

Appeal Decision

Site visit made on 31 May 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/R5510/W/22/3307084

89-91 Ryefield Parade, Joel Street, Hillingdon, Northwood HA6 1LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Lipman against the Council of the London Borough of Hillingdon.
 - The application 75510/APP/2022/914 is dated 17 March 2022.
 - The development proposed is alterations to roof including raising hipped end to gable, increase in roof height over back addition, new dormer window to rear and side elevations and new velux roof windows to front elevation and conversion of roof to form 2bed flat
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Lipman against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant has submitted amended drawings with the appeal showing the proposed cycle spaces and internal headspace. I am satisfied these are minor alterations. As such, and having regard to the Wheatcroft principles¹ and guidance², I am satisfied there is no risk of prejudice if I take the amended plans into account and have determined the appeal on this basis.

Main Issue

4. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit, and representations from the parties I consider the main issues to be: the effect of the development on the character and appearance of the area; the effect of the development on the living conditions of future occupiers with regard to outlook, light and provision of internal and external space; and whether the development provides adequate cycle parking.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

² 'Procedural Guide Planning Appeals – England'

Reasons

Character and appearance

5. The site is part of a row of three storey buildings at Ryefield Parade on Joel Street, with commercial units at street level and residential uses above. It is at the junction with Tolcarne Road, which slopes down towards a more residential street defined by two storey dwellings. The appeal property integrates well in these surrounds. To the front it reflects the scale of other buildings on Ryefield Parade while to the rear the lower height of its uncovered external staircase marks the transition to smaller scaled built form on Tolcarne Road. As such, it contributes positively to the surrounding character.
6. The proposal would convert the roofspace of the property to provide a two bedroom flat. This would involve, among other things, alterations to the roof to form a gable end feature at the end of the terrace. From the front elevation these alterations would assimilate with the remainder of the terrace, creating a more consistent roof form along Ryefield Parade.
7. However, due to its prominent corner plot, the side and rear impact of these alterations would also be readily visible. In increasing the roof height over the back addition the proposal would add significant additional built form to the property, increasing the height and bulk of this section of the building. From Tolcarne Road and the adjoining part of Joel Street this would increase the prominence of the property. This would result in a dominant feature at this section of the streetscene, further highlighted by the presence of glazing in the upper floors, such that even acknowledging its set down from the ridge and rear positioning, this element of the proposal would fail to read as subordinate or to respect the original character or proportions of the property.
8. While the back addition would enclose the rear staircase and provide protection from inclement weather, it would bring the height of this section of the property largely in line with the main rear roof height of the building. This would erode the important visual transition to the lower built form on Tolcarne Drive. Despite the gap between the site and its immediate neighbour to the rear, this additional built form would appear visually jarring and overwhelming in the context of adjacent two storey dwellings. It would conflict with the overarching character of development on Tolcarne Road to a greater extent than the current situation, causing a notable degree of visual harm.
9. The proposal would also introduce a side and rear dormer at the property. While these are not common features of the immediate terrace they would be set within the roofscape so as to not be visible from the front elevation. Views of the dormers would be possible from the rear of Ryefield Parade and from Ryefield Crescent. However, in the context of the dormer additions at the neighbouring dwelling on Tolcarne Road and against the varied rear elevation of Ryefield Parade, they would not appear incongruous or unduly disruptive in their own right. As such, this element of the proposal alone would not harm the character and appearance of either the property or the surrounds.
10. Nevertheless, for the reasons given, the proposal would overall result in significant harm to the character and appearance of the area. In this regard, it would fail to comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies November 2012; Policies DMHB11 and DHMB12 of the Hillingdon Local Plan: Part Two - Development Management Policies January

2020 (the DMP); and Policies D1, D3 and D4 of the London Plan 2021 and the provisions of the National Planning Policy Framework insofar as they seek to ensure good design in the public realm that harmonises with the local context, including extensions and alterations that are subordinate and do not impact the character of the street or wider area.

Living Conditions

11. A daylight and sunlight assessment was not provided. Nevertheless, it is clear from the submitted information that the kitchen/ living area of the proposal would be served by a dormer window and rooflights of sufficient size proportionate to the room to ensure adequate light would reach this space. While Bedroom 1 is served only by a single window, this is sizeable and would ensure appropriate light levels for this room. In addition, although this bedroom would be single aspect, the dimensions of the window and its set back from surrounding built form would also ensure an adequate outlook.
12. However, Bedroom 2 would be served only by a pair of rooflights along the front roof slope. These appear to be of constrained dimensions relative to the room size, such that on their own they would provide limited light. In addition, the angle and positioning of these rooflights would create a constrained outlook, negatively impacting the enjoyment and useability of this room and harming the living conditions of future occupiers.
13. It is agreed between the main parties that the proposal would exceed the policy requirements with regard to internal floorspace. Concerns have been raised by the Council as to whether the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area of the flat. However, the updated plan provided with the appeal demonstrates that this would largely be the case. Although there is a minimal shortfall, combined with the over-provision of floorspace, the overall ceiling height of the proposal would ensure the internal space would not be so cramped as to be unsuitable for day to day living.
14. Nevertheless, Policy DMHB18 of the DMP states all new residential development must provide quality, useable, private outdoor amenity space, with a minimum of 25sqm of such space for two bedroom flats. I acknowledge that the proposal is sited above commercial premises, limiting the potential for external space. Nevertheless, while the internal space of the proposal would exceed the minimum requirements and public open space is nearby, it remains that the proposal would not provide any private external amenity space to meet the day to day needs of future residents, contrary to Policy DMHB18. This would result in harm to the living conditions of future occupiers.
15. For the reasons given, while the proposal would not result in harm to living conditions of future occupiers with regard to internal space provision, it would cause such harm with regard to external space provision, outlook and light. As such, it would fail to comply with Policy DMHB18 of the DMP and Policy D6 of the London Plan insofar as they seek to ensure high quality designed development with rooms that are fit for purpose and provide adequate light, and adequate private external amenity space. While the Council has also cited Policy DMHB16 of the DMP, as this relates to internal space provision I have found no conflict with this policy.

Cycle Parking

16. The proposal would provide two cycle parking spaces. While the Council has not raised an objection to the number of spaces proposed, it had concerns as to the location of such cycle parking. However, the updated plans submitted with the appeal show that two cycle parking spaces would be provided under the external staircase, accessed by a security gate.
17. This would provide safe, secure and covered cycle parking with adequate room for two spaces. It would be easily accessible to future occupiers, located close to the communal entrance staircase and negating the need for the bicycles to be carried upstairs to the flat. On this basis, subject to a condition that the proposal be developed and maintained in accordance with the relevant plan, I am satisfied it would make adequate provision for cycle parking.
18. For the reasons given, the proposal would provide adequate cycle parking. As such, there would be no conflict with Policies DMT5 and DMHB11 of the DMP and Policy T5 of the London Plan insofar as they seek to ensure adequate external storage, including provision of secure and well-located cycle parking.

Other Matters

19. The proposal would reuse the current vacant roofspace to create a new residential unit in a suitable town centre location. This provision of additional housing, optimising the use of the site, represents a benefit of the scheme. However, given the single dwelling nature of the proposal this benefit carries only moderate weight.

Planning Balance and Conclusion

20. I have found that the proposal would not result in harm to the living conditions of future occupiers with regard to cycle space provision and internal space provision. The main parties also agree that the proposal would not cause harm to the living conditions of neighbouring residents or to highway safety. Based on my observations I have no reason to disagree. These matters represent a lack of harm, which is neutral in the planning balance.
21. However, I have found that the proposal would cause harm to the character and appearance of the area, and to the living conditions of future residents with regard to the provision of private external amenity space, and outlook and light. I attribute significant weight to this harm, which would not be outweighed by the benefits highlighted above.
22. As such, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

C Rafferty

INSPECTOR