



Appeal Decision

Site visit made on 25 January 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/R5510/W/21/3282716

2 Midcroft, Ruislip HA4 8ES

- 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 Mr I Deoray against the decision of London Borough of Hillingdon.
 - The application Ref 4918/APP/2021/1103, dated 17 March 2021, was refused by notice dated 16 July 2021.
 - The development proposed is the erection of a part 3 storey, part 4 storey residential building comprising 9 flats with associated access and landscaping following demolition of existing petrol filling station / car wash.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development stated on the application form, decision notice and appeal form refer to the scope of the development that was originally sought on submission of the planning application. I have used the description given on the application form in the banner header above.
3. The proposal was subsequently amended, and revised plans were submitted. For the avoidance of doubt, I have determined the appeal based on the plans that are identified in Appendix A of the appellant's appeal statement and those other plans provided which are associated with this revised form of development.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Ruislip Village Conservation Area.

Main Issues

5. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the area and the Ruislip Village Conservation Area (CA)
 - (ii) Whether acceptable living conditions would be provided for the future occupants
 - (iii) The effect of the proposed development on highway safety

Reasons

Character and appearance

6. The appeal site is a former petrol filling station located within a prominent location in the centre of Ruislip. At the present time it is in use as a hand car wash, with a number of vehicles also being parked on its frontage at the time of my site visit. The site shares one side boundary with buildings that are located on High Street which are predominantly in commercial use. These buildings are of a greater overall scale than the dwellinghouses which are found beyond the other side boundary. There is also variation in the design, appearance and ages of existing buildings in the locality. The appeal site is located within the CA and is close to a locally listed building at 63 High Street.
7. The Ruislip Village Conservation Area Appraisal 2010 (CAA) sets out that the CA is predominantly residential in terms of its use, but that it includes the High Street which is the retail and commercial core of the CA. The appeal site itself forms a transition point between the High Street and the dwellinghouses that run along Midcroft. The CAA notes that there is variation in the styles and quality of buildings within High Street but that there are prevalent examples of arts and craft influenced buildings along with other architectural styles present. The significance of this part of the CA therefore lies in the historical interest of the buildings and their architectural qualities, including their detailing.
8. The general scale of the proposal would be appropriate, as although it would have a greater massing and height than the adjacent dwellinghouses there would be a separation formed by the intervening access road and pedestrian access to the nearby area of public open space. However, the proposed design would incorporate an overly large and bulky front gable which by reason of its size and prominence would be a visually dominant and incongruous feature in the street scene. There would also be visual incongruity caused by the different setbacks to either side of this gable. No updated information has been provided to explain the design ethos that has been adopted on the amended proposal or to demonstrate how it has been redesigned to be visually sensitive to its surroundings and the CA.
9. Due to its design and overall appearance, the proposal would fail to visually integrate into the street scene and the CA in an acceptable manner and it would not represent good design that would reflect the context of its surroundings. It would as a result cause harm to the character and appearance of both the area and the CA. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would arise. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 202 of the National Planning Policy Framework (The Framework).
10. In this regard, public benefits have been outlined which relate to the Government's objective to significantly boost the supply of housing and that the appeal proposal would do so in a location with good access to services and facilities, making efficient use of previously developed land. There is also support in the development plan for development in and close to town centres and on small sites. The benefits associated with the provision of 8 new dwellings carry moderate weight in favour of the proposal. However, I have a statutory duty to pay special attention to the desirability of preserving or

enhancing the character and appearance of the CA and the harm that I have found would arise to the designated area is a matter which carries considerable importance and weight. Therefore, whilst there would be some public benefit in terms of the delivery of new housing, this does not outweigh the harm to the CA that would arise.

11. The existing development on the appeal site does not contribute positively to the CA and its redevelopment could have a benefit in improving both the character and appearance of the CA and the setting of the nearby locally listed building at 63 High Street. However, this would be dependent on a development coming forward that would be appropriate in its overall design, otherwise there would be no benefits arising, public or otherwise. As I have found that the appeal proposal would cause harm to the character and appearance of the area and CA there would not be a benefit arising from the proposal in this respect, including with regard to the setting of No 63.
12. Reference has been made in the reason for refusal to the impact that the proposed development would have on the Midcroft Area of Special Local Character (ACLC), which the appeal site is stated to be adjacent to but not within. I have not been provided with any details of this area or how it came to be so designated but, in any event, even if it was found that there would be an absence of harm to the ACLC, this would not overcome the other harm that I have identified. The matter relating to the impact on the ACLC is therefore not determinative on the outcome of the appeal.
13. For these reasons, I conclude that the proposed development would cause harm to the character and appearance of the area and the CA. Consequently, the proposal would fail to accord with Policies HC1 of the London Plan 2021 (LP), Policy BE1 and HE1 of the Local Plan: Part 1 Strategic Policies 2012 (LPSP) and Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Local Plan: Part 2 Development Management Policies 2020 (LPDMP), where they seek to protect character and appearance and designated heritage assets. There would also be a conflict with The Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits.

Living conditions

14. The windows to the living area, bathroom and one bedroom of flat 2 would face into its external terrace area. This area is of a limited size and would be close to the boundaries of the appeal site with both the shared access drive and the entrance to the undercroft of the adjacent commercial building. Due to this relationship, it is likely that the terrace would need to be screened by a high enclosure to provide appropriate levels of privacy and an appropriate living environment. Such screening would severely limit the outlook from and the light to flat 2, and it would fail to provide acceptable living conditions for its future occupants.
15. Flat 1 would however have a larger terrace and it would have the potential to have an open, or low level, boundary on the frontage facing towards Midcroft. It would not therefore face the same constraints as flat 2, and an acceptable outlook could be provided.
16. I therefore conclude that flat 2 would fail to provide acceptable living conditions for its future occupants, with particular reference to the outlook and light that

would be available from its windows. The proposal would fail to accord with Policies D6 and SI2 of the LP and Policy DMHB 11 of the LPDMP, where they seek to provide appropriate living conditions and minimise emissions.

Highway safety

17. There is no definitive evidence provided to confirm whether or not the appellant could prevent the occupiers of the commercial premises at Jebson House (JH) from accessing the parking spaces currently present to its rear or prevent vehicles delivering to these properties from doing so from the appeal site. These matters relate to legal considerations that are outside the scope of this appeal. That said, there would appear to be only one of two scenarios that could arise in this respect; namely that the appellant could prevent access, or they could not.
18. In the case of the former scenario, this would not be dependent on the appeal development coming forward and access could feasibly be prevented at any time. If this is the case then the current arrangement could not be relied on to provide parking or servicing to JH, and therefore it follows that its potential loss could not reasonably be held as being an impediment to being able to redevelop the appeal site.
19. With respect to the latter scenario, the proposed plans demonstrate how access to the spaces to JH would be maintained and how new parking spaces would be provided to serve the appeal development. This arrangement met with no objection from the Highway Authority. Larger delivery vehicles would no longer be able to enter the appeal site, but if a legal right for such vehicles to do so did exist then that right would seemingly serve to prevent the development from taking place at all in its current proposed form. That would be a matter for the appellant to establish and address.
20. Therefore, on the basis of the information that I have before me, I conclude that the proposed development would not cause harm to highway safety. Consequently, there would be no conflict with Policy T4 of the LP and Policy DMT 1 of the DMP where they refer to managing transport impacts.

Planning Balance & Conclusion

21. For the reasons that I have set out above, the proposed development would fail to accord with the policies of the development plan that seek to protect character and appearance, designated heritage assets and to provide acceptable living conditions for future occupants. The harm to the CA that would be caused would not be outweighed by public benefits.
22. There would be benefits related to the provision of 8 new dwellings and this consideration carries moderate weight in support of the proposal. It does not however outweigh the harm that I have identified and the resultant conflict with the development plan. There would be no harm to highway safety, but that is a neutral consideration in the planning balance.
23. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including The Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

Graham Wraight INSPECTOR