

STATEMENT OF CASE / GROUNDS FOR APPEAL

SECTION 78 APPEAL BY:

Mr I Deoray

THE REFUSAL BY:

London Borough of Hillingdon

FOR:

Erection of part 3 storey, part 4 storey building to provide 1 x 1 bed, 3 x 2 bed, and 5 x 3 bed self-contained flats with associated parking, amenity space, refuse and cycle storage following demolition of existing petrol filling station/car wash (Proposal Revised – Not reflected in the description of Council Refusal)

Application Number: 4918/APP/2021/1103

AT: 2 Midcroft, Ruislip, HA4 8ES

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

PREPARED BY:

Progress Planning



1. INTRODUCTION

- 1.1. This appeal statement follows the refusal of Planning Application ref: 4918/APP/2021/1103, issued by the London Borough of Hillingdon in relation to 'Erection of part 3 storey, part 4 storey building to provide 1 x 1 bed, 3 x 2 bed, and 5 x 3 bed self-contained flats with associated parking, amenity space, refuse and cycle storage following demolition of existing petrol filling station/car wash (Proposal Revised – Not reflected in the description of Council Refusal)' at 2 Midcroft, Ruislip, London, HA4 8ES.
- 1.2. The application was submitted to the Council and validated on the 19th March 2021.
- 1.3. Subsequently, the following amended plans, drawings & documents were submitted in support of a revised application:
- Location Plan - MRH/EX/400
 - Site Plan - MRH/EX/100
 - Elevations - MRH/PL/200
 - Elevations - MRH/PL/201
 - Elevations - MRH/PL/202
 - Elevations - MRH/PL/203
 - Ground Floor Plans - MRH/PL/101
 - First Floor Plans - MRH/PL/102
 - Second Floor Plans - MRH/PL/103
 - Third Floor Plans - MRH/PL/104
 - Roof Plans - MRH/PL/105
 - Planning & Heritage Statement – March 2021
 - Design & Access Statement – February 2021
 - Flood Risk Assessment – July 2020
 - Transport Statement – February 2021
 - Geo-environmental Survey – May 2014
 - Archaeological Desk-Based Assessment – February 2021
- 1.4. The application was refused on the 16th July 2021, based on the revised scheme with the following reasons for refusal by the Council:
1. *The proposed development by reason of its size, scale, bulk and design would be an inappropriate development of the site that would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Ruislip Village Conservation Area and the adjacent Area of Special Local Character. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4, DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy HC1 of the London Plan (2021) and the National Planning Policy Framework (2019).*

2. *The proposal, fails to demonstrate that that sufficient manoeuvring and access arrangements for service delivery vehicles and car parking would be maintained for adjoining premises which would result in driver confusion and unexpected vehicle movements for other highway users and deliveries and parking taking place from the road. The development is therefore considered to be detrimental to highway and pedestrian safety and prejudicial to the free flow of traffic on the adjoining highway, including access by service delivery vehicles to the adjacent buildings at 53 - 61 High Street Ruislip, contrary to Policy DMT 1 of the Local Plan: Part 2 Development Management Policies (2020) and Policy T4 of the London Plan (2021).*
3. *The proposed development by reason of its siting, layout and design would result in the provision of a habitable rooms on the ground floor with very limited levels of natural lighting, outlook and privacy that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D6 and SI2 of the London Plan (2021).*

2. GROUNDS OF APPEAL

2.1. The Existing Site

- 2.2. The site is located on the northern side of Midcroft, approximately 25m East of its junction with the High Street, Ruislip. The rectangular shaped site is located within Ruislip Town Centre, Ruislip Village Conservation Area, and within an archaeological priority area. It is also adjacent to an Area of Special Local Character and located opposite the side elevation of a locally listed building at No. 63 High Street.
- 2.3. The application site comprises a petrol filling station and car wash in very poor condition with a large canopy which projects up to the front boundary of the site. There is also a small building and car washing facilities. None of the buildings or structures are listed.
- 2.4. There is a good quality public park and a cemetery to the north of the site (Church Field Gardens public open space). The site fronts onto Midcroft, a residential street comprising mostly two storey suburban housing. The application site is positioned immediately behind Jebson House known as Nos. 53-61 High Street. This comprises a 1970's three storey building (including mansard) that has commercial/retail units at ground floor with office use above. This building had Prior Approval consent for change of use to residential under application reference 38567/APP/2016/869 which has not been implemented so it remains in commercial use and this consent has now expired.
- 2.5. To the East of the site, there is a commercial access road to the rear of 53-61 High Street, Ruislip with a pedestrian route beyond a fence leading into the expansive open space of Church Field Gardens. The nearest residential property (No. 4 Midcroft) to the application site flanks onto this pedestrian route. No. 4 abuts the pedestrian route and is a two storey single family dwelling.
- 2.6. Immediate to the North of the site, there is the vehicular access to No. 53-61 High Street, which leads into the basement car park for this

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property. Beyond which there are a number of service yards associated with businesses in 43-51 High Street. On the South side of Midcroft the site faces onto the return two storey flank and service yard of the locally listed building at No. 63 High Street.

- 2.7. The site has good access to public transport and has a PTAL rating of 4. The site is located in Flood Zone 1 which is the lowest level of risk.

2.8. Planning History

- 2.9. The site has been subject to a number of applications relating to its former use as a petrol station / car wash, such as the installation of fuel tanks. However, in 2008, application for a 60-bedroom hotel (Ref: 4918/APP/2008/805) was submitted. This application was withdrawn.
- 2.10. In 2014, an application for 14 residential units was submitted (Ref: 4918/APP/2014/1274). This was determined at planning committee and refused. An appeal was lodged; however, a formal decision was never issued as the appeal was subsequently withdrawn.
- 2.11. In 2018, an application for 9 residential units was submitted (Ref: 4918/APP/2018/738). This application was also withdrawn.
- 2.12. Later in 2018, another application (ref: 4918/APP/2018/4227) for 9 residential units was submitted and refused on 1) scale, bulk and design; 2) poor access arrangements; 3) flood risk impact from basement; and 4) outlook and privacy concerns.
- 2.13. This application has been designed to take account of the previous concerns and overcome these reasons for refusal.
- 2.14. In particular, a basement car park has been removed which overcame the poor access arrangements and flood risk impact from the basement. The design was completely overhauled to address the scale, bulk and design and concern regarding outlook and privacy. Despite the original redesign and the revisions during the planning application, the Council decided to refuse the application.
- 2.15. Below is the argument for why the revised (this appealed) proposal is acceptable and should not have been refused for the reasons stated in the Council's decision.

2.16. Our Case

- 2.17. As mentioned above, this application was refused on 3 reasons which this statement will address in turn. The merits of the appeal proposal and why it is considered that each reason of refusal is not reasonable, or sound are set out below.
- 2.18. Reason 1 of the decision stated:

- 2.19. *'The proposed development by reason of its size, scale, bulk and design would be an inappropriate development of the site that would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Ruislip Village Conservation Area and the adjacent Area of Special Local Character. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One*

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- *Strategic Policies (November 2012), Policies DMHB 1, DMHB 4, DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two*
 - *Development Management Policies (January 2020), Policy HC1 of the London Plan (2021) and the National Planning Policy Framework (2019).*

- 2.20. Strategic Policy S01 of the Local Plan: Part 1 seeks to conserve and enhance the Borough's heritage assets and their setting by ensuring new development, including changes to the public realm, are of high quality design, appropriate to the significance of the heritage assets, and seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration.
- 2.21. Strategic Policy HE1 of the Local Plan: Part 1 stipulates that the Council will conserve and enhance Hillingdon's distinctive and varied environment, its settings and the wider historic landscape, which includes designated heritage assets such as conservation areas.
- 2.22. Policy DMHB 1 of the Local Plan: Part 2 states the Council will expect development proposals to avoid harm to the historic environment.
- 2.23. Strategic Policy BE1 of the Local Plan: Part 1 requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Policy DMHB 11 of the Local Plan: Part 2 states that all development will be required to be designed to the highest standards and, incorporate principles of good design including:
 - i. Harmonising with the local context by taking into account the surrounding:
 - a. Scale of development, considering the height, mass and bulk of adjacent structures;
 - b. Building plot sizes and widths, plot coverage and established street patterns;
 - c. Building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - d. Architectural composition and quality of detailing;
 - e. Local topography, views both from and to the site; and
 - f. Impact on neighbouring open spaces and their environment.
 - ii. Ensuring the use of high quality building materials and finishes;
 - iii. Ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
 - iv. Protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
 - v. Landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure
- 2.24. Chapter 3 Design of the London Plan sets out a series of overarching design principles for development in London and policy D4 Delivering good design seeks to promote world class, high quality design.
- 2.25. Chapter 7 Heritage and Culture of the London Plan provides regional policy for developing sites that affect heritage assets. Specifically,

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policy HC1 Heritage conservation and growth of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities. This policy reflects the overarching framework on how to consider development that affects heritage assets as set out in the NPPF.

- 2.26. The site is located within Ruislip Village Conservation Area and Midcroft Area of Local Character, there is a locally listed building opposite the site. The conservation appraisal stipulates that the site is located in Character Area 2 "The High Street". The conservation appraisal describes Ruislip High Street as a busy shopping street. It rises from Ruislip Station in the south, and runs north- west towards the Manor Farm complex.
- 2.27. The existing buildings/structures and appearance of the site is unattractive and would be considered a negative contributor to the heritage value of Ruislip Village Conservation Area (see below) and setting of nearby heritage assets. It is considered that the Council has failed to acknowledge the genuine improvement to the setting being proposed by virtue of the current building's replacement with a suitably sized high-quality development.



- 2.28. *Existing site and its negative impact on the streetscene and wider area*
- 2.29. As can be seen above, the footprint of the existing structure on site extends significantly beyond the building line of the adjacent houses up to the front boundary of the site, in line with the building line created by the flank wall of the adjacent commercial building that fronts onto the high street and as seen below.



2.30. Existing site 2

2.31. The proposal that was submitted originally for this appeal application related to:

2.32. *'Erection of part 3 storey, part 4 storey building to provide 1 x 1 bed, 3 x 2 bed, and 5 x 3 bed self-contained flats with associated parking, amenity space, refuse and cycle storage following demolition of existing petrol filling station/car wash'*

2.33. This proposal was considered to address the concerns relating to previous applications. However, feedback from the Council's Conservation Officer was:

2.34. *'Summary of comments: Objection*

2.35. *Historic Environment Designations*

- *Ruislip Village Conservation Area (RVCA)*
- *Adjacent to Midcroft, Ruislip Area of Special Local Character (ASLC) - non-designated heritage asset*
- *Setting of Locally Listed Building - Natwest Bank, 63 High Street*
- *Ruislip Motte and Bailey Archaeological Priority Area (APA)*

2.36. *Assessment - background/significance*

2.37. *The existing site is a former petrol station and car sales garage. Historically the land formed part of No61 as a rear garden area/yard. In the late 1970s it was redeveloped as a garage.*

2.38. *As existing the structures on site are low-rise with a single storey built form located toward the rear and an open, deteriorating, canopy structure towards the front. The structures are of little architectural or historic merit. It is recognised that condition of the site detracts from the appearance of the conservation area, and that there is an opportunity for sensitive enhancement.*

2.39. *The site fronts onto Midcroft, a residential street, defined by attractive suburban housing. It is positioned to the rear of Nos53-61 High Street, which is a three-storey building dating from the 1970s. It has a small associated courtyard area to the rear, dominated by car parking*

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provision, directly adjacent to the application site. The built form fronting onto the High Street is simple in appearance, with a brick exterior. The third storey is contained within the mansard roof form recessed behind a parapet. The architectural style of the building does not reflect the traditional character or quality of other buildings along the High Street, Nos53-61 has a neutral impact on the conservation area, quietly occupying the corner plot. It is not considered an appropriate design precedent.

- 2.40. The eastern boundary of the site abuts a pedestrian route leading to the open green space to the north-east, Church Field Gardens. Adjacent to this is No4 Midcroft, a two-storey dwelling house which also forms part of the conservation area. Further to the north of the application site are service yards associated to the commercial units along the High Street alongside access to residential dwellings above.
- 2.41. The Ruislip area has grown over the 20th century from a small medieval village to a suburban town. This was due to the influence of Greater London and the railway, resulting in the 'Metroland development' of the area. The significance of Ruislip as a place relates to its early origins and 20th century development. Of particular significance is its association to the original 'Soutar plan' for the area, one of the earliest town planning schemes in the country.
- 2.42. The Ruislip Village Conservation Area comprises of three distinctive character areas relating to the historic development of the area. No2 Midcroft forms part of the High Street character area within the conservation area, predominantly defined by traditional buildings between 2-3 storeys in height. Many of the building along the High Street are well-detailed, characterised by a traditional design aesthetic, with a strong Arts and Crafts influence.
- 2.43. Whilst it forms part of the RVCA, its location along Midcroft means it contributes to such street scene. To the east of the site is the Midcroft, Ruislip ASLC. The area is defined by Metroland development, comprising of a mix of detached and semi-detached dwelling houses. They are set on modest sized plots, set back from the road allowing for a pleasant, verdant street scene and off-street parking. Whilst properties vary in appearance, they maintain a traditional aesthetic and similar design approach, giving the area a distinctive garden suburb aesthetic. The use of traditional materials and neutral tones contributes to the cohesive aesthetic of the street scene and allows for greenery to stand out. Front boundary treatment predominantly comprises of low-rise brick walls, mature hedging or simple timber fences, typical of a garden suburb. This positively contributes to the character and appearance of the area.
- 2.44. The unique location of the site between two different character areas (commercial and residential) defines it as an important transition site. Its prominent appearance along Midcroft and from the junction with the High Street is important to be considered when considering the future of the site.
- 2.45. To the south of the application site is No63 High Street, a Locally Listed Building. As a non-designated heritage asset, it is recognised for its local historic and architectural merit. It is a 1930s building, three storeys in height with a mansard roof form, built for use as a bank. The suburban setting of the building contributes to its significance and how the

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heritage asset is experienced. It would need to be noted that its corner location allows the building to be seen in context with the application site.

2.46. The planning history of the site is fairly extensive with previous applications refused or withdrawn. It is understood the schemes proposed were smaller in scale when compared to the current development proposal.

2.47. Assessment – impact

2.48. Demolition

2.49. As per previous comments for this site and comments made under point 3.2, there would be no objections to the demolition of the existing structures.

2.50. Proposed development

2.51. The positioning of the built form would fail to respect the established residential building line along Midcroft. Whilst it is proposed to be set back from the road the building, the 3-storey block form would be set forward of No4 Midcroft and the houses to the east within the ASLC.

2.52. The building would be highly visible when viewed from the ASLC, with its height further emphasised due to the incline of the road towards the High Street. The 4th storey and terrace would be unacceptably prominent, rising above the 2-storey houses.

2.53. It would also need to be noted that the building would also be highly visible from the open green space known as Church Field Gardens, to the north of the site and within the context of the adjacent Locally Listed Building (No63).

2.54. The substantial built form would dominate the appearance of the site and entrance into Midcroft. Built form would extend across the full width of the site, and up to the rear site boundary. More than 60% of the site area would be occupied by built form. This has limited the amount of green space to the site.

2.55. As described above the site is a key transition point from the commercial character of the High Street into the low-rise residential area to the east. The design, scale, bulk and massing of the building fails to respect the transition between the two character areas and the varying heights of the buildings surrounding the site.

2.56. The building has a singular, monolithic block form appearance. The centrally positioned 4th storey, contained within the mansard form would be considered an incongruous feature. Mansard roofs are not considered to be a characteristic feature of the conservation area and to simply copy an existing inappropriate precedent would be unacceptable. The 4th storey would appear as an isolated add on form, rather than a well-integrated feature.

2.57. The western side of the built form has a semi-floating appearance with the floors above, supported by brick columns. Whilst this result in a gap

at ground floor, this does little to break up the overall built mass of the building.

- 2.58. *The site's immediate context does not feature 4-storey buildings. Whilst the height is depicted as 11.1m on plan, lower than the adjacent three storey building, there would be serious concerns that this would not be the true height once constructed. A detailed cross-section of the proposed built form should be submitted.*
- 2.59. *The design and appearance of the building would fail to relate to the traditional aesthetic of the surrounding area, lacking any interest or design quality. The articulation of the elevations to the building are elementary and flat.*
- 2.60. *The inclusion of terraces along the front and rear elevations would introduce uncharacteristic features to the site within the conservation area and more importantly the Midcroft street scene. The railings would inevitably evident, the plans do not accurately depict the reality of the design. The use of vegetation to soften or disguise inappropriate design features would be unacceptable as vegetation is not considered to be a permanent solution. It can be removed or lost, due to natural causes or human interventions.*
- 2.61. *Whilst the site may be located within the Ruislip Village Conservation Area boundary, it is important to recognise that street scene does not have a boundary. As a residential development the design of the building should be responsive to Midcroft rather than entirely focussing on the inappropriate commercial character of the building to the west of the site.*
- 2.62. Harm
- 2.63. *The proposed development would be considered significantly harmful to the character and appearance of the surrounding area. It would fail to appear as a well-integrated development along Midcroft or respect its unique location between the High Street and residential ASLC. The development would be overly urban in appearance, diminishing the suburban setting of the heritage assets including No63's setting.*
- 2.64. *The proposal would result in less than substantial harm to the conservation area, therefore, paragraph 196 of the National Planning Policy Framework (NPPF, 2019) would need to be considered in this instance.*
- 2.65. *The Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty upon the decision maker to pay special attention to the desire of preserving or enhancing the conservation area. From a historic environment perspective, the proposal would have a negative impact on the conservation area, failing to preserve or enhance it.'*
- 2.66. Paragraph 2.40 of the Conservation Officer's comments on the original scheme as submitted recognised that the current condition of the site detracts from the appearance of the conservation area, and that there is an opportunity for a sensitive enhancement.
- 2.67. As referenced above, there was a range of concerns raised regarding the original 4 storey proposal including the use of a mansard at the top

floor level, despite there being mansards in the area, including to properties opposite and adjacent to the site.

- 2.68. The Conservation Officer raised concern regarding the siting of the building on Midcroft Road, despite the proposal being set back further from the road than the adjacent commercial building (Nos 53-61 High Street) and No. 63 High Street's flank elevations. In addition, both the revised scheme and original submitted schemes, stepped back its main built form in line with No. 4 Midcroft at its closest point. This failure to recognise the set back from the current building line of the canopy on site; the flank wall of No. 53-61; and the transition in line with the front building line of No. 4 Midcroft results in the Council's incorrectly considering the built form and mass of the development to be dominant when viewed from the street.
- 2.69. Even on the original scheme submitted, the front building line reflected the transitional nature of the site (see image below where the orange broken line shows this to be the case).



2.70. *Proposed Site Plan*

- 2.71. In terms of height, the original scheme was similar to that of the adjacent commercial building, with a parapet at second floor level that would have tied in with the parapet at first floor level of this neighbouring building. The eastern side of the building as viewed from Midcroft that was to be set back in line with No. 4 Midcroft, would also be a maximum height that matched the ridge height of this neighbouring house. So, in terms of height and building line, the proposal was transitional and appropriate in scale.
- 2.72. The Council also raised concern regarding the quality of the aesthetic and architectural finish, stating that it appeared flat. Which again is an indication that the Council failed to appreciate the openness created by the new more spacious set back and open terrace nature of the building. The Conservation Officer appears to fail to recognise the mix

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of property and architectural styles in the area when commenting on the proposals.

- 2.73. The Council have also not taken into consideration that the proposals are to be situated over 10m from this nearest residential house, providing a visual break in the streetscene and compensating in part for a change in character. The Council also do not recognise that there is currently a change in character between each of these respective parts of Midcroft (see photograph below).



2.74. *View towards the site from the east along Midcroft*

- 2.75. The Conservation Officer recognised that it was a transition site, but failed to recognise that in the Boroughs Character Study, the site is actually described as being in Character Area 2 "The High Street" of the Conservation Appraisal. Nevertheless, it is understood that the site is a sensitive location on the boundary of this character area. Hence, a scheme that attempted to transition between the residential style of Midcroft and the larger commercial buildings set out along the High Street has been attempted at each stage of the process.
- 2.76. The comments by the Council Conservation Officer were taken on board and a revised 3 storey building was submitted as part of the same application which is now subject to this appeal.
- 2.77. Despite the revised design, which attempted to give the building a more residential character, more akin to Midcroft, along with the removal of the third-floor level, the comments made by the Council's Conservation Officer in the Case Officer's report were that the amended proposal would not fundamentally address the previous comments and therefore the initial assessment and objection would remain. Therefore, this statement will continue to consider the acceptability of the revised scheme against the comments as originally set out by the Conservation Officer.
- 2.78. In particular, the comment that states:
- 2.79. *'The building would be highly visible when viewed from the ASLC, with its height further emphasised due to the include of the road to wards the High Street. The 4th storey and terrace would be unacceptably prominent, rising above the 2 storey houses'.*
- 2.80. Firstly, the original part 4 storey scheme was the same height as the 2 storey houses at its closest point. The fourth-floor level was removed from the revised scheme and a pitched roof incorporated which is more reflective of the style of residential properties along Midcroft. Neither the

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height of the original scheme or revised scheme could be considered prominent.

- 2.81. The Conservation Officer highlighted that the proposals would be visible from the open green space known as Church Field Gardens and within the context of the adjacent Locally Listed Building, but do not explain what impact that would have. It is clear from the appearance of the site as existing, that either of the proposals put forward would improve the setting to both. They would be visible, but would not appear dominant or overbearing. The proposals would improve the appearance of the site and they both are transitional in their design and layout.
- 2.82. The Conservation Officer commented on the plot ratio of the development, stating that it occupies 60% of the site area, but does not put that in context, for example Nos 53-61 & 63 High Street occupy 70-90% of their respective sites and the existing development on the application site, occupies 100% of it with no green space to the front. Therefore, the proposal would provide more urban greening and would be in keeping with the pattern of development in the area.
- 2.83. Another comment in the case officer's report made by the Conservation Officer was as follows:
- 2.84. *'The sites immediate context does not feature 4 storey buildings. Whilst the height is depicted as 11.1m on plan, lower than the adjacent three storey building, there would be serious concerns that this would not be the true height once constructed.'*
- 2.85. As the revised proposal was not for a 4-storey building but rather a 3-storey building and the plans accurately depict the height of what is being proposed, this comment should not be taken into account.
- 2.86. Despite the revised scheme being submitted, there were no further comments from the Conservation Officer on its design and aesthetic finish despite the proposal being significantly different from what was originally proposed. It is important to re-iterate that the surrounding area is characterised by a wide range of property styles and finishes and either one of the proposals submitted would have complemented the overall visual amenity of the area.
- 2.87. The Case Officer's report ultimately concludes in relation to this reason for refusal that the proposal would neither enhance nor preserve the character of the conservation area or be an appropriate form of development in the locality. However, the proposal would significantly improve the appearance of the current site. It improves the setting to the locally listed building opposite and it would improve the setting of the conservation area. As such, it quite clearly would enhance the character of the conservation area, whilst preserving and better revealing its significance.
- 2.88. Above, it is hoped that it has been sufficiently explained how the footprint (plot ratio), siting (building line), height, scale and design has thoughtfully considered at this transitional site, and it responds appropriately to the setting. Therefore, despite the comments made in the case officer's report, this reason for refusal is not considered to be reasonable and it fails to reflect the genuine improvement to the character of the area that this appealed scheme would deliver.

2.89. On this basis, the development proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and heritage value of buildings and surrounding conservation area, in accordance with policies S01, HE1, and BE1 of Hillingdon's Local Plan: Part 1; policies DMHB 1 and 11 of Hillingdon's Local Plan: Part 2; policies D4 and HC1 of the London Plan; and the NPPF.

2.90. Reason for refusal 2 states:

2. *The proposal, fails to demonstrate that that sufficient manoeuvring and access arrangements for service delivery vehicles and car parking would be maintained for adjoining premises which would result in driver confusion and unexpected vehicle movements for other highway users and deliveries and parking taking place from the road. The development is therefore considered to be detrimental to highway and pedestrian safety and prejudicial to the free flow of traffic on the adjoining highway, including access by service delivery vehicles to the adjacent buildings at 53 - 61 High Street Ruislip, contrary to Policy DMT 1 of the Local Plan: Part 2 Development Management Policies (2020) and Policy T4 of the London Plan (2021).*

2.91. Firstly, it is important to highlight that the adjoining commercial property (Nos. 53-61 High Street) has no right to access the vehicular crossover and land on the application site to park cars immediately to the rear of their property. This neighbouring building which is suspected to be the subject of this reason for refusal, has vehicular access to a basement level car park via an access road located to the east of the application site. The Land Registry Plan for this property (see below and accompanying Transport Technical Note in Appendix A) shows this access coloured in brown. You will also see clearly from the plan that this property has no right of way over the access located on the application site. The appellant could erect bollards and prevent vehicular access to the rear of this property where the cars are informally parked adjacent to the application development.

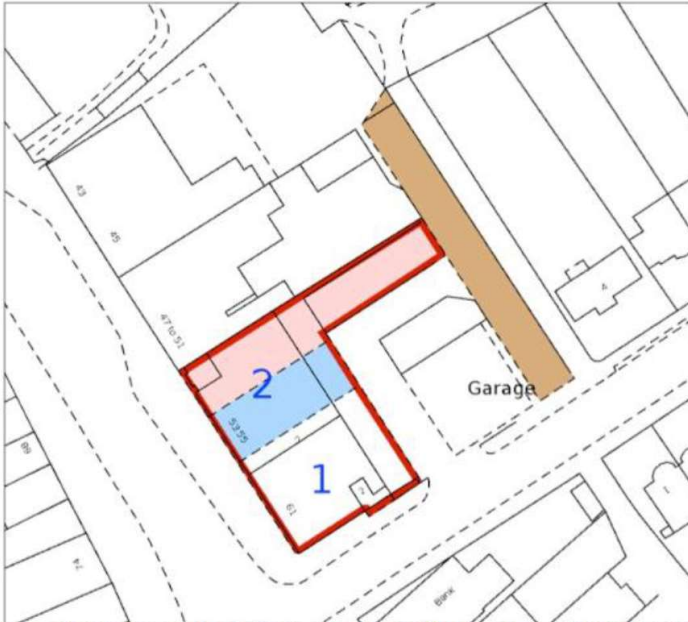


Figure 2.1: Jebson House (53-61 High Street) and Right of Way Plan (Source: HM Land Registry)

2.92. Land Reg - Existing site plan

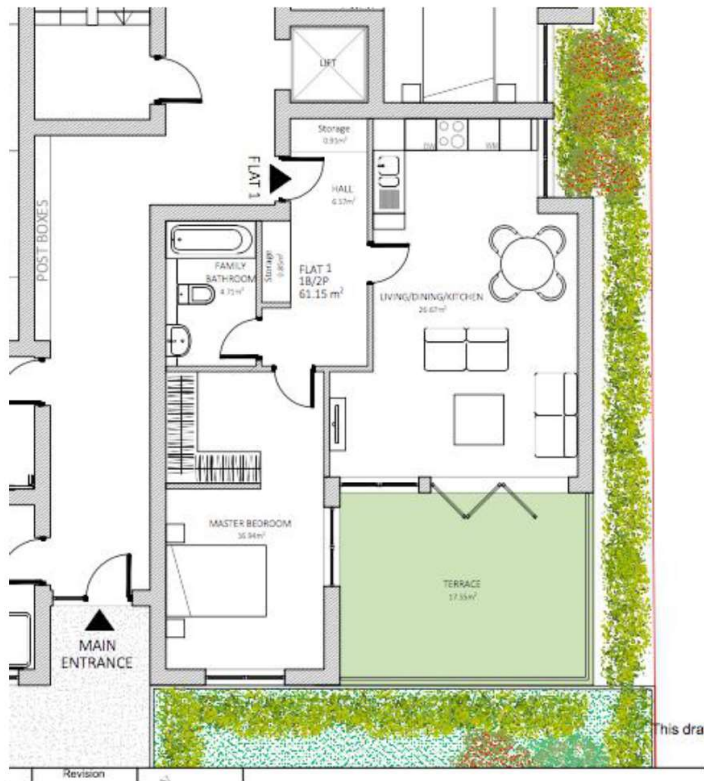
2.93. Also, it is worth highlighting that a recent application for residential flats on the top floor of this building (neighbouring site) recognised that this site was serviced from the access to the east of the application site. This is where refuse collection and other servicing takes place from the neighbouring site. Therefore, the development proposals for the application site will not affect servicing or deliveries to this neighbouring property. Out of generosity and as the development itself requires car parking, we have chosen to allow continued access for the neighbouring commercial building for cars which can then more safely park on their site with a more formal arrangement.

2.94. As servicing for the neighbouring building takes place from a separate access situated along the eastern boundary of the application site which is not affected by the proposal. The development will not affect servicing to this building.

2.95. Nevertheless, it is considered reasonable to consider the manoeuvrability and safety of the more formally laid out parking spaces that would replace the informal arrangement currently in place. The Transport Technical Note in Appendix A demonstrates that cars will be able to safely manoeuvre into and out of these car parking spaces. The new arrangement will improve highway safety in comparison with the current informal use of this area for parking and access.

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- 2.96. As explained in the accompanying Technical Note, the reason for refusal above is not reasonable or justified. Therefore, the planning application for the proposed development should be supported on traffic and transport grounds.
3. *The proposed development by reason of its siting, layout and design would result in the provision of a habitable rooms on the ground floor with very limited levels of natural lighting, outlook and privacy that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D6 and SI2 of the London Plan (2021).*
- 2.97. As this reason relates to natural light, outlook and privacy to ground floor flats, it is considered appropriate to consider the quality of each of these in relation to each specific ground floor flat.
- 2.98. There are only 2 flats proposed at ground floor level. Flat 1 positioned to the front/side and Flat 2 positioned to the rear/side.



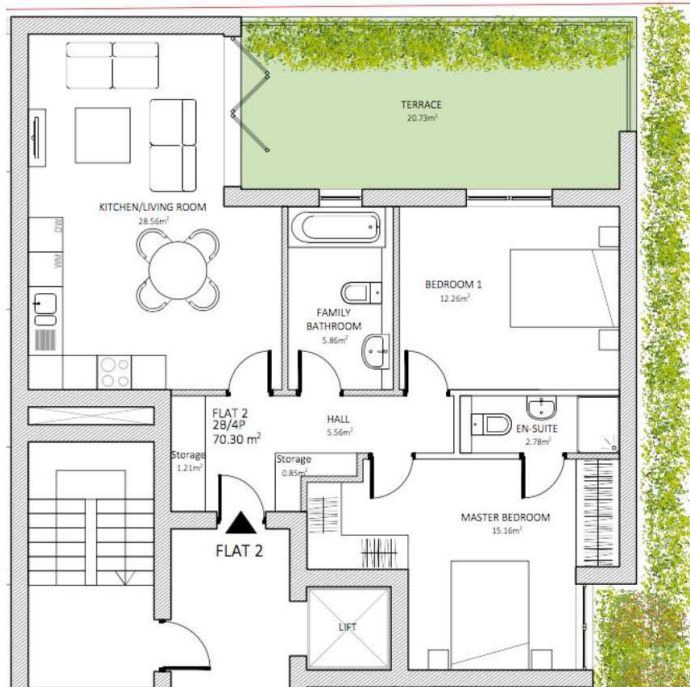
2.99. Flat 1 floor plan

2.100. Flat 1 (above) has 2 habitable rooms, with each of these rooms having 2 windows and being dual aspect, would provide outlook in multiple directions. The flat would face south and east, benefiting from daylight for the majority of the day and given each habitable room has 2 windows, they would benefit from good levels of outlook and access to natural daylight, particularly as there is no building positioned immediately to the east and this access needs to be retained for servicing/deliveries to No. 53-61 High Street. The flat benefits from a larger than average terrace and defensible communal space to the front and side. It is not overlooked by neighbouring properties and the defensible space ensures a sense of security to the openings/terrace from the street.

2.101. It is recognised that at this stage of the application, limited details of boundary treatment have been provided, however these details could have been secured by condition.

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2.102. In relation to Flat 2 (below), this property would have 3 habitable rooms.



2.103. Flat 2 floor plan

2.104. Each of the habitable rooms including the family bathroom would have relatively large window openings, well positioned in the respective rooms that would provide outlook. The property is dual aspect and would face north and east. There is no built form to the east and north that would necessarily affect this outlook and appropriate boundary treatment could be secured by means of a condition. The land to the east and north is unlikely to be built on as it provides the only means of vehicular access to No. 53-61 High Street. Given the unit is dual aspect and all habitable rooms have access to good sized windows in various directions, the dwelling would have adequate access to daylight for future occupiers.

2.105. As mentioned, boundary treatment details could be secured by condition which would ensure that there was sufficient security to the dwelling. Nevertheless, adequate defensible space is provided along the eastern boundary to ensure that there would be a sense of security from those using the private access around the side. Overall, the quality

of the internal spaces with good levels of outlook, daylight and adequate privacy is considered to be reasonable and compliant with policy, in particular the Mayor's Housing SPG which stipulates guidance on such design standards. On this basis, the Council's reason for refusal is not considered reasonable and this reason should not be upheld.

3. *Summary*

In conclusion, the revised scheme which was produced following the advice from the Council's Conservation Officer would remove a negative contributor to the surrounding heritage assets and provide an appropriate and proportionate development that would be sensitive to the location. Therefore, the proposal would clearly improve the setting of both the conservation area and adjacent locally listed building.

Despite the reasons for refusal stated by the Local Authority, the proposal is considered to provide a high quality of residential amenity for future occupiers and is considered to be a beautiful addition to the streetscene in accordance with the revised NPPF.

It is considered that the proposal makes the most efficient use of the land in this sustainable location and enhances the character of the area. In terms of principle of development, there is local and London Plan support to make the most efficient use of sites to deliver more housing, which this proposal is considered to accomplish through high quality materials and a creative design that reflects the area and settings of the conservation area and adjacent locally listed building.

The scale of the development reflects the character and built form of the area and the proposal would sit comfortably within the site improving the visual amenity of the area and its setting.

In terms of the reason relating to servicing the adjacent commercial building. This building is serviced via an alternative service/access road located to the east of the site. The access on the application site is owned by the appellant and this adjacent neighbour has not right of access over the land. Nevertheless, the appellant as explained above, is catering for access for some parked motor vehicles to the site. Swept path diagrams demonstrate that the proposal would not result in driver confusion or result in any other highway safety concerns.

Overall, the development would reflect the 17 global goals of sustainable development as set out in the NPPF. The application scheme meets the strategic policy objectives of the London Plan as well as the aims and objectives of local Council policy. Therefore, this proposal should be allowed to deliver much needed good quality homes for residents of Hillingdon and Londoners more widely.

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Technical Note 01: Transport

Project: Proposed Residential Development, 2 Midcroft, Ruislip, London
Date: 08/09/21



DIRMAK Transport Planning

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1.0 Introduction

- 1.1 This Technical Note has been prepared in order to supplement the Transport Statement that was undertaken in February 2021 to support the proposed residential development located on land at 2 Midcroft, Ruislip within the administrative boundary of the London Borough of Hillingdon (LBH).
- 1.2 The site is located to the north of Midcroft, just east of its junction with the High Street (A4180). The site was previously occupied by a petrol station that is no longer in use. Currently a car washing facility is in operation. The development proposals comprise the construction of a block of residential dwellings (Use Class C3) alongside on-site car parking, secure cycle parking, refuse store and amenity space. The key elements of the proposal are as follows:
- Construction of a single block of 9 residential units consisting of 1 bedroom (x1), 2 bedroom (x3) and 3 bedroom (x5) self-contained flats; and
 - Provision of 6 on-site car parking spaces (including 1 accessible space) as well as safe and secure parking for 20 bicycles.
- 1.3 The proposed development (Application Ref: 4918/APP/2021/1103) was refused planning permission on 16 July 2021 based on three reasons. The transport related reason for refusal is stated as follows:
- 'The proposal, fails to demonstrate that sufficient manoeuvring and access arrangements for service delivery vehicles and car parking would be maintained for adjoining premises which would result in driver confusion and unexpected vehicle movements for other highways users and deliveries and parking taking place from the road. The development is therefore considered to be detrimental to highway and pedestrian safety and prejudicial to the free flow of traffic on the adjoining highways, including access by service delivery vehicles to the adjacent buildings at 53-61 High Street Ruislip, contrary to Policy DMT 1 of the Local Plan: Part 2 Development Management Policies (2020) and Policy T4 of the London Plan (2021).'*
- 1.4 The above transport related reason for refusal focuses on the resulting impacts of the proposed development on the adjacent buildings at 53-61 High Street (known as Jebson House) in relation to car parking, manoeuvring and access arrangements for service and delivery vehicles and the knock-on impact to highways and pedestrian safety as well as traffic flow.
- 1.5 The focus of this Technical Note is to investigate and address the above specific transport related reason for refusal in order to clearly establish whether it is a reasonable and justified conclusion by LBH.

2.0 Baseline Conditions

- 2.1 Midcroft is a single carriageway residential street with footways on each side and a carriageway width of approximately 7m in vicinity of the application site. There are double yellow 'No loading at any time' restrictions on both sides of Midcroft in vicinity of the site, with marked 'Disabled badge holders only' car parking bays on the southern side. The site is located within a Controlled Parking Zone (CPZ). There are also 'Brown Badge' permit holder and pay and display on-street parking bays on the High Street (A4180) which operate Monday to Saturday between 8am to 6:30pm and directly front Jebson House.
- 2.2 Jebson House (53-61 High Street) is located directly to the west of the application site and accommodates commercial, retail and office uses. Surface car parking for this site is located within the rear courtyard area that adjoins the application site.

- 2.3 It is important to note that Jebson House currently has no right of way via the application site. Directly to the east of the application site is an access road serving a car parking area and service yard for the business units located to the north of the site. This access road has a right of way which benefits Jebson House and connects to its eastern most boundary. This arrangement is demonstrated in the plan below (Figure 2.1) where the access road with the right of way is indicated in brown whilst the boundary of Jebson House is outlined in red.

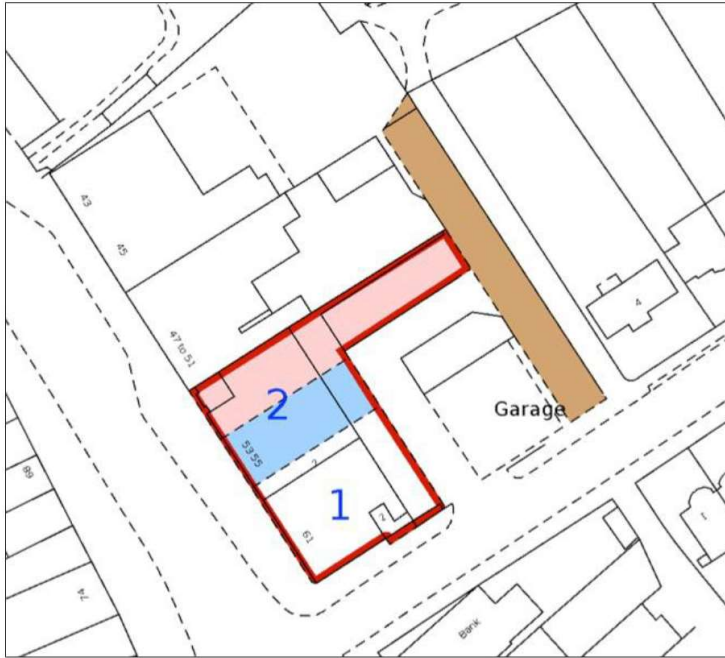


Figure 2.1: Jebson House (53-61 High Street) and Right of Way Plan (Source: HM Land Registry)

- 2.4 Therefore, based on the above there is no requirement for the proposed development at 2 Midcroft to provide or maintain access / right of way for the adjoining premises of Jebson House.

3.0 Vehicle Access and Manoeuvrability

- 3.1 The above section clarifies that there is no right of way through the application site and therefore there is no requirement for the proposed development to provide or maintain access for the adjoining premises of Jebson House. However, despite this the design of the proposed development seeks to accommodate / maintain vehicular access for the surface car parking area located to the rear of Jebson House. The proposed development plans are contained within **Appendix A**.



- 3.2 Vehicle, pedestrian and cycle access are currently provided directly off Midcroft via two crossovers located on the eastern and western extent of the site. The eastern crossover also facilitates access to the business units located to the north of the site whilst the western crossover also facilitates access to the rear parking area of Jebson House. Whilst maintaining the existing access arrangements for the adjoining properties, the proposals are to limit the number of vehicle site access points to the single existing crossover located to the west of the site and to provide a formalised pedestrian forecourt / landscaping area to eliminate the secondary access point located to the east of the site.
- 3.3 As the proposed arrangements result in the reduction of the number of vehicle access points serving the site, provide a separate pedestrian access as well as an extension of the existing footway along Midcroft, it is considered that the development would result in an overall improvement in terms of safety and pedestrian amenity.
- 3.4 A minimum of a 6m wide access aisle has been provided to ensure sufficient manoeuvring space for private passenger vehicles to utilise the car parking bays for both the proposed development and that of Jebson House. Supporting structural columns have been located so as not to obstruct access to any of the car parking bays. In light of the transport related reason for refusal, a swept path analysis has been undertaken in order to demonstrate that private passenger vehicle access is maintained for users of Jebson House. The swept path analysis outputs are contained within **Appendix B**.
- 3.5 It is noted that the proposed building structure would introduce a 2.4m height constraint along the access aisle. Therefore, it is acknowledged that if Jebson House utilises larger service / delivery vehicles then these vehicles would no longer be able to use the access aisle due to the vertical constraint. However, as noted previously, Jebson House benefits from a right of way via the access road located directly east of the site which would help facilitate servicing and deliveries away from the public highway and its traffic and pedestrian flows. Also, to a much lesser extent, there are also opportunities available from the marked parking bays along the Jebson House frontage with the High Street particularly during the off-peak time periods.

4.0 Summary and Conclusions

- 4.1 This Technical Note has been prepared in order to supplement the Transport Statement that was undertaken to support the proposed residential development located on land at 2 Midcroft, Ruislip within the administrative boundary of the London Borough of Hillingdon (LBH).
- 4.2 The proposed development (Application Ref: 4918/APP/2021/1103) was refused planning permission on 16 July 2021 based on three reasons. The transport related reason for refusal focuses on the resulting impacts of the proposed development on the adjacent buildings at 53-61 High Street (known as Jebson House) in relation to car parking, manoeuvring and access arrangements for service and delivery vehicles and the knock-on impact to highways and pedestrian safety as well as traffic flow.
- 4.3 The focus of this Technical Note is to investigate and address LBH's transport related reason for refusal. The main findings of this note are as follows:
- Jebson House has no right of way via the application site.
 - Directly to the east of the application site is an access road serving a car parking area and service yard for the business units located to the north of the site. This access road has a right of way which benefits Jebson House and connects to its eastern most boundary.
 - There is no requirement for the proposed development to provide or maintain access / right of way for the adjoining premises of Jebson House. However, despite this the design of the proposed development seeks to accommodate / maintain vehicular access for the surface car parking area located to the rear of Jebson House.



- A minimum of a 6m wide access aisle has been provided to ensure sufficient manoeuvring space for private passenger vehicles to utilise the car parking bays for both the proposed development and that of the Jebson House. Supporting structural columns have been located so as not to obstruct access to any of the car parking bays.
 - A swept path analysis has been undertaken and it demonstrates that private passenger vehicle access is maintained for users of Jebson House.
 - The proposed building structure would introduce a 2.4m height constraint along the access aisle. Therefore, it is acknowledged that if Jebson House utilises larger service / delivery vehicles then these vehicles would no longer be able to use the access aisle due to the vertical constraint. However, as Jebson House benefits from a right of way via the access road located directly east of the site which would help facilitate servicing and deliveries away from the public highway and its traffic and pedestrian flows. Also, to a much lesser extent, there are also opportunities available from the marked parking bays along the Jebson House frontage with the High Street particularly during off-peak time periods.
- 4.4 Based on the above, it is considered that the LBH transport related reason for refusal of the subject Planning Application is not reasonable or justified. It is not considered that *'there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.'* Therefore, the planning application for the proposed development should be supported on traffic and transport grounds.

Appendix A – Proposed Development Plans



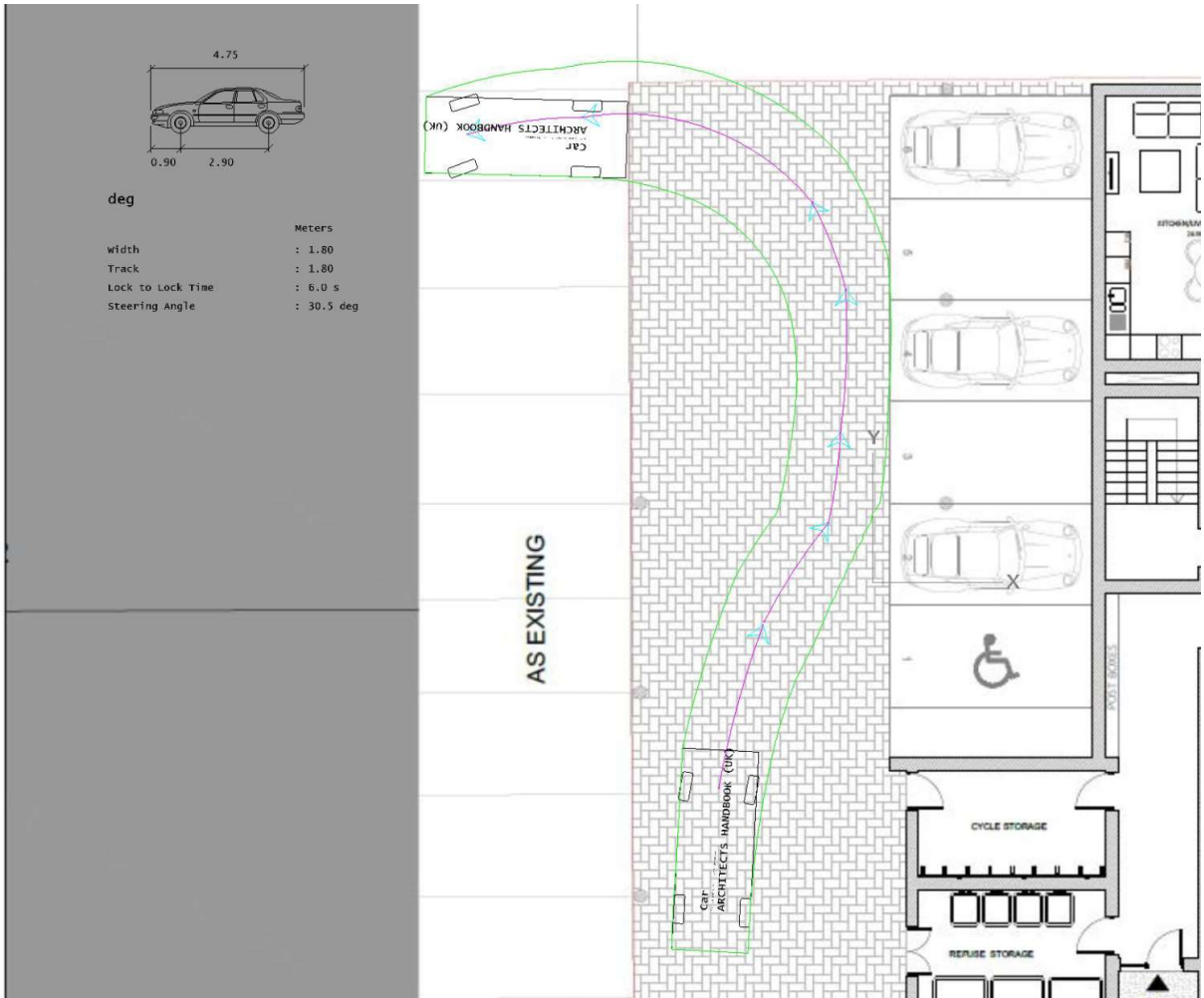
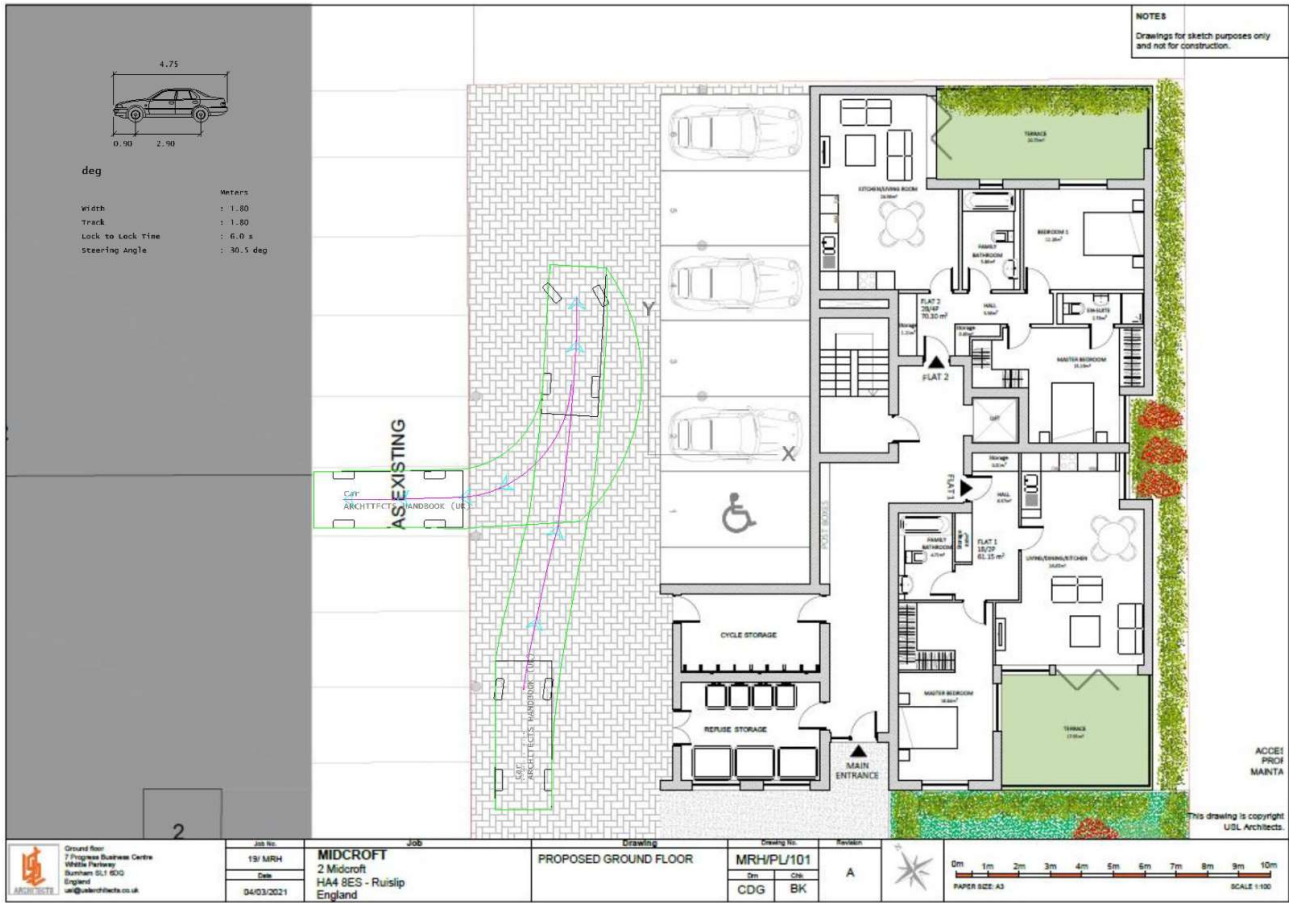
 A U S L A R C H	Ground floor 7 Progress Business Centre Whittle Parkway Burnham SL1 6DQ England usl@uslarchitects.co.uk	Job No.	Job	Drawing	Drawing No.		Revision	 0m PAPER
		19/ MRH	MIDCROFT 2 Midcroft HA4 8ES - Ruislip England	PROPOSED GROUND FLOOR	MRH/PL/101		A	
		Date			Dwn	Chk		
		04/03/2021			CDG	BK		



 A.H.T.	Ground floor 7 Progress Business Centre Whittle Parkway Burnham SL1 6DQ England usl@uslarchitects.co.uk	Job No.	Job	Drawing	Drawing No.		Revision	0m PAPER
		19/ MRH	MIDCROFT 2 Midcroft HA4 8ES - Ruislip England	PROPOSED FRONT ELEVATION	MRH/PL/200		A	
		Date			Drm	Chk		
		02/06/2021			CDG	BK		

Ground floor
7 Progress Business Centre
Whittle Parkway
Burnham SL1 6DQ
England
usi@usiarchitects.co.uk

Appendix B – Swept Path Analysis



4.75

0.90 2.90

deg

width : 1.80

Track : 1.80

lock to lock Time : 6.0 s

steering Angle : 10.1 deg



and floor green Business Centre the Parkway	Job No. 13/ MRH	JOB MIDCROFT 2 Midc	Drawing PROPOSED GROUND FLOOR	Drawing No. MRH/PL/101	Revision	0m 1m 2m 3m 4m 5m 6m 7m 8m 9m
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