site more generally. Neither have I been supplied with any substantive data to suggest that there is an oversupply of flats in the area without the necessary infrastructure. Moreover, due to the provisions of the GPDO these matters do not form a basis for an assessment of the appeal.
13. I am also aware of comments regarding the desirability of retaining the appeal premises for small business use. However, the GPDO establishes that such a change of use is permitted development, and a consideration of this nature is not part of the criteria on which its prior approval can be assessed.

⁴ Paragraph W (10) (b) of the GPDO establishes that decision-takers are to have regard to the policies of the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Conclusion

14. I have been supplied with no suggested conditions in respect of the proposed development by the Council. However, the GPDO includes the following standard conditions arising from Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a):
- 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.
 - The development must be carried out where prior approval is required, in accordance with the details approved by the local planning authority.
15. The proposed development would meet the relevant requirements of the GPDO. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR