

Town & Country Planning Act 1990

Section 78 Planning Appeal

Response to LPA Refusal and Third Party Objections
to Planning Appeal REF APP/ R5510/W/22/3298681

Appeal by: Anslip UK Limited

Proposal: Construction of Detached Building to Accommodate New
Management Office Accommodation above replacement
parking spaces.

Appeal Site: Neyland Court, 11-17 Pembroke Road, Ruislip HA4 8NQ

LPA Ref : 76364/APP/2021/4604

DoE Ref: APP/R5510/W/22/3298681

BACKGROUND INFORMATION

We believe that LPA has written to properties they believe have been affected in respect of this Appeal.

1. 20 Residential Properties in Pembroke Lodge.
2. 12 Residential Properties in Neyland Court.
3. 1 on Pembroke Road.
4. 2, 2a, 4, 6, 6a, 8 Brickwall Lane.

Of these 39 affected properties, 9 have raised objections in respect of this Office Proposal. 23%. Mostly from residents of Neyland Court.

Office 1F

LPA granted Planning Permission Ref No 38324/APP/2016/4255.

The said Office has a Frank Wall facing Brickwall Lane and Pembroke House.

In granting the said PP, LPA did not consider that the development had any adverse impact on the residential properties of Brickwall Lane or Pembroke House.

Office 1G

LPA granted Planning Permission Ref No 38324/APP/2019/4066.

The said Office has a Frank Wall facing Brickwall Lane Properties.

In granting the said PP, LPA did not consider that the development had any adverse impact on the residential properties of Brickwall Lane or Pembroke House.

There has been matured vegetation grown over 35/40 years by residents of Brickwall Lane.

Proposed Office under Appeal

Our Current Proposal under Appeal also has Frank Wall at the rear facing Brickwall Lane. But with matured and established 14/16 Mtrs

Confers, the Office Development would have been obscured and would have had little or no impact on light to the Residents of Brickwall Lane, and in particular No 6.

However recently, the occupier of No 6 Brickwall lane has decided to cut these mature trees to allow loss of privacy and overlooking by Residents of Neyland Court, as Photo C would suggest.

Rear “ Blank and featureless Frank wall ” in respect of our Appeal development can be improved by installing 3/4 Fixed Opaque Glass Windows to break up the monotony of the Frank wall, by condition.

With time, these confers will grow and the impact of the said rear wall will be reduced.

It may certainly assist in the serious overlooking issue by Neyland Court Residents on No 4 and 6 Brickwall Lane.

RESPONSE TO:

A. LBH APPEAL STATEMENT

1.2 ENFORCEMENT ACTIONS.

We have been inundated with Enforcement Actions since June 2015, when we raised concerns in respect of PP granted for Office Development under Planning Ref 21000/ APP/ 2015/ 3095. The said PP was granted under delegated authority granted by Cllr Higgins and local Cllr Corthorne to Mr. James Rodgers in breach of LBH Local PLAN : PART 2 Policy DMHB11.

The Said Office is cited barely 3 Meters away and facing DIRECTLY Into 6 Families residing at Pembroke Lodge.

“ The Office Building, by virtue of its proximity, size, scale, bulk, massing and elevated height, would cause significant harm to the living conditions of the neighbouring occupiers and their associated

external amenity space of Residents of Pembroke Lodge; in terms of loss of outlook, overshadowing, overbearing impact, sense of enclosure and perceived loss of privacy. ”

What were the concerned Cllr Higgins and Cllr Copthorne thinking or doing when PP 21000/APP/2015/3095 was allowed under delegated Authority of Mr. James Rodger at the time?

Town and Country Planning Act 1990 of England need to apply to ALL equitably and without discrimination.

Photo A

LBH Planning Enforcement Guidelines:

Quote

Enforcement Action is considered appropriate when the Local Authority considers “ what you are doing, or have done, is harmful to your Neighbourhood.

The deceive issue for local planning authority should be whether the breach would unacceptably affect public amenity or the existing use of the land and building meriting protection in the Public Interest.

Unquote

LPA Comments on Appeal Statement.

2.1 “ The Separation distance between the allowed Office 1G and properties to the rear on Brickwall lane is substantially greater than Appeal Proposal. ”

Whilst this may be true, the Appeal proposal affects only No 6 Brickwall Lane.

This property has chosen to remove the vegetation where by it is overlooked substantially by residents of Neyland Court.

The Appeal proposal would shield some of the said overlooking; previously provided by 14/15 Mtrs. Conifer Trees.

Photo B & C

2.2 Completion Certificate No 38324/ FP/ 2016/447
in respect of Office 1F.

Page 1.

Completion Certificate No 38324/APP/2020/106
In respect of Office 1G

Page 2

Car Port Erection.

There has been 12 Garages at the rear of Neyland Court since 1975.

Six of these have been demolished during January 2021 to provide 6 open parking spaces along the rear wall and freeing up the congested central parking area.

Car Port has been constructed to shield the cars from Debris falling from the Brickwall lane boundary vegetation.

Planning Application has been lodged under retrospective basis under LPA Ref No 76364/APP/2022/919.

Should the Appeal succeed, the said Car Port will need to come down.

2.3 Planning Refusal under Reference 76364/APP/2021/4606 and Appeal Reference APP/R5510/W/21/3279874.

According to the Appeal Inspector:

Main Issue

Effect of the proposed Office development on the living conditions of the Occupiers of 19 Pembroke Road, 6a and 8 Brickwall Lane, with particular regards to Loss of Light and Outlook contrary to Policy DMHB 11 of DM.

The Inspector has raised concerns in respect of “ Blank and Featureless brick wall Elevation to the side and rear elevation facing

the adjacent residential properties No 19 Pembroke Road, No 8 and 6a Brickwall lane. ”

The Appeal Inspector has been silent on the Impact of this development in terms of loss of light or overlooking on Residents of Neyland Court.

Our Application was mindful of not creating any overlooking issues to these rear and side properties.

These rears frank walls could have had 4/5 Fixed Opaque Glass Windows if LPA or Inspector were mindful of such “ featureless Brickwall elevation”.

This Appeal can also have such provision of Fixed Opaque Glass Windows, should LPA / the Appeal Inspector consider the frank wall elevation to be objectionable to the Resident of 6 Brickwall lane; in view of the recent cutting off matured vegetation.

Historically planted and Matured Conifers almost 14/15 Mtrs. high between Neyland Court and Properties 6a, 6 and 4 of Brickwall Lane would not have had additional Loss to Light or Overlooking Issues on account of this Appeal Proposal.

The Appeal Inspector has been silent on the Impact of this development in terms of loss of light or overlooking on Residents of Neyland Court.

Pembroke House Office 1F

Planning Approval granted under LPA Ref 38324/APP/ 2016/4255

Pembroke House Office 1G

Planning Approval granted under LPA Ref 38324/APP/ 2019/4066

Building works in respect of these Offices were carried out during Covid Lockdown when ALL the eating outlets and recreation facilities in Ruislip and surrounding Area were closed.

There was no certainty at the time, as to how long this Covid Pandemic would last locally or internationally, and if an effective and a safe vaccination would be available. Normally, such vaccines takes years to develop and require thorough testing procedure before it can be administered to humans.

Being involved in Construction, Anslip Offices stayed open during Covid Lock down. At the time, travelling to and from Work was forbidden and transportation for staff was difficult. We had to make necessary provisions in case the staff had to stay over.

Accordingly, appropriate Toilet Shower and meal preparation facilities were installed in accordance with the obligations of an Employer under Health and Safety at Work Act 1974, towards well being of their employees.

Enforcement Actions were considered appropriate by LBH LPA in respect of above stated Installation of Toilet and meal preparation area for the benefit of the Office Staff for Office 1F and 1G.

Are such internal Office works, for the benefit and use of the Office Staff considered “ harmful to the neighbourhood of Ruislip.... ” ?

Accordingly, Anslip has made Planning Variation Application;

Planning Portal Ref PP-11349103 for 1F
and
Planning Portal Ref PP-11349236 for 1G.

We await these Applications to be validated by LPA.

2.4 There has been Vegetation cultivated by No 4, 6, 6a, 8 Brickwall lane to protect their privacy over last 30/40 years since Pembroke House and Neyland Courts were built.

2.5 There is NO need for taking down the existing 1.8 Meter fence which provides privacy to the Ground Floor units of Neyland Court. Anslip is prepared to reconfirm this; should the Inspector considered appropriate.

The proposed Office development will in no way compromise the outlook, increase Noise levels or compromise the privacy for the occupiers of Ground Floor Flats.

2.6 Provision of General Waste Collection Bin area will facilitate use of the this area for Cycle Stand which is absent for Neyland Court.

2.7 The Hostility we have experienced with numerous Enforcement Actions since 2015 and ALL or Planning Applications being refused is an established fact.

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Regretfully, ALL our Applications have been granted through Appeal Process.

Response to objections from Residents of Neyland Court.

The Distance between Office 1G and Pembroke House is similar to the distance between the proposed Office and Neyland Court.

Plan 1

No objection have been file by the Ground Floor Occupants of Neyland Court to the proposed Office Development.

i. 11A NC Miss Anna Rose O Sullivan

a. Unreasonable disruptive effect.

Building works will be carried out during daylight hours.

b. Our Garden will be halved.

This is not correct. Existing Garden area will be retained.

c. Light Reduced

The Proposed Development some 20Mtrs away facing North will have little impact of natural light.

d. There are no changes to visitors parking layout next to Neyland Court.

ii. 13A NC Mrs Caroline Bradley

Appears very concerned about

a. Being close to a busy Bus and Underground Station.

She has chosen to stay at Neyland Court of her own reasons.

b. Living amongst a " Builders Yard "

This is not true. The Rear Area is well maintained and regularly cleaned.

c. No Balcony.

Neyland Court was built during 1975s without balconies.

d. No Parking Available for Residents.

There are 6 spaces available to Rent

There are 3 spaces for Visitors Parking used permanently by Residents for FREE.

iii. 17A NC Steven Brown

a. A cynical resubmission.

As Freeholder of the property, we have a right to use the property to its full potential in accordance with Planning Laws.

b. Loss of light or over view

Mr. Brown, being on top floor with mature Trees in front of his apartment will have no loss of light or overview. Photo C

c. Removal of Green space by 50%.

There is no such proposal and wish to confirm the same.

d. Current Refuge Area being replaced?.

The Current Waste Refuse Area consisting of 12 Black Storage Bins is a high Health and Safety Risk area with Rat Infestation. An alternative proposal to have a General Waste Bin which can be offloaded mechanically in a single operation Close to the access road, without any manhandling appears to be unacceptable to the residents of Neyland Court.

They prefer to see workers toiling and physically carrying 12 Black Bin bags to the automated waste collecting vehicle.

e. Office Park Development.

Office 1F and 1G have been granted planning permission by LPA in accordance with Town & Country Act 1990.

iv. 17B NC Miss Kelly Llanfear and Mr. Zac Murphy

a. Miss Llanfear appears to referring to DRAFT Plan15.530 P11 A
This Plan is not part of our application.

The said Plan was prepared for discussion purposes; however LPA considered it appropriate to post it on to their Planning Website.

b. She also has enclosed an undated letter from LPA.

Again this appears to discuss DRAFT Plan 15.530 P11 A

Page 4.

c. Loss of Outlook and Privacy

Mrs Llanfear occupying Flat 17B is shielded by matured
Trees as evident from

Photo C

d. Mr Zac Murphy also occupying the same Flat 17B states
2 Offices built for dubious reasons

i. One used for Residential.

Planning Laws of England allow change of use from Offices to
Residential Use; should the need arise.

ii. Another being Empty.

The said Office is let to Ellamare Ltd and is occupied and
Is well equipped for appropriate work place environment.

e. Reduction of Communal Garden Area by 50%.

There will be no reduction of Communal Garden Area on
account of the current proposal.

f. Change to parking spaces would result in pollution.

There is no additional parking created by the said proposal.

g. Car Lights would directly shine into the living rooms of ground
floor units and loss of privacy.

The current Brick Fence is being retained and therefore will
continue to provided to same level of privacy to ground floor
units.

h. The three 2 hour Visitors Parking spaces are currently being
used by Residents of Neyland on 24 hours basis for FREE.

i. The proposal would block out light to ground floor flats units.
There has been no objection or such concern from occupiers
of Ground floor Flats.

v. Miss Malgorzata Paszkowska occupying Flat 15B
and

vi. Mr. Jay Radia of 42 Kingsend Ruislip who owns Flat 13B ??
have voiced the same concerns;

a. Proximity and overlooking on neighbouring Dwellings

Photo 3 shows that extent of overlooking of Flat 13B and Flat
15B over the properties 6a, 6 and 4 Brickwall Lane.

b. Overlooking.

The proposed Office is located approximately 20Mtrs away
and built at an angle away from Neyland Court.

The Window on First Floor Level of the Office can cause no overlooking issue into Flats 15B and 13B located on Second floor of Neyland Court.

c. Reduction in Amenity Space.

The open space presently used to store 12 Black Garbage Waste Bins could be used for cycle stand for Neyland Court Residents.

d. Loss of Privacy and increase in noise for Ground Floor Flats
There is no objection filed by Ground Floor Flats for Loss of Privacy and increase in Noise.

vii. 2B Pembroke House Mr. Dean Judson

Mr. Judson occupies Flat 2B at Pembroke House on Assured Shorthold Tenancy AST until

a. The Environment

Pembroke House has had 2 Major Residential Developments right across the Street.

b. Tree and Landscaping affected.

Our proposal does not propose and Tree Cutting or landscape upheaval.

c. Lack / Loss of Light.

Our proposal will have no affect to Flat 2B in Pembroke House.

d. Tree and Woodland Areas would go.

Our proposal has no programme to harm trees or Nature.

e. Wildlife would be affected.

There is no wild life in Ruislip.

We have intention to irradiate Rats by install General Waste Collection Bin for Neyland Court.

g. Another Building will be an eyesore.

Perhaps Mr. Judson should move into the Country side?

h. Lovely view from his apartment block known as Pembroke House.

Offices 1F and 1G have not harmed his views.

Hopefully proposed Office at Neyland Court will neither.

viii. 19 Pembroke Road Miss Nicola Taylor

The Present citing of the Office has little or no affect to the Miss Taylor. The proposed Office is located further away and almost out of her sight as Photo 4 would suggest. Photo D

This Application is well founded in Planning Law with due considerations to the surrounding properties and their concerns.

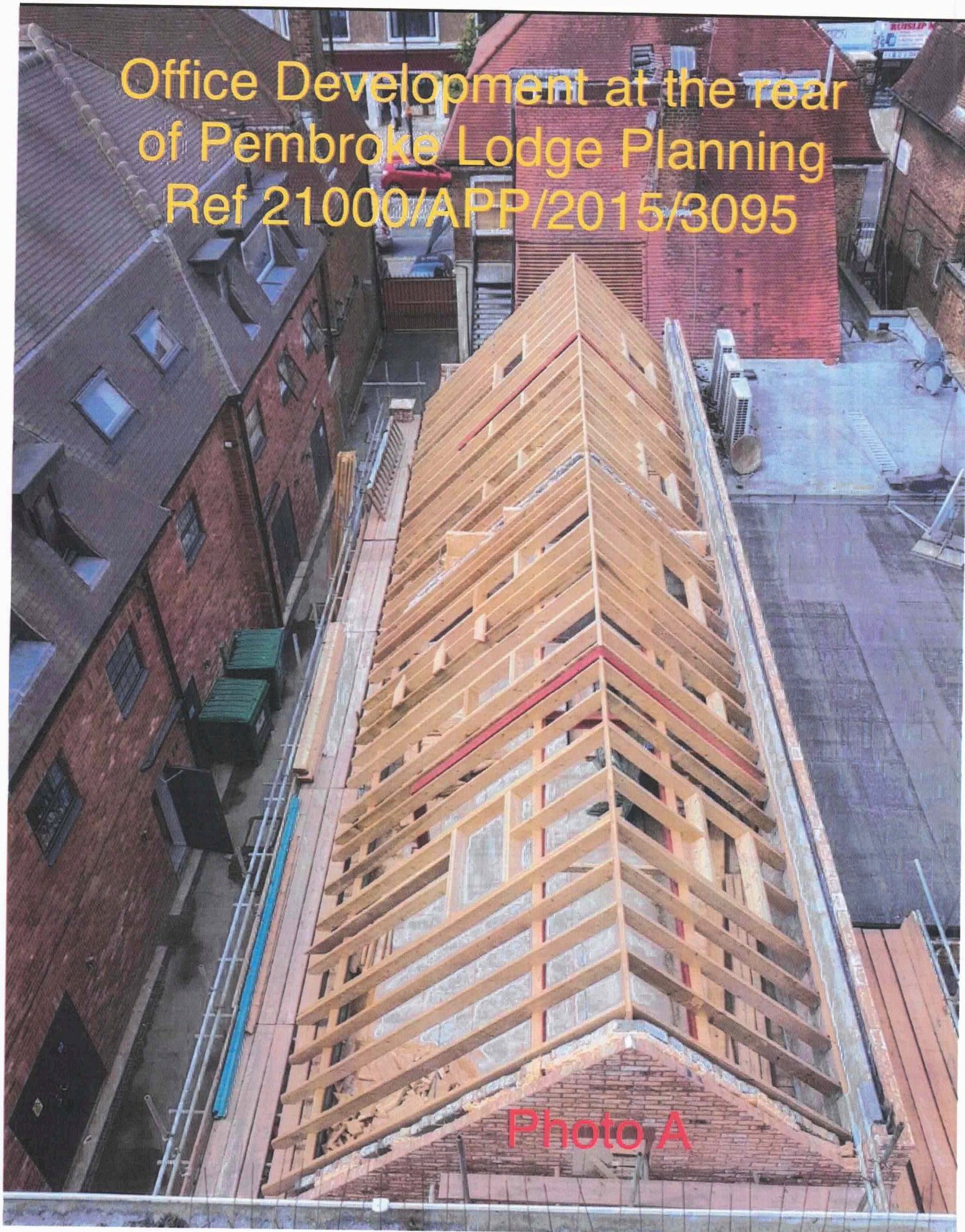
Should the Appeal Inspector wish to grant the said Appeal on certain special conditions; such as opaque fixed glass windows to break up the monotony of the rear flank wall, we would be happy to do so.

At the the of making this Planning Application, the proposed Office was well shielded by matured 14/16 Mtr high confer trees and the rear flank wall would not have been visible to the residents of Brickwall Lane.

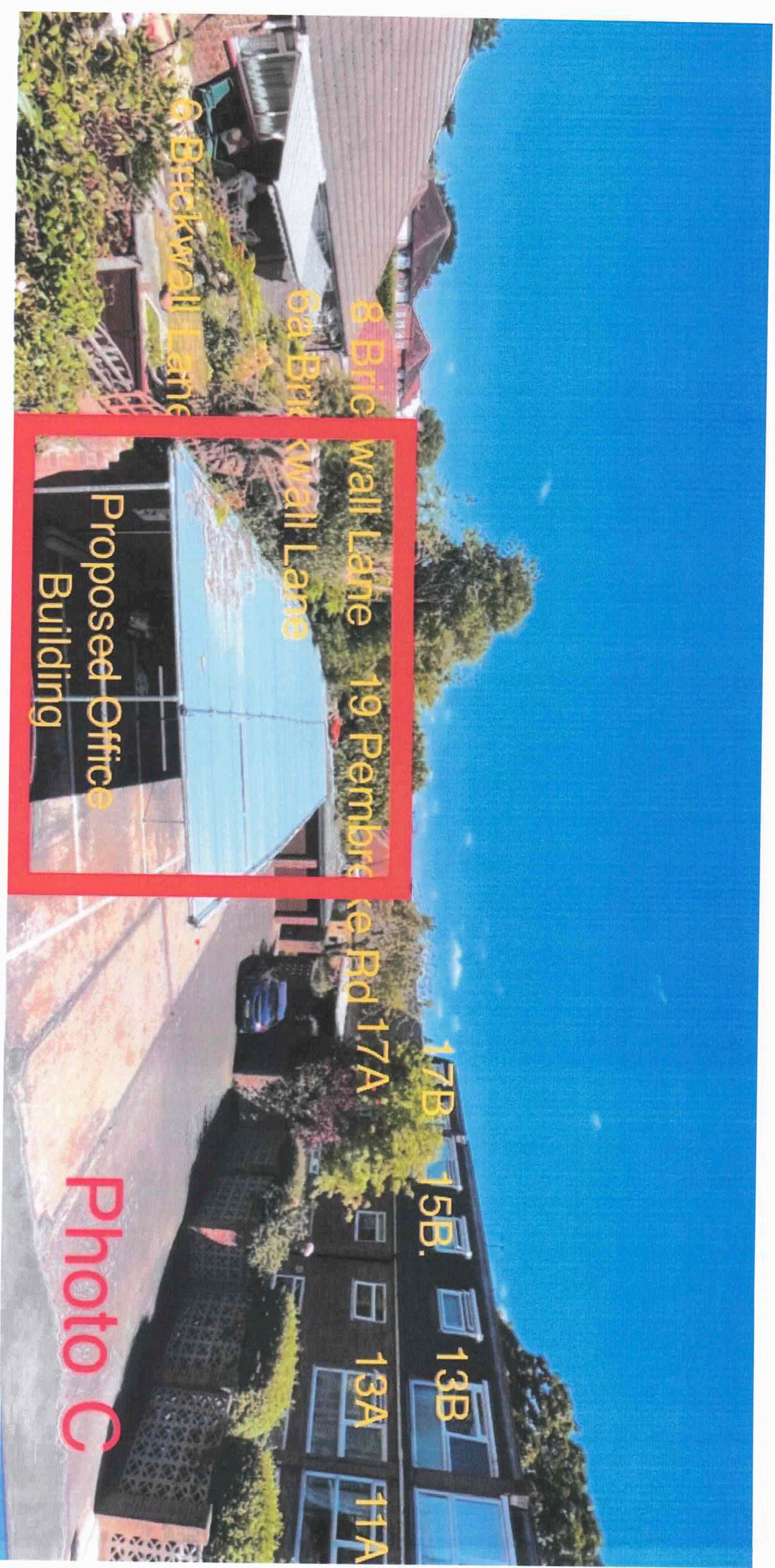
For Anslip UK Limited
Mr. M. Suchak
Director

Office Development at the rear
of Pembroke Lodge Planning
Ref 21000/APP/2015/3095

Photo A







6 Brickwall Lane

8 Brick

6a Brick

8 Brick

Wall Lane

19 Pembroke Rd 17A

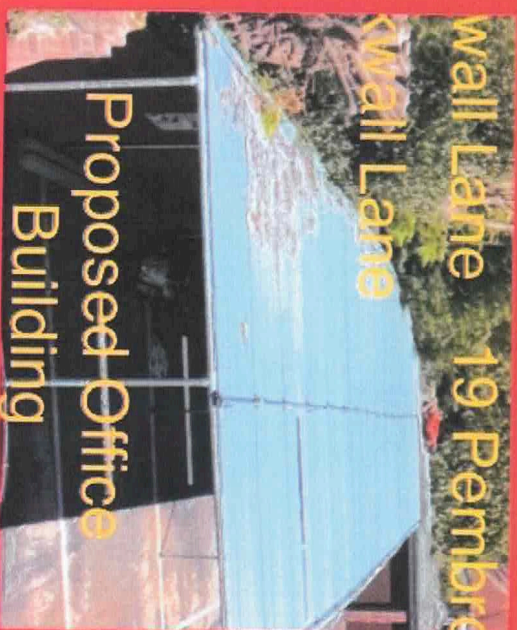
17B

15B

13B

13A

11A



Proposed Office
Building

Photo C

Anslip Uk Ltd
Pembroke House
Pembroke Road
Ruislip
HA4 8NQ

Building Regulations
Plan Number

38324/FP/2016/447

1 Details of Work

Description:
Erection of two storey office building

2 Location of building to which work relates

Address:
Pembroke House, 5-9 Pembroke Road
Ruislip,
HA4 8NQ

3 Deposit of Particulars

Full plans were deposited under the Building Regulations made under Section 1(3) of the Building Act 1984 on: 1st December 2016

4 Completion Date

Date of Completion: 7th August 2018

5 Compliance with the Building Regulations

In accordance with Building Regulation 17 (completion certificate) it is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

6 Authority

This certificate has been authorised by:

Regenerat



Signature:

James Rodger
Head of Planning, Transportation and

Date: 7th August 2018

Note that this certificate relates only to the work described in 1 above. This certificate does not relate to any work carried out to which the regulations do not apply on this occasion, for example to the existing building not affected by an extension work or the work of repair or the replacement of fittings etc.

Anslip Uk Limited
Pembroke House
5-9 Pembroke Road
Ruislip
HA4 8NQ

Building Regulations
Plan Number

38324/BN/2020/106

1 Details of Work

Description:

Erection of detached building above existing parking

2 Location of building to which work relates

Address:

Pembroke House, 5-9 Pembroke Road
Ruislip,
HA4 8NQ

3 Deposit of Particulars

A Building Notice was deposited under the Building Regulations made under Section 1(3) of the Building Act 1984 on: 24th March 2020

4 Completion Date

Date of Completion: 3rd September 2021

5 Compliance with the Building Regulations

In accordance with Building Regulation 17 (completion certificate) it is evidence (but not conclusive evidence) that the requirements specified in the certificate have been complied with.

6 Authority

This certificate has been authorised by:

James Rodger
Head of Planning, Transportation and Regeneration

Signature:



Date: 3rd September 2021

Note that this certificate relates only to the work described in 1 above. This certificate does not relate to any work carried out to which the regulations do not apply on this occasion, for example to the existing building not affected by an extension work or the work of repair or the replacement of fittings etc.

Subject Pembroke House

From Rajesh Alagh <ralagh@hillingdon.gov.uk>

To: anslipuk <anslipuk@aol.com>

Cc: Jean Palmer
<jpalmer@hillingdon.gov.uk>, James
Rodger <jrodger2@hillingdon.gov.uk>,
Jonathan Murray
<jmurray@hillingdon.gov.uk>, Cllr
Raymond Puddifoot
<RPuddifoot@hillingdon.gov.uk>, Cllr
Edward Lavery
<elavery@hillingdon.gov.uk>,
suchak.anil@gmail.com
<suchak.anil@gmail.com>

Date 9 Jun 2015 at 15:41

Dear Mr Suchak,

I have been copied into your e-mail exchanges with Mr Rodgers and Ms Palmer and the level of persistence you are showing is nothing short of astonishing.

It has been explained to you on a number of occasions that the Council's views are fully set out in the enforcement notice and that the issue will be determined on appeal by a planning inspector.

Which part of this explanation, set out in simple language, do you not understand?

You persist in asking Mr Rodgers to provide a full account of his actions. I have advised Mr Rogers that he should not do this and instead make representations to the Inspector which is the proper course of action to follow in matters such as this.

Your conduct is bordering on harassment of Council officers and I would strongly urge you to listen to, and understand, what has clearly been said to you on several occasions.

Please do not bother replying to this e-mail or try to communicate any further with the Council. You will have your opportunity to give your version of events to the

Inspector who will make his decision accordingly.

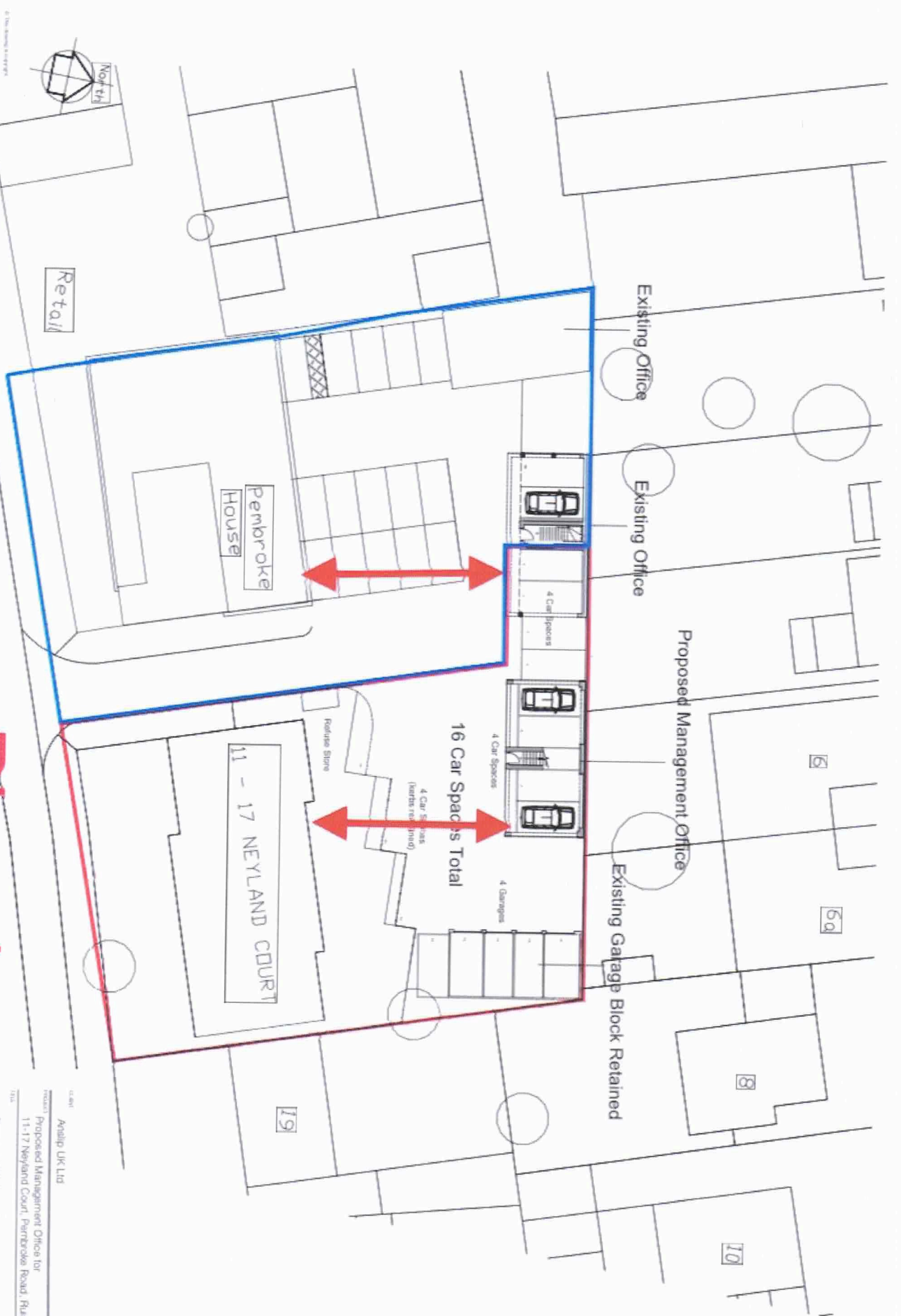
I trust that I have made the Council's position clear.

I trust that I have made the Council's position clear.

Yours sincerely

Rajesh Alagh
Borough Solicitor
London Borough of Hillingdon (3E/04)
(Tel) [01895 250617](tel:01895250617)
(Fax) [01895 250784](tel:01895250784)
(E-Mail) ralagh@hillingsdon.gov.uk

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Plan 1

11-17 NEYLAND COURT
 11-17 NEYLAND COURT, PEMBROKE ROAD, RUSLIP, HA 8NQ
 Proposed Site Layout

1:200 @ A2
 17.12.21
 P.11



2 of 3



Kelly Llanfear
175 Neyland Courts
Pembroke Road
Ruislip
Middlesex
HA4 8NQ

Undated letter of LBH

Dear Sir/Madam

Planning Reference: 76364/APP/2021/4804

Thank you for your representations sent via email on the above Planning Application.

Your comments were:-

First and foremost, the supporting documents (the 'site layout - existing' and 'site layout - proposed') provided by the applicant are factually incorrect and could be deemed to be misrepresentative to the panel as they are not truthful:

i) The applicant has omitted the 'refuse area' on the current site layout plans. On the proposed plans he has incorrectly labelled the 'refuse space' for Neyland court (NC) as being at the bottom left of the plan. This is factually incorrect as the refuse area (detailed in the NC deeds) is next to the garage area (listed as car-parking space number 13 on the 'site layout - proposed' doc).

ii) Car parking spaces 11, 12 and 13 on the 'site layout - existing' document are named on the land registry deeds for sole use by NC.

iii) The total number of parking spaces is currently 17, including 3 NC spaces. According to the 'existing site layout' document, there are there are 15 current spaces (including 3 NC), and the proposed planning application lists 16 car parking spaces. The proposed application will decrease car parking spaces by one, not increase it as the applicant alludes.

iv) Parking spaces labelled 1, 2, 3, 4, 5, & 6 are listed in the current site layout plan as being in two rows of three spaces. This gives the impression that the area is larger than it is, and the illusion that the proposed building will be further away (thus not encroach) NC residences. In fact, these spaces are currently

Planning Services
Residents Services
T. 01895 250230
planning@hillingdon.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
3 North Civic Centre, High Street, Uxbridge, UB8 3UW

located along the back boundary wall in a single-line bay formation, and has just enough space for vehicles to manoeuvre out of these spaces without coming into contact with vehicles parked in spaces 11, 12, 13.

v) NC benefits from a small garden to the north of the property (i.e. between NC and the proposed plan). The current distance from resident's windows to the boundary wall is only 3.5m; The applicant intends to move the wall closer to NC, encroaching on and overlooking homes and loss of amenity.

vi) The plans fail to specify the close proximity to number 6 and 6a Brickwall close - approximately 3m. These homes are bungalows and this will encroach, overlook their home and cause significant loss of sunlight.

The applicant has submitted a number of applications over the last five years, most recently in 2021 (76364/APP/2021/1669) which was escalated to the Secretary of State Planning Inspectorate. In all cases, the applicant provided inaccurate supporting evidence which omitted key details which could have led to bias in his favour.

The proposed building is listed at 5.6m high and is in very close proximity to neighbouring dwellings and rear gardens. Policy DM1B 11 of the Hillingdon Local Plan: Part 2 states that new developments must incorporate the principles of good design and take into account the effect on neighbouring open spaces, environment and "should not adversely impact on the amenity, daylight and sunlight of adjacent properties." The proposed building will be built along the boundary and overlooking a designated area of "special local character (ASLC)" which has a character and identity local residents value and the council wishes to preserve or enhance. Our local planning policies seek to preserve or enhance the local architectural character and appearance of these areas. The proposed plans will not fit with the landscape of the area of special interest if it overlooks and would detract from the area's character. The area is already over-developed and is not in keeping with the current landscape.

The case officer has now been advised and your comments have been attached to the application. Once the application has been decided you will be notified of the decision, however please note, if the application sought is for a Certificate of Lawfulness we will not notify you of the decision as this application merely seeks the Council's view as to whether the said works can be carried out as permitted development.

In the meantime you are welcome to follow the progress of the application via the website or contact Nesha Burnham the officer dealing with this application on 01895 250230

Yours Faithfully

James Rodger
Head of Planning, Transportation and Regeneration

Proposed
offices

Photo D

