



APPEAL STATEMENT

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AGAINST THE DECISION OF LONDON BOROUGH OF HILLINGDON TO REFUSE
PLANNING PERMISSION FOR:

‘Change of use of storage room in existing shop to additional habitable
accommodation for the first floor flat (retrospective)’
(REF: 19121/APP/2021/103)

AT: 15 SWAKELEYS ROAD, ICKENHAM

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1.0 INTRODUCTION

- 1.1 These Grounds of Appeal have been submitted in support of an appeal against London Borough of Hillingdon's decision to refuse planning permission for **'Change of use of storage room in existing shop to additional habitable accommodation for the first floor flat (Retrospective)'**, at **13-15 Swakeleys Road, Hillingdon**, (Ref 19121/APP/2021/103).
- 1.2 The Council's decision notice cited one reason for refusal, as:
- **The proposal, by reason of the siting of the ground floor flank window, given its proximity to the side boundary and the flank wall of the adjoining property and the fact that the window would face directly onto the service road, would result in the provision of a habitable room with very limited levels of outlook and natural lighting that would suffer from additional noise and loss of 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. to the detriment of the amenities of current and future occupiers, contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D6 and SI2 of the London Plan (2021)**
- 1.3 As is the appellant's prerogative, this appeal is submitted under Section 78 (Section 2) of the Town and Country Planning Act (1990).
- 1.4 Within this appeal submission, we will address the reason for refusal and issues raised by the Council in the Officer's report. We identify the following key issues for consideration in this appeal are:
- Whether the proposal would provide an acceptable standard of accommodation for current and future occupiers.

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The appeal site is located on the southern side of Swakeleys Road, and within a parade of shops in Ickenham village centre. The appeal building consists of a of two storey building with an opticians primarily occupying the ground floor and a residential flat at first floor. At ground floor, the front of the unit comprises the retail element of the opticians, whilst towards the rear of the unit is an examination room and toilet facilities serving the opticians. A former store room that served the opticians has been converted into additional residential accommodation serving the first floor flat. This

has involved internal alterations so that the room has been separated from the opticians and is accessed only via the independent access to the residential flat that is located towards the rear of the building, on the eastern flank elevation.

- 2.2 The immediate area is made up of two and three storey buildings, with a predominant mix of commercial and residential properties. The appeal site is immediately flanked by a Co-Op and a public house. Immediately to the east of the appeal building lies an access drive which sits between the appeal building and the adjacent public house property. This access drive leads to a parking area serving the appeal site and the residential units located within the detached building to the rear of the appeal building.
- 2.3 The site falls within Ickenham Local Centre and the Ickenham Village Conservation Area as identified in the Hillingdon Local Plan.

3.0 PLANNING HISTORY

- 3.1 The following applications are considered relevant to the appeal site:

19121/APP/2012/2683 – Approved - Part change of use of first floor from Use Class B1 (Office) to Use Class C3 (Dwelling Houses) to create 1 x 2- bedroom flat, involving installation of new access gates.

19121/APP/2014/1839 – Approved - Change of use from B1 (Offices) to C3 (Dwellinghouses) to create 2 self contained flats (Prior Approval).

4.0 PROPOSED DEVELOPMENT

- 4.1 This appeal seeks planning permission for the change of use of the ground floor storage area to form additional residential space for the first floor flat.
- 4.2 The proposals do not involve any external alterations to the existing building. The appearance of the building will therefore remain unchanged.
- 4.3 Internally, alterations to the layout of the ground floor of the building have undertaken been already, in accordance with the plans submitted with the application. The previous store room that served the opticians has been converted into an additional habitable room to serve the first floor residential flat. Access from

the opticians to this room has been blocked up, and a new internal doorway has been created adjacent to independent staircase that serves the first floor residential flat.

5.0 PLANNING POLICY

National Planning Policy

- 5.1 The Government published the revised National Planning Policy Framework in 2019. The NPPF which is the overarching planning document in England, continues to seek to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations.
- 5.2 The NPPF (2019) attaches importance to the design of the built environment, which is seen as a key aspect of sustainable development, indivisible from good planning, that should contribute positively to making places better for people.
- 5.3 Chapter 12 of the NPPF (2019) reiterates that good design is a key aspect of sustainable development. It then states that planning policies and decisions should ensure that developments.
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Planning Policy

- 5.4 Sitting underneath the NPPF is the London Plan (2021), The Hillingdon Local Plan: Part One - Strategic Policies (2020), The Hillingdon Local Plan: Part Two – Development Management Policies (2020) and Supplementary Planning Documents.

London Plan (2021)

- SD6 - Town centres and high streets
- D6 - Housing quality and standards
- SI2 - Minimising greenhouse gas emissions
- HC1 - Heritage conservation and growth
- T6 - Car parking

Development Management Policies

- PT1.BE1 – (2012) Build Environment
- PT1.HE1 – (2012) Heritage
- DMHB 1 – Heritage Assets
- DMHB 4 - Conservation Areas
- DMHB 11 – Design of New Development
- DMT 2 – Highways Impact
- DMT 6 – Vehicle Parking
- DMTC 3 - Maintaining the Viability of Local Centres and Local Parades

The above documents are, therefore, material considerations in the determination of this appeal.

6.0 PLANNING CONSIDERATIONS

Reason for Refusal

- 6.1 The Councils reason for refusal stems around the standard of the living accommodation that has been provided by the conversion of the storage room into additional habitable accommodation for the first floor flat. The concerns specifically refer to the very limited levels of outlook and natural lighting that the room would be served with and that the accommodation would suffer from additional noise and a loss of privacy, and therefore results in a substandard form of living accommodation for its occupiers. In addition to this, concerns are also specifically raised in relation to a reliance on artificial means of lighting, and therefore fails to satisfy the required sustainability and energy efficiency objectives.
- 6.2 With regard to the concerns raised by the Council in relation outlook, it is acknowledged that the window has an outlook that faces towards the flank wall of a neighbouring building. It is considered important to note that this flank wall is set further away from the window than the distance set out in the Council's Officers report. Rather than the 3 metres quoted by the Council, the distance retained between this wall and the window is in fact 3.8 metres, which is nearly a metre greater than that considered by the Council. This inaccuracy in the Councils measurements raises questions over the accurateness of the Councils assessment, and in fact implies that a greater impact than actually exists has been applied to the assessment of the flank walls impact on the window.
- 6.3 It is considered that the distance retained between the flank wall and the window is sufficient enough in the dense built environment of this historic environment within which it is located, so as to not appear so oppressive so as to be detrimental to the amenities of the occupants of the residential accommodation. The relationship between the window and the flank wall is not an uncommon one in an area of mixed residential and commercial properties such as this. What is really important to note is that the outlook from this ground floor window is identical to that which is obtained from the first floor window of the same residential flat, that is located immediately above. This first floor window has exactly the same outlook as the ground floor window, with it facing directly towards the flank wall, which is located the same distance away. It is noted that when the Council were assessing application 19121/APP/2012/2683, which involved the creation of the first floor flat that now exists, they considered that the outlook from this first floor window would have been

acceptable even though it had an outlook directly towards the flank wall in question. Further to this argument, another important consideration in the assessment of outlook, is the fact that this proposal does not involve the creation of a new residential unit, it is merely creating additional habitable space for the existing residential flat. This additional space is used as a study, and the occupants, existing and future, have the ability to utilise the rest of the flat, which itself provides different outlooks from other windows within the flat. As such, whilst the outlook from this ground floor window is impacted upon to a certain extent by the flank wall, it does not diminish the overall quality of accommodation provided by the flat, and cannot be concluded that the flat provides a substandard form of living accommodation.

- 6.4 The Council also consider that due to the proximity of this flank wall opposite the window in question, the additional residential accommodation would not be served by a sufficient level of natural light. However, there is no evidence of how the Council have come to the conclusion that this would be the case. Attached to appendix 1 of this report are photographs taken from within the room in question, as well as from within the room at first floor immediately above. From reviewing these photographs, it is clear that the level of natural light that reaches the ground floor room is not materially different from that which reaches the first floor room. It is noted that Policy D6 of the London Plan sets out that 'The Design of development should provide sufficient daylight and sunlight to new and surrounding housing that is *appropriate for its context...*' (my emphasis). The context in this instance is an existing residential unit that is set within a commercial environment, surrounded by existing buildings. This assessment should also be set within the context of this additional accommodation serving as extra secondary living accommodation. It is not utilised as primary habitable accommodation. Irrespective of this context, the room is still served by an acceptable level of light provision.
- 6.5 On the basis of the aforementioned, as well as the fact that the Council did not raise an objection to the creation of the first floor accommodation on grounds of lack of natural light under application 19121/APP/2012/2683, and it has been demonstrated that the ground and first floor windows are served by the same level of light provision, there are no reasonable grounds upon which to resist this current scheme on grounds relating to lack of light.
- 6.6 A further concern of the Council relates to the proximity of the ground floor accommodation to the adjacent access drive, and that due to this relationship, it would suffer from unacceptable noise levels, as well as being served by an inadequate level of privacy. In this respect, of the matter of noise levels, the access road leads to an area of hardsurfacing that provides a total of 8 parking spaces. These parking spaces are used in connection with the existing flat, subject of this appeal, and the 4 residential properties located within the detached building to the rear of the site. In this context, it is clear that the level of vehicular traffic that would travel along the access road and past the window of the additional residential accommodation is

extremely low, to the extent that it would not cause an unacceptable level of noise and disturbance to the occupants of the residential accommodation. An important consideration that needs to be taken into account is that the first floor accommodation is also subject to the same level of noise that is created by the vehicles travelling along the access drive, and that was considered acceptable by the Council.

- 6.7 With regard to the concern of inadequate levels of privacy, the Council's concerns appear to be founded on the basis that the closeness of the access road itself results in an unacceptable level of privacy. Such a view is contended, as it has already been set out above that the access road is in fact used by a very low number of vehicles. Equally, the level of pedestrians walking along the access drive would therefore also be very low. In addition to this, as can be seen in the photos attached to appendix 1, the area immediately in front of the ground floor window is occupied by a storage bench, and as such, provides a level of separation between the window and the access drive, and therefore provides a buffer which negates potential privacy issues.
- 6.8 The last strand of the reason for refusal makes reference to the proposals having a reliance on an artificial means of lighting, and that it fails to satisfy sustainability and energy efficiency objectives. As set out earlier within this statement, the ground floor accommodation is served by an appropriate level of natural daylight, and as such, as a matter of course, there is not a reliance on artificial lighting. The reference to the proposal failing to satisfy sustainability and energy efficiency objectives must be referring to policy SI2 of the London Plan, as this policy is referred to within the decision notice. This policy specifically seeks to minimise greenhouse gas emissions. When reviewing this policy, it appears that it relates predominantly to major developments, which this application is not. It is acknowledged that criteria 'C' of this policy advises that non-major residential development should achieve a 10 per cent reduction through energy efficiency measures.
- 6.9 It is unclear from the wording of this policy as to whether such a reduction in energy is applicable to this current proposal. Given that this proposal involves the change of use of a single room or approximately 11sqm, is it appropriate or proportionate for a proposal of this nature to only be deemed acceptable if it results in a 10 per cent reduction? It is contended that the requirements of this policy are indeed not applicable to the current proposal, nor are they practical or proportionate to what is being proposed. Notwithstanding this, a scheme of energy reducing measures such as the utilisation of energy efficient light bulbs can be incorporated into the additional accommodation being proposed, as well as the rest of the existing residential unit.

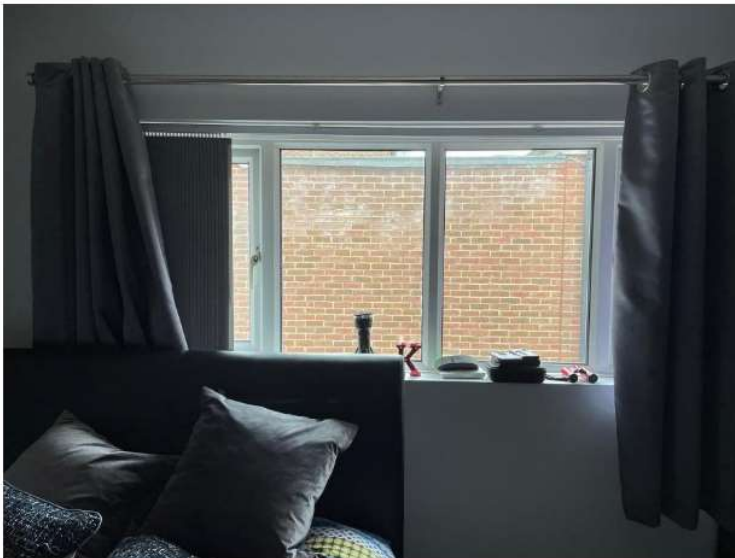
7.0 CONCLUSION

- 7.1 It is therefore concluded, in respect of these issues raised, that the proposed development would be of a design and layout that provides an acceptable level of living accommodation for the existing and any future occupiers.
- 7.2 Overall, the proposal satisfies the context of the NPPF, the London Plan, Development Management Policies and supporting Supplementary Planning Documents.
- 7.3 In light of the above, we respectfully request the Inspector allows the appeal, subject to any planning conditions they considered appropriate to the development.

APPENDIX 1 - PHOTOS



The photo above is taken from inside the ground floor accommodation subject of this appeal.



The above photo is taken from within the first floor room directly above the ground floor accommodation subject of this appeal.



The above photo is taken of the front of the existing residential unit, with the window serving the proposed additional residential accommodation located to the right of the entrance door. The storage bench is visible below the ground floor window in question.