



Appeal Decision

Site visit made on 15 August 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2025

Appeal Ref: APP/R5510/W/25/3362372

32 Kingsend, Ruislip, Middlesex, HA4 7DA

- 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 Betty Ackland against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 9894/APP/2023/3569.
 - The development proposed is described on the application form as “Demolition of the existing house and garage and construction of a block of five purpose built apartments.”
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing house & garage and construction of a block of five purpose-built apartments at 32 Kingsend, Ruislip, Middlesex, HA4 7DA in accordance with the terms of the application, Ref 9894/APP/2023/3569, subject to the conditions in the attached schedule at Appendix 1.

Main Issues

2. The main issues are:
 - whether the development would result in more than 10% of properties on Kingsend being redeveloped into flats contrary to Policy DMH 4 of the Local Plan¹; and
 - the living conditions of future occupiers, with particular regard to their accessibility to amenity space.

Reasons

Appeal site context

3. The appeal site lies on the northern side of Kingsend within the Ruislip Village Conservation Area (‘the conservation area’) and consists of a large 2-storey detached dwelling set back from the highway on a large plot.
4. My assessment of the character and appearance of the area accords with the conservation area appraisal² which describes Kingsend as “...including a mixture of house designs and sizes, although most are medium to large detached houses. The south side of the road retains more original properties, whilst the northern side includes some small scale infill developments from the 1960s through to the very recent blocks of flats. Overall, the original properties to the east tend to be simple,

¹ Local Plan Part 2, Development Management Policies, Adopted Version, 16 January 2020, London Borough of Hillingdon.

² Ruislip Village Conservation Area Appraisal Document dated July 2010.

classically inspired designs, whilst to north and west the houses are mainly Arts and Crafts in appearance, interspersed with Moderne and Art Deco designs.”

Whether the development would result in more than 10% of properties on Kingsend being redeveloped into flats contrary to Policy DMH 4 of the Local Plan

5. Policy DMH 4 of the Local Plan relates to the redevelopment of dwellings into new blocks of flats and residential conversions. Subsections i) and ii) of this policy specifically relate to the former category, whereas subsections iii) and iv) relate to the latter. Paragraph 4.11 of the Local Plan states that this type of development must seek to enhance the local character of the area and refers to large concentrations of flats in recent years having resulted in problems such as increased on-street parking, congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation.
6. The distinction between the two different types of flat development in Policy DMH 4 seems logical as I would expect the conversion of existing properties to have less impact on the character of an area than the redevelopment of dwellings for new apartment blocks. This is on the basis that conversions do not result in the loss of original buildings & gardens and are inevitably constrained by the physical envelope & internal subdivision characteristics of the existing structure, which limits the number of flats that can be created (as evidenced by subsection iv of this policy). On the other hand, the demolition of existing dwellings allows a more comprehensive approach to development with fewer constraints, enabling a more efficient use of the site, building envelope and floorspace, with the outcome usually facilitating a greater number of flats to be created.
7. The above distinction in type of flat development is further reinforced by Paragraph 4.11, which refers to the “conversion of single dwellings into more dwellings or [my emphasis] the redevelopment of dwellings into new blocks of flats”. I consider the plain and ordinary meaning of this to be that there are two different categories of flat development to be assessed within Policy DMH 4. The appellant has reinforced this position by referring to the Oxford English Dictionary definition of ‘redevelopment’, which is defined as ‘the redesigning and the rebuilding of an urban area, typically after demolition of existing buildings’. Similarly, the Cambridge Dictionary expresses this as the process of replacing old buildings in an area with new ones. In light of this, I have concluded that within the context of Policy DMH 4, a residential conversion is different from the redevelopment of an existing dwelling into a new block of flats.
8. Although there is no dispute that 5 blocks of flats on Kingsend came into being following redevelopment of sites where existing dwellings were demolished³, the Council and interested parties maintain that other apartment developments on the road should also fall within this category. However, these other developments were created through conversions of existing dwellings, which means they were not demolished and therefore still exist on-site. As a consequence, and for the reasons identified above, these residential conversions do not fall to be considered against the 10% limit referred to in subsection i) of Policy DMH 4.

³ (1) Osborne Court - No 28; (2) Elthoren Court - No 30; (3) St George's - No 36; (4) Nelson Court – No 41; and (5) Marlow Court – No 45.

9. The principal issue in the case before me is whether the scheme conflicts with subsection i) of Policy DMH 4, namely whether the proposal would result in more than 10% of properties being redeveloped into flats. Set against this context, it is important to note that this policy calculation does not require the superset of all properties in the street to be in residential use. I recognise that subsection i) does refer to the scheme needing to be on a 'residential street' (as I consider Kingsend to be), but it does not automatically follow from this that every single property on such a road would be in residential use. I have therefore interpreted 'properties' in the singular tense as being a building/structure not tied explicitly to any particular use. As a consequence, this means that such a building/structure could; (1) be in non-residential use; and (2) be capable of containing multiple dwellings within it. For example, I consider Kingsend Court to be a property containing 6 flats/maisonettes and No 34 to be a property containing a dental practice.
10. On the basis of all the evidence before me and my observations on-site, I have concluded that there have been, up until the present day, between 71 and 73 properties on Kingsend, with the exact figure depending on whether; (1) one or two properties were redeveloped to make way for the apartment scheme known as Osborne Court (previously No 28); and (2) whether No 47 has been subdivided into two dwellings, now known respectively as No 47 and No 47A (see Appendix 2 below for a summary of all properties).
11. In reaching this figure of 71-73 properties, I am satisfied that the office unit at No 2 should be included as the main entrance to this directly fronts onto Kingsend and uses this road name for its postal address. Similarly, I consider Waitrose and the backland properties at Nos 28B and 28C should also be included as both of these are accessed from Kingsend and utilise this road name as their postal address.
12. On the basis of the above calculations, and even if the lower figure of 71 properties is used, the maximum number of properties in Kingsend that could be redeveloped into flats in accordance with the 10% upper limit of Policy DMH 4 would be 7. As will be seen from Appendix 2, even if Osborne Court was deemed to be a redevelopment of 2 properties as alleged by the Council, this would mean that the total number of properties redeveloped into flats up until the present day would be 6, leaving capacity for 1 further property. As a consequence, the scheme before me would bring the total number of properties redeveloped into flats to 7, which would not exceed the 10% upper limit.
13. Turning to the implications of the scheme as referred to by the Council in its first reason for refusal, I consider the existing property to be of an unremarkable design which makes no positive contribution to the conservation area. The Council's Planning Officer and Urban Design/Conservation Officer have not raised any objections in respect of the scheme's scale, design and loss of open gaps between dwellings, a position I agree with given the surrounding context of varied built form and plot coverage. I am as a consequence satisfied that; (1) the scheme's architectural style and intervening gaps between it & neighbouring properties would not look out of place; and (2) it would not be of a disproportionate size to other built form in the road.
14. Representations have been made in respect of harm to the TPO protected Oak tree and the loss of other trees, including a TPO protected Horse Chestnut to the rear. However, the Council's Arboricultural Officer has raised no objections in respect of these matters and I see no reason to take a different view. I am also satisfied that

the loss of the trees concerned would be offset by the scheme before me, which I consider to be a design improvement upon the existing building.

15. In light of the above, it is my view that the scheme would not visually intrude into the conservation area or affect how it is experienced. The loss of the existing dwelling and its replacement with the apartment block would as a consequence have a neutral impact upon the conservation area and preserve its character and appearance. The result is that the duties under the Act to preserve or enhance the character and appearance of the conservation area⁴, which I have given considerable importance and weight to, would be met.
16. There would be no first floor side elevation windows overlooking neighbouring gardens and neither would the scheme appear overbearing when viewed from these locations. I am as a consequence satisfied that the development would not harm the living conditions of neighbouring occupiers.
17. In view of the above, I conclude that the development would not result in more than 10% of properties on Kingsend being redeveloped into flats or have any adverse implications for the streetscene and neighbours. The scheme would as a consequence accord with Policy DMH 4 of the Local Plan, which seeks, amongst other things, to enhance the local character of the area.

The living conditions of future occupiers, with particular regard to their accessibility to amenity space

18. The scheme would result in the provision of a substantial communal garden to the rear of the property, supplemented by private storage areas in the basement. The Council has raised no concerns over the quantum of space to be provided, but the accessibility of future occupants to it.
19. Although the floor plan drawings do not show any private openings from the 2 ground floor apartments into the communal garden area, the rear elevation drawings and design & access statement show French doors from each flat opening up onto a private patio area. I am as a consequence satisfied that this was merely a technical oversight and that the intentions of the appellant were clear in seeking to offer direct garden access to both apartment units.
20. Although the 3 apartments to first and second floor do not have direct access to a private balcony or terrace, they would all overlook the private communal garden and have easy access to it via a path leading from the main communal door at the front of the property. Its significant size would also enable there to be an appropriate balance of informal social activity and play opportunities for various age groups.
21. I recognise that the scheme does not provide individual amenity space to each unit as is normally sought by the Council. However, given the scheme's high quality design and efficient use of land, I consider there to be clear planning merits in allowing it to proceed with a communal garden in this instance (which would be consistent with paragraph 5.70 of the Local Plan). In reaching this conclusion, I have also taken into account the site's location within an urban area with good access to local parks, play areas and greenspace, such as Churchfield Gardens.

⁴ S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

22. In view of the above, I conclude that the accessibility and functionality of the amenity space provided would not conflict with Policies DMHB 18 of the Local Plan and Policy D6 of the London Plan⁵, which collectively seek, amongst other things, to provide good quality and useable private outdoor amenity space.
23. I also find that it would accord with Paragraph 135 of the Framework⁶ which seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users.
24. Despite the Council having referred to Policy DMHB 16 of the Local Plan in its second reason for refusal, this is not applicable as it relates to internal space standards & disabled access to major developments, and not accessibility to outdoor amenity space for minor developments.

Other Matters

25. Although representations were made by interested parties in respect of a number of other matters, I did not consider these to be of such significance to alter my conclusions in respect of the main issues. The most significant of these other matters, if not already addressed above, are dealt with below and in the section relating to conditions.
26. There is no substantive evidence to support the concerns raised in respect of flooding & runoff and there are no objections from the relevant professional consultees on these matters. I am therefore satisfied that these matters can be addressed with appropriate planning conditions. Nor is there sufficient technical evidence to support the concerns raised regarding structural risks to neighbouring properties from the proposed basement and in any event, this would be a private civil matter.
27. Further concerns have been raised by residents over increased traffic levels and subsequent air pollution. However, I am not aware of any policy justification to restrict additional dwellings in the area as a consequence of the site being within an air-quality management area and I have noted that the local environmental health authority has not raised any technical objections. In any event, I am satisfied that the proposal would only give rise to a modest increase in vehicular movements and that any ongoing air-pollution issues could be addressed by other legislation and the increased future use of electric vehicles.
28. The proposed basement would provide adequate storage for cycles and I see no reason why this would prove too cumbersome for occupants to access. Whilst I recognise that unattended cycle battery chargers can give rise to fire risk, the responsibility for this falls to future occupants of the building to manage in a manner consistent with manufacturer guidance and health & safety legislation.
29. Concerns have also been raised that the development would result in the loss of a valuable habitat for wildlife. However, the appeal site is not designated in the development plan for wildlife purposes and the replacement building would be mostly constructed on the footprint of the existing building where no identifiable

⁵ The London Plan, The Spatial Development Strategy for Greater London, March 2021, Mayor of London, Greater London Authority.

⁶ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

badger sets have been found. In view of this and the small-scale nature of the development, I would not consider it justifiable to withhold permission on this basis.

Conditions

30. The Council has suggested conditions which I have considered in the light of the Framework and Planning Practice Guidance. A condition has been imposed to ensure the scheme is carried out in accordance with the submitted plans.
31. I have attached conditions regarding the materials to be used, tree protection measures and landscaping to ensure that the appearance of the development is satisfactory. There is no need for cycle storage details in the landscaping condition as the evidence reveals that this will be contained in the basement. A condition has however been imposed to protect local ecology via the recommendations contained within the appellant's Bat Survey and Badger Survey reports.
32. In view of the size of the building and because it proposes the construction of a basement, it is necessary to impose a condition requiring details of land levels. Given the close proximity of the site to neighbouring dwellings and gardens, a condition has also been imposed for details of a construction management plan to protect the amenities of adjacent residents.
33. In view of the level of traffic on Kingsend, a condition requiring details of sound insulation to protect future occupants from airborne traffic noise is necessary. To protect the privacy of neighbouring occupiers, I have also imposed a condition removing permitted development rights to insert additional doors and windows.
34. In view of Policy DMEI 10 of the Local Plan and Policy SI 13 of the London Plan setting out technical requirements relating to water use and surface water flood risk, I have imposed a sustainable water management condition. I have also imposed two conditions to ensure the scheme is constructed to accessible standards to meet the requirements of Policy D7 of the London Plan. A further condition relating to secure by design standards has been imposed to ensure an adequate level of security and to comply with Policy DMHB15 of the Local Plan and Policy D11 of the London Plan.
35. In accordance with Policy DMEI 2 of the Local Plan and Policy SI 2 of the London Plan, I have imposed a condition requiring a 10% reduction in CO2 above Building Regulation standards.

Conclusion

36. In view of the above, I conclude that the scheme accords with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.
37. For the reasons given above the appeal should be allowed.

Robert Fallon

INSPECTOR

Appendix 1 – schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:- Drawing nos. 32K (Location Plan), A101 (Proposed Floor Plans), A102 (Proposed Elevations), A103 (Proposed Perspectives/Obliques), A105 (Proposed Basement Elevations & Floor Plan), the drawings shown in the Planning, Design and Access Statement (PDAS) Addendum dated November 2023, the GHA Tree Protection Plan (Rev C) dated December 2022, the Basement Impact Assessment Addendum, the Basement Impact Assessment Desktop Study dated March 2022, the Ecoline Full Bat Survey Report dated September 2022 and the ASW Ecology Badger Survey (Report Number: ASW/BGA/146/26/2023 dated March 2023).
- 3) Notwithstanding the approved plans, no development shall take place until details of all materials and external surfaces, including details of windows and doors have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall thereafter be carried out in accordance with the approved details.
- 4) The development and all tree protection measures shall be carried out in accordance with the GHA Tree Protection Plan (Rev C) dated December 2022. No site clearance, preparatory work or development shall take place until the approved tree protection measures have been installed and these shall remain in place until completion of the development and all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
- 5) Notwithstanding the approved plans, no development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) all soft landscaping proposals with: (i) plans showing existing trees, hedges and plants to be retained together with new planting; (ii) written specifications (including cultivation and other operations associated with plant and grass establishment); (iii) schedules of new trees, hedgerows and plants noting species, plant supply sizes and (iv) proposed numbers/densities;
 - b) an implementation programme for all soft landscaping works;
 - c) hard surfacing materials for the driveway, parking area, pedestrian access & circulation areas, external seating areas, patios and any other hardstandings;
 - d) boundary treatments and gates, to include design, materials, colours and finishes;
 - e) colour, material, design and finish of the bin storage facilities/enclosures; and

f) where proposed, any external lighting.

No flats in the apartment block hereby permitted shall be occupied until the hard surfacing works, boundary treatment works, bin storage facilities/enclosures and external lighting have been carried out in accordance with the approved details.

The soft landscaping works shall be carried out in accordance with the implementation programme.

No trees, hedges or plants shown as retained on the GHA Tree Protection Plan (Rev C) dated December 2022 shall be uprooted, felled, lopped or topped within a period of 5 years from the completion of the apartment building unless otherwise specified in the soft landscaping scheme referred to in subsection a) above.

Aside from those specified to be removed, any trees, hedges 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, unless alternatives are otherwise approved in writing by the Local Planning Authority.

- 6) The development hereby approved shall be carried out in accordance with the recommendations contained within the Ecoline Full Bat Survey Report dated September 2022 and ASW Ecology Badger Survey (Report Number: ASW/BGA/146/26/2023 dated March 2023).
- 7) No development shall take place until details of the existing and proposed ground levels of the site and the proposed finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 8) No development shall take place a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail:
 - a) The hours during which construction works will occur;
 - b) Measures to prevent mud and dirt tracking onto footways and adjoining roads;
 - c) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development;
 - d) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the construction process.

The approved details shall be implemented and maintained throughout the duration of the construction process.

- 9) No development shall take place until a scheme for sound insulation and/or other mitigation measures to ensure that each flat is adequately insulated from traffic noise has been submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be carried out in accordance with the approved details.

10) 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 additional doors, windows, rooflights or dormer windows, other than those expressly authorised by this permission, shall be inserted or constructed in the walls or roof slopes of the building hereby permitted without the specific grant of planning permission from the local planning authority.

11) No development shall take place until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) demonstrate that sustainable drainage systems (SUDS) have been incorporated into the design of the development in accordance with the hierarchy set out in accordance with Policy SI 13 of the London Plan (2021), to include;
 - i) 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 water;
 - ii) a timetable for its implementation;
 - iii) 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;
- b) demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling, to include details of:
 - i) water collection facilities to capture excess rainwater; and
 - ii) how rain and grey water will be recycled and reused in the development.

The development shall thereafter be carried out in accordance with the approved details, which are to be retained for the life of the building.

12) No flats in the apartment block hereby permitted shall be occupied until step free access is provided via the principal private entrance and all other points of entry and exit. The step free access shall thereafter be retained for the life of the building.

13) The ground floor flats hereby approved shall not be occupied until a certificate of compliance with the technical specifications for an M4(2) 'accessible and adaptable dwelling', as set out in Approved Document M to the Building Regulations 2010 (as amended 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved provisions shall thereafter be retained for the life of the building.

- 14) No dwellings shall be occupied until they have achieved 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).
- 15) No dwellings shall be occupied until they have achieved an energy efficiency standard of a minimum of 10% CO2 improvement over Building Regulations requirement Part L 2013 (Baseline).

Appendix 2 – summary of properties in Kingsend

Property No	Single properties that have not been converted or redeveloped	Cumulative number of properties
Northern side (even numbers)		
2	Office unit	1
4	Detached dwellinghouse	2
6	Detached dwellinghouse	3
14	Detached dwellinghouse	4
18A	Detached dwellinghouse	5
20	Detached dwellinghouse	6
22	Detached dwellinghouse	7
24	Detached dwellinghouse	8
26	Detached dwellinghouse	9
26A	Detached dwellinghouse	10
26B	Detached dwellinghouse	11
28B	Semi-detached dwellinghouse (originally detached and then subdivided into 2 properties, Nos 28B and 28C)	12
28C	Semi-detached dwellinghouse (created from the subdivision of No 28B)	13
32	Detached dwellinghouse	14
34A	Detached dwellinghouse	15

34	Detached property containing dental practice	16
38	Detached dwellinghouse	17
40	Detached dwellinghouse	18
40A	Detached dwellinghouse	19
42	Detached dwellinghouse	20
42A	Detached dwellinghouse	21
44	Detached dwellinghouse	22
46	Semi-detached dwellinghouse	23
48	Semi-detached dwellinghouse	24
50	Detached dwellinghouse	25
52	Detached dwellinghouse	26
Southern side (odd numbers)		
Kingsend Court	Original purpose built block of 6 flats/maisonettes (with no evidence of it being a redevelopment of a dwelling)	27
5	Detached dwellinghouse	28
7	Semi-detached dwellinghouse	29
7A	Semi-detached dwellinghouse	30
9	Waitrose	31
11	Detached dwellinghouse	32
13	Semi-detached dwellinghouse	33
15	Semi-detached dwellinghouse	34
17	Detached dwellinghouse	35
19	Detached dwellinghouse	36
21	Detached dwellinghouse	37
23	Detached dwellinghouse	38
25	Detached dwellinghouse	39
27	Detached dwellinghouse	40

29	Detached dwellinghouse	41
31	Detached dwellinghouse	42
33	Detached dwellinghouse	43
35	Detached dwellinghouse	44
37	Detached dwellinghouse	45
39	Detached dwellinghouse	46
43	Detached dwellinghouse	47
49	Detached dwellinghouse	48
51	Detached dwellinghouse	49
53	Detached dwellinghouse	50
55	Detached dwellinghouse	51
55A	Detached dwellinghouse	52
57	Detached dwellinghouse	53
59	Detached dwellinghouse	54
59A	Detached dwellinghouse	55
61	Detached dwellinghouse	56
61A	Detached dwellinghouse	57
63	Detached dwellinghouse	58
63A	Detached dwellinghouse	59
65A	Semi-detached dwellinghouse	60
65	Semi-detached dwellinghouse	61
67	Detached dwellinghouse	62
Property No	Single properties that have been converted into flats	Cumulative number of properties
8	Converted into 4 flats/maisonettes (originally 1 property)	63
16	Converted into 4 flats (originally 1 property)	64

18	Converted into 4 flats (originally 1 property)	65
Property No	Single properties that <u>may</u> have been subdivided into 2 properties	Cumulative number of properties
47	Semi-detached dwellinghouse (originally a detached dwelling, but extended to side and subdivided to create additional dwelling now known as No 47A. Dispute between the parties;- appellant says this is 2 properties, but Council says only 1)	66 (min) 67 (max)
Property No	Single properties that have been redeveloped into flats	Cumulative number of properties
28	Site redeveloped into flats – now Osborne Court (dispute between the parties;- appellant says originally 1 property demolished, but Council says it was 2)	67 (min) 69 (max)
30	Site redeveloped into flats – now Elthoren Court (originally 1 property demolished)	68 (min) 70 (max)
36	Site redeveloped into flats – now St George's (originally 1 property demolished)	69 (min) 71 (max)
41	Site redeveloped into flats – now Nelson Court (originally 1 property demolished)	70 (min) 72 (max)
45	Site redeveloped into flats – now Marlow Court (originally 1 property demolished)	71 (min) 73 (max)