



Appeal Decisions

Site visit made on 28 February 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/R5510/W/21/3288520

47 The Broadway, Joel Street, Northwood, HA6 1NZ

- 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 Ramesh Parmar The Beer Barrel Ltd. against the decision of London Borough of Hillingdon.
 - The application Ref 17155/APP/2021/1453, dated 13 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is Erection of a three storey building to create a business unit and 1 x 2-bed residential unit involving demolition of existing store/garage to rear and remodelling of existing basement to increase business use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for an award of costs has been made by the appellant and is determined under separate cover.
3. The address within the application form differs from the address within the Council's decision notice. I have used the address in the banner heading as per the address given within the appellant's application form.

Main Issues

4. The main issues are the effect of the proposal upon:
 - The living conditions of the adjacent occupants by virtue of sense of overbearing, loss of light and outlook, overlooking and loss of privacy;
 - The character and appearance of the local area; and
 - Whether or not the proposal would be inclusive design.

Reasons

Living conditions

5. The development would be positioned to the back of a parade of local shops and businesses along The Broadway Joel Street that forms part of a three-storey building to the front with commercial at the ground floor occupied by Dominos Pizza, and four floors to the rear where it extends to Ferndown.
6. Residential flats are located above the ground floor premises and accessed from the rear yard onto Ferndown with an external staircase leading to

combined main entrances and a communal external terrace space. There are further commercial uses operating from buildings within rear yards along the back of the shopping parade and accessed from Ferndown.

7. The existing building within the rear yard would be demolished and replaced by a three-storey residential accommodation erected in front of the external terrace space and detached from it with its main entrance taken from Ferndown. A new office unit would also be created as part of the proposal with a courtyard leading to the refurbished the existing lower ground unit.
8. Given the arrangements of residential flats, 18/19 Ferndown and 20/21 Ferndown have the potential to be impacted upon by the proposal. They are accessed via external stairs to their main entrance from Ferndown.
9. Windows of 18/19 face onto the terrace level. Given the proposed development would be located some distance from these windows as indicated on the submitted plans, and its proposed height, scale and mass, I am of the view that it would not appear as a visually obtrusive or overbearing form of development when viewed from these windows. Nor would it give rise to overshadowing these windows. The rear windows proposed would be obscurely glazed and therefore no overlooking and loss of privacy would arise to the occupants of these flats.
10. The new build would be located within close range of the external terrace. I could see from my visit that the terrace contains seating and garden effects and is clearly used as communal outdoor space for residents. This space is not private and overlooked by many windows serving several flats.
11. The proposal would be located away from the terrace and the height would allow users to look over the proposed building ensuring no sense of overbearing would occur. No overlooking and loss of privacy from the proposed obscurely glazed windows would be possible. I therefore find it would not impact upon this space to the detriment of its functional use to the local residents.
12. Flats of 20 and 21 Ferndown project from the back of the parade of shops into the rear yard area and are erected in a tired effect with their own private terraces to both residential floors with French doors providing access onto each terrace. The outlook from the space, in one direction, is obscured by the existing building of 53/55 Joel Street.
13. The proposal would be detached from this building by the access lane and the view of the proposal from the terrace and windows would be at an oblique angle. Given the relationship, its proposed height and overall scale and massing, it would not create a sense of overbearing, overshadowing or visual intrusion to the occupants of these flats. In addition, the obscurely glazed windows would prohibit the opportunity to cause overlooking and a loss of privacy to the detriment of the occupants of these flats.
14. All these things considered, I therefore do not share the Council's view that it would cause the occupants of the existing dwellings that I have directly identified, detrimental harm to their living conditions.
15. Therefore, to conclude on this main issue, the proposal would not lead to harm arising to the living conditions of the adjacent occupants and would accord with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development

Management Policies 2020 in their aims to protect the amenity of neighbouring residents.

Character and appearance

16. Stand-alone buildings that have been erected within rear yards close to the back of the footway of Ferndown are low level in character and flat roofed. Flat roofed buildings are a predominant feature along the rear of the parade. The large-scale building that houses the Co-op, a public house and gym, amongst other uses, at 53-55 Joel Street is a purpose-built modern development. It is a set piece. The area transitions to semi-detached houses past this building along Ferndown and takes on a traditional residential character.
17. Given the building of 53-55 Joel Street is materially different to the appeal site, the proposal would be more closely associated and taken in context with the adjacent low-level buildings located within rear yard service areas, specifically the two storey Lynx House as it is a modern detached building positioned close to the back of the footway. In addition, it would be seen in the context of the other low-level buildings within rear yards that are located adjacent.
18. The proposal would not integrate with this consistent pattern of low-rise buildings due to its three-storey height and bulky scale and mass. The use of materials and mansard roof may take cues from the local area. However, as a result of a combination of its design components and context, it would appear visually prominent and out of character in this location.
19. A larger scale development may have been approved in recent times at a neighbouring site brought to my attention by the appellant. Nonetheless, it is viewed in the context of the buildings to which it closely relates. It is a corner location adjacent to the large-scale set piece building of Joel Street. That particular scheme the appellant refers to is of a larger scale to the proposal before me and more closely follows the larger pattern of buildings it is seen in relation to. The proposal before me does not share the same relationship and the same circumstances do not apply. On this basis thus they cannot be favourably compared, and I apply limited weight to this example.
20. I recognise that the character of the area has evolved over time. Even if the appeal site and the local area contained larger scale buildings at the edges of plots, they have since been removed at the appeal site. As is my duty, I shall consider the proposal before me. The appellant's feasibility study cannot be considered as material evidence to support their scheme.
21. I have therefore found that the scheme would not harmonise with the local character of low-rise buildings within rear yards to which it would be experienced. Instead, it would appear as a visually dominant feature harmful to the character and appearance of the local area.
22. Therefore, to conclude on this main issue, the proposed would appear as an incongruous feature in this location, harmful to the character and appearance of the street scene. The proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 in their design aims. In addition, it would conflict with Policies D3 and D4 of the London Plan 2021 and the National Planning Policy Framework in their combined objectives to achieve well designed places.

Accessibility

23. The London Plan 2021 reinforces the need for accessible housing within London, in particular Policies D5 and D7. The ground floor would provide off-street parking with access to the upper floors by a staircase. This would be a significant obstacle in respect of accessibility to a less-abled person.
24. However, from the submitted plans, I agree with the appellant that a through-floor passenger lift as illustrated in the locations presented, would harmfully compromise the internal layout of the maisonette. Notwithstanding this, no details have been presented by the appellant as to why they have arrived at the prospect of only two internal options to locate a passenger lift.
25. The London Plan allows for some flexibility in its approach to accessibility. The appellant has considered the adaptability of the proposal using a stair lift that could be designed into the scheme. However, no information is before me to demonstrate that this would meet Building Regulations standards. In any case, I am not convinced it would provide an acceptable means of inclusive design to provide access to everyone into the building especially as it is a new build residential development and the conflict with policy.
26. To conclude on this main issue, due to the lack of inclusive design, the development would therefore not comply with Policies D5 and D7 of the London Plan 2021 in its objectives to provide inclusive design.

Other Matters

27. An objector living close to the appeal site comments on loss of privacy as they are concerned that the proposal would overlook their rear garden space. Whilst the proposal would provide accommodation at upper floor levels and an external terrace, it would also be located at an oblique angle to the objector's opposite dwelling. Together with this orientation, the road in-between, landscaping that is currently along the boundary of the dwelling, and proposed obscure glazing, would limit the opportunity to overlook and cause a loss of privacy to the neighbouring occupants. On this basis, I find no harm to the living conditions of this occupant.

Balance and Conclusion

28. The scheme would be located close to local services, other employment opportunities and access to local transport provision, counts in its favour, as well as the removal of a derelict building. A landscaped courtyard area would provide softness to the site. It would create a new dwelling in the local area, albeit one is limited. However, they would bring relatively modest public benefits to the borough as a whole, and in my judgement attracts only moderate weight.
29. There is no evidence before me to substantiate the appellant's case that the lower ground floor is difficult to let. Nonetheless, modern business space with its improvements as identified including energy efficiencies and the need for new business space driven by the Coronavirus pandemic, are positive contributions of the scheme that I recognise. However, they also attract moderate weight in the overall balance.
30. I have found that the proposal would adversely harm the character and appearance of the street scene to which I apply significant weight.

Furthermore, it would fail to be considered as inclusive design which I also apportion significant weight. Even though I have found it favourable in respect of the living conditions of local residents and taken with the benefits identified, these are limited in the round. Therefore, in the totality of things, these are not sufficient to justify or outweigh the adverse effects the proposed development would cause to the character and appearance of the local area, and would not amount to inclusive design.

31. To conclude, it would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR