



Appeal Decision

Site visit made on 12 March 2020

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 1st April 2020

Appeal Ref: APP/R5510/W/19/3233898

52 Station Road, West Drayton, UB7 7BT

- 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 Nask Karbani against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44606/APP/2019/961, dated 20 March 2019, was refused by notice dated 15 May 2019.
 - The development proposed is described as "extension of the existing 2-storey student accommodation facility (currently comprising 2 cluster flats / 29 bedrooms) to provide a further 5 bedrooms in an additional storey within the existing second floor roof void".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of development to "alterations and extension to existing roofslope to provide 5 student flats (Use class C3)". However, as I consider the applicant's description of development to adequately describe the development proposed, I have used the appellant's original description in the determination of the appeal.
3. At the hearing I was provided with a Planning Obligation which sought to secure an undertaking that occupants of the 5 bedrooms would not apply to the Council for parking permits. It also sought to secure an undertaking that the rooms would be occupied only by students between the months of September to May.
4. The Council also advised at the hearing that the London Borough of Hillingdon Local Plan: Part 2 - Development Management Policies (LP) has been adopted since the application was refused and the Local Plan Part 2 Saved UDP Policies (2012) against which the planning permission was initially determined, has now been withdrawn.

Main Issues

5. The main issues for the appeal are:
 - Whether the proposal would provide acceptable living conditions for future occupiers of the development;
 - The effect of the proposal on the character and appearance of the area, including the effect on the locally listed 52 Station Road;

- The effects of the proposal on highway safety.

Reasons

Living Conditions

6. The proposal comprises the creation of 5 rooms within the attic space of the building. One of these rooms would be served by an internal stairway. The other 4 would be accessed via stairways created within the proposed dormer roof extensions. The rooms would each contain a shower room and a small kitchen area and the indicative floorplans show sufficient space for a single bed and armchair. The Council estimate the internal floor area of the rooms to be up to 15M². This falls some way short of the minimum room size for studio flats in the national standards¹.
7. I note the appellant's view, that the rooms are not studio flats and so should not be considered under the terms of these standards. I noted on site how some existing rooms were set out within the existing facility. Those I viewed had a small kitchen area, a small ensuite, a bed and a desk. There was a kitchen and communal living and dining space on the ground floor, as well as small seating areas available outside the rooms at first floor level, as well as a communal garden area. Access is gained via a central reception and laundry services are provided on site.
8. In this regard I also take account of the appellant's view that the rooms do not comprise independent dwellings and so are a sui-generis use and not dwellings under Use Class C3. Due to the high quality of the finishes, despite the small size of the rooms, the facility as I noted it to be on site had much in common with a well appointed "apart-hotel". Taking into account the configuration of the building, the proposed pattern of letting and the communal facilities available, I am inclined to the view that the proposed development, as occupied by students, should be considered as a student hall of residence and so the room sizes within the national standards are not directly relevant in this case.
9. At the appellant's best estimate the proposed additional rooms would measure up to around 21M², and the dimensions of the space, which would be long and relatively narrow, would in practice limit the way in which the rooms could be configured. Furthermore, due to the roofslope, half of the space would have a sloping ceiling of 1.5 – 2.4 metres in height. Each room would be served by a velux rooflight. Although the plans show this to be relatively wide, it would nonetheless be located at a height that would prohibit views for most residents and so the rooms would have very limited outlook.
10. The rooms in question would be located some distance from the communal facilities, which, if approved, would be shared between 34 rooms, some of which could be occupied by more than one person. It therefore seems likely to me that although the availability of a communal facilities would, in theory enhance the facilities provided, most residents would be likely to rely on the facilities provided in their rooms.
11. The existing facility has no restrictions on the length of stay of residents, and the proposal before me seeks to allow student occupation for up to nine

¹ Technical Housing Standards – Nationally Described Space Standard for a 1 bed studio with a shower room is 37m².

months, with other lettings available over the summer period of June to August. I accept that, as proposed, student lets could take place for a shorter period than the full academic year, and that students may not choose to remain on site out of term-time. Nevertheless, as proposed the rooms could be occupied for a period of up to 9 months. I also accept that many students may spend significant proportions of their time outside their accommodation. Nevertheless, it seems to me that most residents would expect to still spend a substantial proportion of their time "at home", as the room would be required for cooking and eating and independent study as well as sleeping. Taken together, the size and configuration of the space, the reduction in room height and the lack of outlook would provide a cramped and oppressive living environment for most residents.

12. On the first matter I therefore conclude that the proposal would fail to provide adequate living conditions for future occupiers. As I have found the proposal would not comprise independent living accommodation, I find no conflict with the nationally described technical standards, or the relevant sections of the London Plan which support it. Nevertheless, the proposal would fail to comply with the requirement in the National Planning Policy Framework (the Framework) to create places which promote well-being, and which provide a high standard of amenity for existing and future occupiers.

Character and Appearance

13. The proposal would include the insertion of two large dormer style extensions on the north-facing elevation of the appeal building. The building is locally listed and so is a non-designated heritage asset. Known as The Old Post Office, the building dates from the 1930's and was later extended in the 1960's. The steeply sloping tiled roof is the dominant feature of the building when viewed from outside the site and the building is largely unaltered. As it is an attractive example of a building of its type and period is a notable feature in the streetscene along Station Road.
14. The Council have expressed concerns that the proposed additions to the roof would compromise the appearance of the building, and erode its historic character, to the detriment of both the significance of the asset itself, and also the wider character and appearance of the area. The proposal would involve the insertion of two large dormers in the rear roofslope to facilitate the insertion of 2 spiral staircases accessing the proposed accommodation. To enable this an existing flat roofed dormer would be removed and replaced with 2 small dormers replicating the appearance of the existing dormers on the rear roofslope.
15. The 2 large dormers would be uncompromisingly contemporary in form. They would extend almost the full depth of the roof and despite being relatively tall, due to the extent they project from the roofslope would have a blunt and intrusively "boxy" appearance when viewed in profile. The openings would be almost entirely in frameless glass, providing large voids in the otherwise predominantly solid roofslope, which contributes to the building's character. The sides of the dormers would be clad in copper coloured cladding and I am unconvinced that this would assimilate with the colour palette of the existing roof over time. I note that the proposed works have been configured to provide a regular spacing of openings along the rear roofslope and the materials proposed would be of high quality. Nevertheless, the proportions and

proposed materials of the additions would fail to sit comfortably with the traditional form of the building and would mar the appearance of the rear elevation.

16. The Framework advises that in considering the impact of a proposal on a non-designated heritage asset a balanced judgement should be taken, having regard to the scale of any harm, or the significance of the asset. The front elevation of the building is the most visible and so is of most importance in terms of the buildings significance as a heritage asset. This aspect of the building would be unchanged. I noted on site that the 1960's telephone exchange is sited in close proximity to the north and so only some views of the rear elevation and so the proposed dormers would be available from the public realm. I have no way of knowing whether the existing building to the north will be removed in the near future. I am therefore conscious that in views into the site the utilitarian proportions of the telephone exchange would be also visible in shared views. Nevertheless, whilst less prominent, in the views that are available from the direction of Ferrers Avenue, the eastern dormer would still appear as an incongruously large and obtrusive feature in its own right and so would both fail to sustain the character of the building or contribute positively to the character of the area.
17. The appellant has advised that the additions need to be of the proposed size and position in order to access the roof void, and to make maximum use of the space provided. I accept that an alternative arrangement would reduce the amount of internal space achieved and so would potentially reduce the number of additional rooms that could be provided. However, whilst the amount of additional rooms provided would potentially bring some benefits in terms of freeing up housing supply elsewhere, I have no compelling evidence that an alternative scheme, albeit for less rooms, is not achievable or unviable, and so, this reduces the weight I attribute to the benefits of the proposal. In weighing up the potential benefits of the scheme, and the harm that would arise, I am of the view that there is little justification for the development taking the form that it does, and therefore giving rise to the harm that would occur to the heritage asset and the character of the area as a result.
18. On the second matter I therefore conclude that the proposal would harm the appearance of the non-designated heritage asset known as 52 Station Road and would thus cause harm to its significance. It would also cause harm to the character and appearance of the area. The Council referred to a number of policies some of which have now been superseded and only some of which I consider to be relevant to the proposal. As the proposal would fail to enhance local distinctiveness or conserve and enhance heritage assets, including locally listed buildings, the proposal would fail to comply with policies DMHB1 and DMHB3 of the LP, which reflects policies BE1 and HE1 of the Hillingdon Local Plan Part One. The proposal would also fail to comply with the Framework as it would fail to conserve a heritage asset in a manner appropriate to its significance. It would also conflict with both the Framework and the London Plan Policy 7.4 as it would fail to improve the character and quality of the area.

Highway Safety

19. The existing development is not subject to any provisions restricting parking permits. The 29 bedrooms have on site parking provision for 7 vehicles. The parking standards in both the LP and the London Plan refer to the need to

consider parking requirements for student halls of residence on a case by case basis, using a transport assessment and a travel plan. The proposal is not supported by this information.

20. The proposal would provide facilities for 5 additional residents, which could potentially give rise to some additional parking pressure. At the time of my visit the allocated parking spaces on site which serve the other 29 rooms appeared to be unused. I have no way of knowing whether this was due to residents being at college during my site visit, or from general low demand.
21. Both the appellant and the Council concur that an agreement to ensure that future occupants do not apply for a parking permit, is appropriate and sufficient to mitigate against any potential effects of the proposal on highway safety. The appellant has provided a Planning Obligation which seeks to secure an undertaking that occupants of the 5 bedrooms would not apply to the Council for parking permits. The obligation has some deficiencies. Recent case law² indicates that as the agreement does not relate to the use of the land in question it would not be lawful for such an agreement to be enforced under the S106 of the Town & Country Planning Act 1990. The agreement is also not made by the appellant and I have no evidence to show that the signatories on the agreement are also the freeholders.
22. I have therefore considered whether, in the absence of an appropriate mechanism for mitigation, the proposal would lead to harm in relation to highway safety. I agree that without a traffic assessment of the proposed development, an increase in parking pressure cannot be discounted as there would be no certainty that on site parking would be available for additional residents.
23. The Council originally referred to policies AM7 and AM14 of the Hillingdon Local Plan Part Two – UDP. I am advised that these have subsequently been replaced by policies DMT2 and DMT6 of the LP. Policy DMT2 requires that suitable mitigation measures to address any traffic impacts are provided as part of new development. Policy DMT6 requires that new development complies with the parking requirements set out in Appendix C Table 1. I am also advised that these standards are in line with the policies in the London Plan and both state that there is no specific standard in relation to student halls of residence but that these should be on an individual basis using a transport assessment and travel plan. As the proposal is not supported by any assessment it would conflict with these policies.
24. However, there was no dispute at the hearing that students are likely to have a significantly lower rate of car ownership than the general population, and the parties agree that the site is relatively well served by public transport. The proposal is also relatively small scale, providing accommodation for only 5 residents and neither TfL nor the Council's Highways Officer had any objection to the proposal, which at the time of their comments was not subject to any proposed mitigation. Even if I were to accept that there was likely to be some residual cumulative impact on the road network from the development, the scale of the development and the likely low levels of car ownership indicate

² R (Khodari) v Kensington and Chelsea RLBC (2015) EWHC.

that any impacts on the road network from parking pressure would be likely to be relatively low.

25. Therefore, notwithstanding the conflict with the development plan, having regard to the circumstances of this case, on the third matter I conclude that the proposal would nevertheless be unlikely to be harmful to highway safety, or that any impacts in terms of residual cumulative impact on the road network would not be severe, and so the proposal would not conflict with guidance in the Framework.

Other Matters

26. I am advised of concerns in relation to the effects of the proposal on the living conditions of adjoining residents. I noted on site that views from the proposed stairwells would be directly onto the Telephone Exchange building to the north of the appeal building. I am therefore satisfied that the proposal would not give rise to a loss of privacy, and so this matter does not add to my concerns. I also note concerns relating to potential construction noise, but this could be controlled by the use of appropriate planning conditions and so would not weigh against the proposal.

Conclusion

27. The proposal would provide additional student accommodation in the Borough, which would potentially allow housing elsewhere to be made available to families or others seeking homes. It would thus make a small contribution to housing supply to which I accordingly attribute some limited weight, commensurate with the scale of the proposal. The proposal would also provide some economic benefit through the contribution occupiers would make to the local economy, and I also attribute this some limited weight.
28. The absence of harm in relation to highway safety is a neutral matter in the planning balance which does not weigh in favour of the proposal. The identified benefits of the scheme would be insufficient to outweigh the significant harm that would occur through the provision of substandard living conditions, which I consider on its own to be determinative. I add to this the harm to the character or appearance of the area. The harm identified in relation to highway safety would further weigh against the proposal, and although this could be rectified through an appropriate planning obligation, as this matter would not alter the outcome of the appeal, I do not consider it expedient to seek such modifications in this case.
29. Accordingly, for the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

For the Council:

S Volley Msc DpTp	London Borough of Hillingdon
Mark Butler	London Borough of Hillingdon
Alisha Lad	London Borough of Hillingdon
John Allum	London Borough of Hillingdon

For the Appellant:

Jacob Lawrence	GJ Planning
Akbar Karbani	Representing Appellant

DOCUMENTS SUBMITTED AT THE HEARING

1. Written comments and photographs submitted by Mr P Luscombe.
2. Signed Statement of Common Ground.
3. Revised Unilateral Undertaking.
4. Comments from London Borough of Hillingdon on R (Khodari) v Kensington and Chelsea RLBC (2015) EWHC.
5. Illustrative plan from appellant showing proportion of floorplan with reduced head height.
6. Illustration showing controlled parking zones in West Drayton.
7. Proposed conditions with updated policies.
8. Permission 44606/APP/2015/2367 with drawings and Unilateral Undertaking.
9. Comments from London Borough of Hillingdon legal department on the revised Unilateral Undertaking.