



Appeal Decision

Site visit made on 4 August 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/R5510/W/20/3250274

Land Rear of 42-48 Windmill Hill, Ruislip HA4 8PT

- 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 Michael Harrington, HGB Motorcycles Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74574/APP/2019/431, dated 12 January 2019, was refused by notice dated 9 December 2019.
 - The development proposed was described as 'construction of a detached building to accommodate commercial floorspace at ground and first floor levels and 3 x 1-bedroom / 1-person flats at 2nd, 3rd and 4th floor levels at the land to the rear of 42-48 Windmill Hill'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a five storey building to create Use Class B8 floor space at ground and first floor levels and 2 x studio flats with associated amenity space at Land Rear of 42-48 Windmill Hill, Ruislip HA4 8PT in accordance with the terms of the application, Ref 74574/APP/2019/431, dated 12 January 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. Nevertheless, amended plans submitted during the determination of the planning application made alterations to the proposal, including to the number of flats. The main parties have advised that some of the plan references listed on the Council's decision notice were incorrect, but have confirmed the plans and revisions which were before the Council at the time of its decision and it is clear from the Council's report that the proposal was considered with reference to the development shown on these amended plans. I have determined the appeal on the same basis. The Council's decision notice also states a revised description of the proposal, referring to 'erection of a five storey building to create Use Class B8 floor space at ground and first floor levels and 2 x studio flats with associated amenity space'. This reflects the development shown on the amended plans and was entered on the appeal form by the appellant, and I have therefore used it in my formal decision above.
3. Both main parties indicate that since the Council determined the application, the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 ('the DMP') was adopted. I have therefore given full weight to the policies within the DMP. By the same token, saved policies of the Local Plan Part 2 Unitary Development Plan 2012 which were cited on the decision notice are no longer part of the development plan and therefore are not relevant to

the determination of this appeal. The Council further advised that the Supplementary Planning Document: Residential Layouts which is cited within the second reason for refusal has also been withdrawn, and I have dealt with the appeal accordingly.

Main Issues

4. The main issues are:

- i) the effect of the proposed parking arrangements on highway safety, the efficient movement of traffic and quality of life for existing residents and future occupiers; and
- ii) whether or not living conditions for occupiers of the proposed dwellings would be acceptable with particular regard to outlook.

Reasons

Parking

5. The appeal site is within Ruislip Manor Town Centre which provides a mix of commercial, residential and community uses. It is located to the rear of the three-storey building at 42-48 Windmill Hill, and is surrounded by buildings along Windmill Hill, West Way, Manor Way and Pembroke Road. The site is currently used as a yard and repair workshop associated with commercial premises at the ground floor level of No 42-48, and is served by an access which runs from Windmill Hill between the side of this building and the rear of development on Manor Way.
6. The appeal proposes a new building on the main part of the site fronting the access providing new commercial space at ground and first-floor levels. Above this, the upper part of the building would have a reduced footprint and would accommodate a studio flat at each of the second and third-floor levels together with a roof terrace.
7. Policy 6.13 of the London Plan – The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP) refers to vehicle parking standards which it states should be the basis for considering proposals. The DMP includes parking standards based on those within the LP, but with some adjustment to address local circumstances. Policy DMT 6 of the DMP states that development should comply with these standards to facilitate sustainable development and address issues related to congestion and amenity, but notes that requirements may be varied including when the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.
8. The main parties indicate that the parking standards would suggest a requirement for up to 7 spaces to serve the commercial floorspace and up to 3 spaces to serve the proposed flats. As no on-site parking is proposed, there would therefore be a shortfall of up to 10 spaces in total. However, standards within both the LP and DMP are expressed as maximum requirements, and the DMP confirms at paragraph 8.30 that the standards do not imply any minimum level. There is therefore no inherent conflict with these policies.
9. In this case, The main parties agree that the site has a Public Transport Accessibility Level (PTAL) of 3 which is categorised as 'moderate', and I saw that the appeal site is located close to Ruislip Manor Station which is served by the Metropolitan and Piccadilly underground lines, as well as bus stops served

by a number of different routes. Future residents, as well as staff and visitors associated with the commercial floorspace, would therefore benefit from opportunities to travel by modes other than by private vehicles, reducing reliance on these and the associated requirement for on-site parking.

10. The Council advises that the appeal site is within the 'Manor' ward and suggests that around 82.6% of households in this ward have access to a car or van, and that around 36% of residents drive to work with nearly half of these trips being of more than 10km. However, vehicle use and ownership is likely to be influenced, at least in part, by accessibility and in this regard I do not know how the Manor ward area as a whole compares to the appeal site which is very close to the station and bus stops. In addition, these are overall proportions for all households/residents, and it is not clear whether or not they are equally relevant to smaller dwellings of the type proposed on the appeal site. In any case, these figures demonstrate that a reasonable proportion of households do not have access to a car or van. I do not therefore find existing levels of vehicle ownership and use in the area to be a convincing indication that future residential occupiers of the dwellings would inevitably seek to own or use a vehicle, nor that they would be reliant on private vehicles.
11. Given the specific circumstances of the appeal site including its accessibility and the small size of the studio flats, I consider it likely that demand for parking associated with the development as a whole would be less than the maximum 10 spaces suggested by the standards. However, even if I were to find there was a parking requirement of the scale suggested by the Council, no substantive evidence of existing parking pressure in the area which could be exacerbated by the proposal, or to show how the proposal would cause an unacceptable increase in traffic or harm to highway safety has been provided.
12. At the time of my visit, there were several available parking spaces on Pembroke Road very near to the site allowing for short-term stays of up to 60 minutes. There were also a large number of parking bays available near to the site, both on-street and within public car parks operating on a 'pay and display' basis between 0830 to 1800 Monday to Saturday, and while some were subject to maximum stay limits of 2 hours, this was not universally the case. These spaces serve the town centre as a whole, and I saw that many of the commercial uses do not appear to benefit from dedicated parking. In the absence of any firm evidence which would contradict my observations of a good level of available parking capacity, I see no reason that these spaces could not equally serve the commercial floorspace which is proposed on the appeal site or accommodate visitors.
13. Moreover, I saw further opportunities for unrestricted parking to take place on nearby roads. At the time of my visit there were limited spaces available on West Way in the immediate vicinity of the site, and I saw that dropped kerbs reduce opportunities for on-street parking in some locations. Even so, there were nevertheless some spaces available on streets in fairly close proximity of the site, where I noted parking taking place along both sides of streets without resulting in apparent obstruction to the highway.
14. I acknowledge that my visit took place during the day when some residents may be away from home, but this would coincide with the likely operation of the commercial use which generates the majority of the maximum parking requirement under the standards. Furthermore, beyond the marked parking

places in the town centre noted above, I did not see parking restrictions in place which would point to a high degree of parking stress locally.

15. Given these circumstances, I see no reason that the development would result in unsafe or indiscriminate on-street parking so as to cause obstruction or otherwise adversely affect the safety or operation of the surrounding highway network or local amenity. With regard to the specific circumstances of the appeal before me and the provisions of DMP Policy DMT 6, I am therefore satisfied that variation of the parking standards, which are in any case maximums, would not lead to a deleterious impact on street parking provision, congestion or local amenity and would accordingly be justified.
16. I therefore conclude on this main issue that the proposed parking arrangements would not result in unacceptable harm to highway safety, the efficient movement of traffic or the quality of life for existing residents or future occupiers. The proposal therefore accords with Policies DMT 1, DMT 2 and DMT 6 of the DMP and Policies 6.3 and 6.9 of the LP. Together, these seek to facilitate sustainable development and require, amongst other things, that development makes adequate provision for parking and transport needs and that it does not harm highway safety, congestion or local amenity.
17. The Council's reason for refusal also refers to Policy 6.9 of the LP which relates to cycling. However, the evidence before me does not indicate any concerns in this regard, instead confirming that cycle storage for the dwellings would meet requirements and that provision for the commercial space could be sought by condition. I see no reason to take a different view, and accordingly find no conflict with LP Policy 6.9.

Living Conditions

18. The proposed flats would be positioned along part of the boundary of the site to the rear of development on West Way. No windows are proposed to the side of the building, but each flat would have full height glazing to its front and rear.
19. The main aspect from these windows would predominantly be towards the rear of existing buildings on Manor Way and Pembroke Road respectively. However, it is not uncommon for dwellings to have views towards the rear of neighbouring buildings. The buildings surrounding the site appeared to me to be fairly unremarkable, and not unattractive. With regard to their scale, the spacing provided would also be sufficient to avoid their appearing overbearing or oppressive and they would not give rise to an undue sense of enclosure for occupiers of the development. Moreover, views from the front of the upper flat would largely be over the top of the two-storey buildings on Manor Way, and there would be views from the rear of both flats across the single-storey 'Kwik-Fit Autocare' service centre building on the corner of Pembroke Road and West Way providing occupiers with opportunities for open outlook.
20. I note the Council's suggestion that occupiers would have views over refuse and recycling storage areas. However, the elevated position of the flats within the second and third floor levels of the building means that any direct views towards refuse and recycling storage areas would only be gained by occupiers looking down onto it, and would be likely to be screened at least in part by the building's lower levels. Even if it were visible to occupiers, the storage would make up only a small component of the wider view which would mostly be of the surrounding buildings or green roof of the development. As a result, I find

that nearby refuse or recycling storage would be an unobtrusive element of the overall views available to occupiers and would draw little attention.

21. Policy DMHB 16 of the DMP refers to housing standards and requires adequate provision of internal space in order to provide appropriate living environments. While cited in the Council's reason for refusal, the evidence before me does not indicate that the flats would fail to meet relevant standards, and I find no conflict with this policy.
22. I therefore conclude on this main issue that outlook from the proposed dwellings would be satisfactory, and the proposal would provide acceptable living conditions for future occupiers. I therefore find no conflict with Policies 3.5 or 5.3 of the LP which require, amongst other things, housing development of the highest quality both internally and externally that is comfortable for users.

Other Matters

23. I acknowledge that the development would be visible from some neighbouring dwellings. However, given its scale, the relationship with these dwellings, and the separation distances provided, the building would not be overbearing or result in any significant loss of light or privacy. The use of the roof terrace by occupiers of 2 dwellings would be unlikely to result in any significant noise, and potential adverse impacts of noise associated with the workshop use can be managed and mitigated by conditions. As a result, I am satisfied that the completed development would not unacceptably harm the living conditions of neighbouring occupiers. Notwithstanding the relatively constrained access to the site, any effects during the construction period would be short-term, and could be mitigated by careful construction management.
24. Given the scale of the development and that no parking is proposed on the site, the development is unlikely to result in unacceptable levels of traffic or congestion, and further details of provision for waste storage can be sought by condition. There is no firm evidence before me to suggest that it would not be possible for the development to make suitable provision for drainage. Nor is there firm evidence of any existing security problems that would be exacerbated by the proposal, instead, the additional windows would increase natural surveillance around the site.
25. I have taken into account comments made by interested parties but none of the other matters raised, either individually or collectively, alter my findings on the main issues.

Conditions and Conclusion

26. I have considered the conditions suggested by the Council and consultees. Where necessary, I have altered these for clarity, to ensure compliance with the tests outlined at paragraph 55 of the National Planning Policy Framework, and to avoid the use of pre-commencement clauses where this is not essential for the condition to achieve its purpose.
27. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty (2). A condition to control the external materials (3) is necessary in the interests of the character and appearance of the area.

28. To safeguard the living conditions of neighbouring occupiers and highway safety, a condition is required to agree details of how construction will be managed (4). This is a pre-commencement condition as details need to be agreed before any works take place to ensure that they are satisfactory, and the appellant has agreed to this.
29. The Council has also suggested a condition to require details of boundary treatment to the site. No walls or fences are indicated as part of the development, however, a condition to require further details of the proposed landscaping on the site including works to the access (5) is necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. To promote sustainable transport, secure cycle storage (6) is required. In the interests of the character and appearance of the area and to ensure satisfactory provision, a condition to control storage of waste within the site (7) is necessary. Details of measures to ensure that the living conditions of future and neighbouring occupiers of the site are not harmed by noise including through the use of the building (8) or machinery, plant or extract equipment (9) are also necessary in the interests of the living conditions of future and neighbouring occupiers, although I have altered the conditions suggested by the Council and Environmental Protection Unit to avoid duplication and to require details of measures to be implemented to ensure that they are enforceable and sufficiently precise. The main parties were afforded an opportunity to comment on the wording of conditions 5, 8 and 9.
30. Finally, although the Council have suggested a condition requiring the dwellings to achieve M4(2) Category 2 standards within Approved Document M to the Building Regulations, this includes a requirement for step-free access which would not be achievable here. Accordingly, the condition would not be reasonable, and I have therefore not imposed it.
31. Subject to these conditions, and for the reasons given above, the proposal would comply with the development plan when it is read as a whole. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 053-A-001 revision 191004, 053-X-000 revision 190226, 053-X-001 revision 190226, 053-A-100 revision 191004, 053-A-101 revision 191004, 053-A-102 revision 191004, 053-A-103 revision 191004, 053-A-104 revision 191004, 053-A-105 revision 190816, 053-A-200 revision 190816, 053-A-201 revision 190816, 053-A-202 revision 191004, 053-A-203 revision 191004, 053-A-204 revision 191004, 053-A-205, 053-A-300 revision 190816, 053-A-301 revision 190816, 053-A-302 revision 190816,
- 3) No development above ground level shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces roofs of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Logistics Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction; and
 - v) delivery, demolition and construction working hours.

The approved Construction Logistics Plan shall be adhered to throughout the construction period for the development.

- 5) No development above ground level shall take place until a scheme of landscaping works has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of:
 - i) any boundary treatment or means of enclosure, to include proposed collapsible bollards to the access to the site from Windmill Hill;
 - ii) all hard landscaping works to include hard surfacing materials;
 - iii) lighting; and
 - iv) a scheme of management and maintenance.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or brought into use. The completed scheme shall be managed and maintained in accordance with the approved scheme of management and maintenance.

- 6) No development above ground level shall take place until details of covered and secure cycle storage for each of the dwellings and the Use Class B8 floor space at ground and first floor levels has been submitted to and approved in writing by the Local Planning Authority. The relevant

cycle storage shall be provided in accordance with the approved details prior to the occupation of each element of the development and shall be permanently retained as such thereafter.

- 7) No development above ground level shall take place until details of storage for refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and the facilities shall be permanently retained as such thereafter.
- 8) No development above ground level shall take place until details of a scheme to provide for:
 - i) sound insulation against internally generated noise between the first and second floor levels, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS); and
 - ii) achievement of appropriate noise levels specified in BS8233:2014 for the internal rooms and external amenity areas of the dwellings hereby permitted

has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the use of the building begins and shall be permanently retained as such thereafter.

- 9) Before any plant, machinery or extraction equipment is installed on the premises, details of:
 - i) the external sound level emitted from plant, machinery or extraction equipment and mitigation measures as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the external sound level emitted from plant, machinery and equipment will be lower than the lowest existing background sound level by at least 5dBA or 10dBA where the source is tonal. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity; and
 - ii) anti-vibration measures which shall ensure that plant, machinery, extraction equipment and ducting are mounted with proprietary anti-vibration isolators and that fan motors are vibration isolated from the casing and adequately silenced.

shall be submitted to and approved in writing by the Local Planning Authority. All measures shall be implemented as approved before the plant, machinery or extraction equipment is first used, and shall be permanently retained as such thereafter.