



Appeal Decision

Site visit made on 27 June 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 25 July 2017

Appeal Ref: APP/R5510/W/17/3173139
178-182 High Street, Ruislip HA4 8LW

- 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 Jon Quilter against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 28388/APP/2016/3332, dated 3 September 2016, was refused by notice dated 20 January 2017.
 - The development proposed is described as the change of use of upper floors from Class A1 Retail to Class C3 Residential to form 6 x 2 bedroom and 3 x 1 bedroom self-contained flats involving first and second floor rear extensions, glazed balustrades to form private/communal terraces to rear, external alterations and refuse bin and cycle storage.
-

Decision

1. The appeal is allowed and planning permission is granted for a first and second floor extension, conversion of roof space to habitable use to include 3 x front dormers, 4 x side dormers and change of use from Use Class A1 (Retail) to Use Class C3 (Residential) to create 6 x 2 bed and 3 x 1 bed self-contained flats, balustrade to rear to form communal terrace and alteration to bin/cycle storage at 178-182 High Street, Ruislip HA4 8LW in accordance with the terms of application Ref 28388/APP/2016/3332, dated 3 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issues are:
 - Whether the proposed development would preserve the character and appearance of the Ruislip Village Conservation Area.
 - Whether the proposed development would provide adequate living conditions for the future occupiers with particular regard to outlook and light.

Procedural Matters

3. The Council changed the description of application Ref 28388/APP/2016/3332 from that contained on the application form to 'first and second floor extension, conversion of roof space to habitable use to include 3 x front dormers, 4 x side dormers and change of use from Use Class A1 (Retail) to Use Class C3 (Residential) to create 6 x 2 bed and 3 x 1 bed self-contained flats, balustrade to rear to form communal terrace and alteration to bin/cycle storage'. This is a

more accurate description of the development proposed which I have therefore used in this decision.

4. The appellant has submitted plans showing revisions to the proposed elevations and Floor Plan (Plan Refs 15/3369A/13 Rev A and 15/3369A/14 Rev A). These plans were not considered by the Council in its determination of the application. These revisions provide for the removal of the balcony at Flat 4 (second floor) on the Princess Lane (rear) elevation of the building, and its replacement with a Juliete Balcony; the provision of a roof light to Bedroom 2 of Flat 8 (third floor) on the Ruislip High Street elevation; an increase in the window size to the lounge of Flat 8 (third floor) on the Princess Lane elevation. These proposed revisions constitute minor amendments to the scheme which have no material impact on the overall appearance of the proposed development. I have therefore taken these minor revisions into account in the determination of this appeal.

Reasons

Character and appearance

5. The appeal property comprises a part two/three storey building forming the end of a terraced row of retail and commercial premises and located on a prominent corner plot at the four-way junction of High Street with Kingsend. The building has a three storey height fronting onto High Street with a recessed pitched roof behind a parapet which steps down to two storeys with a flat roof along the southern elevation fronting Kingsend.
6. The appellant indicates that all three floors of the building are currently in use as a furniture shop. However, planning permission was granted in 2015 for the change of use of the first and second floors to Use Class C3 to form six self-contained flats including a first floor rear extension (Ref 28388/APP/2015/3834).
7. The property is located within the Ruislip Village Conservation Area with Kingsend comprising predominantly of two storey residential properties with the retail and commercial properties on High Street being two and three storey in height. Diametrically opposite the appeal property is an eight storey apartment block, King's Lodge, which, due to its scale, mass and height, is extremely dominant in views in the vicinity of the junction of High Street with Kingsend. This apartment block is located just outside of the Conservation Area. However, its dominant presence and proximity to the Conservation Area sets part of the visual context for the consideration of the appeal scheme.
8. The proposals would involve an extension of the building at second floor level such that the floor area of the second floor would be commensurate with the floor below. A roof extension is also proposed which would be set behind the extended parapet and include the provision of dormer windows on the High Street, Princess Lane and Kingsend elevations. The new roof would not exceed the maximum height of the existing pitched roof. The ground floor would be retained in retail use with the extended upper floors being converted to nine flats. Fenestration and materials would be broadly commensurate with that of the existing building.
9. Other than the provision of dormers within the existing roof slope, there would be little noticeable change in the appearance of the extended building in views

from High Street. Owing to the existing parapet, views of the proposed dormers would be restricted. Consequently, the proposed development would preserve the character and appearance of the Conservation Area in the context of the appearance of the building in views along High Street.

10. The main visual impact of the proposed development would be in views of the rear of the building from Princess Lane and of the side elevation facing Kingsend. I agree with the appellant that the current building performs the function of providing a step change between the commercial and retail uses on High Street and the residential uses on Kingsend. I also agree that in edge of town centre locations it is not uncommon for there to be a difference in height between retail and commercial buildings and adjacent residential buildings.
11. There is a distinct difference in the appearance of this part of the Conservation Area between the two storey residential properties to the west of Princess Lane and the properties fronting High Street to the east, including the appeal building. Although the current building is stepped in height it is relatively bulky in appearance and already appears larger and higher than neighbouring buildings on Kingsend. Its design as a purpose built retail premise contributes to the change in appearance between the commercial and residential areas. However, the step down between the second and first floor with a flat roof does result in the current appearance of a building which the rear elements appear unfinished and which contrasts with scale and features of the front.
12. The proposed extension would harmonise with the key architectural features of the existing building. It would result in a building that would be integrated in appearance, more balanced in scale and more complete in form and would further define its role as part of the step change between the residential and commercial parts of the Conservation Area. Moreover, given the relative spacious nature of its corner position to the east of Princess Way and the scale and bulk of the existing building, an extension of the scale proposed is capable of being absorbed into its surroundings without resulting in a bulky, dominant or incongruous appearance in the context of the street scene. As such, the proposed development would not cause demonstrable harm to the character and appearance of the area.
13. Views of the approach to the junction with High Street from Kingsend are currently dominated by the scale of the Kings Lodge development on the opposite side of the junction. As such, in the context of the scale and appearance of development in the vicinity of the junction, the proposed extended building would not appear overly dominant or out of place. It would make a positive contribution to this part of the Conservation Area by providing some balance in the scale of development on either side of the junction. Within this context it would not appear prominent in the skyline.
14. For these reasons, the proposed development would preserve the character and appearance of the Conservation Area as a whole in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with paragraphs 131 and 132 of the National Planning Policy Framework. As a result there would be no conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (2012) or Saved Policies BE4, BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan – Saved Policies (2007) (UDP). These policies, amongst other things, require that development should complement the character of an area, should harmonise

with the street scene and the scale, form and architectural composition and proportions of existing buildings. Furthermore, development within Conservation Areas should preserve or enhance those features which contribute to their special architectural and visual qualities.

Living conditions

15. The Council's concerns relate to the fact that the windows in the habitable rooms of Flats 1 and 4 would be close to the side wall of the rear projection which would result in there not being a 45 degree line of sight from these windows with a consequence that light and outlook would be compromised.
16. In order to consider the effect of the proposed development on the daylight and sunlight received at the windows of all of the proposed flats, the appellant has provided a Daylight and Sunlight Report. This accords with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and British Standard BS8206 (Part 2) which I accept, in the absence of any other planning policy guidance, is an established document to consider the impact of new development on daylight and sunlight. Consequently, I have attached significant weight to this report.
17. The report identifies that the method for assessing internal daylight is the 'Average Daylight Factor (ADF) which is a measure of the daylight expressed as a ratio of daylight for a room as a proportion of the daylight outside at any moment in time and takes into account the area of windows. The ADF for a living room should be 1.5% (i.e. the room should enjoy a minimum of 1.5% of the average external daylight at any moment in time) whilst that for a bedroom and kitchen should be in excess of 1% and 2% respectively.
18. The report concludes that 20 of the 24 proposed habitable rooms meet the recommended levels of ADF for their room which includes the windows in Flat 4. The report identifies that the light to the window serving the proposed living/kitchen area of Flat 1 would be compromised by a proposed balcony serving Flat 4 which would overhang the window and thereby result in shade. This balcony is shown to be replaced on the revised plan (Plan Ref 15/3369A/14 Rev A) by a Juliete Balcony. Although no further calculation of the ADF has been provided that considers the effect of this change, the revised plan shows the removal of the identified structure that causes some constraint to daylight.
19. Although not identified by the Council in its reasons for refusal, the proposed increases in window sizes and provision of rooflights in the rooms of Flat 8, as also show on the revised plan, are in response to the findings of the Daylight and Sunlight Report.
20. Taking into account the findings of the report I conclude that Flat 4 would receive adequate daylight. The provision of the Juliete Balcony to serve Flat 4 would increase the daylight available to the window serving the living/kitchen area of Flat 1. Although I have no evidence to confirm the consequence of this change would mean that the light received at this window would meet the required ADF, I nonetheless consider that any reduction in light to this window would not be of an extent to warrant the dismissal of this appeal.
21. The presence of the side wall of the rear projection facing Princess Lane would compromise oblique views to the south from the windows serving the

living/kitchen area of Flats 1 and 4. However, these windows are quite sizeable and incorporate French Doors. Views to the west would be uninterrupted. Although, there would be some reduction in outlook, given the size of these windows and the availability of outlook to the west, I do not consider that the development would result in an oppressive environment for the future occupiers of the Flats 1 and 4. Nor would it result in a significant loss of outlook of an extent that would cause demonstrable harm to living conditions.

22. Taking the above factors into account, the proposal would provide adequate living conditions for the future occupiers. Consequently, there would be no conflict with Saved Policies BE19, BE20 and BE21 of the UDP or Policies 3.5 and 5.3 of the London Plan. These policies, amongst other things, require that development should be designed so that adequate daylight and sunlight can penetrate into them, should not result in a loss of residential amenity and should be designed to be comfortable for their users.

Other matters

23. I have taken into account the concerns of interested parties regarding the lack of parking provision within the site and the likelihood of increased demand for on-street parking. Although, this issue was not identified by the Council as a reason for the refusal of planning permission, the site is located in an area located close to the rail and bus facilities. It has a Public Transport Accessibility Level (PTAL) of 4 which is defined as having good access to public transport availability. In addition, the Council Highways Officer identified that the previous application for six flats (Ref 28388/APP/2015/3834) was supported by a Parking Survey that demonstrated that there were small amounts of available on-street car parking in the area to accommodate any car trips from the development. Taking these factors into account, and the modest increase in the number of flats from the scheme approved in 2015, I do not consider that the proposal would result in a demand for on-street car parking of an extent that would unacceptably compromise highway safety.
24. Although the proposal does not provide for the required 200sq m of private amenity space as indicated in the adopted Hillingdon Design and Accessibility Statement Supplementary Planning Document - Residential Extensions (2008) (HDAS), it is in a town centre location with a number of Parks and open spaces being within walking distance. Given the accessibility to public amenity areas, the lack of private amenity space within this town centre site would be not be a sufficient reason to dismiss this appeal on those grounds.

Conditions

25. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. As a result, I have amended some of them for clarity and to minimise the use of pre-commencement conditions.
26. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area conditions are necessary relating to the external finishes of the development and boundary treatment.

27. In order to ensure that adequate storage provision is made for waste and recycling bins and in order to protect the character and appearance of the area a condition is necessary relating to the details and provision of a screened refuse bins storage area. Given that the scheme involves the conversion of an existing retail building, in order to protect the living conditions of the future occupiers from noise being transmitted between the floors of the building, a condition is necessary relating to the provision of sound insulation.
28. Finally, in order to encourage the use of sustainable modes of transport other than the motor car, a condition is necessary requiring the submission of details and provision of a covered cycle storage area.

Conclusion

29. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 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: Site Location Plan 691/001; Existing Floor Plans Drawing No 15/3369/10; Existing Elevations Drawing No 15/3369/11; Proposed Floor Plan Drawing No 15/3369A/13 Rev A; Proposed Elevations Drawing No 15/3369A/14 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the occupation of the development a screened facility for the storage of refuse bins shall be provided in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The screened facility for the storage of refuse bins shall thereafter be permanently retained.
- 5) The conversion and extension works permitted shall provide for sound proofing between each floors in accordance with a sound proofing scheme, the design and details of which shall be certified, or be produced to the certifiable standards, by the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), which shall have be submitted to and approved in writing by the Local Planning Authority prior to its installation. Prior to the occupation of the development the sound proofing scheme shall have been provided in accordance with the approved details and shall thereafter be retained.
- 6) Prior to the occupation of the development a covered and secure cycle storage facility shall be provided in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle storage facility shall thereafter be permanently retained.
- 7) A detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is occupied.