
Appeal Decision

Hearing Held on 24 September 2019

Site visits made on 24 and 25 September 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/R5510/W/19/3224759

Douglas Webb House, 546 Sipson Road, West Drayton, UB7 0JB

- 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 Sipson Property Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 11068/APP/2018/1852, dated 17 May 2018, was refused by notice dated 27 February 2019.
 - The development proposed is demolition of the existing buildings, the extension to the basement and development of a part 2/3 and part 4 to 6 storey hotel comprising 275 hotel beds centred around an atrium along with ancillary facilities including; car parking, coach parking and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was revised, and the plans amended whilst under consideration by the Council. The description of development has been taken from the Council's decision notice, which reflects the revised plans on which this appeal decision is based.
3. There were 5 reasons for refusal. Following the submission of a unilateral undertaking after the hearing, and subject to the imposition of planning conditions, the Council formally confirmed they do not wish to defend reasons 3, 4 and 5. I have dealt with the appeal accordingly.
4. The Inspectors report on the examination of the London Borough of Hillingdon Local Plan: Part 2 ("Emerging Local Plan") was published on 22 October 2019. Both main parties have had the opportunity of commenting on this report, following the event. The Council advise that the Emerging Local Plan is to be considered for adoption in January 2020. Whilst not yet part of the development plan, these emerging policies are at an advanced stage of preparation and therefore carry substantial weight. I have dealt with the appeal accordingly.

Main Issues

5. The main issues are the effect of the development on:

- the living conditions of the occupants of neighbouring residential properties, with particular regard to outlook and noise and disturbance; and
- the character and appearance of the area.

Reasons

Living conditions

6. The second reason for refusal refers to the proposal being an overbearing and overly dominant feature in relation to the adjoining properties at 5-33 Sipson Way. At the hearing the Council clarified that their concern also related to noise and disturbance arising from the proposed development, specifically in relation to these properties.
7. The western boundary of the site faces on to a row of 2 storey semi detached properties. These have relatively short gardens, beyond which there is an existing access road associated with the current building on the site. The existing building is broken up in to separate elements along this boundary, with little fenestration on its western elevation.
8. The proposal has been designed to broadly replicate the massing of the existing building, insofar as it addresses this boundary. Much of the west facing elevation would sit at 2 storeys in height. It then rises to 3 storeys and higher, but the visual impact on the residential properties would be very limited as the increase in height is mostly set back in to the site. This design approach largely limits the impact of the development on the neighbouring residential properties to an acceptable degree, given the existing situation.
9. However, there is a significant exception to this approach, and this is at the northernmost point of the western wing of the proposed building, adjacent to its main entrance. Here, the new building would rise to 3 storeys in height, close to the rear boundaries of 11, 11A and 15 Sipson Way¹. However, this would occur around 8.4 metres from the boundary of the closest rear garden, and at a point where there are no buildings on the site at present. Here, the western elevation of the new building would rise to a significantly greater height than the affected residential properties. Because of the close proximity to the shared boundary, it would be an overbearing and unduly dominant feature when viewed from these residential properties and their relatively short gardens. In consequence, the proposal would adversely affect the outlook from these properties.
10. There are currently trees that sit on the boundary between the site and the properties along Sipson Way and these would help to screen the development. However, whilst these trees could be retained upon development and further landscaping can be required by planning condition, because of the bulk of the building at this point and its close proximity to the boundary, this would not entirely overcome the overbearing effect of the development. Furthermore, there is no guarantee that the trees will be retained to their existing height for the lifetime of the development. The proposed roof garden would not effectively mitigate the harm described above.
11. Both parties refer to a document entitled Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts (2006)

¹ As identified on the plan entitled 'proposed site plan in existing context, 1025 – P – 1011.

("HDAS"). Paragraph 4.9 of this document states that a minimum of 15 metres should be provided as a gap between developments, and the diagram set out in figure 4.1 suggests that this measurement applies to the distance between buildings. The proposal here has been designed to reflect this standard. However, this would be a large, non-residential building that would, on this part of the site, significantly exceed the height and scale of the affected residential properties along Sipson Way. In these circumstances, the 15-metre minimum standard set out in the HDAS, which I note is intended for new residential development, is not an appropriate guideline as to the acceptability of the proposal.

12. The appellant also refers to other developments around the Bath Road where hotels face on to existing residential properties. I viewed these developments on the second day of my site visit. However, these existing developments serve to demonstrate the harm that can arise where large commercial development is placed in close proximity to residential properties. They are not examples that should be followed, and do not justify the proposed development.
13. Turning to noise and disturbance, there is currently an access road associated with the existing building on the site, which runs to the rear of the properties along Sipson Way. This would be replicated in the proposed layout of the site. Whilst there may be some occasional activity associated with the restaurant which has secondary access doors facing on to this road, the main servicing and delivery area is located well away from the residential properties, in an enclosed area at the centre of the site. Overall, the levels of noise and disturbance arising from the siting of this access road are likely to be similar to the previously existing position. There would be no material harm to the living conditions of residents of neighbouring residential properties, in this respect.
14. As such, the proposal would not result in unacceptable noise and disturbance. However, for the reasons previously discussed there would be unacceptable harm to the outlook from the identified affected properties along Sipson Way. Consequently, the effect on the living conditions of the occupants of neighbouring residential properties would be unacceptable. The proposal conflicts with policies BE19 and BE21 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) saved policies 27 September 2007 ("UDP"), which seek, amongst other things, to prevent a significant loss of residential amenity where new development is proposed.
15. The proposal also conflicts with policy DMHB 11 of the Emerging Local Plan. This requires that development proposals should not adversely impact on the amenity of adjacent properties and accordingly shares similar objectives to the development plan policies cited above. All the policies are consistent with the requirement in the National Planning Policy Framework ("the Framework") to create places with a high standard of amenity for existing users, and as such can be regarded as up-to-date for the purposes of decision making. Whilst the Council cite other policies in its reason for refusal, those referred to above are the most relevant to the harm identified in this main issue.

Character and Appearance

16. The site currently houses a modern building, previously used as a police training centre. It is surrounded by a substantial area of hardstanding and an open area of soft ground which leads to the embankment of the M4 motorway, which forms the eastern boundary of the site. To the south there is a large car

park, beyond which are found hotels, commercial and aviation related development along the Bath Road, associated with Heathrow Airport. This type of development continues to the area to the east of the site beyond the motorway, encompassing the complex of buildings at the Park Inn Hotel which rise to 5 storeys in height, and are clearly visible from the site.

17. To the west of the site is the village of Sipson. This is approached from the east over a motorway bridge, from where the existing buildings on the site are clearly visible. Sipson exhibits a spacious, suburban feel. This is a consequence of the space between the largely 2 storey buildings and its planned landscape structure, including areas of open ground and mature trees. This type of development is found beyond the western and part of the northern boundary of the site.
18. The site therefore sits between the village of Sipson, and other existing large-scale commercial development associated with Heathrow airport. To reflect this, the proposed building would have two distinctive elements. The larger 4-6 storey part would abut the boundary with the motorway, facing the Park Inn which is of a comparable height, scale and bulk. In views from the motorway the hotel would appear of a size and stature that would be expected, given the proximity of the site to a major international airport.
19. The other part of the new building would face Sipson Way and would reduce to a more domestic scale of 2-3 storeys in height reflecting existing development in Sipson. The bulk and mass of the building would step down gradually across the site, and there would generally be a gap of around 10 metres to the boundary of the rear gardens of the neighbouring residential properties. The timber cladding used on the western part of the building would have a soft appearance, which helps to integrate the development with the trees and landscaping found in the neighbouring residential gardens.
20. In views entering Sipson over the motorway bridge the new building would be set well back from the road. The development would not appear unexpected given the other hotel and commercial buildings in the area, including the Park Inn, which rise to a similar height. Whilst rising to a greater height than the existing built development in Sipson, given that the higher portions of the development would be set well away from existing development associated with the village, it would not be of a scale that appears unduly dominant. In this respect the development would blend it to its context, and would not appear as a tall building.
21. From the existing vehicular entrance to the site from the A408 (also known as Sipson Road), the main building would be set well back from the street and the residential properties that face on to it. As such, whilst there would be an increase in building height and a greater proportion of the site would be developed, there would be no significant change to the localised setting of this part of the road and the residential buildings that face on to it.
22. Considering views from Sipson Way, the existing building on the site, whilst broken up in to parts, is clearly visible through the gaps between the houses. It appears as a large structure with a continuous presence beyond the rear gardens of many residential properties. The overall increase in height adjacent to the boundary is limited, and in most respects the taller parts of the new building would be set significantly back from these properties. Overall, when considered against the existing situation, the replacement building would not

- appear unduly monotonous, or otherwise detract from the suburban character of this road.
23. The proposed building would also be visible from the countryside that surrounds Sipson, including the fields to the north east of the site, which form part of the Green Belt. However, from these perspectives the proposal would be similar in height and scale to the surrounding commercial development including the Park Inn and hotel buildings facing the Bath Road. There would be no material harm to the setting of this rural area.
24. In considering the overall acceptability of the design, significant weight should be placed on the appearance of the existing building on the site. As a large-scale building, this already departs from the suburban character of Sipson and relates more to the commercial, tourism and aviation related uses along the Bath Road. In consequence, the motorway does not represent a significant functional break in the urban fabric of this area. Whilst it is argued that the design of the existing building on the site relates well to the remainder of Sipson, this is also true of the proposed building; primarily as a consequence of its staggered height and the largely successful visual relationship with existing residential buildings beyond its western boundary. Overall, the proposal represents a functional design solution meeting contemporary expectations of such hotel uses. In this respect it would modernise and improve the quality of the built environment.
25. In conclusion, there would be no harm to the character and appearance of the area, arising from this proposal. In this respect the proposal complies with policies 7.4 and 7.6 of the London Plan (2016), together with policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and policy BE13 of the UDP which seek, amongst other things, to ensure that new development achieves a high quality of design.
26. In this respect the proposal also complies with policies DME 5, DMHB 11 and DMEI 6 of the Emerging Local Plan. These seek, amongst other things, to achieve good design that harmonises with the local context and therefore share similar objectives to the development plan policies cited above. The proposal complies with the parts of the HDAS which seek to achieve good design, and also with the parts of the Framework which seek to promote the creation of high-quality buildings. Whilst the Council cite other policies in its reason for refusal, those cited above are the most relevant to this main issue.

Other Matters

27. As noted above, reasons 3, 4 and 5 were conceded by the Council who advise that they are content with the proposal subject to various matters being dealt with by condition and in the agreed unilateral undertaking. As these are no longer contentious issues between the main parties it is not necessary to examine these issues in detail, in this decision.
28. In terms of the highway safety issues raised by interested parties and discussed at the hearing, the swept path diagrams included with the November 2018 transport statement demonstrate that a coach could safely enter and leave the development without disrupting parked cars. The final design of the access to the development would be subject to the agreement of the local highway authority, which would ensure a safe and suitable access could be achieved whilst preserving existing landscaping features where appropriate.

Matters relating to boundary treatments, including landscaping, could also be dealt with via planning condition.

29. The principle of an access road leading in to the site adjacent to No 544 Sipson Road is well established. Whilst there is a greater potential for larger vehicles including double decker busses to access the site given the proposed use as a hotel, any consequential overlooking to upper floor rooms in the neighbouring residential property would be fleeting and intermittent. As noted above, the detailed design of the landscaping on the relevant boundary could be agreed in response to planning conditions. Overall, there would be no material harm to the living conditions of the occupants of this residential property.
30. None of the other concerns raised by interested parties add to the material harm identified in the first main issue. All the other issues raised by consultees, including the effect on air traffic movements around the airport, can be addressed through planning conditions and provisions in the unilateral undertaking.
31. The Council cite an appeal decision² where an Inspector found that a proposed care home would lead to harm to the character and appearance of the area, and to the living conditions of the occupiers of neighbouring residential properties. However, that decision relates to development in another part of the Borough, involving the construction of a substantial building on a site largely occupied by landscaped gardens. In this case the presence of a large existing building on the site is an important consideration, which means that the circumstances are clearly different. Whilst I have also found that there would be harm to the living conditions of neighbouring residential properties, this judgement is based on the individual circumstances of this site.

Planning Balance

32. The Council explained at the hearing that the emerging plan was modified to remove references to planned growth around Heathrow airport due to proposals for the expansion of this airport. However, it does not contest the principle of development and has previously granted planning permission for the conversion of the existing building on the site to hotel use. Furthermore, the site is located within the Heathrow Opportunity Area, as set out in the London Plan (2016) and would help achieve the aims of strategic policies within this plan, relating to the provision of visitor infrastructure. In this respect, the proposal is supported by the Greater London Authority. The proximity of the site to a large airport and a cluster of existing hotels set around the Bath Road mean that it is clearly an appropriate location for the development proposed, where land is scarce for such development.
33. Accordingly, on the evidence before me the proposal would help fulfil a need for hotel accommodation, established primarily in the London Plan and also reflected in other policies in the development plan³. It is also suggested that, given that the site is currently vacant, it could be delivered quickly. Furthermore, the quality of accommodation provided would be good, with a high standard of communal facilities and a reasonable proportion of the rooms being fully accessible.

² APP/R5510/W/15/3028171

³ As identified by the appellant in the statement of case.

34. Considering National planning policy as set out in the Framework, the proposal would clearly make effective use of land, optimising the potential of the site given its environmental constraints. A series of measures would help to mitigate the environmental impact of the proposal. It would also help build a strong and competitive economy, providing new jobs and supporting the needs of local businesses, including Heathrow Airport. These considerations, together with the benefits cited in support of the development, weigh significantly in its favour.
35. However, for the reasons discussed in the first main issue, there would be harm to the living conditions of the occupants of neighbouring residential properties. Whilst in most respects the scheme is acceptable, the Framework is clear that proposals must achieve a high standard of amenity for existing and future users, and that would not be achieved here. I attach substantial weight to the harm that would arise, in consequence.
36. Overall the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the refusal of planning permission is justified. The proposal conflicts with the development plan and the presumption in favour of sustainable development, as set out in the Framework, does not apply. The harm identified in the first main issue cannot be adequately addressed through planning conditions or the various mitigation measures set out in the submitted unilateral undertaking.

Conclusion

37. Whilst the proposal would be acceptable in terms of its effect on the character and appearance of the area, there would be unacceptable harm to the living conditions of neighbouring residential occupants through loss of outlook. The proposal therefore conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

APPEARANCES

For the Appellant

M Rowe	ROK Planning
B Hawkins	ROK Planning
D Botten	ROK Planning
A Bacon	FB Architects
S Fraser	FB Architects
R Morrison	Transport Planning Associates

For the Local Planning Authority

S Volley	Planning
M Butler	Planning
M Malhotra	Planning
A Grossinito	Air Quality
A Tilly	Highways

Interested Parties

D Brant	Local resident
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DOCUMENTS SUBMITTED AT THE HEARING

1. Local Plan Policy update
2. Document entitled 'Entrance to 546 Sipson Road'.