

Rear and Upper Floors of 122-124 High Street, Ruislip

Appeal Statement

ON BEHALF OF GOLDS LEISURE LTD.

July 2025

Contents

1.	Introduction	3
	Appeal Procedure	4
	Additional Documents	5
2.	The Appeal Site and the Surrounding Area	7
3.	Planning History at the Appeal Site	9
4.	Planning Policy	14
5.	Key Planning Issues	18
	Matters not in Dispute Between the Parties	18
	Main Issues in this Appeal	18
	RfR1 – Neighbouring Amenity Impacts	19
	RfR2 – Internal and External Amenity	23
	Planning Balance	2929
6.	Conclusions	300
	Appendix 1 – Appeal Proposal Decision Notice	
	Appendix 2 – Appeal Proposal Delegated Officer Report	
	Appendix 3 – 122-124 High Street, Ruislip - LPA ref. 11894/APP/2024/1734 (Appeal ref. APP/R5510/W/25/3362220) - Decision Notice	
	Appendix 4 – 122-124 High Street, Ruislip - LPA ref. 11894/APP/2024/1734 (Appeal ref. APP/R5510/W/25/3362220) - Delegated Officer Report	
	Appendix 5 – 122-124 High Street, Ruislip - LPA ref. 11894/APP/2024/1734 (Appeal ref. APP/R5510/W/25/3362220) - Appeal Statement	
	Appendix 6 – 122-124 High Street, Ruislip - LPA ref. 11894/APP/2024/1734 (Appeal ref. APP/R5510/W/25/3362220) - LPA Appeal Statement	
	Appendix 7 – 69 High Street, Ruislip - LPA ref. 1983/APP/2022/2930 (Appeal ref. APP/R5510/W/23/3314927) - Appeal Decision	
	Appendix 8 – 69 High Street, Ruislip - LPA ref. 1983/APP/2022/2930 (Appeal ref. APP/R5510/W/23/3314927) - Delegated Officer Report	
	Appendix 9 – 69 High Street, Ruislip - LPA ref. 1983/APP/2022/2930 (Appeal ref. APP/R5510/W/23/3314927) - Proposed Floor Plans	
	Appendix 10 – 69 High Street, Ruislip - LPA ref. 1983/APP/2022/2930 (Appeal ref. APP/R5510/W/23/3314927) - Design and Access Statement	
	Appendix 11 – Ruislip Village Conservation Area Appraisal 2010	
	Appendix 12 – Example of Dormer Windows along High Street, Ruislip	
	Appendix 13 – Location of parks and communal spaces within a 20-minute walk of the Appeal Site	
	Appendix 14 – Chelmsine Court, Bury Street, Ruislip (LPA ref. 890/APP/2020/763) Delegated Officer Report	
	Appendix 15 – 63 High Street, Ruislip (LPA ref. 3317/APP/2024/2048) Delegated Officer Report	

1. Introduction

- 1.1 This Appeal Statement is prepared by Nexus Planning Ltd on behalf of Golds Leisure Ltd. (*“the Appellant”*) in support of an appeal against the refusal by the London Borough of Hillingdon (*“the LPA”*) of a full application (LPA ref. 11894/APP/2024/3030) at Rear and Upper Floors of 122-124 High Street, Ruislip (*“the Appeal Site”*). The proposed development is for:

“Change of use of part of the rear of the building and upper floors from Class E (Commercial, Business and Service) to Class C3 (Dwelling-houses) in order to create six residential dwellings alongside associated works.

- 1.2 The application was validated on 28 November 2024, and refused on 31 January 2025 for the following reasons:

Reason for Refusal 1

The proposed development would result in loss of privacy to adjoining neighbouring properties given the intensification of the building and the proximity of the private amenity space which would lead to overlooking of neighbouring residents habitable living spaces without adequate screening measures. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) and the National Planning Policy Framework (2024).

Reason for Refusal 2

The private amenity space provide is not adequate in terms of quantity and quality and would be overlooked. In addition, due to the use of boundary treatment to demarcate private amenity occupiers of Flat 2 and Flat 3 would experience a loss of outlook and privacy given the proximity to the proposed 1.5m high fence and 300mm trellis. Further, Flat 1 and Flat 4 would not benefit from adequate outlook. Therefore, the development would fail to provide a high quality internal amenity space and external usable amenity space resulting in harm to residential amenity and unsatisfactory living conditions for the occupiers. The development therefore conflicts with Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

Reason for Refusal 3

The applicant has failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development (in respect of air quality). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2023).

- 1.3 This Appeal Statement sets out why the reasons for refusal are not considered viable grounds on which to reject the Appeal Proposal. It emphasises the numerous, important, changes in National Planning Policy since the LPA determined this application.
- 1.4 This Appeal is submitted in relation to a revised proposal at the Appeal Site, following the LPA’s refusal of application ref. 11894/APP/2024/1734 in September 2024. An earlier Appeal (ref. APP/R5510/W/25/3362220) was lodged in March 2025 against that refusal and, at the time of writing, remains undetermined. The LPA issued its Appeal Statement in May 2025, which we have rebutted. Given the six-month deadline for appeal submissions to the Planning Inspectorate, it was necessary to submit this Appeal concurrently with the first. Due to the similarities between the proposals, and the relevance of the LPA’s earlier Appeal Statement (see Appendix 6), it is referred to at appropriate points throughout this Statement.

1.5 The following documents were submitted in support of the planning application:

- Location Plan – 122HS-PA-05;
- Existing Block/ Site Plan – 122HS-PA06;
- Existing Ground & Site Plan (Sheet 1 of 2) – 21440-01-B;
- Existing Ground & Site Plan (Sheet 1 of 2) – 21440-01-B (note – this should have been titled Sheet 2 of 2);
- Existing First Floor Plan – 21440-02-A;
- Existing Second Floor Plan – 21440-03-A;
- Existing Roof Plan – 21440-04-A;
- Existing Elevations 1, 2, 3, 4 and 5 – 21440-05;
- Existing Elevations 6, 7 and 8 – 21440-05;
- Proposed Block/ Site Plan – 122HS-PA-07-P1;
- Existing/ Proposed Ground Floor Plan – 122HA-PA-01-P4;
- Proposed First and Second Floor Plans – 122HS-PA-02-P9;
- Proposed Third Floor and Roof Plan – 122HS-PA-03-P7 (note – this should have been titled Roof Plan);
- Proposed Ground Floor Block Plan – 122HS-PA-100-P2;
- Proposed First Floor Block Plan – 122HS-PA-101-P2;
- Proposed Second Floor and Roof Block Plan – 122HS-PA-103-P1 (note – this should have been titled Roof Block Plan);
- Proposed Elevations – 122HS-PA-04-P7;
- Section/ Elevation A-A & B-B With 12-14 Poplars Close – 122HS-PA-104-P2;
- Daylight and Sunlight Report V1 (November 2024);
- Planning Statement (November 2024);
- Outline Construction Management Statement (November 2024);
- Outline Delivery & Servicing Plan (November 2024);
- Design and Heritage Statement (November 2024);
- The London Plan 2021 Policy D12A – Fire Safety Supporting Statement (October 2024); and
- Air Quality Assessment (October 2024).

1.6 The following statutory consultees commented on the application:

- **Ruislip Residents' Association** – Object.
- **Access Officer** – No objections raised.
- **Highways Officer** - No objections raised.
- **Design Officer** – Object.
- **Air Quality** – No objections raised subject to securing the S106 Agreement and Conditions.

1.7 The statutory consultee comments can be found within the Delegated Officer Report at Appendix 2.

Appeal Procedure

1.8 The Appellant has carefully considered the advice provided at Annexe K of the Planning Inspectorate Procedural Guidance and considers that the Written Representations Procedure would be the most appropriate means of determining this appeal.

1.9 This is because the matters in dispute in this appeal are mainly associated with bulk, scale and massing, and overlooking impacts that would result from the Appeal Proposal.

1.10 The Inspector will have access to:

Appeal Proposal – LPA ref. 11894/APP/2024/3030

- Decision Notice (Appendix 1)
- Delegated Officer Report (Appendix 2)

122-124 High Street, Ruislip - LPA ref. 11894/APP/2024/1734 (Appeal ref. APP/R5510/W/25/3362220)

- Decision Notice (Appendix 3)
- Delegated Officer Report (Appendix 4)
- Appeal Statement (Appendix 5)
- LPA Appeal Statement (Appendix 6)

69 High Street, Ruislip – LPA ref. 1983/APP/2022/2930/ Appeal ref. APP/R5510/W/23/3314927

- Appeal Decision (Appendix 7)
- Delegated Officer Report (Appendix 8)
- Proposed Floor Plans (Appendix 9)
- Design and Access Statement (Appendix 10)

Other Supporting Information

- Ruislip Village Conservation Area Appraisal 2010 (Appendix 11)
- Example of Dormer Windows along High Street, Ruislip (Appendix 12)
- Location of parks and communal spaces within a 20-minute walk of the Appeal Site (Appendix 13)
- Chelmsine Court, Bury Street, Ruislip (LPA ref. 890/APP/2020/763) Delegated Officer Report (Appendix 14)

Additional Documents

1.11 In support of this Appeal, a technical note dated 19 June 2025 has been prepared by Planning for Sustainability which considers loss of privacy. The following revised drawings have also been prepared by GIAD UK Architects, setting a revised proposal for window glazing:

- Proposed Elevations - 122HS-PA-04-P7;
- Proposed First and Second Floor Plans - 122HS-PA-02-P9;
- Proposed First Floor Block Plan - 122HS-PA-101-P2;
- Proposed Second Floor Block Plan - 122HS-PA-102-P2; and
- Section Elevation A-A & B-B with 12 - 14 Poplars Close - 122HS-PA-104-P2.

1.12 These documents have not previously been seen by the LPA, however, have been provided to the Inspector for consideration in the determination of this Appeal, as they directly address the Council's reasons for refusal.

1.13 The Appellant's position is that with this information:

- The planning issues raised can be clearly understood with the addition of a site visit; and
- The issues are not complex and should be treated as an individual case, which the Inspector is not likely to need to test the evidence by questioning or to clarify matters.

1.14 Accordingly, the Appellant would respectfully request that the Written Representation Procedure is utilised for this appeal.

1.15 This Appeal Statement is structured as follows:

- **Section 2** provides an overview of the Appeal Site and its surroundings;
- **Section 3** outlines the planning history relating to the Appeal Site;
- **Section 4** sets out the relevant planning policy context relating to the Appeal Proposal;
- **Section 5** sets out the Appellant's responses to the reason for refusal of the application; and,
- **Section 6** provides an overall summary and conclusion.

2. The Appeal Site and the Surrounding Area

- 2.1 The Appeal Site comprises a single building known as 122-124 High Street (Use Class E) and is approximately 0.05 ha in size.
- 2.2 The whole building is currently leased by Tesco Express, with the ground floor operating as the shop floor which fronts onto the High Street. The upper floors were used as an ancillary storage area and office space by the previous tenant, Woolworths. However, since the current tenant has leased the site, this ancillary storage area and office space has been vacant and are surplus to the requirements of the existing tenant. Therefore, this application seeks the redevelopment of the rear and upper floors of the building which are vacant, with the Tesco Express store remaining as is, and lies outside of the red line boundary.



Figure 2.2.1 Location of the Site

- 2.3 The rear and upper floors of 122-124 High Street had been in a significant state of disrepair, resulting in the building not being watertight, meaning that it was rendered unsuitable for storage or indeed any other purpose. However, in March 2025 an extensive Schedule of Dilapidations was undertaken, to improve the structural integrity of the building, and making it watertight. The state of the building has also resulted in it attracting antisocial behaviour, creating a nuisance to the occupiers and increasing vandalism and the security risk to the Appeal Site. The façade of the building at first floor level is “false” with a flat roof behind it and no accommodation serves the first-floor windows which can be seen from street level. The building appears tired in comparison to many of the surrounding buildings.
- 2.4 The Appeal Site is situated within Ruislip Town Centre, which comprises predominantly retail and commercial units at ground floor level. To the north, west and south of the Appeal Site are residential properties, with further residential dwellings surrounding Ruislip Town Centre.
- 2.5 The Appeal Site is located within Ruislip Village Conservation Area; however, the Appeal Site itself is not statutorily or locally listed, and there are no listed buildings within close proximity to the Appeal Site.

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- 2.6 The western side of the High Street comprises predominantly two storey buildings with retail and office uses at ground floor and ancillary uses and residential at first floor. From the High Street, No. 122-124 adjoins No. 126-130 which is more modern in materiality and is architecturally distinct from the Art Deco style façade of No. 122-124.
- 2.7 An alleyway separates the Appeal Site from No. 120 High Street to the north, which is again of a different architectural style. The alleyway which runs along the northern boundary and joins with Poplars Close to the west, suffers from poor lighting and natural surveillance and is the primary pedestrian access to the Appeal Site. The Appeal Site can also be accessed from the rear via Princess Lane, which runs along the back of the southernmost section of the High Street.
- 2.8 The upper floor of No.120, which was previously used for residential purposes under Use Class C3, has remained vacant for several years, and the rear windows and doors of the property are currently secured with metal plates to prevent trespassing.
- 2.9 To the eastern side of the High Street, the architectural style is more consistent, with three storey Art Deco terraces and retail uses at ground floor.
- 2.10 Immediately to the rear of the Appeal Site are two single storey dwellings, known as Nos. 12 and 14 Poplars Close. To the north of these (northwest of the Appeal Site), are two further residential dwellings known as Nos. 8 and 10 Poplars Close.
- 2.11 No planted vegetation currently exists on the Appeal Site.
- 2.12 The Appeal Site is well served by public transport and has a PTAL rating of 4. Ruislip Underground Station is located 200 metres south of the Appeal Site, which is approximately a five-minute walk. There are also multiple bus stops located along High Street.
- 2.13 The Appeal Site is also well-located for local services including employment, shopping areas, schools, health care, and outdoor and indoor leisure facilities, and is considered to be an excellent location for residential development.
- 2.14 The Appeal Site lies within Flood Zone 1, indicating the lowest risk of flooding from fluvial sources.

3. Planning History at the Appeal Site

- 3.1 The Appeal Proposal represents a revised development scheme at the Appeal Site that sought to respond to the reasons for refusal that were given against LPA ref. 11894/APP/2024/1734.
- 3.2 In July 2024, application ref. 11894/APP/2024/1734 was submitted to the LPA for *“Change of use of part of the rear of the building and upper floors from Class E to Class C3, and erection of an additional storey to create nine residential dwellings, alongside associated works”* at the Appeal Site.
- 3.3 The application was subsequently refused in September 2024, for the following six summary reasons:
1. Incongruous bulk, scale, massing and overall design;
 2. Overbearing impacts to the adjoining residents;
 3. Inadequate private amenity space;
 4. Refuse and recycling facilities;
 5. No fire statement was submitted; and
 6. No Section 106 planning obligation (in respect of air quality) was secured.
- 3.4 Prior to the submission of this initial application at the Appeal Site, pre-application advice was sought from the London Borough of Hillingdon in August 2023, and written advice was subsequently issued in February 2024 (LPA ref. 11894/PRC/2023/145). The written advice positively helped to shape the submission of this application, however the advice given now does not directly pertain to the Appeal Proposal due to revisions that have been made to the scheme.

How the Appeal Proposal was Designed to Respond to the Reasons for Refusal of LPA ref. 11894/APP/2024/1734

- 3.5 Below we have outlined the six reasons for refusal and how the Appeal Proposal addressed them.

Refusal Reason 1 – Incongruous Bulk, Scale, Massing and Overall Design

“The proposed development, by reason of its bulk, scale, massing and overall design would result in an incongruous visually prominent form of development that would fail to harmonise with the character and architectural composition of the surrounding properties, resulting in a visually dominant building which would be detrimental to the character, appearance and visual amenity of the street scene and the setting of Ruislip Village Conservation Area. The proposal therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies HC1, D1, D3 and D4 of the London Plan (2021) and the NPPF (2023)”.

Response to Refusal Reason 1

The Appeal Proposal omitted the third-floor extension, meaning that the massing of proposed development will be visually unchanged from the existing property. Façade improvements will improve the buildings overall appearance which will enhance the harmonisation with the character and architectural composition of the surrounding properties, thereby offering clear planning benefit.

Refusal Reason 2 – Overbearing Impacts to the Adjoining Residents

“Due to its scale, bulk and overall design, the proposed development would have an overbearing impact on the adjoining residents leading to a harmful sense of enclosure and loss of privacy to the residents of Nos 8, 10, 12 and 14 Poplars Close. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2023)”.

Response to Refusal Reason 2

As the Appeal Proposal omitted the third-floor extension, the sense of enclosure and loss of privacy will be largely mitigated as the massing of the Appeal Site will remain unchanged from the current situation, and there will be no additional windows at third floor level. Windows are to be introduced into the existing building in order to provide acceptable living standards, but where this is the case, obscured glazing will be introduced in order to retain privacy for occupants of the existing neighbouring properties, as well as future occupiers of the flats.

Refusal Reason 3 – Inadequate Private Amenity Space

“The private amenity space provide is not adequate in terms of quantity and quality and would be overlooked. In addition, due to the use of boundary treatment to demarcate private amenity occupiers of Flat 2 and Flat 3 would experience a loss of outlook given the proximity to the proposed 1.8m high patio fence. Further, Flat 1, bedroom 2 and Flat 4, bedroom 1 and 2 would not benefit from adequate outlook. Therefore, the development would fail to provide a high quality internal amenity space and external usable amenity space resulting in harm to residential amenity and unsatisfactory living conditions for the occupiers. The development therefore conflicts with Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D3 of the London Plan (2021)”.

Response to Refusal Reason 3

The Appeal Proposal includes a thoughtful reconfiguration of the private amenity spaces. The patio for Flat 2 was enlarged to 25 sqm and is surrounded by a 1.5-meter-high fence topped with 300mm trellis, providing a softer outlook for residents. Although the patio for Flat 3 remained at 11 sqm due to space constraints, its boundary treatment was enhanced with the same fence and trellis design as Flat 2. While options for expanding or removing this patio were considered, it was determined that having an outlook onto a fence and trellis is preferable to an uninterrupted view of the roof at 126-128 High Street. Additionally, the inclusion of this small patio area improves privacy for Flat 3's future occupants, shielding them from the communal garden without necessitating obscured glazing on the east-facing windows.

The communal garden area on the first-floor roof was reconfigured to enhance privacy and now spans 160 sqm. In line with Policy DMHB18: Private Outdoor Amenity Space of the Hillingdon Local Plan Part 2: Development Management Policies, the total private amenity space required for six flats is 150 sqm, due to minimum of 25 sqm per two-bedroom flat required. Notwithstanding the private amenity spaces for Flats 2 and 3, the communal garden exceeds the minimum requirements for six flats. Moreover, with the inclusion of the private amenity space for Flats 2 and 3, only four flats will rely solely on this shared area. Therefore, the proposed private amenity space is considered to be plentiful in terms of quantity.

To further enhance privacy, a 1.8-meter-high hedge is proposed along the northern boundary of the shared amenity space, providing natural screening from No. 120 High Street. The reconfiguration of the communal garden has also introduced designated seating areas, with the central seating area strategically positioned to reduce the potential for overlooking the south-facing windows of 120 High Street. This thoughtful design creates a private amenity space that is not only functional but also of high quality.

Refusal Reason 4 – Refuse and Recycling Facilities

“Insufficient supporting information to demonstrate that the proposed development would offer a convenient location for refuse and recycling facilities, given the pull distance of over 60m which fails to accord with Policy DMHB11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020)”.

Response to Refusal Reason 4

The Outline Delivery & Servicing Plan, prepared by Pulsar was updated in response to Refusal Reason 4, and submitted in support of the Appeal Proposal. In summary, it is proposed that refuse collections for the development will be combined with existing collections that already take place adjacent to the gate on Princess Lane. It is understood that two existing weekly refuse collections (one for recycling waste and one for general waste) are undertaken from this bin storage area.

The site management team at the Appeal Site will move a total of two general waste bins and two recycling waste bins on their respective collection days from the proposed site storage point on the southern side of the building to the collection point. This arrangement means that minimal pull distances are required, and most importantly the arrangements have already been deemed acceptable and are in use by the flats of 130 High Street, which accords with Policy DMHB11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

When considering deliveries and other servicing at the Appeal Site, it is proposed that delivery vehicles will utilise the existing loading bay provided on High Street if available and walk to the residential lobby by using the existing public footpath to the north of the Appeal Site. An alternative option to the loading bay is stopping on the kerbside of Poplars Close, as used for delivering and servicing by the residential units in the vicinity of the Appeal Site on Poplars Close, and use the public footpath to the north of the Appeal Site to access the residential lobby. Small mailboxes are to be provided in the residential lobby to reduce dwell time of delivery vehicles, when delivering smaller items.

Refusal Reason 5 – Fire Statement

“The proposal fails to demonstrate through a comprehensive fire statement how the development would achieve the highest standards of fire safety in regard to its design in incorporating appropriate features which reduce the risk to life in the event of a fire, its construction methods, means of escape, strategy of evacuation and providing suitable access and equipment for firefighting appropriate for the size and residential nature of the development. The proposal would therefore be contrary to Policies D5 and D12 of the London Plan (2021) and the National Planning Policy Framework (2023)”.

Response to Refusal Reason 5

A London Plan 2021 Policy D12A – Fire Safety Supporting Statement was prepared by GIAD UK Architects in support of the Appeal Proposal. The statement assesses the criteria of The London Plan (2021) Policy D12A and provides supporting information in response. The statement also details the fire escape route, and assembly point which will be on Princess Lane, to the rear of the Appeal Site.

Refusal Reason 6 – S106 (Air Quality)

“The applicant has failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development (in respect of air quality). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2023)”.

Response to Refusal Reason 6

- 3.6 As the previous application at the Appeal Site had been recommended for refusal, negotiations had not yet begun regarding a S106 Agreement. There was no action required at the application stage to overcome this refusal reason, and negotiations will begin subject to the application being allowed under this Appeal.
- 3.7 As part of the Appeal Proposal, the LPA has accepted that Refusal Reasons 2, 4, and 5 of LPA reference 11894/APP/2024/1734 have been satisfactorily addressed through a revised design and the submission of additional supporting information. Consequently, these reasons no longer form part of the grounds for refusal of the Appeal Proposal. The remaining refusal reasons are considered in detail in Section 5 of this Appeal Statement, which explains why it is believed that the LPA's decision to refuse the application on these grounds was not justified.
- 3.8 The following planning applications are also considered to be of particular relevance to the Appeal Proposal.

Site	LPA ref.	Description	Decision	Relevance to the Appeal Proposal
47-49 High Street	46454/APP/2016/427	First and second floor rear extension to create 4 x 2-bed and 1 x 1-bed self contained flats with associated cycle spaces.	Refused February 2017. Appeal allowed December 2017.	The application has utilised an unused area above a retail unit along High Street to provide dwellings, as well as changing the use of Class E office space to accommodate the proposals.
63 High Street	3317/APP/2024/2048	Change of use of from Office/Storage (Class E) and internal alterations to provide 1 x studio, 1 x 1 bed and 1 x 2 bed residential units (Class C3) (revised description 14.08.24)	Approved October 2024	The application was approved, despite no private amenity space being approved as part of the development.
69 High Street	1983/APP/2022/2930	Extension at the front of the property above the shopfront to provide 1 x self-contained flat (Use Class C3) at second floor level and erection of a new two storey building at the rear of the property to provide 1 x self-contained flat (Use Class C3) above an open loading bay with associated bin and cycle store.	Refused November 2022. Appeal allowed 1 August 2023.	The application repurposed an unused first-floor area at the rear of the site to create new dwellings, and added a single-storey extension facing the High Street. Most windows overlook rooftops, while those in the rear block face only the service road.
178-182 High Street	28388/APP/2016/3332 Appeal ref. APP/R5510/W/17/3173 139	First and second floor rear extension, conversion of roofspace to habitable use to include 3 x front dormers, 4 x side dormers and change of use from Use Class A1 (Retail) to Use Class C3 (Residential) to create 6 x 2-bed and 3 x 1-bed self-contained flats, balustrade to rear to from	Refused January 2017 Appeal allowed July 2017	Change of use from A1 to C3, to accommodate dwellings at the existing premise, as well as utilising an unused first floor level to the rear of the site to provide dwellings within a first and second floor extension. The application also dealt with overlooking commercial

		communal terrace and alteration to bin/cycle storage.		rooftops and the placement of dormer windows.
	28388/APP/2017/1447	First and second floor rear extension, extension and conversion of roofspace to habitable use to include 3 front dormers, 4 side dormers and change of use from retail (Use Class A1) to create 6 x 2-bed and 3 x 1-bed self-contained flats, balustrade to rear to form communal terrace and alteration to bin/cycle storage (Use Class C3).	Approved October 2017.	

3.11 These examples demonstrate acceptance by both the LPA and the Planning Inspectorate of proposals involving the re-use of underutilised upper floors and rear areas along the High Street for residential development, supporting the case that the Appeal Proposal is in keeping with precedents in the area.

4. Planning Policy

- 4.1 This section of the Appeal Statement provides an overview of the key planning policies and other material considerations relevant to the Proposed Development.

National Planning Policy Framework (2024)

- 4.2 The National Planning Policy Framework ('NPPF') sets out the Government's planning policy for England and how these should be applied.
- 4.3 The latest version of the NPPF was published after the Appeal Proposal was submitted to the LPA, but before the LPA issued their decision. The revised wording sets a new policy position which the Appellant believes to provide further support to the principle of residential development at their site, and it does not appear that the LPA considered this revision when determining the application.
- 4.4 The Appeal Site is an urban brownfield site as it is located within a town centre, so in this respect, Chapter 11 of the NPPF (2024) 'Making effective use of land' needs to be considered. According to paragraph 125 of the NPPF, of relevance, planning policies and decisions should:
- c. *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
 - d. *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
 - e. *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous development should not be imposed on an application for multiple upward extensions unless there is an exceptional justification."*
- 4.5 Paragraph 129 seeks for planning policies and decisions to support development that makes efficient use of land, taking into account:
- a. *"the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b. *local market conditions and viability;*
 - c. *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d. *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*

e. the importance of securing well-designed, attractive and healthy places”

- 4.6 Paragraph 219 requires Local Planning Authorities to look for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Paragraph 129 further states that proposals which preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The Development Plan

- 4.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 4.8 The adopted Development Plan for the London Borough of Hillingdon comprises:

- Hillingdon Local Plan Part 1: Strategic Policies (November 2012);
- Hillingdon Local Plan Part 2: Development Management Policies (January 2020);
- Hillingdon Local Plan Part 2: Site Allocations and Designations (January 2020); and
- The London Plan (March 2021).

Hillingdon Local Plan Part 1: Strategic Policies

- 4.9 The Hillingdon Local Plan Part 1 is the key strategic planning document for Hillingdon and will support the delivery of the spatial elements of the Sustainable Community Strategy. The key policies from the Local Plan Part 1 which are considered to be relevant to the proposal include:

- Policy E5: Town and Local Centres
- Policy H1: Housing Growth
- Policy H2: Affordable Housing
- Policy HE1: Heritage
- Policy BE1: Built Environment
- Policy EM1: Climate Change Adaptation and Mitigation
- Policy EM6: Flood Risk Management
- Policy EM8: Land, Water, Air and Noise
- Policy EM11: Sustainable Waste Management
- Policy T1: Accessible Local Destinations

Hillingdon Local Plan Part 2: Development Management Policies

- 4.10 The Local Plan Part 2: Development Management Policies) seeks to provide detailed policies that will form the basis of the Council's decisions on individual planning applications. The key policies from the Local Plan Part 2: Development Management Policies which are considered to be relevant to the proposal include:

- Policy DMTC 1: Town Centre Development
- Policy DMTC 2: Primary and Secondary Shopping Areas
- Policy DMTC 3: Maintaining the Viability of Local Centres and Local Parades
- Policy DMTC 4: Amenity and Town Centre Uses
- Policy DMH 2: Housing Mix
- Policy DMH 7: Provision of Affordable Housing
- Policy DMHB 1: Heritage Assets

- Policy DMHB 2: Listed Buildings
- Policy DMHB 3: Locally Listed Buildings
- Policy DMHB 4: Conservation Areas
- Policy DMHB 11: Design of New Development
- Policy DMHB 14: Trees and Landscaping
- Policy DMHB 15: Planning for Safer Places
- Policy DMHB 16: Housing Standards
- Policy DMHB 17: Residential Density
- Policy DMHB 18: Private Outdoor Amenity Space
- Policy DMEI 1: Living Walls and Roofs and Onsite Vegetation
- Policy DMEI 2: Reducing Carbon Emissions
- Policy DMEI 7: Biodiversity Protection and Enhancement
- Policy DMEI 10: Water Management, Efficiency and Quality
- Policy DMEI 14: Air Quality
- Policy DMCI 7: Planning Obligations and Community Infrastructure Levy
- Policy DMT 1: Managing Transport Impacts
- Policy DMT 2: Highways Impacts
- Policy DMT 5: Pedestrians and Cyclists
- Policy DMT 6: Vehicle Parking

Hillingdon Local Plan Part 2: Site Allocations and Designations

- 4.11 The Hillingdon Local Plan Part 2: Site Allocations and Designations sets out sites for development to meet the Borough's needs to 2026, based on the level of growth and general locations set out in the Local Plan Part 1.
- 4.12 The Appeal Site is not identified as an allocated site.

The London Plan

- 4.13 The London Plan sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. The key policies from the London Plan which are considered to be relevant to the proposal include:

- Policy GG2: Making the best use of land
- Policy GG4: Delivering the homes Londoners need
- Policy GG6: Increasing efficiency and resilience
- Policy SD6: Town centres and high streets
- Policy D3: Optimising site capacity through the design-led approach
- Policy D4: Delivering good design
- Policy D5: Inclusive design
- Policy D6: Housing quality and standards
- Policy D7: Accessible housing
- Policy D11: Safety, security and resilience to emergency
- Policy D12: Fire safety
- Policy D13: Agent of change
- Policy D14: Noise
- Policy H1: Increasing housing supply

- Policy H2: Small sites
- Policy H10: Housing size mix
- Policy HC1: Heritage conservation and growth
- Policy G5: Urban greening
- Policy SI1: Improving air quality
- Policy SI4: Managing heat risk
- Policy SI12: Flood risk management
- Policy SI13: Sustainable drainage
- Policy T1: Strategic approach to transport
- Policy T4: Assessing and mitigating transport impacts
- Policy T5: Cycling
- Policy T6: Car parking
- Policy T6.1: Residential parking
- Policy T7: Deliveries, servicing and construction
- Policy DF1: Delivery of the Plan and Planning Obligations

Supplementary Planning Documents

4.14 Supplementary Planning Documents (SPDs) provide detailed advice to support the delivery of the local development plan. SPDs relevant to the proposed development include the following:

- Planning Obligations SPD (July 2014); and
- Hillingdon's Sustainable Community Strategy.

5. Key Planning Issues

Matters not in Dispute Between the Parties

5.1 Our understanding is that the following matters are not in dispute between the parties (subject to planning conditions where appropriate):

- Principle of residential development;
- Housing mix;
- Internal amenity space provision;
- Internal daylight and sunlight levels;
- Sustainability;
- Flood Risk;
- Noise;
- Increase in activity and disturbance;
- Car-free proposal;
- Cycle parking provision;
- Vehicular trip generation;
- Construction Management Plan;
- Refuse Collection; and
- Fire Safety.

Main Issues in this Appeal

5.2 In this section of the Statement of Case, we describe why the Local Planning Authority was wrong to refuse the application. Having reviewed the reasons for refusal cited by the Local Planning Authority, the matters which are in dispute between the parties are:

1. Neighbouring amenity impacts, including:
 - a. The Appeal Proposal will result in a loss of privacy to adjoining neighbouring properties.
2. Internal and external amenity, including:
 - a. The Appeal Proposal lacks in quantity and quality of external amenity space provision;
 - b. The Appeal Proposal does not provide suitable boundary treatment for flats 2 and 3's private amenity space; and
 - c. The Appeal Proposal will create poor outlook from Flat 1, bedroom 2 and Flat 4, bedrooms 1 and 2 as a result of the proposed obscure glazing.

5.3 Accordingly, we have taken these points to be the main issue in the determination of this Appeal.

5.4 In this following section of the Statement of Case, we explain why these concerns are unfounded and that there would be little to no conflict with either relevant policies of the development plan or relevant national policy of the NPPF, and so, planning permission should be granted.

RfR1 – Neighbouring Amenity Impacts

- 5.5 Reason for Refusal 1 (RfR1) states that *“the proposed development would result in loss of privacy to adjoining neighbouring properties given the intensification of the building and the proximity of the private amenity space which would lead to overlooking of neighbouring residents habitable living spaces without adequate screening measures. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) and the National Planning Policy Framework (2024).”*
- 5.6 Policy BE1 of the Hillingdon Local Plan: Part 1 (2012) states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'
- 5.7 Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) requires that development proposals should not adversely impact the amenity, daylight and sunlight of adjacent properties and open spaces. Development is also required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential.
- 5.8 The Delegated Officer Report (at page 15) provides only limited justification for this refusal reason.

Intensification of the Building

- 5.9 The Local Planning Authority (LPA) has not provided sufficient reasoning for why they believe the proposed development would result in a loss of privacy to neighbouring properties, particularly in relation to the alleged *“intensification”* of the Appeal Site through the Appeal Proposal. Furthermore, the LPA’s report does not particularly specify which neighbouring properties are considered to be adversely impacted by the Appeal Proposal.
- 5.10 The Appellant contests the LPA’s assessment of *“intensification”*. While the proposal involves a change of use to accommodate six dwellings within the existing building, this change does not, in the Appellant’s view, constitute an *“intensification”* of the Appeal Site. The existing building, which was originally designed for Use Class E ancillary storage area and office space purposes, will be retrofitted under the Appeal Proposal to accommodate a residential use, which does not, in the Appellants view, inherently result in a significant increase in the intensity at the Appeal Site. Furthermore, the existing Tesco supermarket on the ground floor will remain in operation, and this use already generates a high level of daily footfall at the site.
- 5.11 The proposed development comprises three 2-bedroom, 4-person dwellings and three 2-bedroom, 3-person dwellings, with a total potential occupancy of up to 21 people. This figure represents a maximum estimate; actual occupancy may be lower, particularly if some units are occupied by smaller households.
- 5.12 Importantly, the Appellant retains the right to convert the existing ancillary storage and office space (Use Class E) to other lawful Class E uses, such as sole-purpose office space, without requiring planning permission, in accordance with The Town and Country Planning (Use Classes) Order 1987 (as amended). There are no Article 4 Directions in the London Borough of Hillingdon that restrict such a change of use within the same class.
- 5.13 Should the Appeal Site be converted to an alternative Class E use, such as an office, the resulting daily occupancy, particularly during working hours, could significantly exceed the proposed maximum of 21 residents. In the Appellant’s view, such a scenario could result in greater impacts on neighbouring privacy than the proposed residential scheme. However, this alternative has not been considered in the Local Planning Authority’s (LPA) Delegated Officer Report.

- 5.14 The Appellant acknowledges that both scenarios, the residential proposal and an office use are based on assumptions rather than detailed occupancy modelling. Nonetheless, these examples illustrate the range of reasonable and lawful uses of the site and their potential impacts to neighbouring amenity.
- 5.15 The LPA, in its Appeal Statement for ref. APP/R5510/W/25/3362220 (paragraph 2.6, page 5), stated: *“the argument that the office use would potentially cause more loss of amenity is hypothetical and disputed by the LPA”* (see Appendix 6, paragraph 2.7).
- 5.16 On this basis, the Appellant contends that if the LPA is prepared to dismiss the amenity impacts of a lawful Class E office use as *“hypothetical”*, then it must apply the same caution to its claims regarding the proposed residential development. Both involve assumptions about future use and impact, yet only the residential scheme has been subjected to detailed scrutiny.
- 5.17 It is equally speculative to presume that future residents of the proposed dwellings would choose to position themselves in a manner actively seeking to overlook neighbouring properties, just as it is speculative to suggest that implementing an office use at the Appeal Site would be equally, or less intrusive. Moreover, the northern-facing windows in the Living and Dining Rooms of Flats 1 and 4, which face Nos. 8 and 10 Poplars Close, cited as a source of concern are pre-existing and currently unobscured.
- 5.18 In terms of privacy impact, the Delegated Officer Report (Page 15) references a single opaque window on the rear elevation overlooking the rear gardens of No. 12 and 14 Poplars Close. It is noted that this window serves the stairwell and could easily be conditioned to maintain obscured glazing. Importantly, this window is pre-existing and currently opaque. While the Appellant would accept a condition to provide obscure glazing for this window, they wish to highlight that its use as a window serving a non-habitable space is established at the site for a Use Class E purpose, and the Appellant does not believe the impact of overlooking would be exacerbated by a change of use at the site to provide six dwellings.
- 5.19 Should the Inspector be minded to Allow this Appeal, the Appellant would wish for a condition that requires a full schedule of proposed obscured glazing locations to be submitted to the LPA for approval, for reasons as discussed below and under RfR2.
- 5.20 The Appellant recognises the importance of privacy and acknowledges that privacy concerns should be taken seriously. However, the LPA has not provided sufficient evidence to demonstrate that the proposed development would lead to a genuine loss of privacy to neighbouring properties beyond the existing situation. In particular, the only potential privacy issue raised by the LPA concerns the pre-existing opaque stairwell window, which serves a non-habitable area and cannot be seen as a significant source of privacy loss. Given the existing conditions at the Appeal Site, this issue alone should not justify a refusal of the proposal.
- 5.21 The Delegated Officer Report (Page 15) also references the proposed use of obscure glazing at the Appeal Site to mitigate concerns about both actual and perceived overlooking. This includes proposed obscure glazing up to 1.7m from floor level on six windows: those in Flat 1 (Bedroom 1, Bedroom 2, and Living & Dining Room) and Flat 4 (Bedroom 1, Bedroom 2, and Living & Dining Room).
- 5.22 In support of this Appeal, a Technical Note has been prepared by Planning for Sustainability which assesses the windows with proposed obscure glazing and the potential of overlooking from the Appeal Site to No. 8, 10, 12, and 14 Poplars Close.
- 5.23 Regarding the potential for overlooking from the north elevation of the Appeal Site to No. 8 and 10 Poplars Close, the Technical Note has found that a limited view of the side elevation of 8 Poplars Close is possible from Flat 1, Bedroom 1, but only from positions very close to the window, and not from a majority of the room. The views from the Living and

Dining Rooms in Flat 1 and Flat 4 to No. 8 and 10 Poplars Close are considered to be minimal by all accounts, and privacy impacts to the properties as a result of the windows is negligible.

- 5.24 The windows that will serve Flat 1, Bedroom 1 and the Living and Dining Rooms in Flat 1 and Flat 4 at the Appeal Site are pre-existing, so should the Appeal Site be used solely for office purposes under Use Class E, the potential for overlooking would be far more significant, particularly during typical business hours as desks are generally placed near windows to enhance the reception of natural light. This would exacerbate the degree of overlooking compared to residential uses, where such issues are typically far less pronounced. This underscores the minimal privacy impact from the residential development, as compared to the possibility of far more intense privacy concerns associated with Class E uses.
- 5.25 With respect to No. 12 and 14 Poplars Close, the Technical Note concludes that the potential for overlooking from the three proposed windows in the rear elevation is minimal, and the privacy impact on these properties is likewise negligible. The Technical Note also notes that the properties at Nos. 12 and 14 Poplars Close are not currently free from overlooking, as the existing stairwell window at the Appeal Site already overlooks the rear gardens of these properties. Additionally, the first- and second-floor windows of No. 8 and 10 Poplars Close directly overlook the front of No. 12 and 14 Poplars Close.
- 5.26 The Appellant acknowledges that the three windows on the rear elevation, if opaque, could result in some overlooking of the small front garden areas of No. 12 and 14 Poplars Close. However, front gardens are typically not considered private amenity spaces in urban settings, as they primarily only provide access to the dwellings. Furthermore, these windows are not directly adjacent to any windows at Nos. 12 or 14 Poplars Close, meaning the potential for significant privacy loss is minimal.
- 5.27 In light of these considerations, the Appellant is confident that, with the proposed mitigation measures, including obscure glazing where necessary, the development will not result in a significant loss of privacy to neighbouring properties. The LPA's concerns regarding privacy are overstated, as they have not provided a thorough justification or accounted for the existing conditions at the site, including the pre-existing opaque windows, nor have they fully considered the potential impacts of alternative uses within the established Use Class E, which could potentially amount to an intensification of the site.

Private Amenity Space

- 5.28 When considering the private amenity space proposed as part of the Appeal, the Appellant strongly contests the LPAs assumption that the *"proximity of the private amenity space which would lead to overlooking of neighbouring residents habitable living spaces without adequate screening measures"*.
- 5.29 The LPA's main concern, as indicated by the Delegated Officer Report, is the neighbouring property at No.120 High Street, which lies directly to the north of the Appeal Site. It is important to note that the upper floor of No.120, which was previously used for residential purposes under Use Class C3, has remained vacant for several years, and the rear windows and doors of the property are currently secured with metal plates to prevent trespassing.
- 5.30 While the Appellant acknowledges that three windows in No.120 serve habitable rooms, albeit currently unoccupied, it is crucial to highlight that the existing outlook from these windows is heavily compromised. The view from these windows is currently dominated by commercial rooftops and plant equipment, which significantly detracts from the quality of the view, and crucially there is currently no screening in place to mitigate overlooking during the eventuality of servicing and maintenance works to the rooftop space at the Appeal Site.
- 5.31 In this context, the proposed 1.8m high hedge will not only improve the outlook for any future occupants of No.120 but will also provide an additional layer of privacy between their property and the Appeal Site. The 1.8m high hedge will help

to screen the proposed communal amenity space, thereby mitigating any potential overlooking. This proposed landscaping solution, represents a reasonable and effective measure to address concerns about overlooking for both parties, and it would be disproportionate to argue that this solution would cause any further harm to the neighbouring property at No.120.

- 5.32 The LPA's failure to reference the proposed screening measure in the Delegated Officer Report raises the Appellants concerns about the thoroughness of their assessment of the Appeal Proposal. Had the LPA properly considered the proposed plans, one would expect a more detailed critique of the 1.8m hedge, addressing their thoughts as to whether it could adequately mitigate any privacy concerns. Instead, the report simply notes on page 15 that *"No.120 overlooks the communal garden"* and repeats on page 23 that *"there are concerns regarding the proposed private amenity space, given it is overlooked by dwellings and the side elevations of windows to No.120, which cannot be mitigated without harm to the neighbouring building."* If the LPA had duly assessed the plans, it would be reasonable to expect a detailed analysis of why the proposed hedge might be insufficient, or why it could cause harm to the neighbouring building, which remains unsubstantiated in their current Delegated Officer Report.
- 5.33 Furthermore, page 15 of the Delegated Officer Report asserts that *"the very nature of the private amenity space associated with the application could potentially lead to extensive use of this roof space which further exasperate these overlooking concerns"*. However, the reasoning behind the LPA's conclusion that the private amenity space could be used extensively is unclear and seems speculative. It is important to note that only four of the six proposed dwellings would solely rely on the roof space as their designated private amenity area, and the Appellant therefore believes that it is unreasonable to assume that the roof space could be used extensively without concrete evidence or a clear rationale for such a claim.
- 5.34 While access to the private amenity space would remain unrestricted for all residents, factors such as adverse weather conditions, and the limited daylight hours in the winter months would significantly reduce the likelihood of 'extensive' use. This is a practical consideration that the LPA seems to overlook, along with the fact that residents might prefer to use other outdoor spaces or communal areas within the vicinity of the Appeal Site to undertake their activities.
- 5.35 Ultimately, while the Appellant appreciates that the LPA have the right to execute a presumption of the worst-case scenario in terms of use of the private amenity space; given the small scale nature of the Appeal Proposal, the Appellant would have anticipated that the LPA would have asserted a more realistic assumption insofar that the space would be used on an intermittent basis, which would not exasperate the concerns of overlooking.
- 5.36 In light of this, the Appellant respectfully submits that the LPA's conclusions are premature and do not reflect an adequate consideration of the proposed landscaping solution, nor the realistic anticipated use of the private amenity space, and subsequent minimal impacts to No. 120 High Street.
- 5.37 The Appellant therefore firmly believes that the Appeal Proposal, and its design that incorporates mitigation measures including the placement of obscured glazing, and privacy screening where necessary will not result in any significant adverse impact on the amenity or privacy of neighbouring residents. The LPA's concerns regarding overlooking and privacy, particularly in relation to Nos. 8, 10, 12, and 14 Poplars Close and 120 High Street, are deemed to be overstated and fail to account for existing conditions or the potential alternative uses of the Use Class E site, which could have a far greater impact than the proposed residential development. Therefore, it is considered that the Appeal Proposal is not in conflict with Policy BE1 of the Hillingdon Local Plan Part 1 (2012), nor Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) for the reasons set out in this statement.

RfR2 – Internal and External Amenity

5.38 Reason for Refusal 2 (RfR2) states that *“the private amenity space provide is not adequate in terms of quantity and quality and would be overlooked. In addition, due to the use of boundary treatment to demarcate private amenity occupiers of Flat 2 and Flat 3 would experience a loss of outlook and privacy given the proximity to the proposed 1.5m high fence and 300mm trellis. Further, Flat 1 and Flat 4 would not benefit from adequate outlook. Therefore, the development would fail to provide a high-quality internal amenity space and external usable amenity space resulting in harm to residential amenity and unsatisfactory living conditions for the occupiers. The development therefore conflicts with Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D3 of the London Plan (2021).”*

5.39 Policy D3 of the London Plan (2021) seeks to optimise site capacity through a design led approach. Part 7 of the Policy requires developments to deliver appropriate outlook, privacy and amenity, and part 10 requires indoor and outdoor environments that are comfortable and inviting for people to use.

5.40 Table 3.1 of the London Plan (2021) Policy D6 requires the following:

- One storey one bed two-person unit should provide a minimum of 50 square metres GIA and 1.5 square metres of storage;
- One storey two bed three-person unit should provide a minimum of 61 square metres GIA and 2 square metres of storage; and
- One storey two bed four-person unit should provide a minimum of 70 square metres GIA and 2 square metres of storage.

5.41 This is also supported by Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

5.42 Policy DMHB 18 of the Hillingdon Local Plan: Part 2 (2020) states:

- a. All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.2.
- b. Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.
- c. Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the street scene and the character of the buildings on the site.
- d. The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

5.43 Table 5.2 states that 1- and 2-bedroom flats should provide a minimum of 20 and 25 square metres of amenity space, respectively.

External Amenity

5.44 The Delegated Officer Report references private amenity space on page 22, noting that the proposed private patios for Flats 2 and 3 measure approximately 25 and 11 square metres, respectively. Additionally, a roof terrace providing 160 square metres of communal amenity space is proposed for use by all dwellings. The LPA consider, on page 23 of the Delegated Officer Report, that the quality of this ‘meaningfulness’ space is ‘suboptimal’. The Appellant strongly disagrees with this assertion, for reasons set out below.

- 5.45 Recognising the constrained nature and town centre location of the Appeal Site, the Appellant has endeavoured to provide private amenity space in accordance with the Hillingdon Local Plan standards, where feasible.
- 5.46 As highlighted on Page 22 of the Delegated Officer Report, the proposed development includes 6 x 2-bedroom units and would require a minimum of 150 square metres of private usable and well-designed amenity space in accordance with Policy DMHB 18. The communal roof terrace exceeds this requirement for a development of this size alone and does not account for the private patios, and subsequent additional private amenity space, proposed for Flats 2 and 3.
- 5.47 It is important to highlight that the site is also situated within a well-connected town centre, with numerous parks, communal spaces, and private sports clubs located within a 20-minute walk of the development, as detailed below, and shown at Appendix 13:

Name	Distance from Site	Facilities
Church Field Gardens Playground	3-minute walk north	Children's playground
Church Field Gardens and Tennis Courts	6-minute walk north	Recreational green space, 3no. public tennis courts
Ruislip Bowls Club	6-minute walk north	Private sports club
Celandine Rout along the River Pinn	11-minute walk north	12 mile walk along the River Pinn from Pinner to the Grand Union Canal at Cowley.
Pinn Meadows / Kings College Athletics Track and Playing Fields	15-minute walk north	Recreational green space, athletics track, skate park, football pitches
Eastcote Hockey Club	15-minute walk north	Private sports club
Park Wood and Ruislip Lido	25-30-minute walk north	Public woodland, public lido
Hill Lane Playground	15-minute walk west	Children's playground
Blenheim Crescent Children's Playground	15-minute walk southwest	Children's playground
Ruislip Rugby Football Club	8-minute walk south	Private sports club
Wealdstone Football Club	11-minute walk south	Private sports club
New Pond Playing Fields	21-minute walk south	Recreational green space
Shenley Park	13-minute walk southeast	Recreational green space, children's playground, outdoor gym
Pembroke Gardens	9-minute walk east	Recreational green space
Park Way Park	14-minute walk east	Recreational green space
Warrender Park and Highgrove Woods	20-minute walk east	Recreational green space, outdoor gym, public woodland

- 5.48 In October 2024, planning permission was granted for residential development at 63 High Street, Ruislip (LPA Ref. 3317/APP/2024/2048), despite there being no external amenity space proposed as part of the development. The Delegated Officer Report (Appendix 15, p.12) explains that this was considered acceptable due to the site's sustainable location, proximity to local services and recreational facilities, and the established character of the area, where many upper floor residential units also lack private amenity space. It concluded that a refusal on this basis would be difficult to defend at appeal.

- 5.49 The Appeal Site lies less than 500ft south east of 63 High Street and shares the same locational characteristics. Given this close proximity and comparable context, the Appellant contends that a consistent approach should have been applied by the LPA with regard to amenity space provision.
- 5.50 The LPA has also previously accepted a reduced amount of on site amenity space in other town centre developments where high quality public open space is readily accessible. For example, in the case of Chelmsine Court (LPA Ref. 890/APP/2020/763), planning officers acknowledged that the development did not meet the requirements of Policy DMHB 18. However, this was deemed acceptable due to the site's proximity (115m) to public open space and other communal amenities (see Appendix 14).
- 5.51 As demonstrated in the table above, and corresponding map at Appendix 13, the Appeal Site is well served by a wide a range of nearby public open spaces. In light of the site's town centre setting, which the LPA considered in October 2024 to be a sustainable location, the Appellant maintains that the proposed level of private amenity space is appropriate.
- 5.52 The Appellant is confident that the above table demonstrates that the Appeal Site is well served by nearby public open spaces. Accordingly, the Appellant maintains that the proposed level of private amenity space is appropriate, having due regard to the site's central, sustainable location.
- 5.53 In considering the private patio areas proposed for Flats 2 and 3, the primary objective through their provision was to enhance privacy for the occupants of these dwellings. Without these patios, the windows of these flats would face directly onto the communal amenity space and beyond, which would create privacy concerns. The Appellant does acknowledge that the patio for Flats 3 does fall short of the required private amenity space for a two-bedroom dwelling. The outlook from the east elevation of Flat 3 was of particular concern, as it would be directly over the fire escape route and commercial rooftops. The LPA has suggested that an outlook over commercial rooftops is inadequate, as discussed further below, and the Appellant does not believe that the LPA have duly considered that a small patio space presents a positive solution to negate 'substandard' views over commercial rooftops without requiring obscured glazing, which might otherwise compromise the internal amenity of the Kitchen/Living/Dining Room of Flat 3.
- 5.54 The Appellant therefore believes that through the provision of these patios, on balance, they present a positive solution.
- 5.55 The Delegated Officer Report also raises concerns on page 23 regarding the design of the communal amenity space, citing the use of artificial grass and the lack of visual and sensory variety in the landscaping as factors which they consider makes for a less compelling and inviting space. However, the Appellant strongly disagrees with this assessment. Artificial grass is now widely used in both private gardens and rooftop spaces due to significant advancements in its quality. It provides a durable, and low-maintenance alternative to natural grass, while still being visually appealing, which is especially suitable for urban environments like the roof top area in question. Furthermore, in the case of the Appeal Site, the introduction of natural grass at the first-floor rooftop level is not a viable option due to its associated weight that could not be supported by the existing structure.
- 5.56 It is also important to highlight that communal amenity spaces at rooftop levels do have limited options in terms of their use, and in any event would not typically be suitable for a range of different activities such as ball sports. The Appellant therefore strongly contests the LPA's statement on page 23 of the Delegated Officer Report that *"the amenity space is overly dominated by seating, resulting in a lack of balance and variety"*, and believes that incorporating seating and shrubbery is the 'best' case solution to a space like this and is the typical solution to landscaping communal rooftop areas that serve residential dwellings.
- 5.57 The Appellant acknowledges the LPA's comments on page 23 of the Delegated Officer Report regarding the potential to enhance the communal amenity space by incorporating a more diverse range of landscaping features, spatial

configurations, and activity opportunities. While the Appellant does not agree that the proposed private amenity space is inadequate, as set out above, they are willing, should the Inspector be minded to allow the appeal, to engage further with the LPA through the submission of final landscaping details via a planning condition. The Appellant considers this to be a reasonable and standard approach for securing such matters.

- 5.58 Furthermore, Appeal ref. APP/R5510/W/23/3314927 was granted on 5 July 2023 at nearby 69 High Street Ruislip for *“Extension at the front of the property above the shopfront to provide 1 x self-contained flat (Use Class C3) at second floor level and erection of a new two storey building at the rear of the property to provide 1 x self-contained flat (Use Class C3) above an open loading bay with associated bin and cycle store.”* The original application, LPA ref. 1983/APP/2022/2930, was not supported by any landscaping details for the three proposed terraced areas, nor was the application refused for amenity space issues. The Appeal Decision Notice can be found at Appendix 7, with the Delegated Officer Report, proposed floor plans and Design and Access Statement found at Appendix 8, 9 and 10 respectively.
- 5.59 The Appellant therefore considers that the LPA have been unreasonable asserting their views over the visual sensory variety in the landscaping of the proposed communal amenity space and should have set out a balanced view that the final details of this space could have been adequately submitted through a planning condition should the LPA have seen this approach necessary.
- 5.60 Furthermore, and as also mentioned under RfR1, the Appellant feels that the LPA have not fully reviewed the submitted plans, particularly with regard to the proposed boundary treatments for the communal amenity space. Specifically, a 1.8m high hedge is proposed along the north-facing boundary to mitigate any potential overlooking and improve privacy for both users of the communal amenity space, as well as the neighbouring property. This design feature was detailed in the plans and should have been recognised in the Delegated Officer Report as a solution to alleviate concerns about privacy. Upon reviewing the Delegated Officer Report, the Appellant has noted the comment on page 22 that *“there are concerns regarding the proposed private amenity space as it is substandard in quantity but also quality, given it is overlooked by dwellings and the side elevations windows to No.120, which cannot be mitigated without harm to the neighbouring building.”* This statement has seemingly overlooked the proposed boundary treatment and the mitigation that it offers.
- 5.61 While the Appellant acknowledges that 3no. windows in No.120 serve habitable rooms, albeit vacant, that overlook the proposed communal amenity space, it is important to note that the existing outlook from these windows is currently dominated by commercial rooftops, including plant equipment. In this context, the proposed 1.8m high hedge is considered to improve the outlook for any future occupants of No.120, as well as enhancing their privacy.
- 5.62 In this instance, final details of boundary treatments would not uncommonly be secured by a Planning Condition, and the Appellant would welcome a condition of this nature.

Internal Amenity

- 5.63 The Delegated Officer Report confirms on page 21 that all six proposed flats meet the minimum square metre requirements outlined in Table 3.1 of the London Plan (2021). However, the report raises concerns regarding the quality of the outlook that future occupants would experience as a result of the Appeal Proposal.
- 5.64 These concerns primarily focus on the perceived poor outlook from north-facing side elevation windows, which overlook commercial rooftops with plant and service areas. Additionally, concerns have been raised about the partial obscuring of windows (up to 1.7 meters high from floor level) that was proposed for all windows in Flat 1 and Flat 4, as well as the boundary treatment proposed to define private amenity spaces for Flats 2 and 3.

North-Facing Outlook

- 5.65 The Appellant strongly disagrees that the outlook from the north-facing side elevation, over commercial rooftops, should be considered a reason for concern, particularly in the context of a town centre development.
- 5.66 As outlined in the revised NPPF (2024) planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements. This includes promoting the development of underutilised land and buildings for residential purposes. Development proposals should be approved unless they would cause substantial harm (Paragraph 125, Parts c and d).
- 5.67 In the context of promoting residential development on brownfield and underutilised sites, particularly in town centre locations, it is often the case that the outlook from new dwellings is less than ideal due to the surrounding dense built form, which often comprises plant and service areas to the rear.
- 5.68 This reality is reflected in the appeal decision for 69 High Street (LPA Ref: 1983/APP/2022/2930; Appeal Ref: APP/R5510/W/23/3314927), where the Planning Inspector identified the main issue as whether the proposed development would provide adequate living conditions for future occupiers of Flat No. 3, specifically in terms of outlook and light to its two bedrooms. The flat was to be situated above, and overlook, a commercial service yard at the rear of the site. In this instance, the Inspector concluded “...in having regard to the existing site context and its surroundings, the outlook of the proposed Flat No. 3 side elevation bedroom windows would be acceptable, and development plan policy would be met in this regard.” (Appendix 7, paragraph 16)
- 5.69 The Appellant maintains the view that outlooks from habitable rooms over plant or service areas are commonplace not only along High Street in Ruislip but also across town centres nationally. This view is supported by the Planning Inspector in the appeal decision for 69 High Street, where the Inspector explicitly acknowledged the relevance of the existing site context in assessing outlook.
- 5.70 Importantly, there is no specific planning policy which explicitly defines the quality of outlook expected in such contexts, aside from London Plan (2021) Policy D3, which requires that developments “*deliver appropriate outlook*” and create “*indoor environments that are comfortable and inviting for people to use.*”
- 5.71 The Appellant acknowledges that the north-facing outlook is not of green fields or uninterrupted blue skies. However, such an outlook is entirely typical of urban brownfield sites, particularly those within town centres. This is precisely the sort of pragmatic flexibility the Government encourages through the NPPF. Crucially, all rooms at the Appeal Site with a north-facing aspect will receive adequate daylight and sunlight, as confirmed by the Daylight and Sunlight Report included in the Decision Notice Schedule of Plans. Accordingly, the Appellant contends that the outlook would be “appropriate”, and that the indoor environment would be “*comfortable and inviting for people to use*”, and ultimately not resulting in any level of harm to future occupiers that could be considered significant, let alone substantial.
- 5.72 It is also important to recognise that residents who choose to live in town centre locations typically do so for reasons of convenience and accessibility, such as proximity to shops, services, and public transport. These residents may not expect or seek idyllic views, in contrast to those who opt for out-of-centre or suburban locations where spaciousness and landscape views are often prioritised. The urban context shapes different expectations and priorities, and planning assessments should take this into account.

Partial Obscuring of Windows

- 5.73 The Appellant proposed partial obscuring of all windows in Flat 1 and Flat 4 to address potential privacy concerns. However, following the preparation of a Technical Note by Planning for Sustainability in support of this Appeal which assessed the

potential from overlooking from all windows in Flat 1 and Flat 4, the Appellant intends to provide the Local Planning Authority (LPA) with final details of the window design and the locations of the proposed obscured glazing through a planning condition.

- 5.74 To clarify, these details would involve removing the obscured glazing for Flat 1 Bedroom 2, and Living & Dining Room, and all windows in Flat 4. As discussed within RfR1, obscure glazing would be retained in Flat 1 (Bedroom 1) to mitigate any privacy concerns between the Appeal Site and 8 Poplars Close.
- 5.75 This revised proposal for glazing is supported by the Technical Note prepared by Planning for Sustainability, which confirms on Page 3 that the potential for overlooking is minimal, and privacy impacts as a result of opaque windows in Flat 1 Bedroom 2, and Living and Dining and Room, as well as all windows in Flat 4 are considered negligible.
- 5.76 The Appellant strongly disputes the LPA's assertion, set out at paragraph 2.11 of their Appeal Statement in relation to Appeal ref. APP/R5510/W/25/3362220 (see Appendix 6), that the proposed amendment to window glazing by condition represents a "*significant amendment*" that should be resisted at appeal. This position is based on a misapplication of the judgment in *Holborn Studios Ltd v LB Hackney* and paragraph 16.3 of the Planning Appeals Procedure Guide, for the reasons set out below.
- 5.77 In accordance with the principles clarified in *Holborn Studios Ltd v LB Hackney* (2018), which refined the well-established Wheatcroft test (*Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982)), the proposed amendment to the proposed glazing raises neither substantive nor procedural issues.
- 5.78 Substantively, the amendment does not amount to a "*fundamental change*" or a "*substantial difference*" from the original scheme. It represents a minor and controlled alteration that does not materially change the nature, scale, or design of the approved development. It therefore falls well within the scope of the original application and does not cross the threshold into being a "*different application*" under the Wheatcroft test.
- 5.79 Procedurally, the proposed amendment does not result in any unfairness to third parties. Neighbour objections focused on concerns about overlooking, raised irrespective of the proposed use of obscure glazing. Importantly, the Appellant has now submitted additional technical evidence confirming that any potential impact on neighbouring properties at 8 and 10 Poplars Close is negligible. A condition requiring the submission and approval of final window treatments would therefore provide an appropriate and proportionate safeguard, maintaining the integrity of the planning process without prejudicing any party.
- 5.80 The Appellant further maintains that the continued use of obscure glazing for a single bedroom window, up to 1.7m above floor level, is both acceptable and appropriate. This room is not a primary living or dining space, and the proposed use of partial obscure glazing in this context is not uncommon in town centre residential developments. It is particularly justified where only one window requires mitigation for relatively minor privacy concerns. Moreover, there is no national, regional, or local planning policy that prohibits the use of obscure glazing in residential schemes.
- 5.81 Accordingly, the Appellant submits that the proposed approach is entirely reasonable, proportionate, and policy-compliant, and would not result in a substandard level of amenity or outlook for future occupiers of the Appeal Proposal.

Boundary Treatment of Private Amenity Space

- 5.82 A 1.5-metre-high fence with a 300mm trellis is proposed to demarcate the private amenity spaces for Flats 2 and 3. The LPA has raised concerns about the proximity of this boundary treatment to the windows and bifold doors of the flats, as noted on page 25 of the Delegated Officer Report. However, the Appellant disagrees with the LPA's assessment of this matter and questions the rationale behind their conclusions.

- 5.83 The Appellant finds it difficult to understand the basis for the LPA's concerns, as the design and positioning of the proposed boundary treatment has been carefully considered to ensure no adverse impact on the quality of the residential environment. The boundary treatment locations were planned with sufficient clearance from key living areas, and there are no issues related to proximity.
- 5.84 Referring to the drawing titled 'Proposed First and Second Floor Plans – 122HS-PA-02-P9,' which is listed on the Decision Notice Schedule of Plans, it is evident that the boundary treatment for the patio of Flat 3 is consistently positioned at least 1.6 metres away from the windows and bifold doors. Given this distance, the boundary treatment cannot reasonably be considered to be in "*close proximity*" to the living spaces. The clear separation ensures that the boundary treatment does not obstruct natural light, ventilation, or the overall aesthetic quality of the dwelling's interior or exterior.
- 5.85 For Flat 2, although one side of the boundary treatment is located only slightly to the south of the proposed bifold doors, the Appellant does not believe this to be of concern as there are considered to be many vantage points from the living and dining area, where the line of sight would not directly look the fence corner in question. Importantly, a soft landscaped border will be provided in front of the fence and trellis which will help further buffer the boundary treatment from the bifold doors, softening the visual impact and enhancing the overall sense of openness and privacy.
- 5.86 In light of the above analysis, while the Appellant does appreciate that in isolation, there are some instances the Appeal Proposal falls slightly short of complying with London Plan (2021) Policy D3 and D6 and Policy DMHB 11 and 18 of the Hillingdon Local Plan: Part 2 (2020), however when taken as a whole, there is not a robust rationale set out by the LPA to demonstrate that the Appeal Proposal will result in the creation of inadequate internal and external amenity. For the case of glazing details, landscaping details, and boundary treatments, the Appellant believes that these could have been satisfactorily conditioned under a planning permission, with the requirement to provide the LPA with final designs and materials for this scope of works.

Planning Balance

- 5.87 The Appellant is proposing the delivery of six residential units on a brownfield site located above an existing retail unit in a highly accessible town centre location. This approach aligns squarely with paragraphs 125 and 129 of the NPPF (2024), which support the efficient use of land in sustainable urban settings, particularly where well-designed development can make a meaningful contribution to local housing supply.
- 5.88 The Appellant fully acknowledges that policy compliance does not permit a "free-for-all"; however, this is a carefully considered and contextually appropriate scheme. In contrast, the LPA appears to have given limited weight to the pressing need for housing delivery in both London, and around England, focusing instead on rigid design expectations that are more characteristic of open, suburban sites, an approach that does not reflect the realities of compact town centre environments such as this.
- 5.89 Delivering housing in central urban locations inevitably requires a degree of compromise. Nonetheless, the Appellant has taken meaningful steps to address the identified concerns while still bringing forward high-quality, well-located residential accommodation that offers opportunities for more affordable town centre living.
- 5.90 Accordingly, it is submitted that the planning balance weighs strongly in favour of the Appeal Proposal, and that permission should be granted.

6. Conclusions

- 6.1 The Appellant has lodged this appeal because they strongly feel that the Council made the wrong decision in refusing this planning application.
- 6.2 As demonstrated throughout this Statement, the Appeal Proposal is considered to be in overall accordance with the Development Plan.
- 6.3 The Appellant is firmly of the belief that the Appeal Proposal offers a significant opportunity to bring new life into a currently vacant and underutilised town centre site. By bringing the site back into active use for new residential dwellings, the development will improve natural surveillance in the area, increasing safety and fostering a greater sense of community. Additionally, the proposal will provide a boost to the local economy, stimulating an increased demand for local services and businesses.
- 6.4 The Local Planning Authority has acted unreasonably in refusing planning permission. Its reasons are not founded on an objective analysis of any merits of reinstating use of this existing town centre premise to provide nine residential dwellings, which accords with principles as set out in National Planning Policy.
- 6.5 The Appeal Proposal should therefore have been granted planning permission at the local level, and we respectfully ask the Inspector to allow this appeal.

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