
Appeal Decision

Site visit made on 31 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/R5510/W/17/3173994

Alexander House, 106 Pembroke Road, Ruislip, Middlesex HA4 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Sixis Group against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10744/APP/2016/3615, dated 28 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is change of use of the existing office building into twenty-three self-contained residential units and provision of thirteen onsite car parking spaces.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use of the existing office building into twenty-three self-contained residential units and provision of thirteen onsite car parking spaces at Alexander House, 106 Pembroke Road, Ruislip, Middlesex HA4 8NW in accordance with the terms of the application Ref 10744/APP/2016/3615, dated 28 September 2016, and the plans submitted with it, subject to the conditions in Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a) of the GPDO, as follows:
 - Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date;
 - The development must be carried out where prior approval is required, in accordance with the details approved by the local planning authority;and the following additional conditions:
 - 1) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. C244-51 PROPOSED FLOOR PLANS (Rev B) for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 2) No dwelling shall be occupied until details of the covered and secure storage for 23 bicycles shown on drawing no. C244-51 PROPOSED FLOOR PLANS (Rev B) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until bicycle

storage in line with the approved details has been installed and that space shall thereafter be kept available for the parking of bicycles.

- 3) No dwelling shall be occupied until details of facilities to be provided for the screened storage of refuse bins have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

Procedural Matter

2. In the interests of clarity, the description of development given within the banner heading above is a truncated version of that given within the planning application form¹.

Background and Main Issues

3. Schedule 2, Part 3, Paragraph O of the GPDO establishes, subject to certain criteria, a permitted development right to change the use of office buildings to residential uses. The Council disputes that the proposed development would constitute permitted development for the purposes of the GPDO. Accordingly, whether the appeal scheme would constitute permitted development is the first main issue in this case.
4. The permitted development right arising from paragraph O of the GPDO is subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to, amongst other things², the transport and highways impacts of the development. As the Council's Decision Notice focuses on the adequacy of the parking arrangements for the proposed development, and there is no dispute regarding the other prior approval conditions, I therefore consider, if the appeal scheme does constitute permitted development, that the second main issue is its transport and highways impacts.

Reasons

Site, surroundings and appeal scheme

5. The appeal site comprises a three-storey office building, and its associated car parking set close to a cross roads, in an area with a mix of commercial, residential and community uses. Of a modern character, the appeal building is flat-roofed, its principal road-facing element is faced in extensive areas of glazing, with brick flank walls proud of the roof level, and a parapet of short railings along the roof at the front. The building extends to a considerable depth behind this broadly square street-facing element and is faced in a mixture of brick and render. The building is located next to the Grade II listed Former Air Raid Precautions Building, Windmill Hall: a reinforced concrete structure faced in wire-cut bricks laid in an English bond pattern, L-shaped on

¹ Which reads: "Change of use of the existing office building into twenty-three self-contained residential units. Provision of thirteen on-site car parking space. See covering letter describing the proposal and impacts on transport, highways, flood risk and noise from surrounding commercial premises. See attached Parking Stress Survey."

² Which are: contamination risks on the site; flooding risks on the site; and impacts of noise from commercial premises on the intended occupiers of the development.

plan and squat in form. The appeal scheme is as described in the banner heading.

Permitted Development

6. Paragraph O.1 (f) establishes that development is not permitted by Class O if the building is a listed building or is within the curtilage of a listed building. The red edge site boundary on the submitted Site Location Plan³ is drawn tightly around the listed Windmill Hall to take in the adjacent car parking and accesses associated with the appeal building.
7. Submitted conveyancing details of the appeal property and Windmill Hall establishes, for the lifetime of the buildings from the 1930s up until 1994 that they were in separate ownerships. Moreover, the original conveyance of the appeal site predated that of the Windmill Hall site by some 5 years. Furthermore, the listed building entry establishes that Windmill Hall was constructed in 1941, whilst according to historic mapping of the area, the appeal building appears to have been constructed sometime after 1960. Whilst the HM Land Registry Title Plan for Windmill Hall includes the existing and proposed car parking area to its rear, it is drawn tightly along its flank wall, and thus does not include any portions of the appeal building.
8. I have also been supplied with the planning history of the sites. Of most relevance in this instance is the permission⁴ for the extension of the appeal building, which established the parking area adjacent to Windmill Hall in connection with the appeal site. This post-dated the listing of Windmill Hall.
9. Taking these matters together, the separate functions, users and conveyancing history of the appeal building and Windmill Hall established in the evidence submitted by the appellant lead me to the view that the appeal building is neither a listed building, nor a structure within the curtilage of a listed building for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990. In arriving at this view I note also that this was the conclusion reached by the Council as expressed in an e-mail to the appellant⁵ post-dating the decision on the application for prior approval. Accordingly, I conclude that the appeal scheme would therefore constitute permitted development for the purposes of the GPDO.

Transport and Highways

10. The appeal scheme would deliver 23 1-bedroom self-contained flats. On-site car-parking space for 13 cars would be provided, as well as 23 bicycle parking spaces. The appeal site has a good Public Transport Accessibility Level (PTAL) rating of 4, and is close to bus routes and the Ruislip Manor Underground Station.
11. I note Council comments that the proposed development could lead to a demand for 1 car parking space per dwelling. However, taken together the limited size of the proposed dwellings, each containing only one bedroom, the good PTAL rating of the site, and the number of cycle parking spaces that would be provided, lead me to the view that the level of parking demand

³ C244-00 SITE LOCATION PLAN (Rev B)

⁴ Council reference: 10744/APP/2001/724

⁵ Dated 3 April 2017

arising from the proposed development could be more limited than the Council's estimate.

12. Moreover, I am mindful of the appellant's Parking Stress Survey Report⁶, based on the established 'Lambeth Methodology' which found an average of 18 unrestricted car parking spaces in the environs of the site, an average of 11 of which were on Pembroke Road itself. Furthermore, considerable parking space was available on single yellow lines and pay and display car-parks in the area, amongst other more restricted parking areas, and whilst these spaces may not lend themselves to daytime parking they do, however, point to a substantial supply of parking space available overnight.
13. I note comments that the on-site parking spaces are fully occupied on most days by the current users of the appeal building, and that the access to the appeal property's rear yard is also used by servicing vehicles for the neighbouring commercial properties. However, the proposed change of use would merely mean that the rear yard spaces would be occupied by residential rather than commercial occupiers of the appeal building, and this would be unlikely to lead to a material difference in the occupancy of those spaces. As a consequence, I consider that the proposed parking arrangements would not inhibit access for servicing vehicles, or the emergency services, or for the occupants of the upper residential floors of the adjacent block. Neither, given the lack of a material difference in the parking arrangements in the yard would it lead to harmful effects to the living conditions of the occupants of adjacent dwellings. Accordingly, this is a consideration that does not weigh against the proposed development to any material degree in highway and transport terms.
14. Therefore taking these matters together with the results of the survey, the type of accommodation proposed, the appeal scheme's generous levels of cycle parking, and its good PTAL level, I consider that it has not been established that the appeal scheme would lead to a substantial increase in the demand for on-street parking within its environs, and would thus avoid harm to highway and pedestrian safety more generally.
15. Accordingly, mindful of the National Planning Policy Framework⁷ (the Framework) in this regard, I conclude that the proposed development would not result in cumulatively severe transport impacts, and that a safe and suitable access could be achieved. Thus, for the reasons given above, I conclude that the proposed development would not cause significantly harmful transport or highways impacts. The proposed development would thus meet the requirements of the relevant condition of the GPDO in this regard.

Other Matters

16. I note comments regarding the desirability of the appeal building remaining in office use. However, the GPDO establishes that changes of use of this type are permitted development. Consequently, a consideration of this nature is not a relevant criterion on which an application for prior approval can be assessed.
17. The appeal building is a considerable distance from the residential rear windows of the adjacent block of buildings. The long windows on its flank

⁶ Produced by Alpha Parking dated 26 September 2016

⁷ Paragraph W (10) (b) of the GPDO establishes that decision-takers are to have regard to the policies of the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

would serve circulation space. Furthermore, the windows in the appeal building that would serve habitable rooms are orientated at an oblique angle to those within the adjacent block, which would limit the depth and directness of views available from them. Taken together, these factors mean that the degree of mutual overlooking between the habitable rooms of the proposed development and those of the adjacent block would be extremely limited. The proposed development would therefore not lead to a material depletion of the amount of privacy available to the occupants of the appeal building's adjacent block and would thus cause no significant harm to their living conditions.

Conditions

18. Aside from the conditions attached by virtue of Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a) of the GPDO, Paragraph W (13) makes it clear that prior approval can be subject to further conditions reasonably related to the subject matter of the prior approval. Accordingly, I have considered the suggested conditions supplied by the Council in this context and also assessed them against the tests given in paragraph 206 of the Framework. This states that conditions should only be imposed where they are necessary, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where I have attached conditions, I have amended their wording, where necessary in the interests of clarity.
19. As an implementation condition is attached by virtue of the GPDO, I have not found it necessary to attach the standard implementation condition required by the Town and Country Planning Act 1990 (as amended). As the GPDO also attaches a condition related to the approved details I have not attached a separate condition specifying the approved plans.
20. As the proposed development relates to internal changes to an existing building I have not attached the suggested conditions regarding surface water and sewerage arrangements.
21. No new boundary treatments are proposed as part of the development, aside from those related to the secure cycle parking, which is the subject of a distinct condition. It is therefore unnecessary to attach a condition requiring the submission of details of new boundary treatments in this instance.
22. As the proposed development involves the change of use of the existing building, and of its related car-parks to facilitate residential occupancy, I can see no necessity to attach a condition requiring submission of a landscaping scheme to the Council prior to the commencement of development.
23. As the accesses to the site are existing and I have been supplied with no substantive evidence to suggest that the proposed development would result in a material increase in the number of traffic movements associated with the site, I consider it unnecessary to attach a condition regarding the provision of visibility splays.
24. Given that sound insulation measures are covered by the Building Regulations, and given the lack of substantive evidence to the contrary, I consider that a condition requiring the details of a sound proofing scheme is neither relevant to planning nor necessary in this instance.
25. However, as the transport and highways impacts of the proposed development are related to the subject matter of the prior approval, I have attached the

conditions requiring the provision and maintenance of the proposed car parking spaces, and for submission of the details of cycling parking arrangements to the Council for its approval, and that the approved details are implemented prior to first residential occupation of the proposed development. However, I consider it unnecessary to require compliance with these conditions prior to development starting at the site.

26. Whilst I note the appellant's comment that existing refuse arrangements will be used by the proposed development, these are not annotated on plan, and I can find no reference to them in the submitted supporting material. I therefore consider it necessary in the interests of the living conditions of the proposed development's future occupants, and the character and appearance of the site to attach a condition relating to the submission of details of the storage of refuse receptacles to the Council for its approval prior to the first residential occupation of the site. However, I consider it unnecessary to make this condition take effect prior to the commencement of development at the site.

Conclusion

27. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR