



Appeal Decision

Site visit made on 5 July 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2023

Appeal Ref: APP/R5510/W/23/3314927

69 High Street, Ruislip, Hillingdon, HA4 8JB

- 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 Richard Hennessy of Blubuild.com Limited against the decision of the London Borough of Hillingdon.
 - The application Ref 1983/APP/2022/2930, dated 22 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed is for an extension at the front of the property above the shopfront to provide 1 x self-contained flat (Use Class C3) at second floor level and erection of a new two storey building at the rear of the property to provide 1 x self-contained flat (Use Class C3) above an open loading bay with associated bin and cycle store.
-

Decision

1. The appeal is allowed and planning permission is granted for an extension at the front of the property above the shopfront to provide 1 x self-contained flat (Use Class C3) at second floor level and erection of a new two storey building at the rear of the property to provide 1 x self-contained flat (Use Class C3) above an open loading bay with associated bin and cycle store at 69 High Street, Ruislip, Hillingdon, HA4 8JB, in accordance with the terms of the application, Ref 1983/APP/2022/2930, dated 22 September 2022, and the plans submitted with it, subject to the conditions set out below.

Preliminary Matters

2. In the evidence provided, I note that planning permission has previously been granted for a similar development at the site. I have not been provided with copies of the previously approved plans and therefore have not been able to compare them with the proposed plans. It is however noted by both parties that the variance between the previously approved scheme and proposed plans relates principally to the set-back distance from the side site boundaries of the window section of the 2 bedrooms of flat No 3, to increase the floor area of the flat. Also, the external materials are proposed to be changed from render to brick on 3 elevations of flat No 3. I have had regard to such in making my decision.
3. The list of plans provided by the appellant is different to the plan numbers on the plans provided and referred to on the decision notice. I have referred to the plans provided in making my decision.
4. The Council has referred to a previous appeal decision on this site. I have not been provided with a copy of this or any details of the development proposal to which it relates and therefore, I have not been able to take this into account in making my decision.

Main Issue

5. The main issue is whether the proposed development would provide adequate living conditions for the future occupiers of flat No 3 of the development, in respect of outlook and light for bedrooms 1 and 2 of the flat.

Reasons

6. The appeal site comprises a commercial unit fronting High Street with one flat above. There is a parking and loading area at the rear, accessed via a service road leading from Midcroft. The appeal building is within a mixed-use area, in a row of commercial properties along High Street, with some flats above and to the rear of the commercial units. Beyond the service road to the rear of the appeal site, is a residential area. The site lies within the Ruislip Village Conservation Area.
7. The proposed flat No 3 would be located above the service yard area and comprise a 2-bedroom flat.

Outlook

8. The appeal proposal is a resubmission of a previously approved scheme, to include some proposed alterations.
9. The alteration which is of concern is the reduced set-back distance between the side windows of the bedrooms of flat No 3 to the side boundaries of the site. The reduction, results in a set-back from the side boundaries of approximately 1 metre, as opposed to the previously approved set-back distance of approximately 2 metres.
10. Whilst the set-back from the boundary would be reduced to approximately 1 metre, I have observed that there are no immediate buildings or solid structures on the side boundaries of the site or within the immediate neighbouring sites at the same height or above that of the proposed side elevation bedroom windows.
11. In terms of outlook from the side window of bedroom 2, the nearest solid structure would be the side elevation of the projecting rear 2-storey element of Nos 75-79 High Street, which is set a two-plot width (some 15 metres) distance away from the appeal boundary.
12. In terms of outlook from the side window of bedroom 1, there is a metal external staircase leading to the single storey flat roof area at the rear of No 67 High Street. However, this staircase would not be directly in front of the proposed side window of bedroom 1.
13. As such, there are no existing buildings or other structures that would block or negatively impact on the outlook from the two proposed bedroom side windows of flat No 3.
14. Therefore, in having regard to the site context and relationship to its surroundings, the separation to the side boundaries would be sufficient, and accordingly the proposal would not create an unacceptable level of outlook from the side facing bedroom windows of flat No 3.
15. Whilst the previously approved application included a greater set-back separation distance between the two side facing bedroom windows and the site

boundaries, this still would have had to have borrowed space from the neighbouring sites to ensure appropriate outlook, as there remains the same existing neighbouring context. The reduced set-back from the boundaries of only 1 metre to either side boundary, would not therefore discernibly change the relationship in terms of outlook.

16. Therefore, in having regard to the existing site context and its surroundings, the outlook of the proposed flat No 3 side elevation bedroom windows would be acceptable, and development plan policy would be met in this regard.

Light

17. In respect of daylight analysis, the report provided by the appellant shows that the rear bedrooms will achieve 100 lux for 50% of the available daylight hours to 100% and 97% respectively of the total room floor area, which is above the 50% recommended guideline standard of the BRE guidelines for daylight. The report also notes that the glass transmission value has taken account of the obscured glass proposed and concludes the bedrooms will be adequately day lit.
18. In respect of sunlight, the appellant notes that the BRE guidelines set out that it is viewed as less important in bedrooms to have sunlight and so in their opinion the bedrooms will be adequately lit. The analysis undertaken and figures provided show that one of the 2 bedrooms (bedroom No 2) will receive sunlight exposure for a limited part of the day (for less than 4 hours).
19. The Council state that no assessment has been provided of the acceptability of sunlight to the proposed dwelling. But I have no evidence to the contrary from the Council in this regard. The appellants submitted sunlight and daylight report clearly concludes that acceptable daylight standards would be provided in line with the BRE guidelines and furthermore that sunlight provision is less important for bedrooms. I have no evidence to dispute such. I have also had regard to the fact that the difference between the separation distance to each of the side site boundaries would only 1 metre different in comparison to that of the scheme previously approved, which is not a discernible difference.
20. The appeal proposal would therefore provide adequate levels of daylight and sunlight to the future occupiers of the development.
21. The Council has raised concern about the outlook from and level of daylight received by the flat's bedroom windows if future development were to take place on the adjoining sites. However, no evidence has been provided to demonstrate that there is likely to be future potential redevelopment of the adjacent sites, nor that it would be negatively affected by the proposed development. Therefore, this does not weigh against the proposal.
22. The proposals would not materially diminish the quality of the previously approved scheme, as acceptable living standards would be provided for the future occupiers and the proposals are acceptable in all other regards. The proposal does not therefore conflict with the Framework in such regard.
23. In view of the above, the proposed development would provide adequate living conditions for the future occupiers of flat No 3, as such, the proposal would not conflict with Policies D3 and D6 of the London Plan (2021) and Policies DMHB 11 and DMHB 16 of the LBHLP (2020), which seek amongst other things to

ensure development proposals should deliver appropriate outlook, privacy, and amenity.

Other Matters

24. It is appreciated that the Council undertook extensive negotiation and provided guidance to the appellant on the previously approved scheme to ensure a greater set-back to the side boundaries. However, as I have found that the development would provide adequate living conditions for the future occupiers of flat No 3, this does not weigh against the proposal in the planning balance.
25. The appeal site lies within the Ruislip Village Conservation Area. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The design, siting and scale of the proposal would be broadly in keeping with the surrounding area and the external materials could be reasonably controlled by way of condition. Consequently, the proposal would preserve the character and appearance, and therefore the significance, of the Ruislip Village Conservation Area.

Conditions

26. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the scheme should accord.
27. A condition is necessary to ensure acceptable external materials are used within the development, in order to protect the character and appearance of the surrounding area, including the Ruislip Village Conservation Area.
28. Cycle storage and bin store conditions are necessary to ensure such provision is maintained for the lifetime of the development for the benefit of the occupiers of the units. The cycle storage would support sustainable transport and the bin store will protect the general amenities of the surrounding area.
29. A condition to obscure the windows of the rear elevation of the bedrooms of flat 3 is necessary, to protect the living conditions of occupiers of nearby residential properties from overlooking.
30. Also, a condition is necessary for a Construction Management Plan. This would ensure the demolition and construction phases of the development do not have a negative effect on the amenity of the surrounding area. Also, this would protect the residential amenity of occupiers of nearby properties and the safe operation of the local highway.

Conclusion

31. For the reasons given above, I conclude that the appeal should succeed, and I grant planning permission for the development.

C Billings

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the submitted plan Nos 746/101-P1, 746/102- P3, 746/104-P1, 746/105-P3, 746/106-P3, 746/107-P1
- 3) No external elevation works shall take place until details of all external materials to be used in the development have been submitted to and agreed in writing by the Local Planning Authority. This shall include details of the elevation materials, windows and boundary treatment or enclosures to be used. The development shall thereafter be carried out in accordance with the approved details.
- 4) Prior to the commencement of development or any demolition and site preparation works, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
 - (i) The phasing of development works.
 - (ii) The hours during which development works will occur.
 - (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
 - (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
 - (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
 - (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
 - (vii) The storage of demolition/construction materials on site.

The approved details contained within the CMP shall be implemented and adhered to throughout the duration of the demolition and construction works.

- 5) The first floor windows in the rear elevation of flat No 3 shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level.
- 6) The cycle storage shall be provided, in accordance with details shown on the approved plans, prior to the occupation of any part of the development

hereby approved. Thereafter, the cycle storage shall be retained and be kept available for the use of cyclists for the lifetime of the development.

- 7) The refuse and recycling storage area shall be provided, in accordance with details shown on the approved plans, prior to first occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development.