



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Anslip UK Limited

Proposal:
Construction of detached building to accommodate new management office
accommodation above replacement parking spaces

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

Our Ref: 76364/APP/2021/4604

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

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the construction of a detached building to accommodate new management office accommodation above replacement parking spaces.
- 1.2 The LPA refused planning permission on 25th March 2022 for the following reasons (as stated on the decision notice):
1. The proposed office management 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, at Neyland Court, number 19 Pembroke Road and numbers 4, 6, 6a and 8 Brickwall Lane, in terms of loss of outlook, overshadowing, overbearing impact, sense of enclosure and perceived loss of privacy. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 – Development Management Policies (January 2020) and the National Planning Policy Framework (2021).
 2. The proposed boundary treatment comprising brick wall, piers and metal railings, by virtue of its proximity, length, 1.8 metre height and design would cause significant harm to the residential amenities of the existing occupiers of the ground floor flats at Neyland Court, in terms of loss of outlook, overbearing impact and sense of enclosure. The proposal would therefore result in substandard forms of internal residential accommodation to the detriment of the amenity of the existing occupiers at Neyland Court. This would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).
 3. The proposed development, by virtue of the proximity of the on-site car parking spaces labelled 13 to 16 and the inadequate provision of soft landscaping screening, would cause unacceptable noise, disturbance, overlooking and a loss of privacy (both real and perceived) for the existing occupiers of the ground floor flats at Neyland Court. The proposal would therefore result in substandard forms of internal residential accommodation to the detriment of the amenity of the existing occupiers at Neyland Court. This would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).
 4. The proposed development, by virtue of the proximity of the on-site car parking spaces labelled 13 to 16 and the inadequate provision of soft landscaping screening, would severely undermine the quality, usability and functionality of the communal amenity space at Neyland Court. The proposal would therefore result in substandard forms of external residential accommodation to the detriment of the amenity of the existing occupiers at Neyland Court. This would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).
- 1.3 The LPA's case is set out in the planning committee report, which should be read in conjunction with this statement. A copy of the committee report is provided in the Appendix.

- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 The Council acknowledges that an office management building to the rear of Pembroke House (the neighbouring site) was allowed at appeal in 2019 (ref: 38335/APP/2019/4066). However, each planning application must be assessed on its individual merits. The separation distance between the allowed office management building at Pembroke House and the properties to the rear of the site on Brickwall Lane is substantially greater than the Appeal proposal. It is therefore considered that the Appeal Decision relating to Pembroke House, does not in itself justify the proposal at Neyland Court.
- 2.2 It is worth highlighting that the constructed office management to the rear of Pembroke House, which was allowed at appeal, has not been built in accordance with the approved drawings and contains residential accommodation. In addition to this, an unauthorised car port has recently been erected to the rear of Neyland Court. Complaints from neighbouring residents have also been received about the use of the car park at Neyland Court for commercial purposes. All these alleged unauthorised developments are currently being investigated by the Council's Enforcement Department.
- 2.2 As stated in the Committee Report, an office management building to the rear of Neyland Court was recently dismissed at appeal (ref: APP/R5510/W/21/3279874). The Inspector upheld the Council's putative ground for refusal in respect to harm to the living conditions of neighbouring occupiers (refer to Appendix 2 for a copy of the dismissed Appeal Decision).
- 2.3 The Committee Report (ref: 76364/APP/2021/4604) for this subject appeal proposal gave due regard to the fact that the position of the proposed office management building would be positioned along the rear boundary of the site. However, it was considered that this amendment by itself failed to sufficiently address the concerns raised by the Inspector in the dismissed Appeal Decision at Neyland Court (ref: APP/R5510/W/21/3279874). Refer to section 7.08 of the Committee Report for further details (see Appendix 1).
- 2.4 Due to its relationship, together with the scale, size, massing, bulk and height of the proposed office building, it is considered that the development would be oppressive and overwhelming such that it would lead to an unacceptable loss of outlook, overshadowing, sense of enclosure and loss of privacy for neighbouring occupiers. Notably, the occupiers at Nos. 4, 6, 6a, 8 Brickwall Lane, No. 19 Pembroke Road and Neyland Court.
- 2.5 The proposed 1.8 metre high boundary treatment would be positioned closer to the rear elevation windows of the ground floor flats at Neyland Court than the existing boundary treatment. With a limited separation gap of approximately 4 metres (at the closest point), between the proposed boundary treatment and the ground floor rear windows, it is considered that this aspect of the proposed development would

significantly compromise the outlook and result in a sense of enclosure for the occupiers of the ground floor flats at Neyland Court. The nature and design of the proposed boundary treatment would also give rise to increased noise and disturbance and a loss of privacy for the occupiers of the ground floor flats at Neyland Court.

- 2.6 Furthermore, it is considered that the quality, useability and functionality of the communal amenity space serving the occupiers at Neyland Court would be severely undermined by the proposed boundary treatment and changes to the site layout.
- 2.7 The Appellant's Statement claims that the Council has not worked with the applicant in a positive and proactive way. This is strongly refuted by the Council. Paragraph 39 of the NPPF (2021) states that "Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community." The applicant decided not to apply for pre-application advice, despite the previously proposed office management building at Neyland Court being dismissed at appeal (ref: APP/R5510/W/21/3279874).

3. Conclusion

- 3.1 To conclude, the Appeal scheme would cause significant harm to residential amenity for the reasons discussed in the Committee Report (ref: 76364/APP/2021/4604). The proposal therefore conflicts with national, regional and local planning policies and guidance.
- 3.2 The Inspector is therefore respectfully requested to dismiss this appeal.

Appendices

Appendix 1– Neyland Court Committee Report (ref: 76364/APP/2021/4604)

Appendix 2- Dismissed Appeal Decision for an office management building at Neyland Court (ref: APP/R5510/W/21/3279874)