
Appeal Decision

Site visit made on 16 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/R5510/W/22/3300805
103 Hillingdon Hill, Uxbridge UB10 0JQ

- 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 Pradeep Mehta against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 2699/APP/2021/2808, dated 13 July 2021, was refused by notice dated 17 January 2022.
 - The development proposed is demolition of an existing outbuilding and erection of a 2 storey office outbuilding, including 3 parking spaces.
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Decision

1. The appeal is allowed. Planning permission is granted for demolition of an existing outbuilding and erection of a 2 storey office outbuilding, including 2 parking spaces at 103 Hillingdon Hill, Uxbridge UB10 0JQ in accordance with the terms of the application Ref 2699/APP/2021/2808 dated 13 July 2021 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 15/2945/1, 21/3421/105, 15/2945/6, 21/3421/103, 21/3421/103 REV A, 21/3421/102 A, 21/3421/104 & 15/2945/7.
 - 3) The hereby approved office building shall be used as an office and for no other purpose (including those within its use class).
 - 4) The proposed roof lights shall be conservation style roof lights, which are finished in black and are set flush against the roof of the proposed development.

Procedural Matters

2. The formal description above has been amended from that in the banner heading to reference 2 parking spaces. This is in line with the description of the Council and with the level of parking indicated within the evidence.
3. A daylight and sunlight report¹ has been submitted alongside the appeal. The Council have considered the report. The evidence indicates that the Council accept that there would be no unacceptable adverse impact on the living conditions of the occupiers of No.s 101, 103 and 105 Hillingdon Hill with regard to daylight and sunlight. It is also accepted that the rear amenity spaces of those properties would

¹ Daylight and Sunlight Report, Daylight and Sunlight (UK) Limited 1895/JN June 2022.

not be subject to any unacceptable overshadowing, including the garden areas to the rear of No.101 Hillingdon Hill.

Main Issues

4. The first main issue therefore is the effect of the proposal on the living conditions of the occupier of No. 101A Hillingdon Hill with particular regard to the effect on daylight to its first-floor bedroom window. The second main issue is the effect of the proposal on the living conditions of occupiers of No.s 101, 101A, 103A and 105A with regard to outlook from the rear windows and gardens.

Reasons

5. The Office building would be built to the rear of the main building at 103 Hillingdon Hill, sitting a reasonable distance to the north. It would be built in place of existing, lower outbuildings in an area that has a degree of dereliction as a result of tipping and limited maintenance. To the east, the rear areas of the commercial premises fronting Hillingdon Hill host a variety of buildings and off shots of differing scales.

Light & Outlook – 101A Hillingdon Hill

6. The evidence indicates that the first-floor window to the rear of No. 101 forms a bedroom window serving a flat at No. 101A Hillingdon Hill. The proposed building would not therefore be likely to adversely affect sunlight to this window given it would be positioned to the north.
7. Further, the building incorporates a pitched roof to its southern elevation which would serve to limit its bulk and mass when viewed from this window. The design of the building, its distance from the window, including the right of way (ROW) which separates 101 Hillingdon Hill and the appeal site lead me to consider that there would be no significant adverse impact on the living conditions of the residential occupier at 101A Hillingdon Hill.
8. Nevertheless, although not identified on the plan 1895/D&S/01 which accompanies the daylight and sunlight report, the report appears to have taken account of this window. It identifies only a very small reduction in vertical sky component, indicating only a very minor impact on daylight.
9. Taking account of the above matters, I therefore conclude that there would be no significant adverse impact on the living conditions of the occupier at No. 101A Hillingdon Hill with regard to daylight, sunlight and, given the position of the window in relation to the proposed building, outlook, especially given that open outlook would be retained across the gardens to the north and west.

Outlook – rear windows and gardens

10. Given the positioning of the building well away from the main rear elevations of No.s 101, 103A and 105A Hillingdon Hill, its limited height which would not be much in excess of the bottom of many nearby first floor windows and the pitched roof which would further limit any impact, the building would not have any significant impact on outlook from the main rear elevations.
11. There would perhaps be a greater impact on outlook from what are identified as possible habitable room windows within an off shoot to the rear of No. 105 Hillingdon Hill. However, these windows are set off from the site of the proposed building and already have a somewhat constrained outlook by reason of the existing tall fence and garage behind. There would therefore be no significant adverse impact on outlook from these windows.

12. Most of the nearby gardens are enclosed by tall boundary treatment, limiting outlook from them. Gardens to the rear of 101 Hillingdon Hill would benefit from some separation from the office building by reason of the ROW in between and again would retain some outlook to the west and north towards other gardens. I have not therefore identified any significant adverse impacts on the living conditions of neighbouring occupiers in relation to outlook.
13. The proposal would subsequently accord with Policy BE1 of the Hillingdon Local Plan Part 1 Strategic Policies (2012) and Policy DMHB 11 of the Local Plan Part 2 Development Management Policies (2020) (LPP2).
14. Amongst other things, these policies require development that is appropriate to local context which seeks to protect the amenity of surrounding land and buildings, particularly residential properties. Development proposals should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
15. Policy DHMD1 of the LPP2 does not appear to be relevant to the proposal as it relates to alterations and extensions to residential dwellings.

Other Matters

16. There does appear to be an option for a smaller office building as the result of an extant planning permission. However, the appellant has advised that it would not be financially viable to pursue this option and, in any event, I have not identified any significant adverse impacts as a result of this proposal. I therefore afford the existence of this permission limited weight.
17. The windows within the north facing roof slope of the office building would overlook the parking spaces and the rear lane to the north. The proposal would not therefore infringe the privacy of neighbouring occupiers. Further, a bin store area is proposed to the north of the building to accommodate rubbish.
18. The Council considers that the proposal would preserve the character and appearance of the Hillingdon Village Conservation Area within which it would be located and I have no reason to disagree.

Conditions

19. Conditions have been suggested by the Council. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. Conditions relating to the use of the building and rooflights are necessary in the interests of the living conditions of nearby occupiers and the character and appearance of the area respectively.

Conclusion

20. Taking all relevant matters into account, the proposal accords with the development plan and there is no indication that a decision should be made other than in accordance with it. The appeal is therefore allowed.

T J Burnham

INSPECTOR