



Appeal Decision

Site visit made on 27 May 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2020

Appeal Ref: APP/R5510/D/20/3247002

15 King Edwards Road, London, HA4 7AE

- 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 Mohal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 43419/APP/2019/3075 dated 12 September 2019, was refused by notice dated 2 December 2019.
 - The development proposed is described as retention of air conditioning units x2 and x3 windows. (Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address in the original planning application form is listed as King Edward Road. However, from my visit and the decision notice, it was clear it is on King Edwards Road. I have used this address in the banner heading above.
3. The evidence explains the development occurred prior to the submission of the application. At my site visit the development appeared substantially completed. Therefore, I am considering this appeal as a retrospective proposal.
4. The London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (the Part 2 Local Plan) was adopted by the Council on 16 January 2020. It replaces the 2012 saved Unitary Development Plan policies and now forms part of the statutory development plan. As a result of the adoption of the Part 2 Local Plan, the Council has withdrawn the Residential Extensions Supplementary Planning Document. Consequently, I have had regard to the newly adopted policies in my decision and the parties have been provided with an opportunity to comment.

Main Issues

5. The main issues are the effect of the development upon:
 - the character and appearance of the host dwelling and the Ruislip Village Conservation Area, and,
 - the living conditions of the occupiers of No. 13 King Edwards Road, with particular reference to privacy and overlooking.

Reasons

Character and appearance

6. The appeal site is one of two detached dwellings approved under permission Ref: 43419/APP/2014/3879. The construction appeared substantially complete. They appear carefully designed, with features including brick quoins, large chimney stacks, dormer windows and multiple hipped and gable roof forms.
7. The appeal site and surroundings are within the Ruislip Village Conservation Area (RVCA). Within the RVCA there is a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires when considering the impact upon the significance of a heritage asset great weight should be given to the asset's conservation. Where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal (paragraph 196).
8. There are some more modern dwellings to the side and rear of the appeal site. However, this part of the RVCA is characterised and derives its significance from the large well preserved dwellings in traditional brick, render and tiled roofs reflecting early 20th century garden suburb design principles. Although located on a smaller plot, the composition of the appeal site dwelling, results in it appearing in keeping with the historic dwellings in the street scene.
9. By virtue of their size, protrusion, appearance, and the approximately 2.5m high mounting, the air conditioning units are notably visible from the highway. Their detachment from the side wall on protruding metal wall mountings and industrial appearance, results in them appearing significantly at odds with and harmful to the character and appearance of the host dwelling and the RVCA. The Council's first reason for refusal makes reference to only the air conditioning units and not the opening windows. Given their location and size, I do not find the windows would be harmful to the character and appearance of the RVCA. Notwithstanding this the development as a whole would neither preserve or enhance, and it would be harmful to the character and appearance of the RVCA. This harm amounts to less than substantial harm.
10. The neighbouring dwelling to the west also has some units, although I am not aware of their status. Those units also appear incongruous, although appear to protrude less and appear more enclosed by an adjacent building. Such units were not prominently visible elsewhere in the street scene, and do not form an overriding characteristic of this part of the RVCA. Therefore, their presence does not justify allowing this appeal.
11. Based upon the evidence before me and the background noise levels at my visit, noise from the units would not be likely to be discernible on King Edwards Road. Furthermore, the noise levels could be controlled by the planning condition suggested by the Council. Specifically, in regard of noise, the development would appear to preserve the character of the RVCA. However, this would not mitigate or override the other harm I have found above.
12. The units would moderate temperature internally within the dwelling. However, there is no evidence before me that suggests this is essential for

future occupiers to reside at the property. There is also no evidence that other solutions have been investigated and discounted. Based on the evidence before me, these and any other benefits, would not outweigh the harm to the RVCA, which attracts great weight.

13. For the reasons set out above the development is harmful to and does not preserve or enhance the character and appearance of the host dwelling and the RVCA. Therefore, it conflicts with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012) (the Part 1 Local Plan) and DHMB11 of the Part 2 Local Plan. These policies expect development to be designed to the highest standards and incorporate good design. There is also conflict with Policy DMHB4 of the Part 2 Local Plan which requires development conserves and enhances the character, appearance and significance of a heritage asset. As the public benefits do not outweigh the harm to the RVCA, the development would also be contrary to paragraph 196 of the Framework.
14. Although the appellant has referred to the development being compliant with Policies 7.4 and 7.6 of the London Plan (2016), I have not been provided with these policies. However, based upon the wording suggested, for the reasons set out above, the development would also conflict with these policies.

Living conditions

15. There is a requirement in condition 9 of permission Ref 43419/APP/2014/3879 for windows facing No. 13 to be obscured glass and non-opening below 1.8m in height from internal floor level. The Council's report advises the ground floor windows are not harmful to the living conditions of the occupiers of No. 13, and I see no reason to disagree. At the visit, the first floor side window appeared fully obscure glazed, but openable with side hinges.
16. When open, whilst the views are limited, it allows future occupiers some close proximity views into the private side return and the rear side of the rear garden of No. 13. These views are to some of the outside areas closest to the dwelling, which would generally be expected to have a greater level of protection from overlooking than other parts of the garden/amenity areas. Conventional rear facing windows generally protect these areas to a greater degree, as the area of the rear garden and return closest to the dwelling, is often protected from close proximity views by the narrowness of the angle.
17. For the reasons set out above, the development would result in harm to the living conditions of the occupiers of No. 13 King Edwards Road with regard to loss of privacy and overlooking. Therefore, the development conflicts with Policy DMHB11 of the Part 2 Local Plan. This expects development to protect the amenity of neighbouring residential properties.

Conclusion

18. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski, INSPECTOR