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## Appeal Decision

Site visit made on 5 January 2022

**by C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

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**Appeal Ref: APP/R5510/W/21/3276477**  
**69 High Street, Ruislip 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 Richard Hennessy (Blubuild.com Limited) against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 1983/APP/2021/550, dated 10 February 2021, was refused by notice dated 15 April 2021.
  - The development proposed is an extension at the front of the property above the shopfront to provide 1 x self-contained flat above (use class C3) at second floor level, and erection of a new three storey building at the rear of the property to provide 2 x self-contained flats (use class C3) above an open loading bay; with associated bin and cycle store.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. The updated version contains no fundamental changes relevant to the main issues in this appeal and therefore no party would be prejudiced by my having regard to it.

### Main Issues

3. The main issues in this appeal are as follows:
  - The effects of the proposal on the character and appearance of the host building, street scene and the Ruislip Village Conservation Area (RVCA);
  - The effects of the proposed three-storey building to the rear on the living conditions of occupiers of No's 1 and 3 Midcroft with regards to overlooking; and
  - Whether the proposed three-storey building would provide suitable living conditions for future occupiers regarding outlook and daylight.

### Reasons

#### *Character and Appearance*

4. The appeal site comprises a part single, part two-storey mid-terrace commercial property forming part of the High Street of Ruislip. The ground floor level of the existing building is in commercial use while there is a

residential property at first floor level to the front elevation. The rear section of the building includes a single-storey layout and faces an external yard that has vehicular access taken from a service lane. The building is located within the RVCA.

5. The proposal is comprised of two main elements. The two-storey section of the existing building would be extended further towards the rear while also adding a storey above to facilitate an additional flat ('the extension'). To the rear of the building in the service yard, a new three-storey building would be erected and include two new residential units ('the new building'), although the ground floor level would retain service space for the commercial unit and would incorporate cycle parking and bin stores. The resulting form of the host building would in turn create an enclosed courtyard area between these two elements for amenity use by future occupants of the scheme.
6. From the information before me, the Council does not take issue with the effect of the resulting front elevation of the extension on the street scene or the RVCA. This is contingent on conditions to control materials and the design of windows. From all I have seen and read I have no reason to disagree with this assessment.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The Framework sets out at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation.
8. The RVCA Appraisal (the Appraisal) advises that the significance of the RVCA derives from the historic urban form, character and important buildings of the medieval village core; the character of the High Street, which largely reflects traditional early twentieth century architecture; and the character and layout of the residential areas developed in the 1920s and 1930s. The appraisal splits the area into three character areas. The significance of the High Street character area lies in the quality of the detailing of the shop fronts and elevations. The document highlights some concern over the rear of shops on the High Street owing to ad hoc storage structures, informal parking and servicing arrangements and the addition of unattractive features as flues, vents and air conditioning units.
9. The character and appearance of the rear street scene is reflective of the commercial use of the buildings. These rear elevations are of utilitarian appearance and as per the appraisal, there are prominent and unattractive features along much of this rear lane. However, the rear elevation of the host building and the units to either side have some set-back from the service lane and are single storey which retains some openness. While the rear of No's 75-79 extends up to the service road, this building is mostly two-storey. The new building would be a substantial structure at three-storeys, occupying much of the rear yard. Its scale would not respect that of the host building, or the adjacent units. While a small strip between the new building and the road would be retained this would do little to offset the mass which would dominate the local area. Despite being located to the rear, the building would be prominent in views from the service lane and Midcroft, particularly the rear gardens of No's 1 and 3. Moreover, this harm would exacerbate some concerns



raised in the Appraisal regarding the rear of the shopping areas of the High Street.

10. The proposed rear elevation of the extension would be largely hidden from most vantage points along Midcroft and from within the RVCA, especially given the enclosed nature of the amenity space the development would create. While I note the concerns of the Council regarding the use of render on this façade, which would not reflect other rear elevations, render is prevalent on other prominent buildings in the RCCA, such as the bank on the corner of Midcroft and High Street. Moreover, while there would be little architectural interest in the rear elevation of the extension, its general design would not detract from the character of the service lane.
11. Although the rear elevations of the commercial buildings are located in the RVCA, the significance of the High Street character area lies primarily in its shop fronts and elevations. While still covered by the same statutory duty as to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as per paragraph 207 of the Framework not all elements of a Conservation Area will necessarily contribute to its significance. As such, the resulting rear elevation of the extension would not harm the character and appearance of the host building, street scene or the significance of the RVCA.
12. Nonetheless, based on the above, the proposed new building would harm the character and appearance of the host building, street scene and the RVCA. This would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (SP) (adopted November 2012), DMHB1, DMHB4, DMHB11 and DMHB12 of the Hillingdon Local Plan: Part 2 Development Management Policies (DMP) (adopted January 2020) and D4 and HC1 of the London Plan (LP) (adopted March 2021). These seek, among other things, for development to make a positive contribution to the local area in terms of layout, form and scale; and to conserve and enhance the distinct and varied environment, its settings and the wider historic environment, including designated heritage assets.

#### *Living Conditions of Occupiers of 1 and 3 Midcroft*

13. The rear gardens of No's 1 and 3 run parallel to the service lane and the boundary of No.1 is lined by a fence, trees and a hedgerow. The proposed new building would extend closer to this boundary than the existing single-storey rear elevation of the appeal building. The plans demonstrate that the rear elevation of the new building would include three windows to both the first and second floors serving bedrooms and shower rooms.
14. Although windows serving the shower rooms and 'Bed 1' on each floor would be obscured, the windows serving 'Bed 2' on each unit would offer clear views at an elevated height into the gardens of 1 and 3 Midcroft. This would result in significant overlooking of garden areas, resulting in reduced privacy for occupiers of these properties which would diminish the enjoyment of these spaces.
15. I note the contention the existing boundary treatments would screen overlooking, while the service lane provides an element of separation. However, the submitted 'East Elevation' plan demonstrates the unobscured windows to the first and second floor bedroom windows would be positioned well above the height of the trees and hedges. As such this would not afford

the occupiers of No's 1 and 3 sufficient screening from occupiers of the proposed flats.

16. Based on the above, the proposal would harm the living conditions of occupiers of 1 and 3 Midcroft with regards to overlooking. This would be contrary to Policy DMHB11 of the DMP, which states development proposals should not adversely impact on the amenity, among other things, of adjacent properties.

#### *Living Conditions of Future Occupiers of New Building*

17. The proposed units would be dual aspect with windows to the front and rear elevations. I note the concerns of the Council with regards as to whether the first-floor flats would allow suitable levels of daylight and sufficient outlook to prospective future occupiers.
18. The submitted 'Interior Daylight Analysis' (Eight Associates) concludes that suitable levels of daylight would enter all units and would meet BRE recommended levels. Based on the information before me and my own observations on the site visit, I have no reason to disagree with this assessment and I note the Council do not dispute these findings. In turn, given the flats would have suitable levels of daylight there would be no increased reliance on artificial lighting over and above those levels expected in a development of this type.
19. The windows of first floor units serving kitchen and living areas would face into enclosed private amenity spaces which would be separate from the communal area positioned centrally between the two elements of the proposal. While there would be some benefit to this private space, the amenity areas would be enclosed by a 1.8m fence. I therefore share the concerns of the Council that the proximity and height of this boundary would create a sense of enclosure resulting in a restricted and uninviting outlook for future occupiers. This would provide less than satisfactory living conditions for any future occupiers.
20. To conclude, while the proposal would provide satisfactory levels of daylight, it would not provide future occupiers with a suitable outlook, thereby not providing satisfactory living conditions in this regard. The proposal would therefore be contrary to Policies DMHB11 of the DMP and D6 of the LP which seek to ensure, among other things, that private amenity space should be usable and have a balance of openness and protection, appropriate for its outlook.

#### **Other Matters**

21. My attention is drawn to other instances of residential development to the rear of the High Street. I have no information before me on these other than photographs. In any event, each proposal is assessed on its own merits and the existence of flats elsewhere in the High Street does not convince me the proposal before me is acceptable on this basis alone, particularly given the apparent design differences and site-specific circumstances of their locations.

#### **Planning Balance**

22. I have identified less than substantial harm to a designated heritage asset, namely the RVCA. The harm that would arise would be localised and therefore, in terms of the approach in the Framework, this would be less than substantial. Paragraph 202 of the Framework states that where a development would lead



to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal.

23. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. I have also found harm to the character and appearance of the host building and street scene, as well as the living conditions of occupiers of neighbouring dwellings and prospective future occupiers of the proposal with regards to outlook.
24. The proposal would redevelop a brownfield site located close to services and facilities which is well connected to public transport infrastructure. This is not in dispute between the parties. It would also go some way to meeting the Council's ten-year housing target as set forth in the latest version of the LP. However, while the figure quoted by the appellant refers to the number of houses required over that period, there is no evidence before me regarding the current position of the Council's housing land supply and whether there is a shortfall in these targets. In any event, the proposal would result in a modest contribution of three additional units. As such, any benefits associated with the proposal are likely to be limited and I attribute an equally limited amount of weight to this matter. Therefore, the public benefits of the appeal scheme necessary to outweigh the harm I have identified have not been demonstrated.

### **Conclusion**

25. The proposal would harm the character and appearance of the host building, street scene and the significance of the RVCA as well as the living conditions of occupiers of adjacent properties and prospective future occupiers of the appeal scheme. This harm would not be overcome by public benefits as presented to me. As such it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*C McDonagh*

INSPECTOR