
Appeal Decision

Site visit made on 4 May 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/R5510/W/17/3168112

81 Field End Road, Ruislip HA5 1TD

- 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 Simon Patnick, County Homes Herts Ltd, against the Council of the London Borough of Hillingdon.
 - The application Ref 363/APP/2016/3965, is dated 28 October 2016.
 - The development proposed is demolition of existing doctor's surgery, construction of new three storey (plus basement level parking) mixed use development comprising of residential apartments, a doctor's surgery and a pharmacy.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing doctor's surgery, construction of new three storey (plus basement level parking) mixed use development comprising of residential apartments, a doctor's surgery and a pharmacy at 81 Field End Road, Ruislip HA5 1TD in accordance with the terms of the planning application Ref 363/APP/2016/3965 dated 28 October 2016 and subject to the conditions below.

Procedural Matter

2. Although the Council did not reach a formal decision on this application, it has nonetheless since indicated its putative reasons for refusal. These are firstly that the building would harm the character and appearance of the area; secondly that it would harm the living conditions of nearby residents and thirdly the lack of sufficient information provided regarding surface water run-off and flood risk.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area including the setting of nearby listed buildings; ii) the living conditions of nearby residents with particular regard to outlook from the adjacent property, Walsh Lodge and iii) drainage and flood risk in the locality.

Reasons

Character and Appearance

4. It was apparent from my visit that the appeal site, at the junction of Field End Road and Deane Croft Road, marks a transition point between different
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character areas. Along Deane Croft Road, relatively uniform lines of traditional semi-detached dwellings predominate. On the opposite side of Field End Road, to the north of the site, there are large buildings in spacious and verdant grounds, set back from the highway. To the south along Field End Road, are the two and three storey terraces of buildings which accommodate the mixed uses of the nearby Eastcote town centre.

5. The existing surgery is a small, single storey building of functional appearance. Despite the spacious setting, its prominent position, limited scale and basic form make it appear incongruous with its surroundings. The proposed development would be significantly greater in scale and would occupy a substantial part of the spacious grounds. Though the sense of spaciousness around the street corner would be reduced, the irregular boundary of the site means that the proposed north-west elevation of the building would be aligned progressively further away from Field End Road, thus establishing a significant buffer of open space between it and the highway. In combination with the retention of several mature trees in this location, this would serve to soften the visual impact of the building whilst respecting the spacious feel to Field End Road and the setting of the adjacent Eastcote War memorial. This is therefore a preferable design solution to one of the elevation forming a strong active frontage with the highway.
6. Although the proposal would be sited forward of the neighbouring property, Walsh Lodge, revealing part of its more functionally designed side east elevation, the proposed structure would, notwithstanding the recessed stair well housing, be broadly consistent with the height of that building. It would also respect the predominant building line eastwards along Deane Croft Road. The incorporation of the second floor accommodation within the sloped edges of a mansard roof would serve to break up the continuity of brickwork and the overall mass of the building thus softening its visual impact. Furthermore the scale of the building would sit comfortably in the context of the terraces that form the town centre buildings immediately to the south of the site.
7. Whilst I acknowledge that mansard roofs, including the incorporation of external roof terrace areas as in this case, are not a prevalent design feature within the surrounding area, there is considerable variation in architecture within the immediate vicinity of the site. Given this context, the proposed development would not therefore interrupt any strong sense of uniformity along the street scene but rather would reinforce a sense of transition between the residential area and Eastcote town centre, whilst remaining proportionate to the site area. Whilst part of the south facing elevation of the pharmacy would be blank brickwork, this would constitute a very small portion of the south elevation of the building. Overall the south elevation would incorporate significant fenestration therefore presenting a strong active frontage.
8. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the setting of the buildings known as Field End Farmhouse and the Barn to the South of Field End Farmhouse which are both Grade II listed buildings. It seems to me that the special interest of these buildings derives from their age, form and appearance. The elements of setting that contribute to their significance include their extensive frontages and relationship with the street. The appeal site is substantially separated from these properties and whilst there is some inter-visibility between the sites, I consider that the appeal site

contributes little, if anything, to the significance of their setting and there would be no harm in this regard.

9. It has been drawn to my attention that a previous alternative proposed development for the site was dismissed by the Inspector on grounds that included character and appearance¹. I have been presented with limited information in relation to that case, however it appears that proposal would have incorporated a flat roof, a more prominent forward projecting element and would have been sited closer to Walsh Lodge. It seems to me that the proposal in that case would therefore have differed significantly from the building subject to the current appeal. I acknowledge that the previous Inspector identified the sense of spaciousness around the site to be an important characteristic of the locality. I concur with this assessment, however for the above reasons conclude, on balance, that the development would not appear intrusive and result in harm to the character and appearance of the area including the setting of nearby listed buildings.
10. It would therefore accord with Policy BE1 of the Hillingdon Local Plan Part One - Strategic Policies 2012 (SP); Policies BE13 and BE19 of the Hillingdon Local Plan Part Two - Saved Unitary Development Plan Policies 2012 (UDP) and the Council's Design and Accessibility Statement Supplementary Planning Document Residential Layouts 2006 (SPD) insofar as they seek to promote good design that protects local character, harmonises with its surroundings and conserves local heritage assets. Policy BE15 of the UDP is not relevant in this case as this relates to alterations and extensions to existing buildings.

Living Conditions

11. There is no dispute between the appellant and Council that the windows on the side elevation of Walsh Lodge do not serve habitable rooms, with the Council conceding that the rear most of these windows relates to a small kitchen area. Similarly, I have no reason to take the view that the rooms in question would serve areas of the property in which residents are likely to be inclined to spend significant amounts of time. Accordingly whilst the scale and proximity of the proposed building would be likely to adversely affect outlook from and the level of natural light entering the windows in question, I am not persuaded that this would result in any significant harm to the living conditions of residents.
12. The impact on the residential amenities of Walsh Lodge was identified by the Council as a reason for refusal due to the extension of the development beyond front and rear building lines of that property. However, somewhat surprisingly, the officer report makes the contradictory statement that the scheme no longer warrants refusal based on residential amenity impact.
13. From my visit and the information before me it was apparent that the proposed building would be sufficiently separated or angled away from other properties including Walsh Lodge, not to result in harm to light, privacy or outlook in relation to habitable rooms.
14. I conclude that the proposal would not result in harm to the living conditions of nearby residents and accordingly would not conflict with Policies BE21, BE22 and BE24 of the UDP and the SPD which seek to secure this objective.

¹ Appeal reference APP/R5510/W/16/3143034

Drainage and Flood Risk

15. I am aware that the Inspector considering the previous alternative scheme for the site judged that it would be feasible to require any necessary flood attenuation measures through the imposition of an appropriate planning condition. This has not been disputed by the Council and it is therefore again surprising that this was one of the Council's grounds for refusing planning permission.
16. I have not been presented with any evidence that would lead me to disagree with the approach of the previous Inspector. I conclude that subject to appropriate conditions, the development would not have an adverse effect on drainage capability and flood risk. I find no conflict with Policies EM6 of the SP, OE8 of the UDP and Policy 5.12 in the London Plan insofar as they seek to minimise flood risk and promote sustainable drainage.

Other Matters

17. There have been a number of further objections to the scheme from third parties. Regarding parking provision and highway safety, I note that there is no objection from the Council's Highway Authority in this regard and the site would be easily accessible in relation to the town centre where further parking is available. In the context of the built up surroundings the relatively limited scale of development would have a negligible impact in terms of additional traffic noise. Whilst I note that the pharmacy would be located outside the town centre, it would be well related to the surgery as an ancillary development and easily accessible from the adjacent town centre. The question of whether a pharmacy would be viable in light of existing provision in the area would be a matter for the developer.
18. The proximity of existing trees to apartment windows in the north-west elevation of the building would hinder outlook for future occupiers to a degree. However, since those residents would be in a position to choose whether they wished to occupy the property under these circumstances and also that the Council would be able to exercise control over the trees in question, this is not considered to be a significant issue.
19. In terms of concerns raised about the provision of external amenity space in the form of roof terraces, I have not been provided with any information to suggest that this would conflict with policy either in terms of quantity or quality of provision.
20. I note that concern has been raised that third parties supporting the scheme do not live in the immediate area and also that the relevant petition does not relate to the current proposal. The claim that the development will enable an increased range of medical services to be provided has also been challenged. For clarification, these factors have not influenced my decision which is substantially based on my findings on the main issues covered above.

Conditions

21. Conditions specifying the plans and requiring details of the external materials, boundary treatments and tree protection are needed to safeguard the character and appearance of the area.

22. A condition controlling the details and completion of the access ramp are required in the interests of highway safety. A condition requiring drainage details is required to ensure the satisfactory drainage of the site and resistance to flooding. Details of cycle and bin storage and the sound insulation of the building are required in the interests of the living conditions of future occupiers.
23. I have made minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.

Conclusion

24. For the above reasons and having had regard to all other points made, the appeal is allowed and planning permission is granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 239:00; 239:01 Rev C; 239:02 Rev B; 239:03 Rev A; 239:04 Rev B; 239:05 Rev A; 239:06 Rev B; 239:07 Rev A; 239:08 Rev A; 239:11 Rev D; 239:12 Rev B; 239:21 Rev A; 239:22 Rev A.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The building shall be constructed so as to provide sound insulation against internally generated noise in accordance with details to be previously agreed in writing with the local planning authority. The sound insulation works shall be completed before the use of the building begins and retained thereafter.
- 5) The development shall not be occupied until cycle storage space has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed cycle storage space shall be retained thereafter.
- 6) The development shall not be occupied until storage space for refuse and recycling materials has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed storage space shall be retained thereafter.
- 7) The development shall not be occupied until boundary treatments, including the railings at roof top level, have been constructed in accordance with details to be previously agreed in writing by the local

planning authority. The agreed boundary treatments shall be retained thereafter.

- 8) The development hereby permitted shall not be occupied until surface water drainage works, including works to prevent the basement area of the building from flooding, shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]
- 10) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The land within the fenced areas shall not be altered without the prior written consent of the local planning authority.
- 11) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner, without the prior written approval of the local planning authority.
- 12) No development shall commence until details of the means of vehicle control and gradient in relation to the access ramp have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, completed before the development is first occupied and thereafter retained.