



Appeal Decision

Site visit made on 4 February 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/R5510/W/24/3351400

7 Meadow Close, Hillington, Ruislip HA4 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Conroy on behalf of Total Planning against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 75385/APP/2024/878.
 - The development proposed is change of use of existing residential building comprising a dwelling house to 2 dwelling houses with associated external modifications/alterations including provision of a front door to replace an existing window.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of existing residential building comprising a dwelling house to 2 dwelling houses with associated external modifications/alterations including provision of a front door to replace an existing window at 7 Meadow Close, Hillington, Ruislip, HA4 8AP in accordance with the terms of the application, Ref 75385/APP/2024/878, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether future occupiers of the building would be safe from flooding.

Reasons

3. The appeal site is located within Flood Zone 2 which is identified as being area where there is a medium risk of flooding. The National Planning Policy Framework (the Framework) outlines at Paragraph 170 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
4. Paragraph 172 of the Framework explains that this should be achieved by applying a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. The Council contend that appellant has failed to provide robust evidence to demonstrate that there are no other sequentially preferable alternative sites for the proposed development besides the application site and therefore does not pass the sequential test.

5. Paragraph 176 of the Framework outlines that applications for some minor development and changes of use should also not be subject to the sequential test. Footnote 62 clarifies that this applies to changes of use, other than where the proposed use is for a caravan or camping site. The proposal is for a change of use of the building and consequently, the Framework does not require the sequential or exception tests to be applied to the development.
6. In reaching this view, I have had regard to the appeal decision¹ referred to by the Council. However, this related to the construction of a new dwelling, rather than a change of use and therefore differs from the appeal before me where Paragraph 176 of the Framework applies.
7. Notwithstanding that a sequential and exception test is not required, Planning Practice Guidance² advises that changes of use can increase the vulnerability of the development or result in occupation or use by people who are more vulnerable than the previous occupants/users to risks from flooding.
8. The appeal site contains a large detached dwelling that was constructed and occupied in 2023 following planning permission being granted by the Council³. A number of flood defence measures were implemented as part of this development, none of which would be altered as part of the appeal proposal before me as no external works are proposed.
9. A Flood Risk Assessment (FRA) was submitted with the application. It identifies that the principal source of flooding is from the river Pinn which is located close to the appeal site and demonstrates that the appeal site would be safe from flooding on the basis of the existing measures that would not be altered.
10. There is no evidence before me that the proposal would be occupied by more vulnerable users compared to the previous occupants. The Council consider that the use of the appeal site would be intensified by the provision of a further dwelling. However, the existing dwelling is substantial and could be occupied by a number of people and so I am not convinced that there would be an intensification of use. Nonetheless, the FRA is clear in that the previous flood defence measures, considered acceptable by the Council at the time of the previous application, would remain unchanged and I am therefore satisfied that future occupiers would be safe from flooding.
11. I therefore conclude that future occupiers would be safe from flooding. I find no conflict with Policy EM6 of the Hillingdon Local Plan: Part 1 – Strategic Policies, Policy DME1 9 of the Hillingdon Local Plan: Part two – Development Management Policies, Policy SI 12 of the London Plan and Paragraph 170 of the Framework. Amongst other things, these seek to ensure that the development should be made safe for its lifetime without increasing flood risk elsewhere.

Other Matter

12. The Council is able to demonstrate a five-year supply of deliverable housing sites and while the Council is therefore meeting its housing delivery obligations this is not a reason to refuse acceptable development.

¹ APP/R5510/W/22/3292951

² Paragraph: 052 Reference ID: 7-052-20220825

³ 75385/APP/2023/1228

Conditions

13. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.
14. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.
15. Condition 3 requires that step free access is provided in the interests of inclusive design. Condition 4 requires details of cycle parking and condition 5 requires that the external materials shall match those in the existing building in the interests of protecting the character and appearance of the area and providing sustainable transport options.
16. Condition 6 requires that side windows facing neighbouring occupiers are obscure glazed in order to protect the living conditions of neighbouring occupiers. Condition 7 requires compliance with optional building regulation requirements in order to ensure adaptable and accessible homes.
17. I have also found it is exceptionally necessary to impose condition 8 which removes permitted development rights for new windows, doors and other openings in order to protect the living conditions of neighbouring occupiers.
18. The Council have requested details of vehicle charging points, however, as this is a building regulation requirement, I have not included this.

Conclusion

19. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of the permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings:

P.M.400 Rev A Proposed Site Plan and 3D Views

P.M.500 Proposed Floor Plans

P.M.600 Proposed Elevations

Flood Risk Assessment 241817/FRA/AG/KBL/01 May 2024

3. Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. The measures implemented as approved shall be retained thereafter.
4. The proposed dwelling shall not be occupied until details regarding cycle parking have been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan showing cycle storage including relevant details and dimensions. The measures implemented as approved shall be retained thereafter.
5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.
6. The side dormer window(s) facing Numbers 6 and 8 Meadow Close shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.
7. The dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.
8. 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 or roof slopes of the development.