
Appeal Decision

Site visit made on 23 February 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/R5510/W/20/3255969

11A Press Road, Uxbridge UB8 1AT

- 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 Antony Antoniou (FIMA Enterprises Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 67388/APP/2020/356, dated 3 February 2020, was refused by notice dated 30 March 2020.
 - The development proposed is conversion of existing single dwelling into 2no studio flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal property is suitable for subdivision having regard to local planning policies; and,
 - Whether the proposal would make satisfactory provision for outdoor amenity space, with particular regard to access and privacy.

Reasons

Suitability of the appeal property

3. The explanatory text at paragraph 4.11 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies Adopted January 2020 (the Local Plan) 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.
4. Policy DMH 4 of the Local Plan 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. Policy DMH 4 states that residential conversions will only be permitted where, amongst other things, (i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped to flats; and (iii) the internal floor area of the original building to be converted is at least 120 square metres (sqm).
5. The proposal would involve the subdivision of an existing 4-bedroom family dwelling into 2no studio flats. There is no dispute that the appeal property is on

a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats. It therefore satisfies criterion (i). Nevertheless, the information before me indicates that the floor area of the original building is significantly below 120sqm, therefore the proposal would not meet criterion (iii) of Policy DMH 4. In this regard, the proposal would result in the loss of family housing of a size for which there is a need in the borough.

6. Accordingly, I conclude that the appeal property would not be suitable for subdivision having regard to local planning policies. The proposal would conflict with Policy DMH 4 of the Local Plan, the aims of which are described above.

Outdoor amenity space

7. There is no dispute between the main parties that the size of the outdoor amenity space would meet the standards set out in Table 5.3 of the Local Plan. However, the Council is concerned that it would not be usable to the future occupants of the proposed ground floor and first floor flats due to the lack of a suitable access.
8. Nevertheless, whilst I acknowledge that there would be parked cars on the front driveway, I consider that there would be sufficient space for occupants of the proposed first floor flat to access the side passageway to the rear garden. Furthermore, the passageway is of sufficient width to enable suitable access. The occupants of the ground floor flat would also have direct access from the ground floor conservatory. Accordingly, the proposal would provide an accessible and useable garden for the occupants of the proposed flats.
9. Given the lack of details shown on the proposed plans, I appreciate the Council's concerns that the garden would not provide sufficient privacy for the occupants of the ground floor flat. However, I am satisfied that this matter could be suitably addressed through the imposition of a planning condition to require the submission of a landscaping scheme to the Council for approval. The details of which would need to ensure that there would be adequate defensible space between the ground floor windows and the garden.
10. For these reasons, I conclude that the proposal would make satisfactory provision for outdoor amenity space, with particular regard to access and privacy. It would therefore accord with Policies DMHB 11 and DMHB 18 of the Local Plan, which, amongst other things, require good quality and useable private outdoor space to be provided for all new residential development and conversions.

Other Matters

11. I note that the floor areas of the proposed flats would meet the minimum space standards set out in the Technical Housing Standards – Nationally Described Space Standard for 1-bedroom (1-person) dwellings, however this is a policy requirement and so weighs neutrally. The contribution provided by one additional dwelling unit towards local housing supply would be small and would not outweigh the identified conflict with the development plan.

Conclusion

12. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR