



Appeal Decision

Site visit made on 25 January 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/R5510/W/21/3287360

9-11 Water Tower Close, Uxbridge UB8 1XS

- 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 Robert Parsons against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75805/APP/2021/1119, dated 12 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is conversion of the upper part of the former water tower building into 2 x 2 bedroom flats and internal alterations to provide a lift through existing residential accommodation on ground to second floors and provision of parking for 6 cars.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the upper part of the former water tower building into 2 x 2 bedroom flats and internal alterations to provide a lift through existing residential accommodation on ground to second floors and provision of parking for 6 cars at 9-11 Water Tower Close, Uxbridge UB8 1XS in accordance with the terms of the application Ref 75805/APP/2021/1119 dated 12 March 2021 subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council's second reason for refusal refers to the effect of development on the occupiers of 7, 14, 15, 17 and 19 Water Tower Close. However, I note that the appeal site also adjoins 14 North Common Road. It seems to me that the concerns raised by the Council would similarly apply to this neighbour, and I have considered the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) the character and appearance of the host building and the surrounding area, including the North Uxbridge Area of Special Local Character; and
 - ii) the living conditions of the occupiers of neighbouring dwellings with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance

4. The appeal site includes a former water tower which the Council advises was built in around 1906 for the Rickmansworth and Uxbridge Valley Water

Company and which is a Locally Listed Building within the North Uxbridge Area of Special Local Character (ASLC). It has a broadly square footprint and comprises a castellated structure of significant height which is finished externally in yellow stock brick with decorative red brick detailing, and red brick and stone arches above metal framed windows. The lower floors of the building have been converted to dwellings, but the upper part of the building still holds the circular water tank, albeit now redundant, within a double-height space. The tank section is distinguished externally from the floors below by a projecting horizontal brick band, and is served by taller windows which together signal the scale of the space within. There is as a result a visible hierarchy to the building, and despite some alterations including a conservatory and antennae to the roof, it has a striking form and appearance which is appreciable from viewpoints including on Uxbridge Common and nearby streets.

5. In my judgement, the distinctive architectural qualities of the building together with its historic interest as an example of Victorian infrastructure contribute much to its significance as a non-designated heritage asset under the terms of the National Planning Policy Framework (the Framework), and I agree with the Council's description of it as a landmark building. The Hillingdon Local Plan Part Two - Development Management Policies 2020 (LPP2) notes that ASLCs are non-designated heritage assets identified on the basis of their architectural, townscape or historic merit. As a prominent building of historic merit, I consider that the building also contributes positively to the qualities of the North Uxbridge ASLC.
6. The proposal includes conversion of the upper part of the building that currently holds the water tank to 2 flats. To provide access to the flats, there would be internal alterations to the building including to install a lift. Nevertheless, the appellant advises that the lift shaft would be formed through removal of concrete plank flooring installed as part of the conversion of the building in the 1980s and alterations to steel beams beneath the tank. Associated changes to the layout of the existing dwellings on the site to include provision of replacement bathrooms would not entail structural or external alterations, and it therefore seems to me that effects on the original fabric of the building associated with installation of the lift would be very limited. I note the Council's comments that no lift overrun is shown, but not all lift systems call for an overrun and I therefore see no reason that alterations beyond those already indicated would necessarily be required.
7. The flats themselves are proposed to be formed through internal adaptation of the tank. However, the subdivision of the space into multiple rooms would lessen opportunities to appreciate the greater scale of the upper part of the building from within. Fairly large parts of the tank would also need to be cut away to provide for usable layouts and light to the rooms created, and the existing windows to the upper part of the building would be replaced with openable windows with limiting safety stays. While I am satisfied that replacement windows of suitable quality and design to replicate the existing could be secured through the imposition of a condition, there would nevertheless be a loss of original fabric. I consider that the loss of fabric and subdivision of the water tank space would cause some harm to the integrity and thus significance of the building.
8. In addition, the proposal includes replacement of the existing sloping roof with a flat roof that would in part accommodate terraces. The appellant advises that

the existing roof structure is not original, but it is unclear from the evidence before me whether or not the sloping design reflects the original construction. Even if there would be no loss of original fabric, I cannot therefore be sure that this element of the proposal would not alter the historic form of the building to the detriment of its significance.

9. However, the replacement roof would be screened by the castellated parapet, and subject to details of replacement windows noted above, other changes to the building's exterior would be very minor. I acknowledge that the new fifth floor would cross the existing windows, but the main floor structure would be set back from the glazing and I am satisfied that the separation would be sufficient to prevent the relationship appearing unduly jarring or awkward. Given also the height of the development and my observations at my visit, the floor would be unlikely to be conspicuous in views of the windows from the surrounding area. There would be no change to the external brick detailing that distinguishes the parts of the building, and in my assessment the impression in views from outside of the site would largely remain of the upper part of the building as a double-height space. I find for these reasons that the visual impact of the development would be limited, and the appearance of the building and the hierarchy of spaces within it would not be harmfully diminished.
10. Moreover, the works would affect only relatively small parts of the building, and retained sections of the water tank would evidence and allow for some continued understanding of its historic role and function. Even when the alterations are taken together, I am satisfied that the architectural and historic interest of the building would not be undermined to any significant degree, and harm to the overall significance of the Locally Listed Building would be slight.
11. This harm would nevertheless be contrary to requirements within Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (LPP1), DMHB 3 and DMHB 11 of the LPP2, and HC1 of the London Plan 2021 (LP) seeking generally the conservation and enhancement of heritage assets and the quality of the built environment.
12. However, in light of the very limited visual impact of the development and the degree of harm to the appeal building, I do not consider that there would be tangible harm to the character or appearance of the surrounding area or the contribution that the building makes to the ASLC. In this regard, I find no conflict with Policies BE1 and HE1 of the LPP1 or Policies DMHB 5, DMHB 11, DMHB 12 and DMHD1 of the LPP2 insofar as they broadly require development that harmonises with its context and conserves and enhances local distinctiveness including ASLCs, nor with similar requirements within the Framework broadly seeking development that is appropriate to its context.
13. In addition, the Framework advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DMHB 1 of the LPP2 further sets out that development harming a heritage asset may be supported where it is demonstrated that public benefits would outweigh the harm, in accordance with the Framework.
14. The proposal would make effective use of a site within an existing settlement to provide a net gain of 2 dwellings. I acknowledge that the contribution to

housing supply would be small, but the Framework identifies an objective to significantly boost the supply of housing. It further highlights that small and medium sized sites such as the appeal site can make an important contribution to meeting the housing requirement of an area. In this light, I consider the contribution of 2 dwellings to the supply and mix of housing locally to be an important public benefit which attracts significant weight in favour of the proposal. I also consider that there would be some modest benefit to the appearance of the building through the indicated removal of existing antennae which project conspicuously above the roof.

15. Even setting aside the removal of the antennae, I find taking a balanced judgement that the benefits of the proposal would outweigh the slight harm caused to the significance of the Locally Listed Building. As a consequence, the development would not unacceptably harm the Locally Listed Building and I find no conflict with Policy DMHB 1 of the LPP2, nor with the Framework. I therefore conclude that a decision that would result in conflict with some elements of Policies BE1 and HE1 of the LPP1, DMHB 3 and DMHB 11 of the LPP2 and HC1 of the LP is warranted.

Living Conditions

16. The thickness of the building's walls and consequent position of glazing relative to the rooms within the proposed dwellings, as well as their height and relationship with nearby dwellings, means that the main outlook from windows would comprise views above the level of neighbouring properties rather than down onto them. Views would also be similar to those that I saw are already available from the existing dwellings below. I therefore agree with the Council that views from the building's windows would not significantly increase loss of privacy for the occupiers of neighbouring dwellings in comparison to the existing situation.
17. At my visit, I saw that there are currently high level views from the roof of the building down onto neighbouring dwellings and gardens. However, the proposed roof terraces would be lowered beneath the level of the existing roof. The submitted details indicate a difference in height of around 2m between the finished floor level of the terraces and the lowest sections of the surrounding parapet, and this would be sufficient to prevent views from it overlooking surrounding dwellings or gardens. I am therefore satisfied that there would be no actual loss of privacy to neighbouring occupiers.
18. Moreover, the parapet walls would also screen people and activity from neighbouring properties. Given the modest scale of the terraces and that they would serve only 2 two-bedroom dwellings, levels of activity would be likely to be relatively limited and while I note their height, no substantive evidence to show how activity would result in excessive noise and disturbance has been provided. In my judgement, the use of the terraces would not therefore be readily discernible from surrounding sites, and accordingly I do not find that there would be a perceived loss of privacy for neighbouring occupiers.
19. I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring dwellings, and I find no conflict with Policy DMHB 11 of the LPP2 which includes a requirement that development should not adversely impact on the amenity of adjacent properties. The Council's reason for refusal refers additionally to Policy DMHD 1 of the DMP, but this relates to alterations and extensions to dwellings while the

terrace would serve new dwellings, and it seems to me to be of lesser relevance to this main issue.

Other Matters

20. Both the Framework and development plan highlight the importance of high quality and reliable communications infrastructure, including for economic growth and social well-being. As part of the proposal, existing telecommunications equipment which an interested party advises provides services to the local community on behalf of a number of operators is shown to be removed from the building. However, the appellant advises that the equipment would be removed following the expiry of the current licence period. While I have no firm reason to doubt the comments made by the owner/manager of the equipment that it may be possible to retain equipment alongside the development, that would be a matter between the relevant parties. There is also no firm evidence before me demonstrating the effect of removal on electronic communications coverage in the surrounding area or that significant detriment would result. I am not therefore persuaded that conditions to require retention of equipment or that it is not removed until a replacement site is commissioned would be necessary or reasonable in this case.
21. The Council advise that the indicated parking provision on the site would be in accordance with relevant standards, and there is no clear evidence before me that the development would harm highway safety or convenience, nor to indicate existing parking pressure in the vicinity of the appeal site that would be exacerbated. Construction would cause some disruption, but this would be temporary and mostly within the existing building and could be mitigated by careful construction management. It would not therefore constitute reasonable justification for withholding planning permission. I have taken into account representations by interested parties, but none of the matters raised either individually or collectively alter my conclusions on the main issues.

Conditions

22. I have considered suggested conditions having regard to the tests set out at paragraph 56 of the Framework and to avoid pre-commencement conditions where this is not necessary for a condition to achieve its purpose. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. Conditions requiring details of external materials and of windows and doors are necessary to ensure a satisfactory appearance, and I have amended the suggested conditions to require that works are carried out in accordance with the details agreed. I have also imposed a condition to restrict additional openings in the interests of the living conditions of neighbouring occupiers, although I do not consider it would be necessary to restrict openings to roof slopes given the proposed flat roof form which would be set within the building's parapet walls.
23. I have also imposed conditions suggested by the Council's Highways consultee to require details and implementation of the allocation of parking, provision of electric vehicle charging and cycle storage which are necessary in the interests of highway safety and convenience and to meet requirements within the development plan. A condition to require provision of the indicated lift access is also necessary in the interests of inclusive design, although I am not persuaded the development would warrant a requirement for lift access to the existing

dwellings, and I have amended the condition suggested by the Access Officer to refer to the details shown on the approved plans.

24. The Council's report on the application also refers to conditions requiring landscaping details and consideration for trees. However, these are not included in its list of suggested conditions, and given the nature of the development which would be predominantly within the existing building and the details already submitted, I do not consider this would be necessary.

Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would conflict with some elements of policies of the development plan, but other considerations including the public benefits of the proposal and the provisions of the Framework would outweigh this conflict and indicate that a decision should be taken otherwise than in accordance with the development plan.

26. 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: 200 Rev C, 001 Rev C, 002 Rev C, 003 Rev C, 004 Rev C, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C, 009 Rev C, 010 Rev C, 011 Rev C, 012 Rev. C 013 Rev C, 014 Rev C, 020 Rev C, 105 Rev C, 106 Rev C, 107 Rev C, 108 Rev C, 109 Rev C, 110 Rev C, 111 Rev C, 112 Rev C, 113 Rev C, 114 Rev C, 120 Rev C and shall thereafter be retained/maintained for as long as the development remains in existence.
- 3) Details and samples of all materials and finishes to be used for all external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before they are installed. The development shall be carried out in accordance with the approved details and samples.
- 4) Detailed drawings or samples of materials, as appropriate, in respect of windows and doors shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun, and the development shall be carried out in accordance with the approved details and samples.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls of the development hereby approved.

- 6) The dwellings shall not be occupied until details of the allocation of parking spaces within the site and provision for charging of electric vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is first occupied, and shall thereafter be retained.
- 7) The dwellings hereby permitted shall not be occupied until secure and accessible space for bicycles to be parked has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority and that space shall thereafter be kept available for the parking of bicycles.
- 8) The dwellings hereby permitted shall not be occupied until lift access has been provided in accordance with the approved plans, and this provision shall thereafter be retained.