
Appeal Decision

Site visit made on 25 September 2013

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2013

Appeal Ref: APP/R5510/A/13/2197430

16 & 18 Kingsend, Ruislip, Middlesex, HA4 7DA

- 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 Miss Julia Cafoor against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 63221/APP/2012/878, dated 4 April 2012, was refused by notice dated 1 November 2012.
 - The development proposed is the conversion of existing dwellings to create 6 x 2 bed & 2 x 1 bed apartments with two-storey rear extensions and central link, together with associated parking, landscaping, vehicular access, bin and cycle store.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing dwellings to create 6 x 2 bed & 2 x 1 bed apartments with two-storey rear extensions and central link, together with associated parking, landscaping, vehicular access, bin and cycle store at 16 & 18 Kingsend, Ruislip, Middlesex, HA4 7DA in accordance with the terms of the application Ref 63221/APP/2012/878, dated 4 April 2012, subject to the conditions identified in the attached Schedule.

Main issue

2. The main issue is whether the proposed development would serve to preserve or enhance the character or appearance of the Ruislip Village Conservation Area (CA).

Reasons

3. Although recent examples of redevelopment to form flatted accommodation are evident in this part of Kingsend, the street is characterised by large detached dwellings set in reasonably spacious gardens. A variety of house designs are on display, but the design of the two locally listed Queen Anne style dwellings subject of the appeal is virtually identical. The roofs and eaves levels of both dwellings would be modestly raised and changes to the current single storey elements would be needed to afford access. Overall, however, the visual integrity of the two dwellings as they currently appear from the front would be retained largely intact, and the visual impact on Kingsend would therefore be very limited and of an acceptable level.
4. To the rear, the changes would be more marked, being comprised of a sizeable ground floor extension, topped with two wings at first and second floor levels,

whose ridge levels would match that of the raised roofs of the dwellings. Although noting the conservation officer's comments, I consider the extensions to be well designed in terms of their appearance, matching that of the existing houses, and also in terms of their depth and subordinate proportions.

5. The lie of the land and the presence of intervening properties mean that the extensions would not be particularly noticeable from oblique angles along Kingsend from either side of the site. The rear gardens of the two properties are reasonably well enclosed, but the extensions would nevertheless be seen from nearby property, and from short stretches of Sovereign Close and Regency Drive, which form part of relatively modern backland housing developments. Whilst the new rear elements of the proposed development would be seen from these points, the quality of the design together with the acceptable scale and mass of the extensions would be such that they would not be particularly noticeable, and would blend harmoniously with other development.
6. In addition to its design objection the Council also opposes the proposals because the scheme, if implemented, would mean that more than 10% of the dwellings in the street would have been redeveloped to flats¹. In this respect the Council relies on the guidance at paragraph 3.3 of its SPD² which provides that *'the redevelopment of more than 10% of properties on a residential street is unlikely to be acceptable, including the houses which have been converted into flats or other forms of housing'*. The guidance applies, not only to Kingsend, but seemingly to all residential streets throughout the Borough.
7. Paragraph 3.3 is silent as to why breaching the 10% guideline is *'unlikely to be acceptable'* but paragraph 3.1 of the SPD provides a strong clue in saying that *'in considering all applications (for different forms of redevelopment), the Council will have regard to the need to balance any increase in residential density against the possible impact on the capacity, character and amenity of the area as a whole'*.
8. As already indicated, I am satisfied that the area surrounding the site has the capacity to accommodate the appeal development, and that it could be carried out without materially or harmfully affecting the character and amenity of the area as a whole.
9. References have been made to appeal decisions³ affecting these and other properties in Kingsend and to comments made by colleagues on the content of the SPD, and the weight that they afforded it. It is clear to me, however, that the 10% guideline is precisely that, it does not represent policy and there is no indication before me as to the reasons why what appears to be a somewhat arbitrary 10% figure was chosen. Moreover, there is no evidence to suggest that it has been independently assessed. Accordingly, whilst a material consideration, the weight I have given to this aspect of the SPD is significantly less than afforded to it by the Council.

10. ¹ 10.4% currently, which would increase to 13.4% if this scheme were permitted.

11. ² Hillingdon Design and Accessibility Statement – Supplementary Planning Document on Residential Layouts

12. ³ APP/R5510/A/08/2078969; 07/2053682; 07/2044348; 07/2050100 & 08/2062831

13. The Council has assessed other aspects of the development including its density, effects on the living conditions of neighbouring residents, traffic and parking, and the living conditions of future residents. It found all aspects to be acceptable, taking account of local policies and guidance, and I have no reason to disagree with the outcome of the Council's deliberations on these topics.
14. I conclude that the proposals would sit acceptably in their spatial context without harming local visual amenity, thus preserving the character and appearance of the CA. Accordingly, the development accords with those provisions of policies BE5, BE13 & BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies, which in combination provide that the layout and appearance of new development should harmonise with the existing street scene and complement the character of the area. The development also complies with the thrust of those provisions of policy HE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies and policy BE4 of the Hillingdon Unitary Development Plan designed to protect the Council's heritage assets from inappropriate development.

Conditions

15. The Council has suggested the imposition of several conditions, and they shall be considered having regard to the advice of *Circular 11/95: The Use of Conditions in Planning Permissions*. The appellant has not commented on the proposed conditions, and all shall be imposed, albeit that some may take a different form.
16. The Council's proposed condition on materials is imposed in the interests of maintaining visual amenity.
17. To safeguard the general amenity of future and neighbouring residents further details shall be required of bin storage, cycle storage, soundproofing and the proposed means of enclosure of the site. A planting scheme shall also be required for the same reason.
18. In the interests of sustainability and accessibility an energy efficiency report shall be required, and a condition is also imposed requiring the development to accord with the Lifetime Homes Standards.
19. Other than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Other matters

20. I have noted the comments made by several local residents, including one that questioned the validity of the appeal, in that it is alleged to have been made outside the relevant time limit. I am satisfied that the appeal was validly made. I have already dealt with most of the planning related points raised, and there is insufficient evidence to support a refusal on highway grounds, or that the development would materially affect the living conditions of any neighbouring resident.
21. A Unilateral Undertaking (UU) has been executed under section 106 of the *Town And Country Planning Act 1990 (as amended)* in respect of financial contributions towards local educational provision. I am satisfied that the content of the UU meets the relevant policy and legal tests of the *National*

Planning Policy Framework (the Framework) and the *Community Infrastructure Levy Regulations 2010 (as amended)* respectively, and I am therefore able to take it into account, and consider it necessary to make the development acceptable.

22. The various references to the Framework and to other development plan policies have been noted. The local policies to which I have referred, however, are considered to be the most relevant having regard to the main issue identified at the outset.
23. All other matters raised in the representations have been taken into account, including the relevant local planning history, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted (including site operations) shall not begin until details of the following matters have been submitted to and approved in writing by the Local Planning Authority: (a) the treatment of the boundaries and means of enclosure; (b) covered cycle and refuse storage; (c) a planting and hard landscaping scheme including measures for its implementation and future management, and (d) a sound proofing scheme in respect of the floors of the development, hereby permitted. Development shall be carried out in accordance with the approved details, and the approved boundary treatments, refuse & cycle storage areas, and the sound proofing scheme shall be in place prior to the occupation of any of the flats, hereby permitted, and shall thereafter be permanently retained.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwellings.
4. The development hereby permitted shall not begin until an energy efficiency report has been submitted to and approved in writing by the local planning authority. The report shall demonstrate how the Mayor's energy hierarchy will be integrated into the development, and shall include a detailed assessment of the buildings' anticipated energy demand and carbon dioxide emissions, measures to reduce this demand and the provision of 20% of the buildings' energy needs through on-site energy generation. The methods identified within the approved report shall be integrated within the development and shall thereafter be permanently retained.
5. The residential units hereby permitted shall be built in accordance with the 'Lifetime Homes' standards as set out in the Council's Supplementary Planning Document: Hillingdon Design and Accessibility Statement.

6. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 11031-100; 101; 102; 104; 105; 106A; 107A; 108A; 109A; 110A; 111; 112; 113A; 114A; 115A; 116; 117; 118; 119; 120A; 121; 122; 123B; 124B & 125A, and the Viridian Solar – Manufacturers Specification, including panel details.