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Our ref: 2862

Dear Sir/Madam,

Appeal by Blubuild.com Limited against the Council of the London Borough of Hillingdon's refusal of Planning Application Reference: 1983/APP/2021/550

Land at No. 69 High Street, Ruislip, HA4 8JB

1. Introduction

I write with regards to the above proposal which was submitted to the Council of the London Borough of Hillingdon ('the Council'). The proposal was submitted on 11 February 2021 and validated on 18 February 2021 and was described formally as: *"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 three storey building at the rear of the property to provide 2 x self-contained flats (Use Class C3) above an open loading bay with associated bin and cycle store"* ('the Application'). The Application relates to land at No. 69 High Street, Ruislip, HA4 8JB ('the Site') and was made on behalf of Blubuild.com Limited (c/o Mr Richard Hennessy) ('the Applicant' and/or 'the Appellant').

The Application was refused by notice dated 15 April 2021 citing the following Reasons for Refusal (RFRs):

1. The proposed development to the rear of the site, by reason of its siting, size, scale, bulk and design, would result in an incongruous and visually intrusive form of development, which would fail to harmonise with the architectural composition of the original property, 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. 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 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies D4 and HC1 of the London Plan (2021) and the NPPF.

2. The proposed front extension, by reason of the design and use of materials of the rear elevation, would result in an incongruous and visually intrusive form of development, which would fail to harmonise with the architectural composition of the original property and would fail to either preserve or enhance the character or appearance of the surrounding Ruislip Village Conservation Area. 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 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies D4 and HC1 of the London Plan (2021) and the NPPF.
3. The proposed development by reason of the siting of the bedroom windows at first and second floor levels would be detrimental to the amenities of 1 and 3 Midcroft by reason of actual and perceived sense of overlooking of the private amenity spaces and loss of privacy. Therefore the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).
4. The proposal, by reason of the siting of the first floor kitchen/dining/living room windows and the use of enclosed private amenity space with high boundary treatment would result in the provision of habitable rooms with very poor levels of outlook and limited levels of natural lighting 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 Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D6 and SI2 of the London Plan (2021).

The Decision Notice is included at **Appendix 1**. The Application was refused under delegated authority – a copy of the Delegated Officer's Report is provided at **Appendix 2**.

The Reasons for Refusal are disputed by the Appellant who has accordingly instructed Globe Consultants Limited to submit this Appeal against the refusal of the Application to the Planning Inspectorate. A **Supporting Planning Statement (SPS)** was prepared by Globe Consultants Limited and submitted in support of the original Application. This SPS is considered to provide a thorough assessment of the merits of the proposal and concludes that, in the opinion of the authors, the scheme should be considered acceptable by the decision maker when having regard to Section 38(6) of the Planning and Compulsory Purchase Act (2004) and an overall assessment of the planning balance. The SPS is provided as **Appendix 3**.

Alongside the above, further information and justification of the wider design approach and its effect on the wider townscape (including the character or appearance of the surrounding Ruislip Village Conservation Area) are included within the comprehensive **Design Statement** prepared by Marcus Beale Architects Ltd. The Design Statement is provided as **Appendix 4**.

Following the determination of the Application, the Appellant commissioned an **Interior Daylight Analysis** report which was undertaken by Eight Associates Ltd. The Interior Daylight Analysis report was commissioned in direct response to RFR No. 4 and the Council's incorrect assertion that limited levels of natural lighting would be provided for the first-floor flats (Flat Nos. 1 and 3). It concludes that both of the first-floor units which face out onto the courtyard would receive adequate levels of natural light which exceed the daylight recommendations when applying the BRE guidance "*Site layout*

planning for daylight and sunlight – A guide to good practice” (second edition). The Interior Daylight Analysis report is provided at **Appendix 5**.

In accordance with the above, the purpose of this letter is to direct the reader to more detailed information set out in the aforementioned documents which, when read together with this letter, form the Appellant’s Statement of Case.

2. Response to the Reasons for Refusal

2.1. RFR 1 and RFR 2

Further Reading:

Supporting Planning Statement (sub-sections 3.4, 3.5, 3.6; 4.7)

Design Statement (Paragraphs 29-34; 36-39; 41; 46-47; 52)

RFR 1 and RFR 2 are closely related and set out the Council’s subjective concerns in relation to the overall design approach, massing, and use of materials alongside the overall impact on the surrounding Ruislip Village Conservation Area. These are disputed by the Appellant. As set out in sub-section 3.4 of the SPS, the development proposals which form part of the Application were informed by an appraisal of the constraints and opportunities afforded to the Site and its immediate context. In turn, this led to a number of key development principles being derived which underpinned the scheme submitted to the Council.

The scheme which is the subject of the Application evolved following a careful consideration of the surrounding townscape influences. There was also recognition of the fact that the Site is underutilised and, given its high Public Transport Accessibility Level (PTAL) rating of 4, there was considered to be an opportunity to make more efficient use of the land in order to make a contribution towards the Borough’s housing needs. This is particularly pertinent given the recently published London Plan 2021 and the significant increase in housing required to meet the forecast need of an additional 66,000 new homes per year¹. The Mayoral requirement for Hillingdon itself, as expressed in the London Plan 2021, also represents a significant increase in housing targets with a 10-year housing target of 10,830 set, annualised as 1,083 dwellings per year². Alongside this, both the Revised National Planning Policy Framework³ and the Publication London Plan⁴ highlight that Small Sites⁵ make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

The Site, in its current form, makes inefficient use of land by delivering just a single retail unit (including associated back of use facilities) and 1 no. 2-bed flat (Flat No. 1). The main part of the building which fronts the High Street generally sits lower than others within this part of the High Street, which typically provide three to four storeys of accommodation – as detailed in Figures 6 – 13 of the SPS.

¹ The 2017 London Strategic Housing Market Assessment has identified a significant overall need for housing, and for affordable housing in particular – it sets out that London needs 66,000 new homes each year, for at least twenty years.

² London Plan 2021, Table 4.1 - 10 year targets for net housing completions (2019/20 - 2028/29)

³ Paragraph 68.

⁴ Policy H1: Increasing housing supply, Part (B)(2)(e) and Policy H2: Small sites.

⁵ Defined in Publication London Plan Policy H2 (A) as sites below 0.25 hectares in size.

The design solution proposed for the part of the building fronting the High Street is for a single-storey vertical extension which would provide an additional 1 no. flat (comprising 1 no. 2-bed flat (Flat No.2)). The design proposals seek to replicate the strong sense of symmetry present in the High Street elevation, with careful consideration given to window positioning and alignment. It is recognised that any extension should seek to maintain the integrity of this principal elevation and that the fenestration is particularly important. Accordingly, the strong vertical emphasis present in first floor windows is to be replicated. The extension acknowledges the decorative detailing at first floor level and incorporates features such as the red brick flat arches. Moreover, it is considered that the vertical extension should be subservient and not detract from the dominance of the first-floor fenestration including the feature central window arrangement – it is considered that the proposals successfully achieve this. Materials will be sensitively sourced to ensure seamless transition and integration with the original host building. Figures 13-15 of the SPS illustrate particularly the successful integration of the proposals into the wider townscape.

The proposals seek to extend the brickwork upwards to match closely the language of the existing elevation, without upstaging it – a key underpinning design principle. The upper storey will have five windows matching the width of the existing openings at first floor level, but with less ornamentation and more typical of an attic storey. This approach is set out in further detail in the Design Statement prepared by Marcus Beale Architects Ltd which states that:

“...The red brick flat arches will be replicated in the new windows. The existing parapet - a stone cornice above a soldier course will be carefully removed and the detail replicated at a higher level. In this way the extension will be visually unobtrusive, subordinate, blend in with surroundings, and maintain the significance of the architectural features of the original building. The extended building will be taller than its immediate neighbours, but lower than the parade from no. 75 southwards. Many of the buildings in the area are three storeys high”.

Design Statement (746/MB 16 January 2021), Marcus Beale Architects Ltd (Paragraphs 32-34)

The rear of the Site is an area of considerable potential and the scheme proposes the erection of a ground floor rear extension and two storey extension (three storey total) to provide additional residential accommodation (2 no. 2 bed flats) (Flat Nos. 3 & 4). Examples are provided within the SPS (please see Figures 16-20) showing that the area to the rear of the High Street has, to date, provided opportunities for small-scale residential development. Whilst the Appellant acknowledges that each application should be considered on its own merits, the examples provided with the SPS highlight how residential development has been successfully integrated behind the High Street frontage. Such an approach is consistent with the Mayor’s drive to increase the rate of housing delivery from small housing sites as expressed in the London Plan 2021.

In summary, the Appeal is considered to be an appropriate response to the constraints and opportunities afforded to the Site and provide an opportunity to deliver much needed additional housing within a highly sustainable location. Careful consideration has been given to the wider townscape and the character of the Ruislip Village Conservation Area, and it is considered that the proposals successfully preserve this character by virtue of the sensitively designed vertical extension which fronts directly to the High Street. To the rear, the townscape is less sensitive and it is not considered that the current arrangement makes a positive contribution to the special character of the Conservation Area. The extension to the rear recognises its context and takes on a simpler expression which is held together through uniformity and repetition. Residential amenity has been considered

carefully and the proposals are believed to deliver a set of relationships which are considered to be satisfactory within an urban context.

2.2. RFR 3

Further Reading:

Supporting Planning Statement (sub-sections 3.5; 4.8)

Design Statement (Paragraphs 48-49)

RFR 3 raises concerns that bedroom windows at first and second floor levels would be detrimental to the amenities of nos. 1 and 3 Midcroft by reason of actual and perceived sense of overlooking of the private amenity spaces and loss of privacy – again, this is disputed by the Appellant.

The proposed rear extension has been designed to be low-key and simple in its external appearance with repetition and uniformity a key part of the design philosophy. Such an approach also allows appropriate internal stacking to take place to ensure that a good level of internal residential amenity can be provided – for example, bedrooms are located above bedrooms and the primary open plan living areas above each other. The rear building will be stepped in plan, with the sides set back from the site boundary to break up the rear facade into smaller vertical units, and to give depth and shadow to the elevation.

In formulating these development proposals, careful consideration has been given to residential amenity, with massing and siting informed by the sensitive immediate context and relationship with properties on Midcroft and South Drive. The rear elevation will be stepped in plan, with a central bay and recessed sides which helps break up the overall form and add interest to the elevation through further variations in materials.

As set out within the Design Statement (Paragraphs 48-49) the existing garden of no. 1 Midcroft is separated from the rear of the new building by the service road, about 4m wide, a timber fence, and an evergreen hedge about 4 metres in height (photograph provided on Page 8 of the Design Statement). This will screen the lower levels of the development when viewed from the private gardens. The rear facing windows on the central bay will be obscured (which can be secured in perpetuity through a suitably worded model planning condition), as will the bathroom windows to their right. The bay feature will have side windows looking north and south over the service road, which will give a good quality of light and outlook for the flats. This will give a greater sense of privacy to the residential gardens.

In summary, it is considered that the view towards the existing rear gardens along Midcroft is well screened by established vegetation with no direct sightlines into these gardens from the proposed units. Accordingly, it is considered that the Appeal, if allowed, will not result in an unacceptable loss of residential amenity.

2.3. RFR 4

Further Reading:

Interior Daylight Analysis report

The Appellant commissioned an Interior Daylight Analysis report which was undertaken by Eight Associates Ltd following the determination of the Application. The Interior Daylight Analysis report was commissioned in direct response to RFR No. 4 and the Council's incorrect assertion that limited levels of natural lighting would be provided for the first-floor flats (Flat Nos. 1 and 3).

The Interior Daylight Analysis report concludes that both of the first-floor units which face out onto the courtyard would receive adequate levels of natural light which exceed the daylight recommendations when applying the BRE guidance "*Site layout planning for daylight and sunlight – A guide to good practice*" (second edition). Specifically, the report is informed by daylighting analysis which shows that both rooms meet all three of the tested daylight recommendations as detailed below:

BRE Guidelines	Key indicators	Assessment ⁶		
Average Daylight Factor (ADF)	ADF is the average illuminance on the working plane in a room, divided by the illuminance on an unobstructed horizontal surface outdoors. For dwellings the following ADF are recommended:	Required ADF	Calculated ADF	Compliance
		2	2.6	Pass
		2	2.44	Pass
		- Kitchen 2% - Living room 1.5% - Bedroom 1%		
Position of No-Sky Line (NSL)	More than 80% of the working plane is recommended to receive direct light from the sky.	NSL (%)	Compliance	
		95.70	Pass	
		95.90	Pass	
Room Depth	The room depth recommendation applies to rooms lit by windows on one wall only. In this case the depth of the room should not exceed the limiting value.	Room depth – Maximum room depth	Compliance	
		4 < 6.6	Pass	
		4.5 < 6.8	Pass	

The Interior Daylight Analysis report is prepared using industry recognised good practice guidance and accepted methodology in the form of BRE guidance "*Site layout planning for daylight and sunlight – A guide to good practice*" (second edition). Accordingly, it provides a reliable and objective way of assessing the amount of natural light entering Flat Nos. 1 and 3. It is understood that the Council's

⁶ Refer to Appendix B – Results of the Interior Daylight Analysis report

concerns are subjective and have not been informed by any detailed testing or analysis and, therefore, the conclusions of the Interior Daylight Analysis report should now render these concerns as null and void.

3. Conclusions

There remains a significant, and increasing, need for new housing within the Greater London area which is currently not being delivered by the market. Accordingly, there is a clear Mayoral direction that the boroughs should (and need to) consider favourably applications which deliver homes to meet the requirements of Londoners. Increasing the rate of housing delivery from Small Sites – such as the Site – is a strategic priority for the Mayor as referenced throughout the Publication London Plan, which can be afforded a significant degree of weight under Paragraph 48 of the Revised Framework. Moreover, the incremental intensification of existing residential areas that fall within PTALs 3-6 or within a 800m distance of a station or town centre boundary is expected to play an important role in contributing towards the housing targets for Small Sites.

The Site represents an underutilised brownfield parcel of land which has significant potential to make a modest but valuable contribution to the housing supply within the Borough. The proposed development is well considered and informed by a wide range of development influences including the character of the Ruislip Village Conservation Area. Careful consideration has been given to existing and proposed residential amenity and it is considered that material harm does not ensue. Chapter 11 of the Revised Framework is particularly relevant to the Application, with the Government giving firm direction that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It goes on to emphasise the importance of previously-developed land – such as the Site – in meeting objectively assessed needs for housing. Furthermore, the Government acknowledges that building upwards to use the airspace above existing buildings can play an important role in delivering new homes both in town centres and elsewhere. Such an approach is set out in Paragraph 118(e) of the Revised Framework and offers a clear direction that local planning policies and decisions should respond positively to suitable opportunities to deliver additional new homes above existing residential and commercial premises.

It is considered that the Appellant's Statement of Case (including Appendices) demonstrates that the proposals are in accordance with the suite of documents which make up the adopted development plan for the London Borough of Hillingdon alongside guidance with the Revised Framework. Accordingly, considers the scheme should be considered acceptable by the decision maker when having regard to Section 38(6) of the Planning and Compulsory Purchase Act (2004) and an overall assessment of the planning balance. It is, therefore, respectfully requested that the Appeal is allowed.

I trust this letter and accompanying Appendices provide you with all the necessary information to consider the merits of the Appeal, however please do not hesitate to get in touch should you require anything further.

Yours faithfully

James Rigby

James Rigby MRTPI

Director

Globe Consultants Limited

List of Appendices

Appendix 1: Decision Notice

Appendix 2: Delegated Officer's Report

Appendix 3: Supporting Planning Statement (Globe Consultants Limited)

Appendix 4: Design Statement (Marcus Beale Architects Ltd)

Appendix 5: Interior Daylight Analysis (Eight Associates Ltd)