



## Appeal Decision

Site Visit made on 6 July 2021

**by Tamsin Law BSc MSc MRTPI**

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

**Decision date: 22 October 2021**

---

**Appeal Ref: APP/R5510/W/21/3270601**

**3 Russet Close, Hillingdon, Middlesex, United Kingdom UB10 0ST**

- 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 Ansari Abdulla against the decision of London Borough of Hillingdon.
  - The application Ref 55768/APP/2020/313, dated 14 January 2020, was refused by notice dated 23 September 2020.
  - The development proposed is the conversion of three storey dwelling into ground floor 1 x 1-studio bed for 1 person and 1 x 1-bed self-contained flat for 2 persons at first/second floor levels. (Retrospective).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The decision notice referred to policies from the London Plan (2016). These have subsequently been replaced by the London Plan 2021 and the new National Planning Policy Framework 2021 (the Framework) has been published. I have asked both parties for comments on the publication of these documents and have had regard to comments from the main parties regarding these publications.
3. The conversion works have been undertaken and therefore I am considering this appeal retrospectively.

### Main Issues

4. The main issues are:
  - Whether the proposed development would provide appropriate living conditions for future occupiers, with reference to the provision of internal space and external amenity space;
  - Whether or not the proposed development would result in the unacceptable loss of a single-family dwelling; and
  - The effect of the proposed development on highway safety within the surrounding area.

## Reasons

### *Living Conditions*

5. The appeal site is a mid-terrace three-storey dwelling located in a cul-de-sac of similarly designed dwellings.
6. Local Plan<sup>1</sup> Policy DMHB 18 requires the provision of a minimum of 40 square metres of private outdoor amenity space for new residential development and conversions. The plans show that adequate outdoor amenity space is provided for the ground floor dwelling in the form of a rear garden, whilst off-street parking for one vehicle is provided to the front. No outdoor amenity space is provided for the dwelling on the first/second floor, as such the proposal would not provide the external amenity space required by Policy DMHB 18 and the living conditions of its occupiers would be harmed due to no access to such a space. Whilst the appellant has noted a number of parks nearby, this would require the occupants to walk along or cross busy roads to access.
7. The Council has calculated that the dwelling located across the first and second floor would have a gross internal area of 55.6 square metres spread over two floors, with the appellant arguing that the area to be provided would be 65.46 square metres. The nationally described space standards<sup>2</sup> (NDSS) provides guidance on the minimum internal space requirements for dwellings, with 58 square metres set as the minimum standard for a one-bedroom two-storey dwelling. Policy D6 of the London Plan (LP) and Policy DMHB 16 of the Local Plan requires that housing developments be of a high quality and provide adequately sized rooms. These policies also echo the space standards contained within the NDSS.
8. The shortfall in floorspace according to the Council's measurements is noted, however this is only a minor shortfall and the plans demonstrate that adequate accommodation, in the form of lounge, kitchen, bedroom, shower room, store and study can be provided. Whilst the NDSS states that the bedroom provided should measure 11.5 square metres, with that being proposed measuring 11.3 square metres, this is again a minor shortfall that would not harm the living conditions of future occupiers, especially as additional study and storage is provided within the dwelling.
9. Nonetheless and for the above reasons I conclude that the proposed development would not provide appropriate living conditions for future occupiers with regards to external amenity space. Therefore, it would not accord with Local Plan policy DMHB 11 and DMH 18 and London Plan Policy D6 which, amongst other things, seek to ensure that development is of a high quality design that provides adequate external amenity space. It would also not meet the aims of paragraph 130 f) of the Framework in terms of ensuring that development has a high standard of amenity for future users.

### *Loss of a single family dwelling*

10. LP Policy DMH 4 seeks to limit the conversion of residential dwellings into flats to ensure that there is an appropriate mix of dwellings in an area. Paragraph 4.11 of the LP advises that the conversion of single dwellings into more

---

<sup>1</sup> London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020)

<sup>2</sup> Technical housing standards – nationally described space standard (March 2015)

dwelling has led to problems relating to parking, congestion, reduction in privacy and loss of family accommodation.

11. In order to ensure that single family dwellings are not lost Policy DMH 4 required that the internal floor area of the original building to be converted be at least 120 square metres. The Council's delegated report states that the internal floorspace within the existing dwelling is 99m<sup>2</sup> and this has not been disputed by the appellant. No evidence or information has been submitted by the appellant to demonstrate the need for the smaller units proposed. Therefore, there is no material consideration that would outweigh this policy which has been subject to a rigorous Local Plan Examination.
12. For the reasons set out above I consider that the proposed development would result in the unacceptable loss of a smaller dwelling. Therefore, it would not accord with LP Policy DMH 4 which seeks, amongst other things, to ensure that single family accommodation is provided.

#### *Highway safety*

13. Russet Close is a cul-de-sac accessed from a dual carriageway (Uxbridge Road) with off-street parking provided in bays in front of each dwelling. An area of on street parking is provided to one side for overflow/visitor parking, although this is limited in space. Some dwellings have integral garages, however many of these have been converted into habitable accommodation. Third parties have also raised concern regarding the potential impact of the proposal on parking provision. During my site visit I noted that parking along the pavement occurred and there appears to be some parking pressure in the area, although there were some parking spaces available in the cul-de-sac.
14. Both the Local Plan and the LP provide guidance on appropriate parking levels with the Local Plan stating 1 parking space per unit and the LP stating 0.75 spaces per dwelling. The proposal provides one parking space, which is below the prescribed parking levels in both the Local Plan and LP, however these are described as maximum parking levels and there are no set minimum parking requirements. The proposal would only modestly increase parking pressures above that of a single dwelling. Whilst I accept that occupants may use more than one vehicle, nevertheless there is no robust evidence before me to indicate that parking pressure in this area is particularly acute. There are also remedies outside of planning for parking that is dangerous or obstructive.
15. Moreover, in my experience, modest properties such as these in close proximity to public transport, services and facilities are likely to reduce car-dependence to some extent. As such, the implication of the subdivision in that surrounding context would be acceptable. Whilst it would lead to some additional intensity of vehicular use and pressure for parking, based on the evidence before me the modest implications of the scheme relative to its surrounding context would not unacceptably affect parking provision.
16. I therefore conclude that the proposal would comply with Local Plan Policies DMT 2 and DMT 6 and associated Parking Standards<sup>3</sup> and LP Policy T6.1 which seek, amongst other things, to facilitate sustainable development and address issues relating to congestion and amenity. The proposal also complies with

---

<sup>3</sup> Appendix C of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020)

paragraph 111 of Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

### **Other Matters**

17. The appellant has drawn my attention to a nearby appeal decision at No 4 Russet Close. Whilst the appeal related to the conversion of a dwelling to four self-contained flats, the appeal was against an enforcement notice where the development was considered to be immune from enforcement action. As such, I can only afford this limited weight.
18. The benefits the appellant has noted in relation to the provision of smaller households has been considered. Whilst there may be a need for smaller units, no evidence of such a need has been submitted, and in any event this would not overcome the harm I have identified in relation to living conditions and provision of family accommodation.

### **Conclusion**

19. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. Consequently, the appeal should be dismissed.

*Tamsin Law*

INSPECTOR