



**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

APPEAL BY  
FOCUS INTERNATIONAL CHRISTIAN CENTRE (FICC)

AGAINST REFUSAL OF PLANNING PERMISSION  
BY THE LONDON BOROUGH OF HILLINGDON

PLANNING PERMISSION IS SOUGHT FOR EXTENSIONS AND  
ALTERATIONS TO THE EXISTING BUILDING FOR USE AS A  
PLACE OF WORSHIP WITH 2 SELF-CONTAINED FLATS.

AT 123 UXBRIDGE ROAD, UXBRIDGE, UB10 0LQ

**APPELLANT'S STATEMENT OF CASE**



## **1.0 SITE AND SURROUNDINGS**

- 1.1 The appeal site is located on the north east side of Uxbridge Road, south west of Churchill Close, and comprises a 3 storey detached building with a two storey extension. The application site has a front vehicular access off Uxbridge Road and also a rear vehicular access off Churchill Close.
- 1.2 The ground floor was previously in use as a veterinary clinic/surgery. There are three self-contained flats in the building, the first floor comprises a 3 bedroom flat and a studio flat to the rear, which are accessed from the rear yard via Churchill Close, and the second floor provides a 3 bedroom flat.
- 1.3 To the south east of the appeal property lies a single storey building in use as a place of worship by the Salvation Army and to the north west lies a BP Petrol filling station with a M&S convenience store. To the rear lies 1 Churchill Close, a two storey end of terrace house.
- 1.4 The proposed place of worship (Use Class D1) would not constitute a change of use from the previous veterinary surgery (Use Class D1).

## **2.0 THE APPEAL PROPOSAL**

- 2.1 Planning permission is sought for extensions and alterations to the existing building for use as a place of worship with 2 self-contained flats. This was an amended application which was submitted on 15<sup>th</sup> March 2011 following the refusal of a previous application. The amendments reduced the number of self-contained flats from 3 units to 2 flats and included a Transport Statement.
- 2.2 The Council refused planning permission on 9<sup>th</sup> September 2011 for the following reason:
  1. The proposal fails to satisfactorily demonstrate that the traffic generated by the proposed development would not have an adverse impact on the surrounding highway network, be prejudicial to the free flow of traffic and detrimental to highway and pedestrian safety. The proposal also fails to demonstrate that sufficient off street parking provision (which meets the councils approved parking standards to service the proposed development) would be made. The development would therefore lead to additional on street parking to the detriment of public and highway safety. The proposal therefore fails to comply with policies R9, AM2, AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

This forms the basis of this appeal.

### 3.0 RELEVANT BACKGROUND HISTORY

3.1 The initial application related to alterations to the property for use as a place of worship with the retention of the existing three self-contained flats but with a reconfigured floorspace and altered layout to allow the creation of a small multipurpose hall on the second floor. The application which was submitted in August 2010 was refused for reasons which include adverse impact on local traffic, inadequate floor space for two of the flats, loss of outlook for the residential occupiers of one of the flats and lack of disabled access to the first floor offices and multi purpose hall. The detailed reasons were:

1. The applicant has failed to demonstrate that the traffic generated by the proposed development would not have an adverse impact on the surrounding highway network, prejudicial to the free flow of traffic and detrimental to highway and pedestrian safety. The proposal also fails to demonstrate that sufficient off street parking provision (which meets the councils approved parking standards to service the proposed development) would be made. The development would therefore lead to additional on street parking to the detriment of public and highway safety. The proposal therefore fails to comply with policies R9, AM2, AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).
2. The proposed one and two bedroom units fail to provide adequate internal floor space to satisfy the minimum area of 50 sq.m and 63 sq.m considered by design guidance to be the minimum necessary to provide an adequate standard of amenity for self-contained flats. As such, the proposal would provide a sub-standard form of residential accommodation, and would not represent suitable replacement provision, contrary to London Plan policies 3A.5 and 4B.1, policies H2, H3 and H7 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and paragraphs 4.6 to 4.8 of the Council's HDAS: 'Residential Layouts'.
3. The lack of outlook from and day light into the proposed first floor 2 bedroom flat (Flat 2) would result in an oppressive environment and the proposal would fail to provide a satisfactory residential environment for future occupiers of that property, contrary to advice contained within the Council's Supplementary Planning Document HDAS Residential Layouts, and to Policies 4B.3 of the London Plan (2008).
4. The development, by virtue of the lack of access for disabled persons to the upper level offices and multipurpose hall fails to ensure adequate facilities are provided for people with disabilities in

accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5. PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

#### **4.0 GOVERNMENT POLICY**

- 4.1 Sustainable development is the core principle underpinning planning (See paragraph 3 of PPS1). Amongst the Government's four aims for sustainable development set out in its 1999 strategy are effective protection of the environment and prudent use of natural resources.
- 4.2 In delivering sustainable development local authorities are advised in paragraph 27 of PPS1 to seek to promote more efficient use of land through higher density mixed use development and the use of suitably located previously developed land and buildings.

#### **RELEVANT POLICIES OF THE LONDON BOROUGH HILLINGDON**

- 4.3 Section 37(6) of the Planning and Compulsory Purchase Act 2004 (which replaced S54A of the Town and Country Planning Act 1990) states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The current Unitary Development Plan (UDP) for Hillingdon Council was adopted in 1998 and relevant policies have been saved. These include:

**Policy R9** – states that the local planning authority will permit proposals for buildings to be used for religious and cultural purposes if:-

- (i) they provide adequate parking in accordance with the local Planning authority's adopted standards;
- (ii) any proposed new buildings or extensions harmonise with or Complement the scale and appearance of existing and Neighbouring properties;
- (iii) they are sited where they do not prejudice the amenities of Neighbouring occupiers by reason of noise, traffic or visual Amenity; and
- (iv) access arrangements are satisfactory.
- (v) the proposed use does not conflict with the other policies of this plan.

**Policy AM2** requires that all proposals for development will be assessed against their.

- their contribution to traffic generation and their impact on congestion, particularly on the principal road network and
- the present and potential availability of public transport, and its capacity to meet increased demand.

**Policy AM7** suggests that the local planning authority will consider whether the traffic generated by proposed development is acceptable in terms of the capacity and functions of existing and committed principal roads only and will wholly discount any potential which local distributor and access roads may have for carrying through traffic.

**Policy AM14** – states that new development will only be permitted where it is in accordance with the council’s adopted car parking standards set out in Annex 1.

Under D1 places of worship no particular standard is given except to state that this will be determined on an individual basis using a transport assessment and travel plan and also suggests the provision of bicycle space per 8 sq m of floor space.

## 5.0 CONSIDERATIONS IN SUPPORT OF THE APPEAL

- 5.1 Following refusal of the initial application, the appellant amended the proposal by reducing the number of flats to two and engaged a Transport Planner to provide a transport statement in order to overcome the council’s objections.
- 5.2 The changes led to the council subsequently discarding three of the four reasons for refusing the first application. It should be noted that 57 adjoining owner/occupiers were consulted on the application and no objections were received. There was no objection from Environmental Protection in terms of noise with a recommendation to attach appropriate conditions relating to noise levels and deliveries/collection.
- 5.3 The Council agrees that the proposed place of worship (Use Class D1) would not constitute a change of use from the previous veterinary surgery which is also in the same use class (Use Class D1), so no change of use is involved with the appeal proposal. The council again accepted that the limited loss of residential accommodation on the first floor level is considered to be compensated by additional floorspace within the development. The council’s conclusion is that the proposed extensions and elevational alterations are considered to represent an improvement over the existing building. As such, the proposal is considered to be acceptable subject to compliance with policy.

- 5.4 However, the council refused the appeal proposal mainly on potential traffic generation suggesting that the scheme fails to satisfactorily demonstrate that the traffic generated by the proposed development would not have an adverse impact on the surrounding highway network and could be prejudicial to the free flow of traffic and detrimental to highway and pedestrian safety. The council has not demonstrated that the contents of the transport statement was properly analysed and taken into consideration.
- 5.5 The council argues that the proposal fails to satisfactorily demonstrate that the traffic generated by the proposed development would not have an adverse impact on the surrounding highway network, and would be prejudicial to the free flow of traffic and detrimental to highway and pedestrian safety. The transport statement clearly analyses the expected impact of the proposal and illustrates that the appeal proposal would not be detrimental to the locality in terms of highway function and safety.
- 5.6 The area is served by a number of rail stations on both mainland and underground services. The nearest stations in relation to the site are Uxbridge and Hillingdon both on the Metropolitan Line both have links to the majority of the bus services operating within the vicinity as they originate, end or are routed via these rail stations thereby offering good public transport interchange capabilities to the appeal proposal.
- 5.7 A large percentage of the church members reside in West London, many within close proximity of the proposed site at 123 Uxbridge Road. Therefore in terms of this proposal it would be reasonable to assume that a much larger percentage of church goers would use more sustainable travel modes to go to church most notably via local bus services and also walking to the site.
- 5.8 The church is proposing to purchase a second minibus for the purposes of day events and group outing days. In addition the church leaders are proposing to use the two minibuses to undertake two journeys each on Sunday mornings to transport frail, elderly and other local church members to the site, but also collect more distant church members from local rail stations for instance Hillingdon and Uxbridge underground stations.
- 5.9 In summary, the traffic generated by this development will not have a significant impact in terms of capacity on the road network in this area. The site is already located in a very heavily trafficked area. The level of additional vehicle trips surrounding this church use will not create a significant impact. In addition many of the church goers will benefit from residing closer to the proposed site and have more sustainable options in

- terms of walking and using public transport, but also benefit from the minibus services that would be operated by the church leaders.
- 5.10 The council further states that the proposal fails to demonstrate that sufficient off street parking provision (which meets the councils approved parking standards to service the proposed development) would be made. Yet no particular standard is given except for cycle provision.
- 5.11 The council suggests that the development would therefore result in additional on street parking to the detriment of public and highway safety without providing any figures. There is little evidence that the council adequately considered the transport information. The council claims that the adjoining roads in the area are narrow, without giving any specific examples. Further there is no evidence the council has been out to verify the Parking Survey which has been carried out, as the basis for the appellant's transport statement.
- 5.12 Policy AM7 states that the local planning authority will consider whether the traffic generated by proposed development is acceptable in terms of the capacity and functions of existing and committed principal roads only and will wholly discount any potential which local distributor and access roads may have for carrying through traffic. Uxbridge Road and Long Lane are the principal roads close to the appeal site and it is clear that the appeal proposal would not adversely affect these main roads given that there is a single church service on Sunday.
- 5.13 There would be 7 on site car parking spaces (including 1 disabled space) provided as part of this development proposal. It is considered this provision is in keeping with Hillingdon's Adopted Parking Standards. There are no specific criteria stipulated for D1 Places of Worship as each case is assessed on its own merits.
- 5.14 During the surveyed period parking stress on the majority of surveyed streets was relatively low. For those streets within immediate vicinity of the site namely, Churchill Avenue, Uxbridge Road, Denziloe Avenue and Brambles Farm Drive there was a total of 71 vehicle spaces available during the surveyed period.
- 5.15 As part of this proposal there will be a number of cycle parking spaces provided for church members. This will help encourage sustainable travel behaviour.
- 5.16 Furthermore, Policy AM2 states that all proposals for development will be assessed against their contribution to traffic generation and their impact on congestion, particularly on the principal road network and the present and potential availability of public transport, and its capacity to meet

increased demand. The appeal site is not located in a Controlled Parking Zone and the only area in relation to the site where parking appears to be restricted is on Long Lane and sections of Uxbridge Road. A complete database of church member's postcodes has been compiled as an initiative to reduce the number of vehicle trips to the site, whilst also encouraging car sharing as a sustainable mode of travel. In addition, it is intended that staff and church members associated with the proposed scheme will be able to access public transport journey information in the form of maps, so that they will be able to make informed choices about any journey they intend to make.

- 5.17 The proposal will not create a significant in terms of traffic generation to what is already a heavily trafficked area. It will not result in creating a significant impact in terms of on street parking stress in the local area. The scheme is in compliance with transport policy in terms of on site Car and cycle parking provisions.
- 5.18 The church leaders have shown a clear commitment to promoting sustainable travel in relation to the site and managing the transport arrangement in a sustainable manner, e.g. Initiative to introduce 2 private mini-buses.

## **6.0 Conclusion.**

- 6.1 There is no adverse impact on the amenity of the occupiers or the adjoining properties as a result of the appeal proposal and the transport statement addressed the concerns raised by the local authority and illustrate that the appeal proposal would not be detrimental to the locality in terms of highway function and safety.
- 6.2 In our view the use of the appeal premises as a D1 place of worship provides a valuable community use for the area. 57 adjoining owner/occupiers were consulted on the application and no objections were received. There is no objection from Environmental Protection in terms of noise subject to conditions relating to noise levels, sound insulation, and deliveries/collection.
- 6.3 The inspector is respectfully requested to allow the appeal and grant planning permission for extensions and alterations to the existing building for use as a place of worship with 2 self-contained flats.