
Appeal Decision

Site visit made on 30 November 2020

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2020

Appeal Ref: APP/R5510/W/20/3257466

139 - 140 High Street, Uxbridge UB8 1JX

- 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 Warrant Investments plc against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 13004/APP/2020/1365, dated 29 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is Demolition of existing building and erection of a new three storey replacement building comprising Class A uses on the ground floor and 8no. residential flats over comprising 6no. 1-bed units and 2no. 2-bed units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would provide a suitable standard of accommodation for its future residents
 - The effects of the proposal on the character and appearance of the area, including the Conservation Area
 - Whether sufficient amenity space is proposed
 - The effects of the proposal on the amenity of neighbours.

Reasons

Whether the proposal would provide a suitable standard of accommodation for its future residents

3. The proposal includes a number of flats with a single aspect to the side. These would face over the adjacent pedestrian route (which is said to be a public highway by the Council) and onto the flank wall of the adjacent bank at No 142 High Street. There are also instances where proposed bedrooms would face over this narrow gap also.
4. The appellant indicates that the 4 single-aspect flats would be separated from the neighbouring building by around 5.5 metres. The proposed flats within the front section of the building would also have bedrooms with windows a

very short distance from the adjacent building. The appellant has submitted a daylight and sunlight report for the proposal, which indicates that the proposed units would receive adequate natural light. Whilst this may be the case, I consider that the outlook within these rooms and flats would be particularly poor. The very small distance between the proposed windows and in a number of instances, the entire flat, would mean that the outlook would be significantly restricted. I consider that this would be particularly oppressive for the proposed residents. I have taken account of the town centre location of the appeal site and acknowledge that, in some instances, a flexible approach to such matters can be appropriate. However, in this case where a significant proportion of the main rooms within the development would be affected and the distances involved would be very small, I consider that the proposal would give rise to clear and significant harm in this respect.

5. Policy 3.5 of the London Plan (2016) requires the design of new housing to consider elements that enable new homes to become suitable habitable environments for residents. Policy DMHB 16 of the Council's Local Plan Part 2, Development Management Policies (2020) (DMP) requires all residential developments to have adequate provision of internal space in order to provide a suitable living environment. Table 3.3 of The London Plan specifies minimum internal areas for residential units. Paragraph 3.36 of the London Plan specifies that these are minimum sizes and should be exceeded where possible. One of the proposed flats, identified as Unit 1.03 is proposed to be a 2 bedroom, 4 person unit. This proposed flat would have an internal area of 61 sqm which would fall short of the minimum space standard set out in the London Plan which is 70 sqm for a flat of this nature. The appellant indicates that flexibility should be exercised in relation to this matter due to the location of the proposal, the fact that the flat would contain all necessary facilities and their view that families would be less likely to be attracted to such a flat. The policy requirements set out above are clear that the standard quoted is a minimum. In my judgement, any flexibility would then be engaged in units above this size and not seeking to reduce the minimum.
6. These matters would combine to mean that the proposed units would fail to provide a suitable standard of accommodation, contrary to the policies set out above.

The effects of the proposal on the character and appearance of the area, including the Conservation Area

7. The appeal site sits within the Old Uxbridge/Windsor Street Conservation Area. The Council indicate that the existing building at the appeal site makes a neutral contribution to its character and appearance and they do not seek to resist its loss, as a matter of principle. In addition, the Council indicates that the effects on the front of the appeal site and its views from High Street are acceptable. The stated objection relates to the extent and size of the rear parts of the proposal. The appellant points out that the boundary of the Conservation Area does not include land beyond the rear of the site.
8. I accept that the primary contribution to the Conservation Area of a building within the appeal site would be its character and appearance within High Street itself. However, the Council states that there is some recognisable pattern of the buildings along High Street wherein there is a main and

dominant frontage and subservient extensions/rear elements have been added over time in a variety of forms.

9. From my own observations and having considered the representations submitted, it is clear that there is a great variety in the form and style of buildings within the rear of the plots here. These include mansard/crown roofs, as is currently proposed and other building forms. Within this varied context and acknowledging the lesser contribution that these parts of the Conservation Area make to its whole, I consider that the proposal would preserve its character and appearance.

Whether sufficient amenity space is proposed

10. Policy DMHB 18 of the DMP states that residential development should contain a suitable provision of amenity space and refers to numerical standards which are stated to be a minimum. In accordance with Table 5.3 of the DMP, the appeal scheme should provide 170 sqm of amenity space and provides 120 sqm.
11. The appellant suggests that a flexible approach is justified due to, amongst other things, the proximity of the site to other recreational facilities and its town centre location. I accept the point made by the appellant, that there are other flats within the area are less well provided for than the appeal scheme would be, in this respect. However, it seems highly unlikely to me that any of the flats nearby, relevant to this point, were considered and approved within the policy context of the very recently adopted DMP. Therefore, I conclude that the proposal conflicts with Policy DMHB 18. If this were the only conflict arising from the proposal, I consider that it may well have been outweighed by any benefits associated with the proposal. However, in the context of this appeal, it adds to the harm that I identify.

The effects of the proposal on the amenity of neighbours

12. The Council states in its submissions that the appellant has not demonstrated that there would be no unacceptable effects on the residential amenity enjoyed by the occupiers of flats at No 9 Belmont Road by reasons of overlooking or loss of outlook.
13. The appellant has now supplemented the available information in relation to the windows and layout at No 9 Belmont Road. The only window that directly faces the appeal site is to a bathroom and so no unacceptable effects would arise. There is a side-facing window to a living room and based on the distance and angle of view that would be available, I am satisfied that the occupiers of that flat would not be unduly affected by the proposal. Therefore, I see no conflict with Policy DMHB 11 in this respect.

Other Matters

14. The Council and the appellant refer to the need for planning obligations relating to parking permit restrictions, highways works and project management contributions. The appellant states that these matters are required to make the development acceptable and appears to not contest any of them. I can see from the submitted documents that a Draft has been produced but I have not been provided with a completed

Undertaking/Agreement. Therefore, in the context of an acknowledged need for these matters, the absence of a mechanism to ensure that they are satisfactorily addressed means that the proposal raises conflict with Policies DMT 1, DMT 2, DMT 6 and DMCI 7 of the DMP.

Planning Balance and Conclusions

15. The proposal would bring about additional homes within an accessible location and I attach some weight to this in determining the appeal. It would also provide a commercial unit at ground floor level which would contribute some vitality to this town centre. However, I have identified conflict with various local and London-wide policies in relation to the standard of accommodation and amenity space. In my judgement, the benefits arising from the scheme are insufficient to outweigh the harm. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR