
Appeal Decision

Site visit made on 1 September 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/R5510/W/19/3242523

Hayes Town Indoor Market, 15B Station Road, Hayes UB3 4BD

- 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 Tarsem Singh Dhillon against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 17297/APP/2019/2228, dated 2 July 2020, was refused by notice dated 30 October 2019.
 - The development proposed is the addition of a second floor for use as storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development from the decision notice rather than the application form because it better reflects the proposed works.
3. The Council adopted the Local Plan: Part 2 - Development Management Policies in January 2020 (the Part 2 LP). This document replaces the Local Plan Part 2 Saved UDP Policies 2012, which has been withdrawn. I have therefore determined the appeal against the policies in the new Part 2 LP.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the occupiers of neighbouring properties, particularly with regard to loss of daylight and sunlight, loss of outlook, noise and disturbance, and overlooking;
 - highway safety and the efficient operation of the highway network in the vicinity of the appeal site; and
 - the character and appearance of the area.

Reasons

Living conditions

5. There are a number of flats above the commercial units adjacent to the appeal site, with windows looking out directly onto the appeal building. The windows are close to the appeal property. The proposal would increase the height of the building and also its bulk, with a flat parapet detailing to replace the existing pitched roof. This would have a relatively minor effect on the views out from

the flats because views to either side of the building would be unaffected. Therefore, outlook would not be unacceptably reduced.

6. However, due to the proximity and orientation of the proposal to the relevant windows to the nearest flats, the proposal would likely result in a reduction in sunlight and daylight, or an increase in overshadowing. Due to the proximity, this has the potential to be significant. No assessment has been provided of these effects. It has therefore not been demonstrated that the proposal would not unacceptably harm the living conditions of occupiers of the flats with regard to reduction in sunlight and daylight, or an increase in overshadowing.
7. The proposed extension would be for storage and would only be accessible by an internal stair. No changes are proposed to the accessibility of the unit at ground or 1st floor levels. There would likely be an increase in visitors to the unit because of the increased capacity. The appeal site is surrounded by commercial and retail units and, in this context, the likely increase in footfall to the appeal site and internally through the building would be unlikely to significantly increase noise pollution or disturbance to the surrounding residential properties. However, the proposal would also likely increase vehicular servicing and deliveries. The appeal site is tightly constrained in this regard and the likely servicing area is close to the nearest flats. This has the potential to be significantly detrimental to the living conditions of neighbouring occupiers due to increased noise and disturbance. This has not been assessed.
8. Because there would be no change to the accessibility of the unit at ground or 1st floor levels and because the additional windows proposed in the extension would only be to a storage unit, the proposal would not significantly increase overlooking of the neighbouring flats, and would not be unduly harmful in this respect.
9. Consequently, it has not been demonstrated that the proposal would not unacceptably harm the living conditions of the occupiers of the neighbouring flats with regard to loss of sunlight or daylight, an increase in overshadowing, or an increase in noise and disturbance. The proposal therefore fails to comply with the relevant parts of Policy DMHB11 of the Part 2 LP which, amongst other criteria, states that proposed development should not adversely impact on the amenity, daylight and sunlight of adjacent properties. It also fails to comply with the relevant parts of Paragraph 127 of the National Planning Policy Framework (the Framework) which, amongst other criteria, requires a high standard of amenity for existing users.

Highway effects

10. The property is accessed by a narrow road, which is a shared surface for pedestrians and vehicles. No car parking is proposed. This is the same as the existing situation. The proposal would result in increased floorspace and therefore is likely to result in a degree of increased foot and vehicular traffic and servicing. Because the proposed additional floorspace is for storage use, it is possible that the increase in vehicular traffic could be relatively significant. Even if it were relatively moderate, the site is tightly constrained and accommodating an increase in servicing and delivery traffic would likely be difficult, particularly in relation to manoeuvring in and around the site. The site is directly adjacent to a large multi-storey car park, which provides pedestrian access to the vicinity of the site. However, deliveries and servicing would likely

be required directly to the appeal building, so the car park would likely only provide partial mitigation of these effects.

11. No assessment has been provided of what the effects might be on the surrounding highway network, either in terms of highway safety, car parking, or the free flow of traffic. Therefore, it has not been demonstrated that the proposal would not harm highway safety or the free flow of traffic and the proposal fails to comply with the relevant parts of Policies DMT1, DMT2, and DMT6 of the Part 2 LP which, amongst other criteria, seek adequate servicing and delivery, and that proposals ensure safe and efficient access to the highway network.

Character and appearance

12. The building is sandwiched between the rear elevation of a fairly large building with commercial units to the ground floor and flats to upper levels, and a large multi-storey car park to the other side. It is in a tight courtyard area. Only a small part of the ground floor is visible from the street and even when standing in the courtyard it is difficult to appreciate the upper storeys due to the existing trees and elevated walkway. The building is more visible from the flats above the commercial units and has a relatively intimate relationship with them due to the proximity and that the elevated walkway links the appeal building to an access way to the flats.
13. The proposed extension would increase the height of the roof and change it from a pitched roof to a flat roof. The multi-storey car park behind is flat roofed, as are two large buildings both to the north and south along Station Road. In this context, the proposed flat roof would be acceptable. The change in bulk and massing of the building would be relatively minor in relation to the overall scale of the building, and in the context of the large car park behind and the fairly substantial 3-storey building along Station Road. The proposed fenestration at 2nd floor level would harmonise with the existing fenestration at 1st floor level and would be in keeping with the building.
14. Therefore, the proposal would not harm the character and appearance of the area and would comply with the relevant parts of Policy DMHB11 of the Part 2 LP which, amongst other criteria, seeks high quality design. It would also comply with Chapter 12 of the Framework which, amongst other criteria, seeks high quality design.

Conclusion

15. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR