



Appeal Decision

Site visit made on 28 August 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2019

Appeal Ref: APP/R5510/W/19/3229135

71a Colham Avenue, West Drayton, Hillingdon UB7 8EU

- 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, Class PA of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr Bardiger against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 35291/APP/2018/4213, dated 30 November 2018, was refused by notice dated 4 February 2019.
 - The development proposed is conversion of 71A Colham Avenue from B1(c) light industry to 8 x 1 bedroom residential flats (C3).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for the conversion of 71A Colham Avenue from B1(c) light industry to 8 x 1 bedroom residential flats (C3) at 71a Colham Avenue, West Drayton, Hillingdon, UB7 8EU in accordance with the terms of the application ref 35291/APP/2018/4213, dated 30 November 2018, and the details submitted with it.

Preliminary Matters

2. The Planning Practice Guidance (PPG) advises that the basis for determining proposals which are subject to prior approval under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) is that the principle of development is already established.
3. Paragraph PA.1(d) of the GPDO states that development is not permitted if 'the gross floor space of the existing building exceeds 500 square metres'. Where a proposal is Class PA and found to be permitted development, it is subject to the conditions under paragraph PA.2(1)(b) that before beginning the development, an application must be made to the local planning authority for a determination as to whether prior approval would be required as to (i) transport and highways impacts, (ii) contamination risks in relation to the building, (iii) flooding risks in relation to the building, (iv) if the building is within an area that is important for providing industrial services or storage or distribution services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.

4. The Council contends that the gross floor space of the existing appeal building exceeds 500m² and therefore, the proposal to convert the building to residential would not be permitted development under Class PA.

Main Issues

5. Having regard to the above, the main issues in this case are:
 - Whether the proposal would be permitted development, having regard to whether the requirements of Class PA paragraph PA.1(d) of the GPDO would be met; and,
 - If permitted development, whether or not prior approval is granted based on the acceptability of the proposal in relation to the matters set out in paragraph PA.2(1)(b) of the GPDO.

Reasons

Permitted development

6. Article 2(1) of the GPDO defines 'floor space' as the total floor space in a building. However, Class PA of the GPDO requires a measurement to be taken of the 'gross floor space' of the existing building, as opposed to simply 'floor space'.
7. The scaled layout drawings accompanying the application are based on the internal floor area of the existing building which has been calculated as 496m². The appellant opines that this represents the gross floor space area of the existing building. Whilst the Council do not dispute the accuracy of the plans or the appellant's total internal floor area figure, they consider that the gross floor space should comprise an assessment based on the external measurements of the floor space, including the external walls of the appeal building. Based on the Council's more extensive measurement, the resultant gross floor space area would be over 550m².
8. The Council contends that the addition of the word 'gross' in the GPDO appears to be intentional, because if legislators had intended it to mean only gross internal floor space it would have inserted the word 'internal'. In the absence of a definition of 'gross floor space' in the GPDO, the Council rely on the definition given in the Fees for Applications Regulations¹ which defines gross floor space as one where measurements of floor space should be taken from the face of the external walls. Conversely, the appellant points to the *Technical housing standards – nationally described space standard (2015)* which defines the 'Gross Internal Area' as the floor space measured in between internal walls. Both of these examples are predicated on the basis of definitions contained within Statutory Instruments and guidance unrelated to the GPDO. Therefore, I am unable to apply significant weight to either of these examples as they were written for a different purpose.
9. The Oxford English dictionary defines the word 'gross' in its ordinary meaning as 'total; without deductions'. To my mind therefore, the presence of the word 'gross' prior to 'floor space' does not fundamentally alter the definition of floor space given in the GPDO. It simply serves to underline that internal areas that

¹ Schedule 1, Part 1, paragraph 12(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

might otherwise be excluded from internal floor space calculations, such as staircases, should form part of the gross calculation.

10. Whilst I understand that the term 'gross floor space' might be ambiguous given it is a variation of 'floor space' which is a defined term in the GPDO, it has nevertheless not been demonstrated to my satisfaction that the gross floor space of an existing building should also include, and be measured from outside, its external walls, in relation to proposals under Class PA of the GPDO. Therefore, based on this and the measurements I have been provided with, which I have no reason to dispute, the proposal would satisfy paragraph PA.1(d) of the GPDO.
11. The Council agree that the change of use would otherwise meet the requirements of Schedule 2, Part 3, Class PA, Paragraph PA.1 of the GPDO. Based on the evidence before me, together with my observations of the building and its surroundings undertaken on my site visit, I have no reason to take a different view in terms of those Class PA requirements.
12. In conclusion, the proposal would be permitted development, having regard to the requirements set out in paragraph PA.1 of the GPDO.

Prior approval

13. The appeal building is accessed from a predominantly residential street and is within walking distance of the local centre which contains a range of shops and services. It does not lie within an allocated or designated industrial, employment or business site. Therefore, despite the presence of other non-residential uses in the area, I am satisfied that a residential use in this location would not have an adverse impact on the sustainability of the provision of industrial and storage and distribution services, thus it would comply with paragraph PA.2(1)(b)(iv) of the GPDO.
14. In regard to parking provision, 6 off-street parking spaces are proposed. According to the Council, the proposal would generate a requirement for 8 parking spaces meaning 2 spaces would be required on-street. A parking survey submitted by the appellant covering two surveys undertaken on different nights, which included surveys of the streets surrounding the appeal site, demonstrated at worst a total of 59 vacant resident permit holder only parking bays and 5 vacant unrestricted spaces. According to the surveys, an average of 59% of permit holder spaces were occupied.
15. The Public Transport Accessibility Level (PTAL) for the appeal site is considered to be '3', indicating a moderate level of accessibility to public transport. Therefore, it is likely that future residents of the appeal building would not be wholly reliant on the private car and there are available sustainable travel options locally. In any event, the findings of the parking survey indicate parking generated by the proposal which could not be accommodated within the appeal site could be accommodated on the street without resulting in undue parking 'stress' and thus, it would not lead to significant highway safety impacts.
16. Whilst third parties disagree with the findings of the parking survey and raise their own concerns relating to parking issues in the area, I do not have an alternative survey before me to contradict it. I also appreciate that each of the individual parking surveys represents a snapshot in time, but the Council's

highways officers did not object to the methodology used, the frequency of surveys, or the times they were undertaken. Nor did they object to the proposal on highway safety grounds.

17. There is no dispute between the main parties that the proposal would not lead to contamination risks in respect of the building, and it lies in an area at low risk from flooding. Based on the evidence before me I see no reason to disagree.
18. Whilst third parties have raised several other concerns, I am only able to consider those which relate to the prior approval matters under paragraph PA.2(1)(b) of the GPDO, which I have done here.
19. Therefore, and having regard to my foregoing observations, I am satisfied that the impact of the proposal in relation to the prior approval matters set out in paragraph PA.2(1)(b) of the GPDO is acceptable and prior approval is granted. I also conclude on the basis of what I have seen and read that, other than the need to comply with the timescale for completion and the requirement to implement the development in accordance with the submitted details as set out in the GPDO, there is no need for me to impose any conditions under paragraph W(13) of the GPDO.

Conclusion

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

Matthew Woodward

INSPECTOR