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## Appeal Decision

Site visit made on 18 June 2019

**by H Miles BA(hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 July 2019**

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**Appeal Ref: APP/R5510/W/18/3211949**

**The Adam and Eve Public House, 830 Uxbridge Road, Hayes UB4 0RR**

- 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 Yamuna House Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 1078/APP/2017/2926, dated 9 August 2017, was refused by notice dated 29 March 2018.
  - The development proposed is restoration of the Adam and Eve Public House; demolition of the rear later additions to the Public House; proposed change of use of the existing public house with ancillary residential accommodation (Use Class A4) to A1/A2/A3/A4 Use at ground with basement store and residential (Use Class C3) at first floor and construction of a part two and part three storey building at the rear of the site to provide a total of 19 residential units (Use Class C3) with associated basement and surface level car parking, cycle parking, landscaping and associated works.
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### Decision

1. This appeal is dismissed.

### Procedural Matters

2. The appellant has asked that the appeal is determined based on revised drawings which differ from those on which the Council determined the planning application. However, interested parties have not been given the opportunity to comment on them, and as they may be affected by the proposed changes, I have considered and determined the appeal on the basis of the scheme, plans and documents which were before the Council when it made its decision.
3. Following the Council's decision on the application that led to this appeal, a new version of the National Planning Policy Framework (the 2018 Framework) has been published. The main parties had the opportunity to make comments on the bearing of this on the appeal. Whilst there have been further revisions to the Framework contained in the new version published in February 2019 (the revised Framework), no changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment.

### Application for costs

4. An application for costs was made by Yamuna House Ltd against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

## **Main Issues**

5. The main issues are:

- The effect of the proposed development on the character and appearance of the locally listed host building and the surrounding area including whether the proposed development would preserve or enhance the character or appearance of the Hayes Village Conservation Area, with particular reference to the new building at the rear of the site.
- The quality of living conditions for existing occupiers of the adjoining properties and future occupiers of the proposed development in respect of privacy and outlook, and the quality of amenity space for future occupiers.

## **Reasons**

### *Character and Appearance*

6. The site is within the Hayes Village Conservation Area (the Conservation Area) which derives its significance as a whole from its areas of open green space, its historic buildings and pattern of development which includes evidence of the former mediaeval village character of the area as well as its historic association with George Orwell. The Hayes Village Conservation Area Appraisal September 2015 identifies the Adam and Eve public house as forming part of a group of buildings to the north of Uxbridge Road which have a relationship with this ancient thoroughfare and also help to terminate views from the Conservation Area when looking north along Church Road. The appearance of the host building, its setting and relationship with the surroundings therefore makes a positive contribution to the character and appearance of the Conservation Area.
7. The host building is locally listed. The listing mentions its architectural features including that it is a two storey building in light brown bricks with hipped pantile roof and chimney stacks on either side. It also refers to its historical significance as being that it is considered to be the earliest recorded inn in Hayes (1665), and one of the oldest landmarks associated with Hayes.
8. The appeal site includes the Adam and Eve public house and the mainly open land which surrounds it. The original public house is the principal building on this plot and later extensions appear secondary to the main building. The remainder of the relatively large plot is largely free from buildings and this open setting ensures that the attractive features and form of the public house remain dominant both in close proximity and in views from further away, including from within the Conservation Area.
9. The proposed new building to the rear of the site would be greater in height than, and in relatively close proximity to, the retained part of the original building, and would occupy a reasonably large footprint. It would be of a modern design, contrasting with the host building particularly in terms of its roof pitch, fenestration and limited detailing. I accept that materials could be secured by condition and it is put to me by the appellant that the density of the proposed development would be within the London Plan density matrix guidelines. However, the design elements identified above combine to result in a building which would dominate and harmfully contrast with the original Public House building, erode its open setting and consequently undermine its significance as the principal building on this plot.

10. Given its bulk and mass, the rear building would be likely to be visible in the streetscene, and in views from the Conservation Area, albeit that it would be screened in some views by the existing public house. Given the harm identified above particularly in relation to the setting and dominance of the host building within this site, it follows that this would result in harm to views of this site from the Conservation Area. Consequently the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area.
11. The proposed development would result in the demolition of rear additions to the original building. However, these existing additions are subservient to the host building and as such the proposed development would be more harmful to the character and the appearance of the area, as described above, than the retention of these additions.
12. The adjoining property at 832-4 Uxbridge Road is also locally listed, however I am not presented with evidence which leads me to conclude that the proposed development would result in any harm to its significance.
13. For the reasons above, I conclude that the proposed development would have a harmful effect on the character and appearance of the locally listed host building and the surrounding area and would not preserve or enhance the character or appearance of the Conservation Area, with particular reference to the new building at the rear of the site. Consequently, in this respect, it would be contrary to Policy BE1 of the Local Plan<sup>1</sup> which requires new buildings to make a positive contribution to the local area, amongst other things, Policy B4 of the UDP<sup>2</sup> which seeks that development within conservation areas should preserve or enhance their special features, Policies BE13 and BE19 of the UDP which, in part, seek that such development should harmonise with the streetscene and complement or improve the character of the area, Policy BE26 of the UDP which requires development in town centres to reflect their role overall scale and character, and Policies 7.1, 7.4 and 7.6 of the London Plan<sup>3</sup> which seek development that enhances the character of the neighbourhood, is of a high quality design with regard to local character and is of the highest architectural quality.
14. Heritage assets are irreplaceable and great weight should be given to their conservation. I attribute considerable importance and weight to the harm that arises in this case. Due to the scale of the proposals, I quantify the harm identified as less than substantial. Paragraph 196 of the revised Framework directs that such harm should be weighed against the public benefits of the scheme.
15. A benefit of the proposed development is that it would refurbish and restore the locally listed building and provide a commercial use for it similar to its original purpose and in keeping with the other active frontages along this section of Uxbridge Road. The proposed development would also provide social, economic and environmental benefits associated with the provision of new housing along with providing landscaping to the site. These benefits weigh in favour of the proposed development.

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<sup>1</sup> A Vision for 2026 Local Plan: Part 1 Strategic Policies (Adopted November 2012) (the Local Plan)

<sup>2</sup> London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27<sup>th</sup> September 2007 (the UDP)

<sup>3</sup> The London Plan the Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2016 (the London Plan)

16. However, the Framework directs that heritage assets are irreplaceable and that great weight should be given to their conservation. I am not persuaded that the scheme before me would be the only way to secure the use of the host building. Furthermore, due to the size of the development, the benefits associated with the provision of new housing are somewhat limited in their scale. Having regard to the statutory duty to preserve or enhance the character or appearance of the Conservation Area, I attribute considerable importance and weight to the harm that arises in this case. This leads me to conclude that these public benefits do not outweigh the less than substantial harm in this case.

### *Living Conditions*

17. Unit 15 would include a single window at first floor which would serve a bedroom. It is put to me that this would be 15m from the nearest residential property on Marshall Drive. I note that the advice in the Council's Residential Layouts SPD<sup>4</sup> sets a distance of 21m, as a guide, between facing habitable room windows to ensure adequate privacy. I have not been presented with substantive evidence that demonstrates that this window would not cause overlooking and a loss of privacy to this nearby residential property.
18. One of the bedrooms to the proposed unit 13 would have one window which would be high level and obscure glazed. Consequently this room would have no outlook. As such this would provide poor living conditions for future occupiers of this unit.
19. The Council has raised concerns regarding the privacy of and outlook from the commercial building to the rear of the site (the Job Centre). The new building at the rear of the site would be a minimum of around 12m away, with windows which could provide reasonably direct views a minimum of 15m away. Given the commercial use of the adjacent site combined with this separation distance, there would not be unacceptable harm with regards to outlook from or loss of privacy to the occupiers of the Job Centre.
20. Deck access is proposed to some of the properties. These decks would serve a maximum of three properties which would result in a relatively low level of comings and goings. The windows adjacent to the deck would serve the kitchen area of proposed open plan kitchen/living/dining areas which would have an alternative outlook. As such, I do not consider that this arrangement would be unacceptably harmful to the living conditions of future occupiers.
21. The units in the rear block all have access to private outdoor space in the form of either gardens or balconies. The fact that these areas total 448sqm is not in dispute between the main parties. All units would have access to the areas of shared outdoor space across the site. There is dispute between the main parties as to whether the area labelled as 'front garden' should form part of the shared garden space. However, even if I were to exclude this from the calculations, the total area of shared outdoor space would be 363sqm (as annotated on the submitted plans). As such the proposed development would provide suitably sized garden space for future residents. Furthermore these

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<sup>4</sup> London Borough of Hillingdon Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Layouts Hillingdon Local Development Framework Planning and Transportation Group July 2006

- spaces would be usable in terms of their shape and siting, suitably laid out and conveniently located and include a space suitable for a play area.
22. I note that there is no dispute between the main parties in relation to daylight and sunlight to existing or proposed occupiers.
23. Whilst I do not find harm with regard to the relationship with the Job Centre, the privacy of the proposed units adjacent to the deck access nor with regard to the quality of the garden spaces proposed, this does not outweigh the harm identified in relation to the privacy of the Marshall Road property nor the poor quality living conditions for future occupiers of unit 13.
24. As such the proposed development would result in unacceptable harm to the living conditions for existing occupiers of the adjoining properties in respect of privacy and poor quality living conditions for future occupiers of the proposed development in respect of outlook. As such, in these respects the proposed development would be contrary to Policy BE1 of the Local Plan which includes a requirement to protect the amenity of residential properties and Policies BE20, BE21 and BE24 of the UDP which together require that new development should safeguard the amenities of existing houses and protect the privacy of occupiers and neighbours.
25. The Council refers to policy 7.1 of the London Plan and the London Borough of Hillingdon Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions Hillingdon Local Development Framework Planning and Community Services Group December 2008 in its reason for refusal. However as these relate to lifetime neighbourhoods and residential extensions respectively, the policies above are more relevant to this main issue. Policy BE23 of the UDP is also referred to in the reason for refusal which requires that amenity space should be provided which is usable in terms of its space and siting. Given my conclusions on this matter above, it follows that I do not find conflict with this policy.

### **Other Matters**

26. There is dispute between the main parties as to the content of the submitted Unilateral Undertaking. However, given my conclusions on the main issues it is not necessary to examine this further in this case.
27. While I have noted the appellant's concerns regarding the Council's handling of the planning application, that does not alter my assessment of the planning merits of the proposal.

### **Conclusion**

28. For the reasons set out above, this appeal is dismissed.

*H Miles*

INSPECTOR