



Appeal Decision

Site visit made on 25 May 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal Ref: APP/R5510/W/21/3276639

111 Telford Way, Hayes UB4 9TH

- 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 Miss Kellan Gharib against the decision of the London Borough of Hillingdon.
 - The application Ref 61744/APP/2021/685, dated 21 February 2021, was refused by notice dated 29 April 2021.
 - The development proposed is a single storey rear extension and conversion of dwelling to 1x1 bed self contained flat and 1x3 bed dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was made the National Planning Policy Framework (the Framework) was revised in July 2021. The sections pertinent to this appeal have not materially altered and I have therefore had regard to the revised version in my decision.

Main Issues

3. The main issues in this appeal are whether the proposed development will: -
 - provide acceptable living conditions for future occupants in relation to internal space; and
 - provide adequate off street parking in the interests of highway safety.

Reasons

Living conditions

4. To ensure the quality, mix and balance of different types of residential units, Policy DMH 4 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) (Local Plan) sets out a range of criteria by which the Council will consider the conversion of dwellings to smaller, independent units as acceptable. It explains that they will only be permitted where, amongst other things, the internal floor area of the original building to be converted is at least 120 square metres (m²).
5. There is disagreement between the main parties as to what may be original. The Council have stated 69m² referring to the appeal property size prior to the existing side extension. The appellant has stated 118m² referring to the appeal

property inclusive of the side extension. Regardless, both measurements fall below the 120m² minimum requirement expressed in Policy DMH 4. The appellant has argued that the proposed development would increase the floor space to 124m². However, the extension is yet to be built and, in any case, it would not form part of the original building if it were.

6. The proposal would create a 1 bed dwelling with a gross internal floor area (GIA) of 52m² and a 3 bed dwelling with a GIA of 70m². These figures are not disputed by the main parties. In both cases the GIA would fall considerably short of the minimum standards set out in the Technical Housing Standards - Nationally Described Space Standard (March 2015) (THS).
7. The THS forms the basis of the minimum standards within Local Plan Policy DMHB 16 and Policy D6 (inclusive of table 3.1) of the London Plan (2021). The Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) (SPG) also supports these standards as minimum requirements for new dwellings.
8. Taking this and my earlier findings against Policy DMH 4 into account, there has been no mitigating evidence submitted to support the provision of 2 dwellings with substandard GIAs over and above the appellant's own assertions that they are adequate. Consequently, the proposed development would not provide appropriate living conditions for future occupants in relation to internal space. This would be contrary to the approaches of Local Plan Policies DMH 4 and DMHB 16, London Plan Policy D6, the THS and SPG. All of which, amongst other things, seek to ensure that new housing is of an appropriate standard, providing acceptable living conditions for future occupiers in terms of internal space.

Parking provision

9. Properties within the wider residential estate are built close to the narrow roads with limited off street parking. It was evident that even in the middle of a weekday (when I visited the site) there were relatively high levels of on street parking.
10. The appeal property is the last house in its row and is set back from the hammer-head turning at the end of Telford Way. To the front of the appeal property is an area of hard standing which provides off road parking and in part is used for access to two neighbouring properties. Vehicles using it must back in or out from Telford Way as there is no space for manoeuvring.
11. The Council confirm that the proposal would require 3 car parking spaces (2 for the 3 bed dwelling and 1 for the 1 bed dwelling) to ensure that on street parking pressures are not exacerbated. The proposal does not expressly show details of how the parking would be laid out, but the appellant confirms that the existing hardstanding would be used.
12. On visiting the site, the area of hardstanding would accommodate 3 vehicles if 2 were parked in tandem. All vehicles would have to reverse in or out of the space as is the current situation. This, both in terms of tandem parking and reversing, would be no different to other properties in the area whereby parking is provided by a garage and parking space in front. There are also no policy specifications in front of me which state tandem parking would not be acceptable in this location. In this case, the design of the parking area, to

ensure appropriate landscaping and access to the proposed dwellings, could be conditioned. This would ensure that the appeal scheme would not give rise to additional requirements to park on the street. An effect which could, in turn, inhibit the free flow of traffic and thus harm highway safety.

13. The proposed development could, therefore, accord with the requirements of Local Plan Policies DMT2 and DMT6 and Local Plan Appendix C which, together, seek to ensure highway safety and appropriate parking provision, amongst other things.

Other Matters

14. In the Council's first reason for refusal, they refer to the loss of a family dwelling. This is in the context of Policy DMH 4. On my understanding of the policy, it does not read as to necessarily protect such units as a point of principle but sets out criteria by which their conversion to smaller ones will be considered. The Council do not direct me to a policy that protects family dwellings specifically, albeit Policy DMH 4 does include a provision to ensure concentration of smaller units does not dominate a given area. Still the Council do not allege that any harm would arise out of the loss of a family unit. A matter which the appellant debates in any event and it is an issue about which I have limited evidence before me. I have, in any case, explained in my findings on the first main issue how I consider the appeal scheme would conflict with Policy DMH 4, identifying it in the context of the Council's substantive concerns over the size of the resulting units of accommodation.
15. Strictly speaking, the appeal scheme would not create a 'block of flats' and a such one could argue the applicability of Policy DMH 4. That said, its aims are, as its supporting text explains, to ensure the effects associated with residential conversions are managed in areas, for several reasons. The latter reflected in its criteria. It also purports to be a policy concerned with residential conversions and redevelopment. Within the supporting text a residential conversion is considered the conversion of a single dwelling into more dwellings or into a new block of flats. The proposal constitutes a conversion of 1 dwelling into 2, therefore would be considered a residential conversion. The controlling elements and thus thrust of Policy DMH 4 are therefore relevant to the proposed development.
16. Even if they were not, for the same reasons, the appeal scheme would still conflict with the development plan regarding the first main issue. Specifically, DMHB 16 of the Local Plan and Policy D6 of the London Plan. As well as the THS and SPG.

Conclusion

17. Whilst I have found for the appellant in regard to the second main issue. This would be a lack of harm and thus, by definition, incapable of weighing against harm. Harm that I have found in regard to the first main issue. Therefore, the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR