

NMB PLANNING

Section 73 Planning Application Statement

Variation of Condition 2 (Approved Plans) of planning permission reference 38324/APP/2019/938 dated 11th July 2019. Extension of fourth floor to provide 1 X 2 bedroom unit to allow alterations to approved plans – being Installation of two French doors and Juliette balconies to side elevations in lieu of windows, Stainless steel railings to front elevation and high level window to rear elevation of existing fourth floor flat.

At

**Pembroke House
5-9 Pembroke Road, Ruislip, HA4 8NQ**

On behalf of Anslip Uk Ltd

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1. Introduction

- 1.1 This Section 73 planning application seeks alterations to previously approved plans for the extension of the top floor of Pembroke House to provide 1 X 2 bed unit. The approved plans are listed in Condition 2 of planning permission 38324/APP/2019/938 dated 11th July 2019. The variations sought are the erection of stainless steel railings to the top floor front terrace, the replacement of two side facing windows with French doors and Juliet balconies and the installation of a rear facing high level obscure glazed window to the top floor rear elevation of Flat 14, at Pembroke House, Pembroke Road, Ruislip, alongside some internal alterations to the layout of the two bed flat. This statement has been prepared by NMB Planning Ltd on behalf of Anslip UK Ltd. This statement sets out the changes proposed, the reasoning behind those changes and the planning considerations associated with the changes proposed.
- 1.2 The top floor flat was implemented under permissions granted at appeal (original appeal decision ref APP/R5510/W/17/3185312 dated 29/01/2018 (Council ref 38324/APP/2017/2287 dated 22/6/2017)) and was subsequently revised under s.73 changes made to condition 2 of the appeal decision , LPA ref 38324/APP/2019/938 dated 11th July 2019.
- 1.3 The current application seeks further changes to the proposed floorplans and proposed elevations. The application comprises the following drawings :-
- 15.530-L.01 Location Plan
 - 15.530-B.01 Block Plan
 - 15.530-P.004 Rev C approved Floorplans
 - 15.530-P.05 Rev C approved Elevations
 - 15.530-P.07 Rev E – Proposed Floorplans
 - 15.530-P.08 Rev A- Proposed Elevations
 - Planning Statement by NMB Planning Ltd
- 1.4 In brief, the changes proposed are :-

- The installation of two French doors and Juliette Balconies in lieu of windows on the side elevations.
- Installation of stainless steel railings along the front elevation edge to act as a protective and effective barrier for users of the top floor front terraced areas.
- Installation of a high level obscure glazed window on the rear elevation in lieu of a previously approved skylight to provide ventilation and light to an internally reconfigured dressing area.
- Associated internal floor layout changes – whilst continuing to provide for the approved two bed flat.

2. The Site and its Surroundings.

- 2.1 The site comprises a detached part 4 and part 5 storey building located on the northern side of Pembroke Road, falling within the Ruislip town centre designation on the Local Plan Map – albeit not within the primary or secondary shopping frontages, and not within the Ruislip Village Conservation Area, nor in the Midcroft Area of Special Local Character. Both of which abut the site boundaries to the West (CA) and North (ASLC).
- 2.2 The existing building itself is set back some 6 metres from the highway frontage behind a paved forecourt area which has been landscaped and secured by boundary railings. A covered cycle store is accommodated within this forecourt area.
- 2.3 A vehicular access lies to the east of the main building providing shared access to a rear car parking area.
- 2.4 To the northern boundary on the site lies the residential Brickwall Lane, itself accessed off Ruislip High Street. Backing on to the site are a number of detached 1.5 storey residential dwellings which themselves benefit from 20

metre deep rear gardens ending in a robust fence and vegetative boundary treatment abutting the car parking area of the application site.

- 2.5 Brickwall Lane itself forms the southern boundary of the Mid Croft Area of Special Local Character a local designation. The application site falls outside this local designation.
- 2.6 To the east of the site lies the predominately 3 storey red brick buildings which make up the main retail high street of Ruislip with ground floor retail units and residential accommodation above. To the rear of the retail parade many units have incorporated single and 2 storey extensions to accommodate increased retail floor space and ancillary accommodation.
- 2.7 The eastern boundary of the site is also the boundary of the Ruislip Village Conservation Area.
- 2.8 Along Pembroke Road, the site lies close to Ruislip underground and bus stations and is considered to be in a highly sustainable location. The site is well served by retail and other services within the Ruislip Town Centre area.
- 2.9 The building itself is a former office building which has historically been converted into flats under the Prior Approval Permitted Development procedure. The building has recessed elements at ground and third floor which provides relief from an otherwise monolithic block. A stair tower reaches the fourth floor level at the eastern end of the building and serves the existing fourth floor flat and the roof top area. An internal lift shaft serves floors ground thru to the third floor – but does not serve the top fourth floor. Historically a flat occupied part of the top floor. Permission was granted at appeal to allow for an extension of the top floor to create a second – two bed unit – Flat 14. Once construction got underway, a number of amendments were sought to the approved plans to expand and internally modify the units as a direct result of construction issues and Building regulations issues.

- 2.10 During ongoing discussions with Building Control regarding health and safety aspects of the scheme, improved safety railings have now been installed at the front of the roof edge which forms the terraced area serving the two flats. In addition, after further consideration it is felt that the internal environment of the flat would be improved if full length French doors with associated safety Juliette balconies were incorporated into the lounge and bedroom areas, together with a small high level window installed in the associated dressing area.
- 2.11 These additions (Railings and French windows with Juliette balconies) were introduced into a recent application which explored the conversion of the top floor space to create a third smaller non-residential storage/office space. LPA Ref 38324/APP/2019/2798. This application was recently refused on 9th April 2020. Whilst the conversion was not acceptable, the officers report sets out clearly that the proposed railings and French doors/Juliette Balconies in themselves would be acceptable. As such, this application seeks simply a variation to the approved scheme to allow for the installation of the railings and window and doors alongside some internal alterations to the layout of the flat, alongside the addition of the small high level rear facing window to the already approved two bed flat.
- 2.12 In terms of character and appearance the building is read alongside Pembroke Road with the immediate neighbouring buildings being three storey residential buildings. Opposite the site lies the 6 and 7 storey Kings Lodge, a substantial residential apartment building with penthouse flats set back on the top floor. It is to be noted that similar Juliette balcony and railings are installed throughout this substantially larger neighbouring flatted development. As such the general location consists of varied architecture, heights and uses for buildings, and the proposals should be seen in the context of this mixed and varied environment, and within the context of the existing scale, mass, bulk and siting of the existing building.

3. Planning History

3.1 The relevant planning history on the site is as follows:-

3.2 38324/APP/2013/2760 - Change of use from (B1 (a)) building to residential (C3) (application for prior approval under schedule 2 part 3 class J of the Town and Country Planning) (General Permitted Development) order 1995 (as amended). This prior approval application was determined on the 13th November 2013 and related to the ground, first and fourth floors to 11 flats. This approval granted permission for the conversion of the top floor accommodation into 1 one bed flat served by the existing staircase tower.

3.3 In respect of the second and third floors of the existing building, these were converted into 8 residential apartments through appeal PINS Reference APP/R55510/C/14/3001242, allowed on the 2nd October 2015.

3.4 Erection of detached building to accommodate refuse storage at ground floor and a small office above was approved at appeal 11-11-2016 under PINS 3155076.

3.5 Under LPA Ref 38324/APP/2016/3586 an application for extensions to the top floor to create 2 no's one bed flats was refused and a subsequent appeal (PINS Ref APP/R5510/W/17/3167933) was dismissed 23rd May 2017.

3.6 A revised application for extensions to the top floor to create 1 Nos. two bed unit was refused by LBH 9LPA Ref 38324/APP/2017/2287 dated 22nd June 2017) , but was subsequently allowed at appeal – PINS Ref APP/R5510/W/2017/3185312. Dated 26th February 2018.

3.7 A Section 73 application granted some amendments to the approved appeal plans – 38324/APP/2019/938. Dated 11th July 2019.

- 3.8 Application 38324/APP/2019/2798 sought the conversion of the 2 top floor flats to create two flats and an office and maintenance storage area, plus two replacement Juliette balconies in lieu of existing side facing windows. This was refused on 9th April 202.

4. The Application Proposals

- 4.1 The approved scheme consists of the extension of the existing accommodation at roof level to create 1 single two bedroom apartment, located alongside the existing penthouse flat.
- 4.2 Following a number of discussions with the Building Control Officer it was advised that a better Building Regs. Compliant railing system be installed at the front of the building, to be used as terraced balconies for the two flats. The Stainless steel railings proposed have now been installed.
- 4.3 During construction of the flat it has become apparent that, to install the two side facing windows with inward opening full length doors with Juliet balconies will allow more light to flood into the apartment. Given the set in from the edge of the building of the existing structure, and the distances between the building and neighbouring properties, this ensures that there are no overlooking issues with regards to this change from window to French doors.
- 4.4 Similarly, it is also proposed to install a high level obscure glazed window in the rear elevation to supply better ventilation and light to the middle of the unit. Again, for the same reasons of setback, distance from boundaries and obscure glazing no overlooking will occur.

5. Planning Policy

- 5.1 Relevant Planning Policy appertaining to the development proposals is contained in Hillingdon Local Plan – Part Two – Development Management Policies (January 2020), and the Hillingdon Design and Access Statement (HDAS) adopted 2006.

Development Plan

Hillingdon Local Plan: Part Two – Development Management Policies (January 2020)

- 5.2 Policy DMHB 4 states that new development within or on the fringes of Conservation Areas, will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities.
- 5.3 Policy DMHB 11 requires all development to be designed to the highest standards and incorporate principles of good design, either complementing or improving the character and appearance of the area.

Supplementary Planning Documents

Hillingdon Design and Access Statement (HDAS) SPD

- 5.14 The HDAS guidance was adopted in July 2006 with the aim of delivering Imaginative, safe and attractive residential development which responds to the location and setting of each site.

6. Planning Assessment

- 6.1 The main issues to be considered by the proposed changes as set out above are:-
- The effect, if any, of the changes on the character and appearance of the host building and the area, including that of the Ruislip Village Conservation Area and the Midcroft Area of Special Local Character.
 - The impact of the changes on neighbouring occupiers in terms of amenity.
- 6.2 Given the changes proposed do not result in any changes to the level of accommodation provided – the approved flat remains as a two bed unit - nor

to the levels of amenity provided – there are no alterations /issues to the levels of parking, refuse storage or amenity provision.

Character and appearance

- 6.3 The elevations of the varied scheme remain set back from the front of the building behind a terraced area, and to the side and rear of the building as well.
- 6.4 During consideration of the previous application which included the railings and French doors/Juliette balconies – the Conservation Officer expressed concerns over the use of French railings. However, it must be noted that there are a number of flatted developments in the immediate area which have Juliette balconies with French railings and/or stainless steel railings. For example across the large flatted development at Kings Lodge to the South west of the application site.
- 6.5 It was thus previously concluded by the planning officer that, on balance, it was considered that the proposed railings would be an improvement to the existing industrial looking safety barriers and would therefore be acceptable. As such the proposal remains as previously considered acceptable and that the external alterations to the fourth floor therefore comply with Policies DMHB4 and DMHB 11 of the Hillingdon Local Plan Part Two.

The impact on neighbouring amenities.

- 6.10 Policy DMHB11 seeks to ensure that new development does not result in loss of privacy, overlooking and loss of sunlight/daylight. A minimum 21 m distance is required between habitable windows to ensure no loss of privacy. When assessing distances it is noted that the closest properties to the south of the site on the main road is a minimum 25m distance. To the rear, the properties in Brickwall Lane are set some 35m to 45m away,
- 6.11 The two existing side windows would be changed to full length French windows with associated Juliette Balconies. Given the set back of the top floor from the edge of the building at the sides and rear; and the distances to

neighbouring properties, there would be no issues of overlooking. This was acknowledged during the consideration of the previous application.

- 6.12 The small high level window at the rear would, in addition to distance, be obscure glazed to ensure no overlooking of the Midcroft properties.
- 6.13 The development therefore complies with Policy DMHB 11 of the Hillingdon Local Plan – Part Two.

7 Conclusion

- 7.1 The conclusions reached are that there is no conflict with the Development Plan, and in particular Policies DMHB4 and DMHB11 of the Local Plan Part Two.
- 7.2. In terms of design, the design and form of the original building is not compromised. As such no harm is caused to the character and appearance of the building or the area.
- 7.3 The Proposed changes have positive benefits. Improved internal sunlight and daylight for the flat, and improved safety for the front terraced area.
- 7.4 Due to distances, privacy of neighbouring units are maintained.
- 7.5 In all respects the proposal complies with national and local planning policy and this planning application can be fully supported.