



Appeal Decision

Site visit made on 17 June 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/R5510/C/23/3325679

99 Woodstock Gardens, Hayes UB4 8BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Jit Singh Sahota against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 8 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of a single family dwellinghouse into two separate self-contained residential units.
 - The requirements of the notice are: (i) Cease the use of the property as two separate self-contained residential units. (ii) Remove all but one kitchen from the dwellinghouse to include oven, hob, extractor unit, sink, work surfaces and kitchen style cupboards. Disconnect from source hot and cold-water supply, gas and foul waste drainage and remove all redundant pipework. (iii) Remove additional staircase situated within the two-storey side extension. (iv) Remove the infilled doorways between the main house and the two-storey side extension on the ground and upper floors. (v) Remove from the land the debris, items, fixtures and fittings, building materials, plant and machinery resulting from the dismantling works listed in (iv) above.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by in paragraph 5, step (i) deleting 'two (2)'. Subject to the variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The enforcement notice attacks the unauthorised use of a single dwelling as two separate self-contained residential units. As the number of residential units enforced against is specified in the allegation, referencing that number again in the requirements is unnecessary. It may also lead to uncertainty as to what the notice actually requires-for example whether the cessation of any future unauthorised use of the affected land for a greater number of residential units is required to cease. Therefore, I shall vary the notice to delete reference to the number of residential units from the requirements. There would be no injustice in doing so.
3. This decision takes the revised National Planning Policy Framework, published during the course of the appeal, into account.

Ground (a) appeal

Main Issues

4. The main issues in this appeal are:

- Whether suitable living conditions are provided for the existing and future occupiers of the new dwelling, having regard to internal floor space and private outdoor amenity space.
- The effect on highway safety, having regard to the provision of off-street parking for cars.

Reasons

5. The appeal property contains an extended two-storey, end of terrace dwelling. A recently erected two-storey side extension has been converted into a separate dwelling. Planning permission was refused and a subsequent appeal dismissed for conversion of the two-storey extension to a separate dwelling¹. Although I am not bound by that decision, there would have to be very clear reasons for me to reach different conclusions to those of the previous Inspector.

Living conditions

6. The new dwelling has an open-plan layout on the ground floor, with a living room and kitchen. At first floor level there is a bathroom, along with a double bedroom and a smaller room which is also currently being used as sleeping accommodation, notwithstanding the appellant describing it as an office. With an internal floor area of around 9.9m², the smaller room is in excess of the minimum size requirement for a single bedroom set out in Policy D6 of the London Plan (LP). The LP superseded the earlier version of that document referred to in the notice in March 2021. When I visited, the new dwelling was being occupied by a family with young children.
7. The appellant's case is that the new dwelling satisfies the national minimum internal space standard for a one-bedroomed residential property. Nevertheless, having regard to the factors set out in the preceding paragraph it is more appropriate to assess the new dwelling against the minimum internal space standard for a two-bedroomed dwelling. With a gross internal floor area (GIA) of around 61m², the new dwelling has significantly less internal floor space than the minimum standard of 70m² GIA with 2m² of built-in storage for a two-storey, two-bedroom, three-person dwelling required in Table 3.1 to LP Policy D6. A similar minimum internal space standard is set out in Table 5.1 of the Hillingdon Local Plan Part 2-Development Management Policies (DMP). These minimum internal space standards reflect the Technical housing standards-nationally described space standard.²
8. The significant deficiency in GIA when assessed against the relevant minimum internal space standards in the Development Plan is also reflected in the restrictive internal floor space in the new dwelling. The living room for example is of relatively modest dimensions, given its likely use by two adults as well as children at times. There is limited circulation space after some basic furniture, including an L-shape sofa, TV cabinet and a set of drawers, has been provided. Provision of other

¹ Appeal Ref: APP/R5510/W/22/3297135

² MHCLG 2015

furniture items such as a lounge table, or the storage of any significant quantity of everyday household items and personal possessions including children's toys, would lead to the living room having an appreciably cluttered and congested feel. As a result, the occupiers are likely to find the living space in the new dwelling cramped and relatively awkward to use.

9. There is currently no private outdoor amenity space provided for the new dwelling. The appellant proposed separating part of the hard surfaced courtyard at the side and immediately to the rear of the new dwelling to provide a private garden. Even so, the modest size and awkward shape of this area would offer little opportunity for occupiers of the new dwelling to engage in the range of activities that might normally be associated with a private outdoor amenity space, including informal relaxation, cultivating plants and drying washing. The constrained size and shape, along with the proximity to tall built structures, would also foster a marked and uncomfortable feeling of enclosure in the rear garden. Moreover, the rear garden would be much smaller than the minimum requirement of 60m² private outdoor amenity space for a two-bedroom house, set out in the DMP at Table 5.3. The absence of a sufficiently sized, useable and attractive private outdoor amenity space reinforces the restrictive living environment experienced by occupiers of the new dwelling.
10. Therefore, I share the previous Inspector's finding that suitable living conditions are not provided for the existing and future occupiers of the new dwelling. This is in conflict with criteria in LP Policy D6, which require new development to provide comfortable and functional layouts that are fit for purpose, with dwellings having at least the GIA and built-in storage required in Table 3.1. Similarly, there is conflict with criterion in DMP Policy DMHB 16, which requires new dwellings to have adequate internal floorspace to provide an appropriate living environment, which meets or exceeds the internal space standards in Table 5.1. In addition, the absence of good quality and useable private outdoor amenity space which satisfies the size requirements in Table 5.3 conflicts with criterion in DMP Policy DMHB 18.

Highway safety

11. In my estimation, the hard surfaced area at the front and side of the new dwelling is capable of accommodating two cars with relative ease. Sufficient off-street parking is also maintained at the front of the original dwelling.
12. The submitted drawings show space for parking only one car alongside the new dwelling, when allowing for the proposed rear garden. The Public Transport Accessibility Level (PTAL) of 2, indicating that the area has relatively poor access to public transport, increases the likelihood of occupiers of the new dwelling having access to more than one vehicle. Therefore, the proposed reduction in off-street parking available for the new dwelling would in all likelihood lead to an additional car being parked on the street at times.
13. A requirement for a maximum of two off-street parking spaces per dwelling is set out in the DMP at Appendix C, Table 1. Even so, on-street parking in the vicinity of the property is largely unrestricted. During my visit, I observed a number of opportunities for on-street parking in the locality, although there might be a significant reduction in the availability of parking spaces on the street at other times. Also, many of the nearby properties have facilities for parking in the curtilage.

14. On the whole, this and nearby streets are of sufficient width for vehicles travelling in opposite directions to pass with relative ease, they are well-aligned, with good visibility at junctions and vehicle speeds are relatively low. For the most part, incidences of on-street parking do not significantly impair the free flow of traffic or restrict forward visibility available to drivers, cyclists and pedestrians. As a result, in the absence of firm evidence to suggest otherwise, any local increase in on-street parking due to one less off-street parking space being available at the new dwelling is unlikely to lead to a significant reduction of the carriageway width available for vehicles to pass freely, or to the forward visibility available to highway users.
15. Therefore, I also share the previous Inspector's finding that the new dwelling does not harm highway safety. There is no conflict with DMP Policy DMT 6, which provides for varying the maximum parking standards in Appendix C, Table 1 in circumstances similar to those set out above.

Conclusion

16. Suitable living conditions are not provided for the existing and future occupiers of the new dwelling, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR