
Appeal Decision

Site visit made on 15 February 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st March 2017

Appeal Ref: APP/R5510/W/16/3163891
122-123 High Street, Uxbridge UB8 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Warren, R T Warren Investments Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 6616/APP/2016/2609, is dated 5 July 2016.
 - The development proposed is conversion and alterations to existing car show room building to form 4 No. town houses and associated works.
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Decision

1. The appeal is dismissed and planning permission for conversion and alterations to existing car show room building to form 4 No. town houses and associated works is refused.

Procedural Matter

2. The Council resolved that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect of the proposal on the setting of Grade II Listed Buildings, the character and appearance of the Old Uxbridge Windsor Street Conservation Area, highway and pedestrian safety and the living conditions of future occupiers.

Main Issues

3. The main issues are:
 - The effect of the proposal on the setting of the Grade II Listed Buildings 122-123 High Street.
 - Whether the proposal would preserve or enhance the character or appearance of the Old Uxbridge Windsor Street Conservation Area.
 - Whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwellings with particular regard to internal space, outlook, light and amenity space.
 - The effect of the proposal on highway and pedestrian safety.
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Reasons

Listed Buildings

4. The appeal relates to a building to the rear of, and within the curtilage of, the Grade II Listed 122-123 High Street. The fronts of the two buildings date from the early-to-mid 18th century whilst the rears of the buildings are older. At two-storey in height with attics, the buildings are constructed in stock brick with a series of roof pitches. No 122 has a mansard roof, whilst No 123 has a dual-pitched roof with later, hipped dormer additions. To the rear, No 122 extends beyond the rear wall of No 123, with a clipped gable roof. The buildings contain a regular pattern of timber sash windows and the historical interest of the buildings is largely apparent from the rear.
5. The buildings are situated within a busy high street which has changed significantly over the years. Nevertheless, the historical significance of the front façades of the buildings is readily apparent in short and medium distance views from High Street and Harefield Road. However, longer distance views of the front facades are limited by the dense, built up nature of the surrounding area. In terms of the rear, views of the buildings are limited to short range vantage points on Warwick Place. Longer range views are obscured by the modern police station development to the north. As such, the setting of the building is relatively localised.
6. In those views of the rear of the buildings, their significance is considerably obscured by the appeal property. A modern, flat roofed building of functional appearance, it extends in height to around eaves level of the listed buildings. It is also of such a depth that, other than an element of the rear roof slope, the entire rear façade of No 123 is obscured, as is a large proportion of the rear façade of No 122. The appearance, scale and siting of the building is such that I agree it makes a negative contribution to the setting of the listed buildings.
7. It is proposed to alter and convert the existing building into four dwellings. Whilst the proposal would improve the external appearance of the building through its elevational detailing, it would nevertheless be substantially increased in height to accommodate a first floor. Moreover, the first floor would project for the whole length of the building and almost the entire depth. As a result, the proposal would further obscure the historical significance of the rear elevations of the listed buildings and would appear as an obtrusive and dominant feature that would make a negative contribution to their setting.
8. I conclude, therefore, that the proposal would have a harmful effect on the setting of the Grade II Listed Buildings 122-123 High Street. Consequently, the proposal would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 (LPP1) which state that all new development should maintain the quality of the built environment and should conserve and enhance the setting of designated heritage assets. The proposal would also conflict with Policies BE8, BE13 and BE19 of the Hillingdon Unitary Development (adopted 1998) Saved Policies 2007 (UDP) which state that new development will not be permitted if they do not preserve listed buildings, the layout and appearance would fail to harmonise with the existing street scene or other features of the area, and that development within residential areas should complement or improve the character of the area.

Old Uxbridge Windsor Street Conservation Area

9. The appeal site lies within the Old Uxbridge Windsor Street Conservation Area (CA). Predominately commercial in nature, the CA is centred on the historic thoroughfare of High Street. The CA is largely characterised by 18th and 19th century buildings in stock brick with pitched roofs. Mostly in commercial use the buildings are set on narrow plots and abut High Street. The significance of the CA largely derives from the linear pattern of the street and the historical interest of several buildings.
10. The appeal property is of somewhat functional appearance and is of considerable height and bulk. Located to the rear of the buildings on High Street, its effect on the significance of the CA is limited by its lack of visibility along the main thoroughfare. However, the building is visible in views of the rears of the listed buildings along High Street from Warwick Place. The appearance, scale and siting of the building and the extent to which it features in such views detracts from the significance of the CA.
11. Whilst the proposed alterations would seek to replicate the design and style of some surrounding buildings, the development would appear distinctly functional. It would have a flat roof, in contrast to the prevailing use of pitches in the surrounding historical buildings. Moreover, it would utilise render and timber boarding, materials which are not traditionally found within the CA.
12. In addition, the proposal would increase the height of the existing building, resulting in a development of significant bulk and massing. A building of such scale would feature as an obtrusive and dominant feature in views of the rear of High Street, and would obscure several features of historical importance on the rear of the listed buildings along High Street.
13. I conclude, therefore, that the proposal would not preserve or enhance the character or appearance of the Old Uxbridge Windsor Street Conservation Area. It would, as a result, conflict with Policy BE4 of the UDP which states that new development within conservation areas will be expected to preserve or enhance those features which contribute to their special qualities.

Living Conditions

14. Policy 3.5 of the London Plan¹ seeks to ensure that new development provides adequate internal space for future occupants. Table 3.3 of Policy 3.5 previously indicated that 2 storey, 2 bedroom dwellings should provide a minimum of 83m². However, Table 3.3 was updated through the Housing Standards Minor Alterations to the London Plan March 2016 and now states that a 2 storey, 2 bedroom, 3 person home should have a minimum of 70m², in line with the Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS).
15. The proposed units would have a gross internal floor area of 75m² and would therefore accord with the standards. I note that all four properties would have two bedrooms which exceed the minimum floor area of 11.5m² for a twin or double bedroom set out in the NDSS. However, even if I were to consider the proposed accommodation as 2 bedroom, 4 person dwellings, they would fall only marginally below the minimum 79m² standard set out in Table 3.3 of the London Plan and NDSS. They would also still accord with the guidance in HDAS

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations Since 2011, 2016

Paragraph 4.8 and Table 2 of HDAS which state that 2 storey, 2 bedroom dwellings should provide a minimum of 63m². I am satisfied that the proposed floor space would be well proportioned and provide enough space to offer the functionality needed for day-to-day living.

16. However, notwithstanding the floor space requirements of Table 3.3 of the London Plan and the NDSS, consideration must be given to quality of the accommodation proposed, with particular regard to the level of outlook, light and amenity space.
17. The proposed dwellings would have a ground floor open plan kitchen, living and dining area. The ground floor would be single aspect, served by a large expanse of glazing on the front elevation. The sole outlook from the ground floor would face directly onto the parking area and the high walls which dominate the immediate environment. Moreover, the proposed living space would be of considerable depth and an outlook through the single aspect would be difficult to achieve from within the kitchen area. In addition, the outlook from the rear bedroom for three of the dwellings would be immediately adjacent to the significantly higher flank wall of the building at 124 High Street. This would provide an oppressive and subterranean outlook from the rear bedrooms. Consequently, the proposal would provide a poor quality of outlook for future residents.
18. The single aspect front elevation of the properties would be orientated to the north-west and the main ground floor living areas and front bedrooms would therefore receive little direct sunlight. Moreover, whilst a light well would be provided to the rear of the ground floor, the presence of the adjacent building at 124 High Street would considerably restrict the level of daylight that would be received within the kitchen areas and rear bedrooms. Indeed, the use of those rooms would likely require the benefit of artificial light at all times of the day. Thus, the proposal would fail to provide adequate levels of light for residents.
19. UDP Policy BE23 states that new residential buildings should provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The Hillingdon Design and Accessibility Statement (HDAS) Residential Layouts Supplementary Planning Document 2006 states at paragraph 4.15 that 2 bedroom properties should provide a minimum of 60m² amenity space.
20. I note the constraints of the site and the town centre location. However, whilst the proposal would provide a small amount of planted, defensible space to the front of the properties, the development would nevertheless fail to provide any usable amenity space and would fail to accord with the HDAS guidelines. As a result, I consider the proposal would not provide adequate outdoor amenity space for future occupiers.
21. I conclude, therefore, that, whilst the proposal would provide an adequate level of internal space, the proposal would not provide acceptable living conditions for future occupiers of the proposed dwellings with particular regard to outlook, light and amenity space. The proposal would, as a consequence, conflict with Policy BE23 of the UDP and London Plan Policy 3.5 which states that housing developments should be of the highest quality internally and externally.

Highway and Pedestrian Safety

22. Saved Policy AM14 of the UDP states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards. The standards, set out in Annex 1 of the UDP, indicate that dwellings should provide 2 spaces of curtilage parking.
23. The site is located within the town centre and has a high PTAL score of 6a. The Council indicates that, as such, one off-street parking space per unit would be acceptable. In the absence of any contradictory evidence, I see no reason to disagree.
24. The proposal would provide four off-street parking spaces. The Council nevertheless indicates that, in the absence of a detailed parking layout, it has not been demonstrated that the spaces could be suitably provided within the site nor has it been demonstrated that adequate pedestrian or vehicular access to and from the site could be achieved.
25. However, there are around 10 spaces on the appeal site currently. The proposal would not extend the footprint of the building into the area which is currently used for car parking and the appellant indicates that the existing parking layout, pedestrian and vehicle access to the site would not be changed. Moreover, the access to the site is taken from Warwick Place which is not a through road and carries low level of traffic at low speeds. As such, I am satisfied that sufficient parking provision would be provided and that safe and suitable pedestrian and vehicular access to and from the site would be achieved.
26. I conclude, therefore, that the proposal would not have a harmful effect on highway and pedestrian safety. It would, as a consequence, accord with Saved Policies AM7 and AM14 of the UDP which state that development will not be permitted where the traffic generation is likely to prejudice the free flow of traffic or conditions of highway or pedestrian safety.

Other Matters

27. I note the relatively sustainable location of the appeal site and the contribution the proposal would make towards boosting the supply of housing in the area. Whilst these are benefits of importance, they would be modest in their extent. As such, the harm I have identified in respect of the main issues would clearly outweigh the benefits of the proposal.
28. The appellant assert that he has made repeated efforts to work with the Council in bringing the site back into use. However, I have no substantive evidence of such claims. In any event, the performance of the Council, as suggested by the appellant, is not a matter which would outweigh the harm I have identified.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

Jason Whitfield

INSPECTOR