



Appeal Decision

Site visit made on 29 September 2020

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: **APP/R5510/W/20/3254119**

106 Pembroke Road, Ruislip, HA4 8NW

- 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 Sixis Group against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10744/APP/2020/230, dated 23 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is the construction of a third-floor extension to provide 2x1-bed units and 1x3-bed unit with removal of rear servicing flues and replacement external lift shaft.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area, ii) the setting of the adjacent listed building, and iii) the living conditions of the occupiers of 108 Pembroke Road, with specific regard to any loss of light

Reasons

Character and appearance

3. In the street and area surrounding the appeal site, there are a variety of building heights and styles. On Pembroke Road, there are generally shorter buildings to the west, and taller buildings to the east, towards the junction with Victoria Road. Buildings then have a reasonably consistent height from the appeal site to the junction and along the other arms of the junction. Along all four arms of the junction building heights fall away the further one travels from the junction. The appeal site, the relatively new buildings opposite, and the adjacent 3-storey residential and retail building are broadly consistent with this character and appearance. The Windmill Hall, despite being single-storey with a tower on the corner, contributes to this changing-scale character. Its scale, height and appearance marks the transition from lower buildings away from the junction towards the taller buildings of a broadly consistent height and scale, including the appeal site which surround the junction.
4. As a result of the proposed additional storey, the appeal site would appear markedly taller than the rest of the buildings in the area around it. This would disrupt the established rhythm, character and appearance of the area. Although the proposal would be set back from the main elevations of the host

building, I do not consider that this would reduce the visibility of the proposal to such a degree to offset, or mitigate against the noticeable additional, uncharacteristic height. The proposal would also be visible in longer views along both Pembroke Road and from Park Way across the junction. This visibility would in my view, add to the incongruity of the proposal within the established character, appearance and scale of the area.

5. I note that there are other buildings in the area which have a similar form to the appeal proposal. However, given their overall scale and relationship to the street-scene and surrounding buildings, I do not consider that they in themselves offer any irresistible precedent for the appeal proposal, or otherwise alter my conclusions.
6. The proposal would therefore harm the character and appearance of the area. As such, it would be contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies, November 2012 (the Strategic Local Plan) and to Policies DMHB11 and DMHB12 of the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies, 2020 (the DM Local Plan). These policies seek, amongst other things to ensure that development improves and maintains the quality of the built environment, respects the local distinctiveness of the area, including its sense of place, form and scale. The policies also seek to ensure that new development harmonises with the local context, particularly in terms of established character, scale, height, mass, bulk and streetscape pattern and rhythm.

Setting of the listed building

7. The appeal site is immediately adjacent to the Windmill Hall, a Grade II listed former Air Raid Precautions (ARP) building. The building dates from the second world war and was originally built to counter the effects of potential gas warfare on civilians. As such, the building is a physical manifestation of a civil defence response to a perceived threat in the early part of the war. Its significance as a designated heritage asset is also found in that physical manifestation.
8. Given the age of the appeal site, and the relative age of the listed building, I do not consider that the appeal proposal would have any greater effect on the setting of the listed building than the construction of the host building itself. The host building post-dates the listed building, and as both the HIA and listing description make clear, the significance of the listed building is found more in what it is, was and represents than in the buildings immediately surrounding it. That significance would not change. Instead, I consider that the appeal proposal would be consistent with previous changes to the setting of the listed building, that is, the post war development of the land and buildings around it. The nature and scale of the listed building would not be affected by the appeal proposal, nor would the ability to appreciate and understand the building be affected, particularly in light of the relative scale of the appeal proposal compared to the host building itself and the existing relationship with the listed building.
9. Therefore, I find the proposal would not harm the setting of the listed building or any features of special architectural or historic interest which it possesses. Having regard to the great weight which should be given to the asset's conservation, the proposal would not harm its significance as a designated asset.

10. As such, it would not be in conflict with Policy HE1 of the Strategic Local Plan, or Policy DMHB2 of the DM Local Plan. These policies seek, amongst other things, to ensure that development proposals would conserve and enhance the historic environment of the Borough, including the setting and significance of listed buildings within it. The proposal would also accord with the requirements of the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment.

Living conditions

11. The appeal site lies to the west of 108 Pembroke Road (No 108) which, like its neighbours, has a private outdoor amenity space at first floor level, above the rear of the ground-floor commercial units.
12. The host building on the appeal site, at 3-storeys in height already casts a shadow across this outdoor amenity space at certain times of day. Whilst the appeal proposal would increase the overall height of the building adjacent to No 108 I do not consider that the increased height would lead to such increased overshadowing or loss of light as to be unacceptably harmful. In reaching this conclusion, I note that the southerly aspect of No 108 would be unchanged, and the conclusions of the report provided by the appellant which highlights that the most noticeable reduction in light would be on the communal walkway, but that even this reduction would fall within acceptable criteria.
13. The proposal would therefore comply with Policy DMHB11 of the DM Local Plan, which seeks to ensure that new development does not adversely impact on the amenity of occupiers of adjacent properties.

Conclusion

14. I have found that the proposal would be acceptable in terms of its effect on the setting of the adjacent listed building, and the living conditions of the occupiers of 108 Pembroke Road. However, I consider that the harm I have found with regard to its effect on the character and appearance of the area is such that it would be significantly contrary to the development plan. I acknowledge that in their decision on the application, the Council have taken together the effect of the proposal on the setting of the listed building and the effect on the character and appearance of the area. However, to my mind, whilst the setting of the listed building is a part of the character and appearance of the area, the character and appearance of the area is more than the setting of the listed building. Therefore, as issues to be considered, the two are clearly separable. As such I have addressed them separately and consider that this is consistent with both the development plan and the guidance in the Framework.
15. As I have not found that there are any material considerations of such weight to indicate a decision be taken other than in accordance with the development plan, for the reasons given above I therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR