



Appeal Decision

Site Visit made on 21 July 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/R5510/W/21/3269406

Seymour House, 30-38 Chester Road, Northwood, Middlesex HA6 1BQ

- 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 Salim Rhemtulla of Seymour House Residential Care Homes Limited against the decision of London Borough of Hillingdon.
 - The application Ref 50613/APP/2020/3628, dated 5 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is the erection of 29-bed residential care home (Use Class C2) on land at No. 30-32 Chester Road and the change of use of three existing rear bedrooms to storage and ancillary rooms to No. 34 Chester Road.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 29-bed residential care home (Use Class C2) on land at No. 30-32 Chester Road and the change of use of three existing rear bedrooms to storage and ancillary rooms to No. 34 Chester Road at Seymour House, 30-38 Chester Road, Northwood, Middlesex HA6 1BQ in accordance with the terms of the application, Ref 50613/APP/2020/3628, dated 5 November 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The decision notice referred to policies from the London Plan (2016) and Publication London Plan (December 2020). These have subsequently been replaced by the London Plan 2021. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. I have had regard to comments, where received, from the main parties in relation to these.
3. There have been no fundamental changes relevant to the main issues in this appeal and so no injustice has been caused to any of the appeal parties in my taking these into account in my decision.

Applications for costs

4. An application for costs was made by Mr Salim Rhemtulla of Seymour House Residential Care Homes Limited against London Borough of Hillingdon. This application is the subject of a separate Decision.

Main Issue

5. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area, including the Old Northwood Area of Special Local Character (ASLC).

Reasons

6. The appeal site is currently a vacant area of land that is overgrown and fenced off. The absence of built form detracts from the ASLC, which has its significance, in part from its general consistency in terms of 2 storey scale built form often with further accommodation in the roof space, front building line and rhythm of buildings. Nonetheless, there is variation within these broader parameters at all levels in the appearance of both older buildings and the more recent existing care home ones. There is no uniformity to dormer windows and roof types in terms of size, proportions and position.
7. The Framework states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. When considering the effect of a proposed development on the significance of a non-designated heritage asset, such as the ASLC, the Framework advises that a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset.
8. The rear projection of the proposed building would be wider than those it would be seen with and the previously approved scheme at the site¹. Moreover, it would not step down from the main roof line. This would add to the bulk of the building and result in it being of different proportions to those in the area and adjacent, including the existing care home buildings.
9. Nevertheless, the rear projection would not extend across the whole of the rear elevation and there is variation in the size and appearance of rear projections in the street that the appeal site would be viewed with. In addition, it would not project further back into the plot than the existing care home buildings and the pattern and size of openings would be similar.
10. Furthermore, although not identical, the rear projection would take cues from the existing care home buildings as it would not be set in from both side elevations, as with 34 Chester Road, and be at full ridge height like the one at 36-38 Chester Road. The buildings overall scale, height, roofscape and frontage width would also be comparable to the existing care home buildings and therefore not appear alien or incongruous.
11. The width and mass of the rear projection would be seen from nearby properties. However, there would be limited public views of it as a whole given its position and proximity of the building to the adjacent ones.
12. While it would not replicate any existing nearby buildings, in particular older ones, the proposal would draw on elements of the built form in the ASLC. In addition, the materials, front building line and height would be comparable to the buildings the scheme would be seen with. The building would have a residential appearance in keeping with the overall character of the area.
13. Therefore, the proposed development would not harm the character and appearance of the area, including the ASLC. It would accord with the design and heritage protection aims of Policy BE1 of the Part 1 Plan², Policies DMHB5 and DMHB11 of the Part 2 Plan³, and Policies D4, D5 and HC1 of the London Plan 2021.

¹ 13800/APP/2020/2272

² Hillingdon Local Plan: Part 1 Strategic Policies

³ Hillingdon Local Plan: Part 2 Development Management Policies

Other Matters

14. There would be some impact on the outlook and light levels that would reach the side elevation windows at 28 Chester Road. However, the footprint, other than the rear projection, which is still set in from the boundary with 28 Chester Road, and height of the appeal building is largely the same as that of the previously approved scheme. I see no reason to reach a different finding from the previous Inspectors⁴ in that such effects do not warrant dismissing the appeal and acceptable living conditions would be retained at that property.
15. Given the nature of the use there would be some noise and disturbance from activities at the site and comings and goings from it that would occur at different times of day and night. However, there is no compelling evidence to indicate the activities at the existing care home buildings have led to formal complaints or that the additional movements and occupiers would do so. The bike store would be near the boundary with 28 Chester Road. However, its size is not significant and there are boundary treatments that would help to reduce noise.
16. Noise and disturbance during building works would be temporary and the condition imposed requiring a construction method statement would prevent unacceptable effects on nearby residents.
17. Other properties would be further from the site. The separation distances to the rear and the presence of landscape features would be sufficient to prevent significant additional overlooking, light spillage and noise. For properties to the front and rear a sufficient outlook would be retained with the arrangement of buildings being largely the same as with the existing ones and typical of the current street layout. Conditions are imposed in regard to a landscape scheme. While new features would take time to mature, existing boundary features are shown to be retained.
18. The principle of a care home use has been established in the previously approved scheme at the site which represents a fallback position. In addition, the now demolished building at the site was said to have been used as a children's home. Therefore, the proportion of properties used other than as a dwelling would not be reduced.
19. The Council's Flood and Water Management Officer and Thames Water have not objected to the scheme with regard to surface water disposal, water supply or sewage capacity. They have also not raised concerns over the effect of the scheme on any existing issues at adjacent streets. A surface water drainage strategy has been provided and conditions are imposed requiring further details of the final drainage scheme and a Basement Impact Assessment. There is no convincing case that the scheme would lead to unacceptable effects on these or other infrastructure.
20. Nearby residents have raised concerns over existing and future parking issues in the vicinity and the level of proposed off street parking would fall below the Council's standards. Nonetheless, these are maximum standards. Although there are parking restrictions on Chester Road and some others nearby, a parking survey has been carried out and identified that there is capacity close to the site.

⁴ APP/R5510/W/19/3236950 and APP/R5510/A/2139386

21. During my site visit, which I appreciate was only a snapshot in time, and that during different times of day and week the situation would not be the same, I saw that there were spaces available on several streets near the site. The removal of 3 bedrooms at 34 Chester Road would go towards offsetting the increase in parking and traffic generation that the scheme before me would generate in comparison to the previously approved scheme which represents a fallback position. The provision of sufficient cycle storage facilities would encourage use of modes of transport other than car. Therefore, I have reached the same finding as the Highway Authority in that the scheme would be acceptable in terms of highway safety and parking.
22. I note comments from the Council's Access Officer regarding the Supplementary Planning Document 'Accessible Hillingdon' regarding bathrooms and lifts. The appellant indicates that the proposed care home has been designed to replicate the existing buildings that were registered with the Care Quality Commission. A condition is imposed in relation to the ratio of assisted and wheelchair accessible bathrooms.
23. Bedrooms would be of sufficient size and have front or rear facing windows giving an appropriate outlook and access to light. A spacious communal outdoor area would be provided and shared with the occupiers of the other care home buildings accessed via a similar ramped arrangement. In the absence of compelling evidence to the contrary, the proposal would provide appropriate living conditions for its future occupiers.
24. The scheme would remove 3 bedrooms at 34 Chester Road addressing the concerns in the previous appeal regarding the tunnelling effect of the rear projection on the living conditions of those occupiers.
25. Compliance with conditions and building control standards on previous approvals at the site or the merits of compulsory purchase are not matters for this appeal. That there have been several previous applications and appeals at the site as well as the behaviour of the appeal parties does not alter my findings on the main issue of the appeal.
26. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic (in this case disability) and people who do not share it.
27. I acknowledge the personal health circumstances of a nearby occupier. Notwithstanding this, the adverse impacts of allowing the scheme on those with protected characteristics would be proportionate as it would not cause unacceptable harm to their living conditions. Moreover, conditions are imposed that would reduce noise and disturbance during the construction period. As such, it does not follow from the PSED that the appeal should fail.

Conditions

28. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

29. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
30. In order to protect the character and appearance of the area, I have imposed a condition regarding external materials. Conditions requiring tree protection measures and a landscape scheme are imposed for the same reason. A further one is imposed requiring details of biodiversity protection and enhancement to encourage wildlife. Given early stages of the development may affect features, these details are required prior to commencement.
31. Conditions requiring the cycle and refuse storage to be provided and retained is necessary to encourage sustainable modes of transport and to ensure appropriate refuse facilities are in place.
32. The removal of permitted development rights for additional side elevation windows, obscure glazing for those proposed, fixing of lightwell windows and provision of a construction method statement is required to protect the living conditions of adjacent occupiers. Details of ventilation for these rooms is also therefore required for the benefit of future occupiers. A condition seeking the use of certain bedrooms at 34 Chester Road to cease being used as such is needed and one requiring the provision of suitable bathroom facilities are necessary for the same reason.
33. Conditions to prevent soil contamination and to report any not previously identified contamination are imposed to protect existing and future residents in the area.
34. To ensure appropriate drainage is provided conditions requiring surface water details and a Basement Impact Assessment are necessary. The use of the building as a care home is controlled by condition to avoid changes of use that may give rise to implications for affordable housing provision. A condition relating to non-road machinery and another relating to low carbon technology are imposed to seek to reduce emissions and promote energy efficiency.
35. I have not imposed a condition requiring the scheme to be in accordance with Secured by Design standards as it is not clear whether this would result in alterations to the scheme. Moreover, as with the condition requiring the scheme to be carried out in accordance with certain supporting documents, it has not been demonstrated that this is necessary.

Conclusion

36. For the reasons given, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions in the schedule below.

Stuart Willis

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:

Drawing No SCH01_20-03 Existing Site Plan; Drawing No SCH01_20-1 Location Plan; Drawing No SCH01_20-15 Cycle/Motorcycle Store; Drawing No SCH01_20-04 Existing Site Plan; Drawing No SCH01_20-08 Ground Lower Ground Floor Plans; Drawing No SCH0118-14 Cross Section A-A; Drawing No SCH01_20-09 Rev 1 First/Second Floor Plans; Drawing No SCH01_20-05 Rev A Oct 2020 Block Plan; Drawing No SCH01_20-06 Rev A Oct 2020 Site Layout Plan; Drawing No SCH01_20-11 Rev A Oct 2020 North West/South East Elevations; Drawing No SCH01_20-18 Rev A Oct 2020 Site Layout Plan; Drawing No SCH03_20-10 Rev B Oct 2020 Front/Rear Elevations; Drawing No SCH03_20-12 Rev B Oct 2020 Existing/Proposed Street Elevations; Drawing No SCH03_20-13 Rev B Oct 2020; Drawing No SCL01-20-16 Existing Floor Plans; Drawing No SCL01-20-17; Drawing No SCL01-20-18; Drawing No SCL01-20-19 Existing Elevations; Drawing No SCL01-20-20 Existing Roof Plan/Site Plan; Drawing No SCL01-20-23 Rev A Oct 2020 Proposed Elevations; Drawing No SCL01-20-24 Rev A Oct 2020 Proposed Elevations; Drawing No SCL01-20-25 Rev A Oct 2020 Proposed Roof Plan/Site Plan; Drawing No SCL01-20-26 Rev A Oct 2020 Proposed Cross Section A-A; Drawing No SCL01-20-27 Proposed/Existing Floor Plans; Drawing No SCL01-20-28 Proposed Floor Plans; and Drawing No SCH01_20-02 Site Plan Showing Demolished Building 32-30 Chester Road.
- 3) No development shall commence until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) planting plans at not less than 1:100 scale,
 - ii) a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment,
 - iii) earthworks showing existing and proposed finished levels or contours,
 - iv) means of enclosure and retaining structures,
 - v) boundary treatments,
 - vi) vehicle parking layouts showing provision of 3 parking spaces along with details of passive electrical vehicle charging points,
 - vii) other vehicle and pedestrian access and circulation areas,

- viii) hard surfacing materials,
- ix) proposed and existing functional services above and below ground,
- x) external lighting and CCTV,
- xi) a landscape maintenance schedule; and
- xii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) No development shall commence until a scheme of ecological protection and enhancements and a timetable for implementation, has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented as agreed and maintained thereafter in accordance with these details.
- 6) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No development shall commence (excluding site clearance and demolition) until, a Basement Impact Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include:
 - i) the results of an appropriate site investigation that has identified the nature of the underlying geology and confirmed the depth of any groundwater beneath the site (taking into account the seasonal variability of groundwater);
 - ii) an assessment to identify any mitigation measures that need to be put in place to maintain the passage of groundwater around the building without impacting local groundwater levels; and, shallow infiltration rates to inform the utilisation of Sustainable Drainage Systems (SuDS) on the site.

The development shall be undertaken in accordance with the approved details prior to the beneficial use of the development hereby permitted and retained for the duration of the development.

- 8) Prior to any above ground works details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 9) Prior to any above ground works, plans detailing the accessibility of the facilities provided shall be submitted to and approved in writing by the local planning authority. These plans shall show that:
 - i) 1 no. assisted baths (or assisted showers provided where it is shown to meet the needs of residents) will be provided for every 8 no. service users (where suitably adapted en-suite bathing/shower facilities are

provided in service users' rooms, these rooms can be excluded from this calculation); and

ii) 10% of the service user rooms will incorporate an en-suite bathroom suitable for a wheelchair user.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

- 10) Prior to any above ground works, the existing bedrooms at 34 Chester Road shown to be altered to a sluice room, clean laundry/ironing room and maintenance/storeroom, as shown on Drawing No SCL01-20-27 Proposed/Existing Floor Plans and Drawing No SCL01-20-28 Proposed Floor Plans, shall cease to be used as bedrooms and not return to such use thereafter.
- 11) The building hereby permitted shall not be occupied until details of low and zero carbon technology at the site and an implementation programme have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented as agreed and retained thereafter.
- 12) The building hereby permitted shall not be occupied until the cycle store shown on Drawing No SCH01_20-15 Cycle/Motorcycle Store and Drawing No SCH01_20-06 Rev A Oct 2020 Site layout Plan has been provided and shall be retained for cycle storage thereafter.
- 13) The building hereby permitted shall not be occupied until a bin store on site has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority and shall be retained for bin storage thereafter.
- 14) The building hereby permitted shall not be occupied until the side elevation windows facing 28 and 34 Chester Road have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 15) The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters and water saving measures and equipment;

- ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 16) The building hereby permitted shall not be occupied until mechanical ventilation to serve the lower ground floor kitchen and activity lounge shall be installed in accordance with the details that have first been submitted to and approved in writing by the local planning authority and retained thereafter.
- 17) The building hereby permitted shall not be occupied until, (a) all existing and site derived soils and (b) all imported soils have been independently tested for chemical contamination, and the results of this testing shall be submitted to and approved in writing by the local planning authority.
- 18) Notwithstanding the Town and Country Planning (Use Classes) Order (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the development shall not be used for any purpose other than as a residential care home (Use Class C2).
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings shall be constructed in the walls or roof slopes of the development hereby approved facing 28 or 34 Chester Road other than those shown on the approved plans.
- 20) The 3 light well windows for the lower ground floor of the development hereby approved shall be fixed shut and served by mechanical ventilation.
- 21) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 22) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction

phases of the development on the online register at
<https://nrmm.london/>.