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# Appeal Decision

Site visit made on 5 December 2023

**by A Hunter LLB (Hons) PG Dip MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 December 2023**

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**Appeal Ref: APP/R5510/W/23/3316954**

**14 Sipson Road, West Drayton UB7 9DP**

- 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 Behar Hafuzi against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 27690/APP/2022/2060, dated 28 June 2022, was refused by notice dated 8 September 2022.
  - The development proposed is described as "roof extension and internal alteration to improve the existing residential unit above shop and creation of one additional flat above existing residential unit. Existing residential unit is part of the current fish and chip shop and not suitable for family accommodation."
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council's reason for refusal no. 3 relates to the proposed second floor studio flat's floor size not meeting the minimum requirement. However, in its statement the Council confirmed the floor area of the studio flat is above the minimum floor size (37 square metres), and complies with Policy D6 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (the LP). Similarly, as Policy DMHB16 of the London Borough of Hillingdon's Local Plan Part 2, Development Management Policies Adopted January 2020 (LPP2) has the same floor size requirement for such accommodation, the proposal would also comply with that policy. Consequently, this matter is not in dispute between the parties and reason for refusal no. 3 is no longer relevant. I have determined the appeal on this basis.

## Main Issues

3. The main issues are:
  - the effect of the proposed development upon the living conditions of neighbouring residential occupiers, with particular regard to any noise and odour from the proposed flue; and,
  - the effect of the proposal upon the character and appearance of the building, the terrace and the area, with particular regard to its design, scale, and density.

## Reasons

*Living conditions*

4. The appeal property includes a fish and chip takeaway shop at ground floor level, with residential accommodation above it. There are flats and houses, including their outdoor spaces, in very close proximity to the appeal site. As a result of the proposed development, a new extraction flue is proposed to be fixed to the side of the property and extend above the highest part of the proposed building.
5. The fish and chip shop could generate considerable odour from cooking and frying operations and the proposed flue could also create noise from its motor. This is particularly pertinent given the central and elevated position of the new flue, and with there already being an existing flue on the appeal property. In view of this, the noise and odour from this additional flue could give rise to harmful effects upon the occupiers of neighbouring properties, from both within their outdoor spaces and from within their homes due to open windows/doors. Therefore, the precise details of the flue are required to control the noise and odour levels in the immediate area.
6. The appellant has provided detailed specifications of two different types of fans within their submission. The information provided in regard to one of the fans refers to a range of products with varying sizes, and which have very differing noise levels. No precise details have been provided of the exact fan or product to be used. Furthermore, no details have been provided regarding how the odour from the frying and cooking operations would be adequately dealt with to prevent malodour to neighbouring occupiers. As such there is insufficient information provided in regard to the noise and odour emissions from the proposed flue.
7. I note the suggestions that conditions could be used to control the noise and odour. However, without knowing the exact noise levels from the proposed fan and if it could effectively prevent malodour, or indeed what if any mitigation is necessary to secure this, it is not possible with any certainty to control these aspects by condition. Moreover, such details could be inherent to the design of the proposal, and require changes to the position or appearance of the flues. As such, precise information regarding the noise and odour levels of the proposed flue, together with any mitigation is required to fully assess the proposed development and its effects upon the living conditions of neighbouring occupiers. I note that no comments from the Council's Environmental Health Officer have been provided, however this does not alter my findings on this issue.
8. I therefore conclude that there is insufficient information provided to demonstrate that there would not be harmful effects to the living conditions of neighbouring occupiers in terms of noise and odour. In doing so, I find that the proposal would conflict with Policies DMHB11 and DMTC4 of the LPP2, and Policy D14 of the LP, which amongst other things, seek to ensure development does not have an unacceptable affect on the amenity of adjoining occupiers, avoids significant adverse noise impacts on health and quality of life, and that proposals for takeaway uses do not cause unacceptable disturbance or loss of amenity to nearby properties.

#### *Character and appearance*

9. The appeal property is at one end of a parade of shops located on the corner of Sipson Road and Harmondsworth Road. There is a service road immediately in front of this parade of shops, parallel to the carriageway on Sipson Road. The

appeal property is two-storey with a narrow hipped roof across the front of the building and a first floor flat roofed part behind it. There are also flats above the other shops in this same terrace, which are all three storeys high, and they appear to have been much altered. The frontages of the properties in the terrace contain a variety of dormer roof extensions and some parapet walls. There is a private access track to the side of the appeal site, and No. 18 Sipson Road, which is a two-storey semi-detached property is located on the opposite side of that track.

10. The proposed additional floor of accommodation would make the appeal property three storeys, the same as the other properties in this terrace. Although the layout of the upper floor flats has been designed around the fabric of the existing building and its ground floor use, the proposed development would not be cramped, and it would provide an acceptable layout for these flats. The additional unit of accommodation would not unacceptably increase the density of development within the appeal property or be out of character with the adjoining terrace.
11. The terrace the appeal property is part of is higher than the adjoining residential properties, reflecting the terrace's prominent corner position. The proposed roof alterations would increase the size and height of its roof and the scale of the building. It would also remove the different roof designs, which are also visible when looking at the side of the appeal property and replace them with a simpler roof form to match the adjoining terraced property. These changes would consolidate many of the alterations already made to it and relate satisfactorily to the appearance of the appeal property and the terrace. The proposed flat roof across the top of the building would match others in the terrace that are already partly visible from the side. Furthermore, it would not be readily discernible from nearby viewpoints, partly due to the large width of Sipson Road, and views would mostly be of the pitched part of the front roof and the front dormer extension.
12. The new parapet wall, and the front and rear dormer roof extensions, would broadly match the architectural composition of some of the other terraced properties, which would help to create a harmonised appearance within this terrace. Although the section drawing does not show the exact detail of the area behind the parapet wall, it would be in line with the adjoining property's parapet wall, and its second-floor windows. Given the alterations already undertaken at second floor level in this terrace of properties, the addition of the proposed front and rear dormer extensions, which are slightly larger than others, would not be discordant features on the property, the terrace or harmful to the area.
13. With the appeal property being an integral part of the taller terrace of mixed commercial and residential properties, it is not necessary for it to appear as a transitional building between it and the adjoining two storey property, No. 18 Sipson Road. Furthermore, the access track between the appeal site and No. 18, together with the planting on No. 18's side elevation would provide a reasonable separation, that would ensure the change in height of the appeal property would not be overly pronounced or harmful to the character and appearance of the area. It is also noteworthy that there is a similar change from three storey to two storey height on the opposite side of the terrace facing onto Harmondsworth Road.

14. The proposed new flue and the proposed altered position of an existing flue would be located on the side of the appeal property, one of which would be setback from its front elevation, and one would be positioned nearer to its rear elevation. As a result of this, and their limited size and width, they would have a minimal effect on the appearance of the appeal property, the terrace, and the area.
15. I saw on my site inspection that the neighbouring property has a rear first-floor external staircase to provide access to its upper floors, which is not untypical to many other residential units above commercial premises in such urban areas. As such, the proposed rear access and external staircase to the first and second floor flats would not appear out of character with the immediate area. The other proposed alterations to the rear, including the external amenity space for the first floor flat would be above an existing ground floor extension and have a satisfactory relationship to the host property. There would also be limited public views of the rear side of the appeal property, and the proposals would not be harmful to the appearance of the property, the terrace, and the area.
16. I therefore conclude that the proposed development would relate well to the character and appearance of the property, the terrace and the area, and comply with the requirements of Policy BE1 of Hillingdon's A Vision for 2026, Local Plan: Part 1, Strategic Policies, Adopted, November 2012 (LPP1) and Policies DMHB11 and DMHB12 of the LPP2 which amongst other things, requires development to be designed to the highest standards, enhance local distinctiveness, harmonise with the local context in terms of its height and mass, integrate well into the public realm, and for its layout to maximise sustainability.
17. The Council also referred to the proposal being contrary to Policy DMHD1 of the LPP2, which is concerned with alterations and extensions to existing dwellings. In this case, the appeal property is not a dwelling, it is a building with a mixed commercial and residential use. Nevertheless, the proposal would comply with the objective of the policy by providing well-designed development that is sympathetic to the character and appearance of the property and area.

## **Conclusion**

18. Whilst I found the proposal to be acceptable in terms of its effect on the character and appearance of the area, the proposal would likely cause harm to the living conditions of neighbouring occupiers from noise and odour. As such, the proposed development conflicts with the development plan, namely, Policies DMHB11 and DMTC4 of the LPP2 and Policy D14 of the LP. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

*A Hunter*

INSPECTOR