
Appeal Decision

Site visit made on 18 January 2021

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 8 February 2021

Appeal Ref: APP/R5510/W/20/3259180

Rotary House, Breakspear Road, Ruislip HA4 7ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lorne Stewart PLC against the Council of the London Borough of Hillingdon.
 - The application Ref 15616/APP/2019/244, is dated 21 January 2019.
 - The development proposed is the erection of a single new floor above an existing building to form 4 self-contained flats with shared bins and cycle provision.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the character and appearance of the surrounding area, including the adjacent Green Belt
 - Whether the absence of amenity space would mean that residents would be unduly affected
 - Whether the proposal should/would secure a contribution to affordable housing
 - Whether the proposal would give rise to unacceptable on-street parking
 - Whether future residents would be exposed to an unacceptable risk of flooding.

Reasons

Character of the Area and adjacent Green Belt

3. The appeal site accommodates a 3 storey, flat-roofed building which houses 12 flats. The building was originally constructed for commercial purposes and has subsequently been converted. The rear of the site contains car parking. The site is located adjacent to the junction of Breakspear Road and Withy Lane. Land to the west is within the Green Belt

4. The existing building is sited a short distance from the plot frontage and the positioning of the buildings on the adjacent plots means that the existing building appears very prominent within the street-scene. When approaching Breakspear Road on Withy Lane, the building also appears dominant and is seen in the context of the much smaller pair of houses at Nos 27 and 28 Withy Lane.
5. The proposal would add an additional storey to the building and the vertical faces of the extension would be set in slightly from the existing walls. Notwithstanding the set-back, I consider that the proposed addition would be highly visible due to the prominence of the building. The great majority of buildings within the locality are 2 storeys in height and include residential and commercial uses. There are some 3 storey buildings, but the overriding impression is of low buildings which have a limited impact on the street-scene. The proposal would result in the already-prominent building having a greater degree of prominence.
6. I consider that within this context, the proposal would appear unduly prominent and out of place, set forward of nearby buildings with all 4 of its elevations visible within the adjacent streets. Taking account of these factors, I find that the proposal would fail to harmonise with its surroundings, contrary to Policies DMHB 11 and DMHB 12 of the Council's Local Plan Part 2 Development Management Policies (DMP). In addition, taking account of the proximity of the boundary with the Green Belt and the character of the adjacent land, I consider that the proposal would be contrary to Policy DMEI 6 of the DMP as it would fail to assimilate into the surroundings.

Amenity Space

7. Policy DMHB 18 of the DMP states that all new residential development and conversions will be required to provide good quality and usable private amenity space, in accordance with a table of standards. The proposal includes no amenity space and there is no existing amenity space within the site. The appeal site is close to an area of public open space and I note that this was considered acceptable for a previous conversion of part of the building during the consideration of an appeal (Ref: APP/R5510/A/14/2220011, dated 12 August 2014), which was ultimately refused for other reasons.
8. However, the current appeal is to be considered in the context of the recently adopted DMP, amongst other things, and Policy DMHB 18 is clear that the standards are set as a minimum provision. Whilst I acknowledge the existence of the public open space, it cannot perform all the functions that a private garden/amenity space would and the absence of such a provision is contrary to this policy.

Affordable Housing

9. Policy DMH 7 of the DMP states that developments with a capacity to provide 10 or more units will be required to maximise the delivery of on-site affordable housing; subject to viability, a minimum of 35% should be delivered. The policy adds that the requirement for affordable housing will apply to "*i) sites that are artificially sub-divided or partially developed; ii) phased developments where a housing development is part of a much larger development of 10 or more units (gross), affordable housing will be required as part of the overall scheme; and iii) additional units created through or subsequently amended*

planning applications, whereby the amount of affordable housing required will be calculated based on the new total number of units on the site. Affordable housing will be required where a development under the 10 unit threshold is amended to have 10 or more housing units in total (gross)."

10. The existing 3 storey building is said by the Council to have been constructed in the early 1970s. The proposal seeks approval to add an extra floor to the building to provide an additional 4 units bringing the total to a total of 16, including the existing units.
11. The Council's position is that the proposal is for a gross number of 16 units which exceeds the threshold for an affordable housing requirement. Although the appellant has indicated within the appeal submissions that he would be prepared to contribute to affordable housing, there is no mechanism to secure this. Therefore, I have to determine the appeal in the absence of any secure mechanism to provide affordable housing.
12. The requirements of Policy DMH 7 seek to stop developers from being able to avoid making a legitimate contribution to affordable housing by splitting sites or applications into individually smaller schemes, which cumulatively exceed the threshold; I can fully understand the need for such a provision. The case before me is an existing building of around 50 years old where there are existing flats (some said by the Council to have existed in records of 1993) and the appeal proposal seeks to add 4 more units. I consider that this does not fall within any of the 3 scenarios set out in Policy DMH7: the site has not been artificially sub-divided; it has not been phased and does not form part of a larger scheme; it does not seek to amend an existing planning permission. It is in the context of those scenarios that the Policy uses the word "gross" but I consider that it is not appropriate to use it in the specific circumstances of the appeal scheme. In conclusion on this issue, I find that there must be an acknowledgement of the existing 12 units and the relevant figure to consider here is the 4 additional units. As a consequence, the proposal would not generate a requirement for affordable housing.

Car Parking

13. There are indicated to be 12 existing car parking spaces within the site. The proposal does not include any additional spaces and the appellant indicates that it would be 'car-free'. Policy DMT 6 of the DMP states that development proposals must comply with the parking standards within Appendix C Table 1 but that the Council may agree to vary these requirements when i) the variance would have no unacceptable effects on street parking provision, congestion or local amenity, amongst other things. Table 1 indicates that the maximum standard for a 1 bedroom flat is 1-1.5 spaces per unit.
14. The appellant has undertaken a parking survey, the methodology of which the Council are in agreement with (subject to reservations about survey times). The survey records a 51% parking stress level and a capacity of 23 or 24 spaces on streets surrounding the site and the appellant considers this to be more than acceptable to accommodate any additional parking generated by the proposal. The Council is critical that only night-time parking was surveyed (when it is assumed that most residents would have returned home) due to the proximity of commercial and leisure uses which may generate day-time parking.

15. I was able to observe that parking was readily available on surrounding streets during the daytime, although I fully acknowledge that the Government restrictions imposed by the Covid 19 pandemic may alter travel and parking patterns. However, the assumption of the Council's argument seems to be that, in normal times, many residents will take their cars out during the day and return home in the evenings (hence normally requiring night-time surveys). Their indication that commercial and leisure uses may take up some of the on street spaces during the day may be so, although I consider that the 'Lido' referred to would be sufficiently far from the site not to have a discernible effect. However, if future residents of the proposed flats follow the pattern set out by the Council, ie they take their car away from the area during the day, they will be less likely to contribute to on-street parking. Taking account of these matters, and the small number of vehicles likely to be generated by 4 small flats, I conclude that the additional demand placed on street parking by the proposed development would not give rise to unacceptable conditions on the adjacent highways.

Flood Risk

16. Policy DMEI 9 of the DMP relates to the management of flood risk. The policy indicates that a Flood Risk Assessment (FRA) will be required in certain instances which should demonstrate the resilience of the proposal. It adds that development may be required to make contributions to flood improvement works and that proposals which fail to make provision for appropriate flood risk mitigation or which would increase the risk or consequences of flooding, will be refused.
17. The appeal site is described as being at high risk of surface water flooding, which means that the area has a chance of flooding of more than 1 in 30 (3.3%) in any given year. Surface water flood depths are shown to be between 300mm and 900mm, with flow velocity more than 0.25m/s, in the high, medium and low risk scenarios. In the high and medium risk scenarios the extent of the flood outline is limited to the carriageway of Breakspear Road and Withy Lane and does not extend into the site.
18. The Council indicates that placing additional residents in a development that has no dry emergency access/egress in such a flood event, is unacceptable. In addition, the Council are concerned that the proposal does not demonstrate a reduction in surface water runoff. In relation to the last point, the proposal does not include any additional coverage of the ground by buildings or hard-surfacing and so would not, in my judgement, be likely to add to surface water runoff, which satisfies the last section of Policy DMEI 9, which seeks no increase, rather than a reduction in the risk of flooding.
19. With regard to emergency routes, I note that the building already contains a number of flats, which the Council has consented to. I am satisfied that, had the appeal been acceptable in other respects, a suitable condition could be imposed which required the implementation of an agreed evacuation plan.

Balance and Conclusion

20. I acknowledge that the proposal would make a contribution to the supply of new homes locally. I have also agreed with the appellant in relation to some of the identified main issues. However, the proposal would have an unacceptable effect on the character of the surrounding area and in relation to the provision

of amenity space, contrary to the policies identified above. I find that none of the benefits arising from the proposal is sufficient to outweigh the harm that I have identified. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR