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## Appeal Decision

Site visit made on 29 September 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

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**Appeal Ref: APP/R5510/W/25/3369766**

**Upper Floors and Rear of 122-124 High Street, Ruislip HA4 8LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Golds Leisure Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 11894/APP/2024/3030.
  - The development proposed is the change of use of part of the rear of the building and upper floors from Class E to C3 to create six residential dwellings alongside associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The site address provided within the application form does not include the post code. As such, in the interests of clarity, in the banner heading above I have used the site address as it appears on the appeal form.
3. An interested party states that the ownership certificate that accompanied the application does not reflect the actual ownership of the site. In their final comments the appellant has confirmed that they own all of the land comprised in the appeal site. However, as the appeal is being dismissed for other reasons, this procedural matter is of limited consequence.
4. The appellant's submissions to the appeal include a 122 High Street, Ruislip – Views from Windows Note as well as an updated set of plans which shows a different arrangement in terms of obscured glazed windows.
5. Procedural guidance<sup>1</sup> sets out that the appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. In considering whether to accept the amended scheme, I have had regard to the 'Wheatcroft Principles' and the judgement in Holborn<sup>2</sup>.
6. While the proposed alterations would not significantly change the design of the proposed development, they have the potential to result in a different pattern of views from the windows. Therefore, the changes are substantive, and I cannot be

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<sup>1</sup> Planning appeals: procedural guide – England 2025

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]; Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

sure that all interested parties involved have had the opportunity to comment on them and the submitted supporting information related thereto.

7. Consequently, in view of the above and relevant case law, there would be procedural unfairness if I were to consider the proposed amended plans. Therefore, I have assessed the appeal scheme on the same plans as the Council made their decision.
8. A Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 has been provided as part of this appeal. The Council is satisfied that the UU would secure the necessary mitigation measures to assist it in delivering its air quality local action plan. Consequently, the Council has withdrawn reason for refusal 3. I shall return to this matter later on my decision.

### **Background and Main Issue**

9. Following a recent appeal decision<sup>3</sup> for the change of use of part of the rear of the building and upper floors from Class E to C3, and new upwards extension to create nine residential dwellings alongside associated works on the appeal site, the Council has confirmed that it no longer wishes to pursue reason for refusal 1. In addition, within reason for refusal 2, the Council has decided not to pursue its concerns relating to the quantum and quality of outdoor space. Based on the evidence before me, I see no reason to disagree.
10. Consequently, the main issue is whether the proposed development would provide satisfactory living conditions for the future occupants of flats 1 and 4 with particular regard to outlook.

### **Reasons**

11. The proposed floor plans show that flats 1 and 4 would be dual-aspect units. However, all the windows on these flats, including those serving habitable rooms, would be obscure glazed up to 1.7m above finished floor level. This arrangement would preclude any meaningful views towards the exterior environment. Therefore, future residents would not be provided with an adequate outlook, to the detriment of their living conditions.
12. The appellant has suggested that a condition related to the final window treatments could be imposed, were I minded to allow the appeal. However, doing so would likely modify the development in a way that would make it substantially different from that set out in the application, particularly because clear glazed windows would offer unrestricted views towards the exterior environment. Consequently, I do not find that imposing such a condition would be reasonable.
13. As such, the proposal would fail to provide satisfactory living conditions for the future occupants of flats 1 and 4, with particular regard to outlook. It would be contrary to Policy D3 of the London Plan 2021 (LP) and to Policy DMHB11 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 (DMP) which among other things support development that designed to highest standards and is of the most appropriate form for the site.

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<sup>3</sup> Appeal Ref: APP/R5510/W/25/3362220

14. The Council's reason for refusal 2 refers to DMP Policy DMHB18. However, since this policy relates to private outdoor amenity space, it would not be relevant in the context of this main issue.

### **Other Considerations**

15. The scheme previously considered at appeal comprised an additional floor, which the evidence indicates has been deleted from the proposal before me. The previous Inspector found that flats 1 and 4 would afford the future occupants an acceptable standard of living conditions in terms of outlook.
16. However, I have not been provided with the full details and circumstances pertaining to this previous application, including the proposed plans. Therefore, I cannot be certain whether the window arrangement and associated obscure glass considered by the previous Inspector would be similar to that before me. The previous appeal decision does not therefore alter my assessment of the current proposal which I have considered according to its specific merits and the evidence before me.

### **Other Matters**

17. The appeal site lies within the Ruislip Village Conservation Area (CA). The Conservation Area Appraisal advises that the High Street forms the commercial centre of the area. It mainly comprises parades of early 20<sup>th</sup> century shops of a variety of styles characteristic of the period, with interesting architectural detailing and decoration. The significance of the CA derives, in part, from the design features, along with the layout, which are typical of the Metroland styles that are highly characteristic of this part of London. The appeal building is an example of this, featuring an Art Deco façade to the High Street.
18. The land use character of the CA is a mixture of commercial and retail on ground floor with other uses above, which include residential premises. The external alterations associated with the proposal would be limited and would not detract from the character of the host building. As such, the proposal would preserve the character or appearance of the CA.
19. The appellant refers me to other developments that were granted planning permission by the Council or allowed at appeal. However, this case turns on its specific facts and circumstances, including the proposed window treatment and internal layout. Therefore, the examples provided would not be comparable with the proposal before me.
20. The appellant asserts that the proposal would make use of this underutilised site. However, there is no compelling evidence before me to demonstrate that this proposal is the sole means to achieve this.

### **Planning Balance**

21. The proposal would be acceptable in regard to other aspects, including living conditions of adjoining neighbours and its effect on the character and appearance of the area, including CA. However, these are neutral factors that neither weigh for or against the development. The UU would secure a financial contribution towards the delivery of the Council's air quality local action plan. Such contribution is required to mitigate the impact of the proposed development, so it is neutral in the planning balance.

22. The benefits associated with the appeal scheme include the delivery of six new apartments in an accessible location that would make a positive contribution towards the housing stock with the Borough. The scheme would make use of a brownfield site and would be an efficient use of land. Future residents would be active in the local community, and some economic benefits would be delivered during construction phase and following occupation. Taken together, these benefits attract moderate weight in favour of the appeal scheme, but do not outweigh the harm that I have identified.

### **Conclusion**

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*P Terceiro*

INSPECTOR