
Appeal Decisions

Site visit made on 21 March 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 21st April 2017

Appeal No. 1: Appeal Ref: APP/R5510/W/16/3162616
10-11 High Street, , Uxbridge, Hillingdon UB8 1JN

- 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 Mr Raffi Haytayan, Lama Ltd t/a Lamatex, against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 9171/APP/2016/1827, dated 25 May 2017, was refused by notice dated 21 October 2016.
 - The development proposed is conversion of roof space to accommodate two studio apartments above existing planning permission for change of use of existing office building to create four 1 bed apartments.
-

Appeal No. 2: Appeal Ref: APP/R5510/Y/16/3163226
10-11 High Street, Hillingdon, Uxbridge UB8 1JN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Raffi Haytayan, Lama Ltd t/a Lamatex against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 9171/APP/2016/1828, dated 25 May 2017, was refused by notice dated 21 October 2016.
 - The works proposed are conversion of roof space to accommodate two studio apartments above existing planning permission for change of use of existing office building to create four 1 bed apartments.
-

Decisions

Appeal No. 1: Appeal Ref: APP/R5510/W/16/3162616

1. The appeal is dismissed.

Appeal No. 2: Appeal Ref: APP/R5510/Y/16/3163226

2. The appeal is dismissed.

Main Issues

3. These are in respect of both appeals a) whether the proposed works and development would preserve the Grade II listed building known as 10-11 High Street, Uxbridge (listed as High Street (south west side Uxbridge No 10, No 11)) and b) whether they would preserve the character and appearance of the Old Uxbridge/ Windsor Street Conservation Area.

4. In respect of Appeal No.1 a further main issue is whether or not the proposed development would provide a satisfactory standard of accommodation with specific regard to the size of the units proposed and thus its effect on the living conditions of future occupiers.

Reasons

Significance and context

5. No. 10-11 High Street comprises a three storey three bay fronted building facing the High Street. The commercial ground floor frontage retains some traditional shop window carpentry, though other elements are of modern date. Above the elevation is of London stock brick terminated by a coped parapet, which looks to have been rebuilt. The six window openings accommodate 8X8 sliding sash windows beneath flat gauged brick heads. The windows for the most part appear to be replacements, though of sound condition and appropriate detailing.
6. Behind the parapet there is a single pitched slate clad roof of shallow pitch. Photographic evidence and from what I was able to see from the access hatch on the second floor indicate that much of the roof structure is modern (perhaps also reflecting the work to the parapet) although there did appear to be some older pit-sawn timbers in-situ, suggesting some other elements of the structure may be of some age. As both parties acknowledge, much of the interior of the property is modern, with little of the former historic finishes surviving.
7. The special interest and significance of the listed building is therefore most evidently expressed in its plain though well-proportioned neo-classical elevation governed by the strong definition of the parapet and the symmetry of the fenestration and shop frontages below.
8. The appeal property is located on the southern side of the High Street, itself set within the Old Uxbridge/ Windsor Street Conservation Area, which defines the historic core of the former market town. 10-11 High Street are also identified on the list description as having Group Value (GV). This designation remains justified as the collection of listed buildings in the vicinity still tangibly tell the architectural story of the settlement, from the timber framed C16 Public House to the west, the other early C19 commercial buildings along the street and the market Hall, and imposing highly graded structure marking the heart of the former trading settlement. Together with later buildings, notably the metropolitan line terminus and secondary historic buildings forming the built fabric of the centre of the settlement, despite modern interventions, some of substantial scale, still expresses a strong local character and identity, to which the appeal property contributes positively.

The proposals

9. The proposals seek the provision of two studio flats through the creation of an additional attic storey to the building. This is proposed to be achieved through the addition of two terrace areas behind the parapet with a setback curved glass and aluminium framed enclosure to the front elevation and lightly pitched roof structure and more orthodox rear mansard-like structure behind incorporating two dormer windows. This would necessitate the complete removal of the existing roof structure.

Effect on the special interest of the building

10. It is the case that the existing roof structure incorporates significant elements of new carpentry. However, other elements look to be of greater vintage, and may point to a greater survival than currently perceived. In the absence of a more detailed evaluation it is not possible to say with any confidence that the removal of all the current structure would not result in a loss of historic fabric contributing to the special architectural interest of the building. In such circumstances the desirability of preserving the listed building or any features of interest that it possesses should reasonably prevail.
11. Moreover, the survival of elements of historic roof carpentry also points convincingly to the integrity of the existing roof pitch, which, whilst quite shallow, continues to ensure the complete visual subservience of the roof to the leading edge of the parapet and thus the neo-classically proportioned elevation to the street.
12. The proposals would, in my judgement, breach this architectural convention, with the superstructure of the proposed extension clearly apparent in views from the street. This degree of harm would be significantly compounded by the incongruous curved form of the structure and the overtly contemporary materials used in its construction, with the curved profile of the structure emphasised by their reflective qualities.
13. Such an outcome, in conjunction with the potential loss of fabric identified above, would cause significant harm to the special interest of the listed building, so failing to preserve it, contrary to the expectations of the Act, the desirability of which has been affirmed by the Courts as a matter of considerable importance and weight for the decision maker to measure in the planning balance. For the same reasons the proposals would be contrary to the expectations of paragraph 132 of the National Planning Policy Framework (the Framework), which anticipates great weight being given to the conservation of designated heritage assets. Again for the same reasons they would also conflict with local development plan policies that seek to underpin these national statutory and policy objectives.
14. Paragraphs 133 and 134 of the Framework require the decision maker, having identified harm to the designated heritage asset, to establish the magnitude of that harm, and weigh it against any public benefits the proposals might bring. In my judgement, given that the special interest and so significance of the listed building is most evidently expressed in the proportion, treatment and detailing of its front façade, I would judge the degree of harm caused to the building as substantial.
15. I do however recognise that the provision of two further units of residential accommodation in a highly sustainable location can rightly be considered a public benefit which, though modest in the greater scheme of things, may still be judged to weigh moderately in favour of the proposals. However, the substantial harm identified, in conjunction with the considerable importance and weight I give to the desirability of preserving the listed building clearly and demonstrably outweighs these modest public benefits.

Effect on the character and appearance of the conservation area

16. For the same reasons identified above, augmented by the incongruous presence the proposals would have in the street scene, clearly apparent in views juxtaposed with the other listed and historic buildings of the High Street, the proposals would fail to preserve the character and appearance of the conservation area. This would conflict with the requirements of section 72 of the Act which anticipates the preservation of both, it would conflict with the expectations of paragraph 132 of the Framework and again with development plan policy that seeks to underpin these national statutory and policy objectives.
17. Whilst the magnitude of this harm, in the context of the conservation areas as a whole, may rightly be considered less than substantial, this judgement should not be equated with less than substantial planning objection, particularly where the statutory objectives of the Act have not been met. Once again, though the provision of two units of accommodation may be considered a public benefit, this is still significantly outweighed by the harm identified to the designated heritage asset.
18. I note the appellant's reference to certain works to the Market House, specifically the enclosure of part of the arcade. However, the weight to be apportioned these works must necessarily be limited. No details of the circumstances are given, and in any event they are clearly quite different in scope and effect in relation to those before me.

Standard of accommodation and effect on living conditions

19. Both units are indicated by the appellant to have a floor area of 33.13sqm and 33.66sqm respectively. They further advise that this accords with the 'Hillingdon Local Plan; Part Two-Saved UDP Policies (November 2012)'. However, the actual policies themselves are not identified, only a reference to a 'recommended floor space standard relating to studio units of 33sqm'.
20. In the absence of the explicit policy this assertion may be afforded only very limited weight. However, even if this were to be the saved policy position, those policies of the London Plan (2016) (specifically Policy 3.3 Quality and Design of Housing Developments) are more recent, and garner greater weight accordingly. Moreover the London Plan policy, in Table 3.3, makes clear reference to 'person bedspaces'. Such units ('Flats') are indicated as requiring a minimum floor area of 37sqm. As a 'studio' flat clearly equates to a one person bedspace unit, both proposed units are in breach of this policy requirement and thus are in conflict with policy 3.5 of the London Plan (2016), which seeks to ensure adequate standards of future occupants of residential development.
21. For the reasons given above therefore, and having considered all matters raised in evidence, I conclude that both the appeals should be dismissed.

David Morgan

Inspector