



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Lipman

Proposal:
Conversion of roof space to habitable use to form 1 no. two-bed flat, including a rear and side dormer with 2 front roof lights and conversion of roof from hip to gable end with new gable end window and raising the roof height including raising the height of the rear staircase enclosure

Appeal Site:
89-91 Ryefield Parade, Joel Street, Northwood, HA6 1LW

1. Introduction

Our Ref: 75385/APP/2021/2547

Your Ref: APP/R5510/W/22/3292951

- 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 the non-determination of the conversion of roof space to habitable use to form 1 no two-bed flat, including a rear and side dormer with 2 front roof lights and conversion of roof from hip to gable end with new gable end window and raising the roof height including raising the height of the rear staircase enclosure (Planning Application Reference: 75510/APP/2022/914).
- 1.2 Had an appeal on the grounds of non-determination not been received the Local Planning Authority would have refused planning permission for the following reasons:
1. By virtue of its siting, size, scale, bulk, massing, height, design and external finish, the proposed development, together with the gable end, brick parapet upstand, extension over existing outrigger and rear and side dormer and extended, would result in a dominant, incongruous and visually obtrusive form of development. The proposal would therefore cause significant harm to the character, appearance and visual amenities of the host building, the visual amenity of the street scene and the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan and Chapter 12 of the National Planning Policy Framework (2021).
 2. The proposed development, by virtue of its poor outlook, poor levels of natural light and inadequate external amenity space provision would result in a substandard form of residential accommodation to the detriment of the amenity of future occupants. The proposal would therefore be contrary to Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policy D6 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).
 3. The proposed development has failed to provide adequate provision for 2 cycle stores. Due to the constrained nature of the site, it is questioned whether there is available space to secure a cycle store that would not prejudice the quality of accommodation for existing or future occupiers at the site. The proposal would therefore conflict with Policies DMHB 11 and DMT 5 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policy T5 of the London Plan (2021) and Chapter 9 of the National Planning Policy Framework (2021).
- 1.3 The LPA's case is set out in this Appeal Statement.

2. LPA's Statement of Case

2.1 Site and Locality

The application site is located on the eastern side of Joel Street at the junction with Tolcarne Road. The building comprises a shop (no. 89), and a restaurant/takeaway (no. 91) at ground floor and residential accommodation on the first and second floor.

The existing property features a hipped roof facing Tolcarne Drive, and a two-storey outrigger to its rear with an external staircase leading to the residential units above. The existing staircase serves the 10 existing flats on the first and second floor of the shopping parade.

The site forms part of the Northwood Hills Town Centre and Secondary Shopping Area as identified by the Local Plan Policies. The site lies in a Critical Drainage Area and has a Public Transport Accessibility Level rating of 2 (low).

2.2 Proposed Scheme

The application seeks planning permission for the conversion of the roof space to habitable use to form 1 no. 2 bed flat, including a rear and side dormer with 2 front roof lights and conversion of roof from hip to gable end with new gable end window and raising of roof height.

2.3 Comments on Planning History

No recent relevant planning history.

2.4 Comments on Public Consultation

30 neighbouring properties and Northwood Hills Residents Association were consulted on 17.06.2022.

One comment was received by the end of the consultation period which recommended a second dormer window over the staircase as little head room and recommended that the staircase should be covered.

2.5 Main Planning Issues

The main considerations are:

- The design and impact on the character and appearance of the existing building, and the impact upon the street scene and locality;
- The impact upon the amenities of adjoining occupiers;
- Traffic Impact and Highway Safety;
- Internal and External Amenity Provision

Character and Appearance

Paragraph 126 of the NPPF (2021) seeks the creation of high quality, beautiful and sustainable buildings. Parts b) and c) of paragraph 130 of the NPPF (2021) states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment.

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

In line with the roof conversion, the proposal seeks to convert the existing hipped roof to a gable end. The ridge line of the proposed use will be set 0.5m below the ridge of the neighbouring roof, in a similar manner to the existing. In isolation the hip-to-gable end roof profile would be consistent with the existing gable-end given the end of this shopping parade has a gable end. However, when viewed within the street context of this visually prominent corner site, the scale of the gable-end with large, glazed window would appear harmfully large and visually dominant within the street scene. This is particularly notable from Tolcarne Drive where the gradient of the road slopes down towards the primarily two-storey residential dwellings.

The proposed gable roof to the rear will be extended above the existing outrigger and existing stairs by approximately 5.9m. The bulk of the extension to the rear, when considering the 4-storey height (effectively with the appearance of a larger than 4-storey scale when considering the sloped Tolcarne Avenue), would be highly conspicuous along Ryefield Parade and when approaching the site from Tolcarne Avenue. The height of the existing staircase enclosure is partly screened by virtue of its stepped height in comparison to the main building. However, the proposed development by virtue of the extension over the staircase would add considerable bulk to the application site which would appear as an overbearing addition to the street scene and would contribute to the overdevelopment of the site.

Due to its cumulative siting scale, size, massing, height and design the proposed additional storey, together with the rear and side dormer, hip to gable end, would dominate the appearance of the rear and side elevation of the host building and appear as a dominant, incongruous and visually obtrusive form of development. This would detriment the visual amenity of the street scene and character of the area.

Taking the above into consideration, by virtue of its siting, size, scale, bulk, massing, height, design and external finish, the proposed development, together with the gable end, brick parapet upstand, extension over existing outrigger and rear and side dormer and extended, would result in a dominant, incongruous, and visually obtrusive form of development. The proposal would therefore cause significant harm to the character, appearance and visual amenities of the host building and the visual amenity of the street scene as well as the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11 and

DMHB 12 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan and Chapter 12 of the National Planning Policy Framework (2021).

Residential Amenity

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states, amongst other criteria, that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

It is not considered that the proposed works to the roof extension would result in an unacceptable impact to neighbouring properties in terms of overshadowing or loss of light.

The dormer windows on the rear roof slope would overlook the rear service road/courtyard and it is not considered that they would result in unacceptable overlooking or loss of privacy to neighbouring properties. The proposed gable window on the side elevation, serving the bedroom would overlook Torcross Road and an existing service station. The proposed roof lights on the front of the application site would overlook Joel Street and not result in undue overlooking or loss of privacy.

Taking the above into consideration, it is not considered that the proposed development would result in unacceptable impacts in terms of residential amenity. Taking the above into consideration, the proposed development is considered acceptable in terms of the relevant planning policies.

Parking and Highway Safety

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway, junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must comply with the parking standards outlined in Appendix C, Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the maximum of 1-2 bedroom flats to have 1 to 1.5 spaces

per unit. In this case, the proposal would create 1 x two-bedroom flat with no off-street parking spaces.

The site has a PTAL rating of 2 (poor), however it is situated within walking distance to bus routes and Northwood Hills underground station. Given the proximity to public transport links, and the town centre location of the site, it is considered that it would not be necessary for occupants of the proposed dwelling to use a car to access day to day services. It is considered that given the proposal is for a 2-bedroom flat, any additional street parking pressure generated by the development is likely to be small and would not have a material impact on highway safety.

It is therefore considered on balance, that refusing this application on the grounds of highway safety and parking stress would not be reasonable.

Cycle Park Provision

Policy T5 of the London Plan (2021) requires cycle parking to be fit for purpose, secure and well located.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to provide a provision of cycle parking in accordance with Appendix C, Table 1, or in agreement with the Council.

The submitted Design and Access Statement states that 2 no. cycle spaces will be provided for the new flat. However, the submitted plans do not demonstrate where the cycle parking would be securely located. There are concerns as to where the proposed cycle parking could be located, given that there is no external amenity space provided. Taking consideration of the lack of amenity space to secure cycle parking, there is doubt as to whether an appropriate location could be secured. It is therefore considered that it would not be appropriate to secure a condition to resolve this matter.

Having regard to the above, it is considered that the proposed development would not provide adequate cycle parking provision for future occupiers of the proposed dwelling. The proposal would fail to accord with Policy T5 of the London Plan (2021) and Policy DMT 5 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) and Chapter 9 of the National Planning Policy Framework (2021).

Internal Amenity Space

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. In terms of GIA this requires at least 61sqm for a 2-bed, 3-person flat.

Policy D6 of the London Plan (2021) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy. Table 3.1 of the London Plan (2021) requires a two bedroom, 3 person occupancy, single storey dwelling to have a gross internal area of at least 61 square metres (and 2 square metres of built-in storage).

The proposed residential unit would provide 73 sqm, which would on face value appear to meet the minimum space standard requirement set out in Policy D6 of the London Plan (2021). However, given the proposed two-bedroom flat would be located in converted loft space, 10.1 of the DCLG's Technical housing standards (2015) states that 'the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area'. The application has failed to demonstrate that the proposed converted loft space can meet this requirement. Given the insufficient information provided regarding the proposed floor to ceiling height of the converted loft space, it is considered that the proposed dwellings would not provide adequate residential amenity for future occupiers.

In addition, bedroom 2 would only be served by two small roof lights on the front elevation of the site. Bedroom 1 would be served by a single window on the south elevation. Given the single aspect for the bedroom, and the south facing window, and provision of roof lights rather than windows with outlook, there are concerns that the light and outlook received in the two bedrooms would be poor and would provide less than attractive accommodation. Furthermore, a daylight and sunlight assessment has not been submitted to demonstrate that the proposed dwelling would provide a satisfactory level of sunlight and daylight for future occupiers.

It is considered that the proposed development would fail to provide an adequate standard of living conditions for future occupiers, in respect to outlook, light and floor area (in terms of head height). It would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and paragraph 130(f) of the NPPF (2021).

External Amenity Space

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Table 5.3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires 2-bedroom flats to have a minimum of 25 square metres of private outdoor amenity space.

There is no external amenity space provided for this proposed two-bedroom flat. In light of this, the proposal would not afford future occupiers with a satisfactory provision of external amenity space, contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130(f) of the NPPF (2021).

4. Conclusion

- 4.1 For the reasons set out in the Statement of Case, the proposal would result in significant harm to the character, appearance and visual amenities of the host building and the surrounding area, would not afford adequate living conditions for future occupiers, in terms of outlook, light and external amenity provision and insufficient evidence has been submitted to demonstrate that cycle store provisions could be accommodated on site, in an appropriate location, which would prejudice

the quality of living accommodation for existing or future occupiers. The Inspector is therefore respectfully requested to dismiss the appeal.

- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions