

Appeal Decision

Site visit made on 20 March 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 3rd April 2017

Appeal Ref: APP/R5510/W/16/3165597

Flat 6, 3 Pembroke Road, Ruislip HA4 8NQ

- 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 Mrs Ruth Griffiths against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72253/APP/2016/3630, dated 29 September 2016, was refused by notice dated 9 December 2016.
 - The development proposed is installation of window to balcony area.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host building, and the Ruislip Village Conservation Area; and
 - The effect of the proposal on the living conditions of existing and future occupiers with specific reference to external amenity space.

Reasons

Character and appearance

3. The appeal site, 3 Pembroke Road, is a detached, three storey building situated in Ruislip town centre with offices at the ground floor and residential accommodation above. Flat 6 is a second floor flat situated on the eastern side of the building. It has two front facing dormers and two much smaller windows set either side of an internal covered balcony to the rear.
 4. The surrounding area along High Street is predominately retail on the ground floor with residential and office use above. The appeal site is within an area of mixed character, in terms of both its architecture and the use of buildings and land. King's Lodge, a 6-7 storey flatted development, occupies a prominent position at the southern end of Ruislip High Street. To the east of the appeal site is Pembroke House, a modern and mainly 4-storey building.
 5. The appeal site lies within Character Area 2 'The High Street' of the Ruislip Village Conservation Area. The Ruislip Village Conservation Area Appraisal (CAA) (2010) identifies that the area is predominately two and three storey purpose built parades interspersed with good quality individual buildings and some more recent infill of varied quality. Many of the buildings are well detailed and have quite distinctive decoration which adds to the quality and interest of the streetscape. I consider The CAA to be a fair assessment of the area's special architectural and historic interest.
-

6. In determining this appeal I have had regard to the duty imposed by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 132-134 of the National Planning Policy Framework (the Framework).
7. The existing building is a modern addition to the Conservation Area; however, it broadly reflects the scale and layout of properties facing onto the High Street. The building has a symmetrical layout and is characterised by red brick and plain tiled roof finish. The mansard roof and small dormers on the front and rear of the building are designed to broadly reflect those on the adjacent building. The fenestration is dark grey powder coated windows with lead detail. The two dormers to the rear are unusual in that they contain a semi-enclosed balcony and have no external window allowing views through to the internal window.
8. It is proposed to enclose the balcony area of Flat 6 by installing an anthracite grey aluminium bi-fold window. The windows would be metal consistent with the existing windows. The windows would also have three panes with a vertical emphasis reflecting the dormer windows to the front. However, the panes would not be leaded in contrast to the majority of the existing external fenestration on the property. Furthermore, whilst the lack of fenestration may be unusual the proposal would, nevertheless, unbalance the symmetry of the existing building as the dormer serving Flat 8 would remain open. The appellant suggests that the owner of Flat 8, the 2nd floor flat on the other side of the building wishes to install windows to her balcony, however, there is no planning application and this case is not before me.
9. Consequently, I consider that the proposal would introduce an incongruous feature which would not reflect the fenestration pattern of the existing building and would result in the symmetry of the existing fenestration being unbalanced to the detriment of the character and appearance of the host property.
10. Furthermore, views of the proposal would be highly visible from Brick Lane and the proposal would, therefore, detract from the character and appearance of the Conservation Area. Whilst the scheme may have some benefits for the occupier in terms of providing a more sheltered space and although the harm may be less than substantial the public benefits of the proposal would not outweigh the harm which I have identified.
11. For the reasons stated, I conclude that the proposal would harm the character and appearance of the host building. The proposal would also fail to preserve and enhance the character and appearance of the Conservation Area to which I am required to have special regard and attention and to which the courts judge I am required to give considerable importance and weight.
12. The proposal would, therefore, be contrary to saved Policy BE4 of the Council's Unitary Development Plan (UDP) (1998) which states that new development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities. In addition, the proposal is contrary to saved Policy BE13 of the UDP which states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene. There is also conflict with saved Policy BE15 which states that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.
13. Furthermore, conflict arises with saved Policy BE19 of the UDP which seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Moreover, conflict arises with the Hillingdon

Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions 2008 which requires materials to match or complement the existing materials. Finally, the proposal would conflict with paragraph 134 of the Framework.

External Amenity Space

14. Saved Policy BE23 of the UDP states that new residential buildings or extensions should provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings, and which is useable in terms of its shape and siting.
15. Paragraph 4.17 of the Council's Hillingdon Design and Accessibility Statement New Residential Layouts Supplementary Planning Document (SPD) states that developments should incorporate usable, attractively laid out and conveniently located garden space in relation to the flats they serve. According to the SPD one bedroom studios/flats should provide 20m² shared amenity space per flat.
16. Paragraph 4.18 goes on to say that balconies should be provided wherever possible for upper floor flats. Where useable balconies or private garden space has been provided for individual units, the floorspace can be deducted from the calculation of outdoor amenity space. Garden space and patios are a preference and should be accommodated where possible except where the physical limitations of the site prevent this and other forms of amenity space are suitable. Exceptions to garden area requirements will only apply in special circumstances such as the provision of small non-family housing. Even in these cases, care should be taken to provide some useable and reasonable private outdoor amenity space, perhaps in the form of balconies. I note that the flats do not benefit from shared garden amenity space. The provision in the approved planning permission for the flats was deemed to meet this exception criterion by way of the provision of balconies.
17. Although the proposed bi-fold doors would be fully opening, the balcony would, nevertheless, be enclosed for a significant proportion of time and would not, therefore, meet the requirement for external amenity space set out in Policy BE23 of the UDP or in the SPD. Although the appellant's preference may be for the balcony to be enclosed in order to provide a more sheltered space, I must also consider the needs of future occupiers. Furthermore, whilst the appellant states that they intend to retain the balcony in use as such, there is no mechanism before me to ensure that this remains the case.
18. For the reasons stated, I conclude that the proposal would harm the living conditions of existing and future occupiers by virtue of a lack of external amenity space and would, therefore, be contrary to Policy BE1 of the Hillingdon Local Plan: Part One-Strategic Policies 2012 which states that all new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area. Furthermore, conflict also arises with saved Policy BE23 of the UDP and the SPD.

Conclusion

19. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector