The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/R5510/W/19/3239798
163 High Street, Yiewsley UB7 7QN

- 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 Shaun Savage (Drayton Property Investments) against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 15348/APP/2015/934, dated 11 March 2015, was refused by notice dated 5 September 2019.
- The development proposed is a vertical extension to the existing building to provide 9 residential units based around 7x 2bed units and 2x 3 bed units, the proposal will also include a roof garden, residents lift and over cladding of existing facades on the core locations.

Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal the appellant has submitted revised plans relating to the layout of the lower ground floor parking area (HG.19.09 A.01 Revision A) and the proposed 3rd floor and roof (HG319.09 A.03 Revision A) which were not submitted to the Council as part of the planning application. The purpose of these plans is to provide further information with respect to the Council's reasons for refusal relating to the provision of outdoor amenity space and with regard to cycle parking, refuse storage and car parking.

3. I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council as local planning authority, and on which interested people's views were sought. However, the amended plans are helpful in my reaching of conclusions relating to living conditions, cycle parking and refuse storage. I do not consider that my reference to them in this context is prejudicial to any party who has an interest in this appeal.

4. Since the Council refused planning permission it has adopted the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (P2LP). As a result, the Policies within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies 2012, which are no longer in force. The Hillingdon Design and Accessibility Statement Supplementary Planning Document – Residential Layouts 2006 has also been withdrawn.

5. The Council has confirmed that the adopted P2LP Policies that it relies on are DMHB 1, DMHB 11, DMHB 12, DMHB 14, DMT 2, DMT 4 and DMT 5. All of these policies were referred to in their emerging form in the Council's reasons for refusal and copies of the emerging policies were provided with the appeal documentation. The Council has subsequently provided copies of the adopted policies and there are no fundamental differences between the emerging and adopted policies that would affect the determination of the appeal.

6. On this basis, I have proceeded to determine the appeal without seeking further comments from the parties.

Main Issues

7. The main issues are the effect of the proposed development upon (i) the character and appearance of the area, (ii) the living conditions of the future occupiers of the dwellings with reference to outdoor amenity space and (iii) whether adequate refuse storage, cycle parking and car parking would be provided.

Reasons

Character and appearance

8. The building sits towards the end of Yiewlsey High Street and occupies a prominent position on the crossroad junction with Trout Road, High Road and Falling Lane. On the opposite sides of these roads are the two storey public library building and the three storey Continental building, with a low level car sales garage filling the fourth corner of the junction. Elsewhere along High Street, development is generally either two or three storey in height. The existing building sits well within its context and its height and massing is commensurate with that of the other buildings. As a result, the appeal building forms a key component of the street scene which in turn defines the character and appearance of the area.

9. The proposed addition of two extra storeys would substantially add to both the height and massing of the building and would increase these to a degree where it would appear at odds with the surrounding development and cause significant harm to the character and appearance of the area. In particular, the proposed building would be visually dominant and out of character when viewed from along High Street looking towards the junction, where it would be seen across the adjacent supermarket car park and against the predominantly two storey buildings which form that view. In views taken down High Road towards the main centre of Yiewsley, the proposed development would appear equally dominant and out of character.

10. Although the Continental building is itself of substantial height and bulk, its storey levels are not equivalent of those of the appeal building, which incorporates an upper ground floor level. Furthermore, the Continental building is three storey, whereas the proposed development would be four storey. Whilst the relationship between the proposed development and the Continental building would be closer in terms of their heights and massing than other buildings in the locality, the appeal development would still appear visually dominant in relation to the height and massing of this neighbouring building. This relationship would therefore also contribute to the significant harm to character and appearance that would arise.

11. In terms of the materials proposed to be used and the general design of the building, this would in my view be appropriate. However, this does not alter the fundamental concerns that I have raised with respect to the height and massing of the proposed development.

12. Reference has been made by the appellant to the fact that the proposed development would allow for improvements to be made to the appearance of the existing building, including giving it a more residential appearance, that would not otherwise be forthcoming. Whilst this would be the case, it does not justify a development which would cause the level of harm that I have identified. I have not been provided with any specific details as to how the adjacent library site may be redeveloped or any confirmation that permissions are in place to allow such redevelopment to take place. I must therefore assess this appeal on the basis of the existing character and appearance of the area.

13. I was able to view the developments on Trout Lane which the appellant has highlighted, and I noted that these are for the most part four storey in height. However, they are not viewed in the same context as the appeal site and are not so prominently located on a main intersection. Therefore, they do not justify the development which is proposed.

14. I conclude that the proposed development would cause significant harm to the character and appearance of the area by reason of its height and massing. Consequently, the proposal conflicts with the design aims of Policy BE1 of Hillingdon Local Plan: Part 1 Strategic Policies 2012 (P1LP) and Policies DMHB 11 and DMHB 12 of the P2LP all of which seek to protect character and appearance. The Council has also made reference to Policy DMHB 14 of the P2LP which refers to trees and landscaping. However, given the size of the site and its constraints, the proposed development would not lead to harm nor is there any potential to increase landscaping on the site. There would therefore be no conflict with this policy.

Living conditions

15. The existing building does not have any outdoor amenity space to serve its residents. It is therefore reasonable only to require that any outdoor amenity space included as part of the proposed development is proportionate in size to that which would be required to serve the 9 new units that are proposed. Whilst in practice it is likely that this area would also be used by existing residents, the overall benefits of outdoor amenity space being available on site would counter the fact that in effect it would be used by more people than just those who occupy the 9 new dwellings.

16. The Council has referred to Policies that formed part of its previous Part 2 Local Plan which is no longer in force and, in error, to Policy DMHB 1 of the P2LP which refers to heritage assets. I therefore have nothing before me which allows me to establish the quantum of outdoor amenity space that would be necessary to ensure compliance with any development plan policies that are currently in place. Notwithstanding this, there are mitigating factors which means that the application of numerical standards would not be appropriate in this instance.

17. The appellants amended plan HG319.09 A.03 Revision A shows the maximum amount of outdoor amenity space that could be provided on the site, comprising of a roof terrace area. From my own observations there is no

realistic prospect of additional space being provided beyond this, due to the constrained nature of the site. Furthermore, whilst the proposed development would represent a major addition to the building, it would not represent a rebuild and therefore there is no opportunity available to reconfigure the site with the aim of providing additional space.

18. The outdoor amenity space shown on the amended plan is of a reasonable size and would allow both existing and future residents to comfortably sit outside and to socialise. This would be of significant benefit to all residents. Although the site is located at a busy road intersection, the space would be on the roof and therefore reasonably separated from the traffic. The appellant has shown a willing to provide this enlarged area and I have no reason to doubt that they would do so. Subject to it being provided, I conclude that adequate outdoor amenity space would be available to serve the proposed development, even if numerically its size were to be in conflict with policies set out in the recently adopted P2LP.

Refuse storage, cycle parking and car parking

19. The existing and proposed use of the building is to provide accommodation in the social rented sector. The Highway Authority considers that the proposed development could be provided with an under provision of on-site parking, as a lower level of car ownership is expected in association with such a tenure. During my site visit I was able to view the existing undercroft of the building and to observe that there were no cars parked in it and that, by reason of its current state of repair, it did not appear to be frequently used for such a purpose. On the basis of this and the evidence before me, the approach advocated by the Highway Authority is reasonable.

20. In order to secure the requirements of the Highway Authority, it would be necessary for a planning obligation to ensure that the building was restricted in tenure to social rented or similar. Whilst the appellant is content to proceed on this basis and has provided a planning obligation to this effect, it is not completed as there is a dispute between the parties about whether the restriction should also apply to a single landlord. As a result, I do not have a completed planning obligation before me and I cannot give a draft obligation any weight in determining this appeal.

21. The amended plan HG.19.09 A.01 Revision A submitted with respect to the revised car parking layout has not been subject to consultation with the Highway Authority and therefore I cannot be sure that it would meet with their technical requirements. The plan is however, together with my own observations on site, helpful in demonstrating that there would be ample space in the undercroft in which to accommodate refuse storage and cycle parking.

22. In conclusion, I am satisfied that adequate provision could be made for refuse storage and cycle parking. I am not however persuaded that, without a restriction on the tenure of the dwellings, adequate arrangements to address the parking needs of the proposed development would be in place. Furthermore, as the amended plan has not been subject to consultation with the Highway Authority, I also do not have sufficient information to demonstrate what parking provision could be achieved. Therefore in relation to these matters whilst there would be no conflict with Policies DMHB 12, DMT 4 and DMT 5 of the P2LP, on the basis of the evidence before I am unable to conclude

that the proposed development would meet with the aims of Policy DMT 2 of the P2LP.

Other Matter

23. The appellant considers that the proposed development will provide more housing which is in urgent need in the area, by maximising the potential of the site. Whilst this offers support in favour of the proposal, it does not outweigh the significant harm to the character and appearance of the area that I have identified.

Conclusion

24. Whilst I have found that adequate amenity space could be provided and that appropriate refuse storage and cycle parking be accommodated, I have found significant harm to character and appearance and that the submission has failed to demonstrate that the parking needs of the development would be addressed, both of which result in a conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR