



Appeal Decision

Site visit made on 14 May 2020

by Stephen Wilkinson BA (Hons), BPI, DIP LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2020

Appeal Ref: APP/R5510/W/19/3243641

115 Laburnum Road, Hayes, London, UB3 4JZ

- 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 P Chaggar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 16692/APP/2019/3270, dated 29 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is creation of 1x1 bedroom and 1x2 bedroom flats including first floor rear extension from the extended single family dwelling with the associated bin storage, bicycle parking, off street vehicle parking and private amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of 1x1 bedroom and 1x2 bedroom flats including a first floor rear extension from the extended single family dwelling with the associated bin storage, bicycle parking, off street vehicle parking and private amenity space, in accordance with the terms of the application, Ref 16692/APP/2019/3270, dated 29 September 2019, and the plans submitted with it, subject to the conditions included in the schedule to this letter.

Procedural Matters

2. Since the date of the Council decision to refuse the application for planning permission for this development it has withdrawn the Local Plan Part 2 Saved Unitary Development Plan (UDP) Policies (2012). Accordingly, for the purposes of this appeal it relies on Policy DMT 6 of the Local Plan - Part 2, Development Management Policies 2020 (LP2DMP). The Council does not rely on the London Plan Consolidated with Alterations (2016) policies to substantiate its case. The appellant was informed of this change but had no further substantive comment. My assessment of the appeal is made against DMT 6 policy.

Main Issue

3. The main issue is whether there is sufficient parking to serve the development.

Reasons

4. The appeal site lies in a residential area characterised by short terraces of residential properties. The narrow road widths of Laburnum Road and surrounding streets together with the prevalence of double yellow lines around each road junction and the large number of crossovers to forecourt parking,

- including the appeal site, restrict the opportunities for on street parking. Furthermore, on-street parking involves vehicles being parked partially on the footway; a measure required to enable the free flow of vehicular traffic. Despite these measures, there are still on-street parking spaces available in the area.
5. Although for the purposes of this appeal the Council is not relying on adopted London Plan policy 6.13, this does inform DMT 6 of the LP2DMP in seeking to balance the provision of excessive parking provision through adherence to parking standards in a way which does not undermine sustainable transport use. The inclusion of 2 off-street parking spaces on the forecourt of the appeal site fails the adopted parking standards by 1 space.
 6. Policy DMT 6 of the LP2DMP, requires development to comply with parking standards to facilitate sustainable development. DMT 6A) i) allows for some variance from the adopted standards if this would not result in a deleterious impact for on-street parking, congestion and local amenity. Given that there are a limited number of on-street parking spaces available in the area and in the absence of evidence to substantiate harm which could result from the shortfall of off-street parking, the variance from the adopted parking standards would not result in a deleterious impact for on-street parking, congestion and local amenity. Furthermore, the scheme includes 2 cycle parking stands which would enable use of cycling as an alternative to private transport.
 7. Accordingly, I conclude that despite the shortfall in off-street parking, the proposal is in accordance with policy DMT 6A i) of the LP2DMP. Paragraph 109 of the National Planning Policy Framework 2019, (the Framework) identifies that permission should only be refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts would be severe. No evidence has been presented to suggest that this could be the case. For these reasons the appeal is allowed.

Conditions

8. I have considered the list of conditions suggested by the Council in the light of the Framework and Planning Practice Guidance (PPG). I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the use of materials and boundary treatment is necessary in order to ensure the satisfactory appearance of the development. For the same reason I have included conditions requiring the submission of details relating to the parking areas, cycle stands, waste and recycling storage. In the interests of highway safety, I have included a condition regarding the retention of visibility splays.
9. Furthermore, I have included a condition regarding the installation of sound insulation to protect the living conditions of the occupants of the flats. Finally, I have not included a condition regarding adherence to Approved Document M of the Building Regulations 2010 as the PPG specifically advises that conditions which require adherence to other regulatory regimes will not pass the test of necessity.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (all plans prefixed by 115laburnamroad2019); Existing Ground Floor 01, Existing First Floor Plan 02; Existing Elevations 03; Proposed Ground Floor Plan 04A; Proposed First Floor Plan 05A; Proposed Elevations 06A; Proposed Site Plan 07A; Location Plan 08A.
- 3) The construction of the first floor rear extension, hereby permitted, shall not commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with the Proposed Site Plan (07A) for 2 cars and 2 bicycles to be parked and that space shall thereafter be kept available at all times for the parking of the cars and bikes.
- 5) No dwelling shall be occupied until details have been submitted to and approved in writing by the local planning authority of the screened waste and recycling storage areas and that these shall thereafter be kept available for this purpose at all times for this use.
- 6) No dwelling shall be occupied until details of the boundary treatment, fences and other means of enclosure shall be submitted to and approved in writing by the local planning authority. These structures should be provided in accordance with the approved plans and thereafter permanently maintained.
- 7) Within 3 months of the date of this permission, details of a sound proofing scheme, certified or to certifiable standards of the Association of Noise Consultants or UK Accreditation Services, between the floors between the individual flats shall be submitted to the local planning authority for approval and implemented within 6 months of the date of this permission.
- 8) The access for the proposed car parking shall be provided with 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions, and shall be maintained free of all obstacles between heights of 0.6 and 0.2m above the level of the adjoining highway.

