



## Appeal Decision

Site Visit made on 18 May 2021

**by L Douglas BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 June 2021**

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**Appeal Ref: APP/R5510/W/20/3266043**

**Land adjacent 21 St Helen Close, Uxbridge UB8 3RS**

- 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 J Johal against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 75672/APP/2020/1888, dated 22 June 2020, was refused by notice dated 23 September 2020.
  - The development proposed is "erection of end of terrace dwelling - one bedroom".
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr J Johal against the Council of the London Borough of Hillingdon. This application is the subject of a separate decision.

### Preliminary Matters

3. Since the Council issued its decision, Policy 3.5 of the Mayor of London's London Plan (2016) no longer forms part of the development plan. This has been replaced by Policy D6 of the Mayor of London's London Plan (2021). There has been no change in the standards referred to by the replacement policy and I have therefore assessed the proposal against the policy that forms part of the development plan at the time of issuing this decision.

### Main Issues

4. The main issues in this appeal are: (i) whether the proposed development would provide acceptable living conditions for future residents, with specific regard to internal floorspace and outdoor space; and (ii) whether the proposed development would harm pedestrian and highway safety, with regard to vehicle parking.

### Reasons

#### *Living Conditions*

5. The proposed development is a three-storey one-bedroom house. The submitted plans show an inaccessible second floor with a vaulted ceiling marked 'storage', which is served by a window on each elevation and four roof lights. The internal arrangement of the proposed dwelling would be constrained by the long, narrow form of the site, but it allows for a front and rear facing room with central WC/shower room and staircase on each level. The provision of a lounge at first

- floor level is an indication of how tightly arranged the internal layout is, with no room for such a space next to the kitchen at ground floor level.
6. There is no minimum internal space standard set out in the London Plan<sup>1</sup> for a three-storey one-bedroom house due to the oddity of such an arrangement. Assessed as a two-person one-bedroom house, the proposed development would provide an acceptable level of internal space. However, the existence of the second floor cannot be ignored, and the design of the proposed dwelling lends itself well to be occupied as a three-bedroom house, through a later conversion of and access to the storage space. Indeed, it is clear that the second floor would not remain inaccessible as shown on the submitted plans (for maintenance purposes if no other reason), and that such an amount of storage space with this many windows would far exceed what would reasonably be expected for a one-bedroom house.
  7. I am not aware of any conditions which would be reasonable and enforceable to prevent the creation of any further bedrooms within the proposed dwelling. Internal changes to the dwelling in the future would not be development for which express planning permission would be required. Furthermore, no legal agreement is before me to suggest that these matters can be controlled by alternative means. The description of development would not control the number of bedrooms in perpetuity. In the absence of any reasonable and enforceable controls preventing internal alterations to create further bedrooms, and following the layout of the first floor in the context of my earlier comments, I consider it appropriate to assess the proposal as a three-bedroom house.
  8. Including the second floor level, the Council have calculated the gross internal floor area of the proposal to be 86 sq.m., the accuracy of which has not been contested by the appellant and appears to align with the floor area annotations on the submitted plans. Policy D6 of the London Plan specifies minimum internal space standards for three-bedroom three-storey dwellings as 90 sq.m. – 108 sq.m. The internal space of 86 sq.m. is below what is an expressed minimum by more than a marginal degree. Therefore, in the absence of any reasonable and enforceable controls preventing the creation of additional bedrooms, the proposed dwelling would fail to provide acceptable living conditions for future residents on account of the lack of sufficient gross internal floor area.
  9. The frontage of the appeal site would be given over to off-street parking and refuse storage accompanied by planting, and the rear would provide a private garden measuring 40 sq.m. in area. It would be substantially enclosed, similar to neighbouring private gardens, but this would be the bare minimum area required for a one-bedroom house to accord with Policy DMHB 18 of the Council's Local Plan: Part 2<sup>2</sup>, falling short of the 60 sq.m. of private outside space needed for a two or three-bedroom house. Applying my same reasoning set out above, the proposed development would also fail to provide acceptable living conditions for future residents on account of the lack of sufficient private outside space.
  10. Bringing the above matters together, the proposed development would fail to accord with Policies DMHB 11, DMHB 16 and DMHB 18 of the Council's Local Plan: Part 2 and Policy D6 of the London Plan. These require, amongst other things, development to be designed to the highest standards, with all new housing to meet or exceed the minimum internal space standards. They also require new

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<sup>1</sup> The Mayor of London's London Plan (2021)

<sup>2</sup> London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

housing to provide outside space in accordance with minimum acceptable standards.

### *Pedestrian and Highway Safety*

11. The proposal would include one off-street parking space to serve the dwelling and an integral bicycle store which could be secured by condition. During my site visit I noted that there were many options for on-street parking in the vicinity of the appeal site. This may change at different times and on different days, but I have not been provided with any detailed evidence to suggest these were not normal conditions that I witnessed.
12. The Council have claimed that the proposed development would have the potential to increase on-street parking leading to conditions prejudicial to pedestrian and highway safety, but no detailed analysis in this regard has been provided. Furthermore, the Council's development plan does not stipulate any minimum parking standards; instead it sets a maximum requirement of two spaces per dwelling with curtilage.
13. Based on the information provided, I do not consider the proposed development (even providing up to three bedrooms) with one off-street parking space and integral bicycle storage facilities in this location would increase demand for on-street parking to a degree that would cause unacceptable harm to pedestrian or highway safety. The proposal would therefore comply with Policies DMT 2 and DMT 6 of the Council's Local Plan: Part2. These require, amongst other things, development to ensure it does not contribute to the deterioration of road users' safety and sets maximum off street parking standards.

### **Conclusion**

14. For the reasons given above I conclude that the proposed development would not harm public or highway safety. This would however be a lack of harm and accordingly incapable of weighing against harm. The appeal scheme would fail to provide acceptable living conditions for future residents on account of the lack of sufficient internal and outdoor space. It is for this reason that the appeal should be dismissed.

*L Douglas*

INSPECTOR