
Appeal Decision

Site visit made on 4 February 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/R5510/W/19/3241225

39 Frays Waye, Uxbridge UB8 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Harjinder Brar against the Council of the London Borough of Hillingdon.
 - The application Ref 70065/APP/2019/2309, is dated 8 July 2019.
 - The development proposed is described as a 'single storey rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 x front rooflights, to allow for conversion of dwelling into 1 x 1-bed and 1 x 2-bed self contained flats with associated parking and amenity space, with installation of vehicle crossover to front'.
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Decision

1. The appeal is dismissed and planning permission for a single storey rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 x front rooflights, to allow for conversion of dwelling into 1 x 1-bed and 1 x 2-bed self contained flats with associated parking and amenity space, with installation of vehicle crossover to front is refused.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as the jurisdiction to determine the application was taken from the Council when the appeal was lodged. However, the Council have provided a report which sets out why it would have refused permission had it been empowered to do so. I have drawn on this, together with the other evidence before me, to inform the main issues in this appeal.
3. The London Borough of Hillingdon Local Plan Part 2 – Development Management Policies 2020 (LPP2) was adopted by the Council on 16 January 2020. This suite of policies now forms part of the statutory development plan for the borough and replaces the 2012 saved Unitary Development Plan policies. Consequently, I have had regard to the newly adopted policies in my decision and the parties have been provided with an opportunity to comment.

Main Issues

4. The main issues are:
 - Whether the appeal property is suitable for the proposed development having regard to local planning policies;

- Whether the development would provide adequate living conditions for future occupants, with particular regard to floor space; and,
- The effect of the proposal on highway safety, with particular regard to parking and access arrangements

Reasons

Suitability of the appeal property

5. The explanatory text at paragraph 4.11 of the LPP2 states that, in recent years, large concentrations of flats have resulted in a range of problems, including increased on-street parking and resultant congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation. Policy DMH 4 of the LPP2 aims to address these issues by controlling the number of residential conversions and the size of the original residential units from which conversions are achieved. Criterion iii of the policy only permits the redevelopment of dwellings into new flats where the internal floor area of the original building to be converted is at least 120sqm.
6. The appeal property is a two storey semi-detached dwelling situated on the western side of Frays Waye, in a residential area. The Council state that the original house has a total floor area of 70sqm. No alternative floor area measurement has been provided. However, the appellant does not dispute the Council's figure in this regard. Therefore, it has not been demonstrated that the original building would meet the 120sqm internal floor area requirement.
7. Consequently, on the evidence before me, the appeal property would not be suitable for the proposed development having regard to local planning policies. Thus, the proposal would be in conflict with Policy DMH 4 of the LPP2, the aims of which are set out above.

Living Conditions

8. Policy DMHB 16 of the LPP2 requires all new housing development to meet or exceed the Nationally Described Space Standards (NDSS) in order to achieve an appropriate living environment for future occupants. The proposal would result in two new flats. A one-bedroomed unit at ground floor level with a single storey rear extension and a two-bedroomed unit at first floor level with further living space provided by conversion and extension of the roof space.
9. The plans show that the ground floor flat would be a two-person unit with a gross internal floor area of 55sqm and thereby exceeding the NDSS requirement of 50sqm. The first floor flat would be a two-bedroomed three-person unit over two storeys with a gross internal floor area of 61sqm. This falls short of the NDSS requirement of 70sqm. As such, this would fail to provide adequate internal space for the future occupants of this unit and would result in unacceptably cramped living conditions.
10. On this main issue, I conclude that the proposal would not provide adequate living conditions for future occupants, with particular regard to floor space. It would therefore be contrary to the aforementioned requirements of LPP2 Policy DMHB 16.

Parking provision

11. The site has a public transport accessibility level (PTAL) rating of 0, the lowest possible score, indicating that it has poor access to public transport. It is

therefore reasonable to expect that future occupants of the flats would be heavily reliant on the private car to access services and other facilities for day to day living.

12. In applying its parking standards, the Council calculate that the proposal generates a parking requirement of three spaces. The proposal would only offer two off-street parking spaces, but the Council do not consider the displacement of one space onto the street to give rise to any adverse implications.
13. However, to facilitate the proposed parking layout and vehicle access, the current Traffic Regulation Order (TRO), which restricts on-street parking to permit holders only, would need to be amended, with a loss of one on-street parking space. However, such Orders are outside of the planning system and are governed by other legislative provisions and I have no evidence before me to suggest that the required revisions to the TRO could be achieved. In the absence of such certainty, I am not satisfied that adequate parking provision and a suitable access could be secured to serve the development.
14. Nevertheless, even if the TRO were to be amended, the proposed parking layout shows an on-street parking bay partially extending over the front of parking bay 2. This would make it particularly difficult to manoeuvre vehicles into and out of parking bay 2 when both of the off-street bays were occupied, and a vehicle was parked in the adjacent on-street parking bay. This would effectively render parking bay 2 unusable and would deter future occupants from using it. This would displace parking onto the street where, I could see during my visit, there is already considerable on-street parking pressure.
15. Furthermore, the scale and positioning of the mature hedge along the northern boundary of the site is such that it would significantly restrict visibility from the proposed off-street parking bays. This is further exacerbated by the positioning of the adjacent on-street parking bay in relation to parking bay 2. Notwithstanding the difficulties in manoeuvring around the on-street parking bay, the visibility from parking bay 2 would be constrained to such a degree that a driver exiting the driveway in a forward gear would be unable to safely see pedestrians, cyclists or other vehicles approaching from the north. These effects would be amplified in the event that a vehicle was reversing out of parking bay 2. This lack of visibility would significantly compromise highway safety.
16. For all these reasons, I am not satisfied that adequate parking provision and a safe and suitable access to the site can be achieved for all users. As such, I conclude that the development would have a significant adverse effect on highway safety. This would be contrary to Policies DMT 1, DMT 2 and DMT 6 of the LPP2 and the associated policies of the National Planning Policy Framework which together seek to achieve safe access to new developments with adequate parking provision to serve the development.

Conclusion

17. For the reasons I have set out, the appeal is dismissed, and therefore planning permission is refused.

Jeff Tweddle

INSPECTOR