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## Appeal Decision

Site visit made on 22 February 2022

**by S Harley BSc(Hons) M.Phil MRTPI ARICS**

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

**Decision date: 23<sup>rd</sup> February 2022**

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**Appeal Ref: APP/R5510/W/21/3274376**

**Village House, 13-15 Swakeleys Road, Ickenham, UB10 8DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr K Kholi, Kohli Investments against the decision of the London Borough of Hillingdon.
  - The application Ref 19121/APP/2021/103, dated 8 January 2021, was refused by notice dated 31 March 2021.
  - The development proposed is retrospective permission from E Use Class storage room to habitable accommodation for flat 2.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from E Use Class storage room to habitable accommodation for flat 2 at Village House, 13-15 Swakeleys Road, Ickenham, UB10 8DF in accordance with the terms of the application, Ref 19121/APP/2021/103, dated 8 January 2021, and the plans submitted with it, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the approved plan PA-01 Rev A

### Main Issue

2. The development has already been carried out. The main issue is whether satisfactory living conditions are available for existing and future occupiers.

### Reasons

3. The appeal site is within a parade of shops in Ickenham village centre; some have residential accommodation above. The building is two storey. At ground floor, the front is in use as the retail element of the opticians' with a separate small office to the side. The rear of the unit is the opticians' examination room and toilet facilities. A former store room that served the opticians has been converted into additional residential accommodation in conjunction with the first floor flat.
4. An archway beneath part of the building gives vehicular and pedestrian access to the yard behind. The yard contains a building in residential use at the back and carparking as well as providing access to the entrance to Flat 2, which is in the eastern flank wall of the appeal building. Opposite the eastern flank wall, on the other side of the access, is the side wall of The Tichenham Inn.
5. I was able to enter the property during my mid-morning site visit. The floorspace of the room is some 11sqm. There is one large window which faces across the access towards the neighbouring flank wall. The distance between

the window and the wall is some 3.8m. However, although the flank wall is two storey, I was able to see that a small portion of sky above it is visible from parts of the room. Although the day was not very bright I also saw that it was sufficiently well lit to be useable without electric lighting, albeit I acknowledge this was only at a single point in time. Nevertheless, I acknowledge that the outlook and extent of sun and daylight is somewhat less than would normally be desirable.

6. The access is shared and there would be some level of noise and disturbance from vehicles and pedestrians passing by the window and from the use of the nearby refuse receptacle. However, the storage bench outside the window provides a small degree of separation and the situation regarding noise and privacy would be little different from that of a property which has windows at the back edge of a public footpath on a street.
7. I conclude that the living conditions available for existing and future occupiers fall somewhat short of satisfactory. Accordingly I find some conflict with Policies DMHB 11 and DMHD1 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 and Policies D6 and Policies D6 and S12 of the London Plan 2021 which together seek an appropriate standard of living conditions and no undue reliance on artificial means of lighting.

### **Other Matters**

8. The appeal site is in the historic core of the Ickenham Conservation Area (the CA). The character of the CA is a result of the Railway's wider 'Metroland' developments west of London. The settlement pattern is centred on a historic core located at the crossroads between the Swakeleys Road and Long Lane, in close proximity to Ickenham Station. Along this part of Swakeleys Road the wide pavements and retail and commercial land uses at ground floor results in an interactive streetscape and a positive setting to the commercial buildings. This small development would not alter the external appearance of the building and would preserve the character and appearance of the CA.

### **Planning Balance and Conclusion**

9. The development provides efficient use of floorspace that appears not to be required for the ground floor commercial uses and would increase residential accommodation in the local housing market. Moreover, Flat 2 has dual aspect windows with better outlook and privacy even though some views are over the access and carpark. These are material considerations. Provided the room was occupied as part of Flat 2, on balance, I conclude that the living conditions for occupiers would not be so oppressive or substandard as to justify withholding permission. On balance I conclude that the material considerations in this case outweigh the conflict I have identified with the development plan policy.
10. For the reasons given above I conclude that the appeal should be allowed.

### **Conditions**

11. For the avoidance of doubt it is necessary to ensure the accommodation is in accordance with the approved plan.

*S Harley*

INSPECTOR