



## Appeal Decision

Site visit made on 26 August 2025

by L Gardner MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> September 2025

### Appeal Ref: APP/R5510/W/25/3368336

### The Tichenham Inn, 11 Swakeleys Road, Ickenham, Hillingdon UB10 8DF

- 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 Swakeleys Ltd. against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 6626/APP/2024/3040.
- The development proposed is change of use of rear first floor from sui generis and erection of second floor extension to provide new residential dwellings, alongside associated works. Retention of ground floor use with minor internal alterations.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the appeal proceedings, the appellant has provided revised plans and drawings showing amendments to the scheme considered by the Council. The changes include further detail of the internal layout proposed at ground floor as well as increases to window sizes at first floor. Whilst the appellant considers these changes to be minor, they do not reflect the scheme which was subject to consultation.
3. The appeal must be determined based on the plans as originally submitted to the Council and upon which it based its decision. To do otherwise would prejudice the interests of the Council, interested third parties and consultees, who have not been consulted on the revised scheme and who may have observations to make, particularly in respect to the larger windows shown. I have therefore proceeded to determine the appeal based on the plans as originally submitted.
4. Further documents have also been provided with the appeal which have been submitted post the Council's decision. These are supplementary to the original documents which were provided at application stage. The Council has had the opportunity to comment on these as part of the appeal process. I have therefore had regard to these insofar as is relevant, albeit disregarding the elements that relate to the amended plans which I have not accepted.
5. The appellant has provided a water efficiency statement which presents that the development will ensure that the maximum internal water use in each of the flats would be limited to 105 litres per person per day. The Council has confirmed that subject to a suitably worded condition, they no longer contest the reason for refusal in relation to water efficiency. Given that this matter is no longer disputed between the parties, I shall not address it further.

6. The appeal property is situated within the Ickenham Village Conservation Area (CA). Accordingly, I have applied the duties set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

## Main Issues

7. The main issues are:

- whether the development would provide its occupants with acceptable living conditions, with regard to outlook, daylight, the provision of private amenity space, and noise;
- the effect of the development on the longevity of the public house with particular regard to the Agent of Change principle;
- whether the development would provide opportunity for sustainable modes of travel, with particular regard to the provision for cycle parking;
- whether the development would make reasonable provision for refuse storage; and

the effect of the development on:

- the living conditions of the occupants of 13-15 Swakeleys Road, with regard to daylight and sunlight; and
- the character and appearance of the area, and whether the development would preserve or enhance the character or appearance of the Ickenham Village CA.

## Reasons

### *Living conditions for future occupants*

8. Policy D3 of the London Plan (LP) (2021) amongst other matters, requires for development proposals to deliver appropriate outlook, privacy and amenity. It also states that they should help prevent or mitigate the impacts of noise whilst achieving indoor and outdoor environments that are comfortable and inviting for people to use. Policy DMHB 11 of the Hillingdon Local Plan (HLP) Part 2 (2020) relates generally to design matters seeking for development to incorporate the principles of good design.
9. The appeal proposal seeks to provide six residential flats, divided equally between the second and third floors of the proposed building. The ground floor would retain its existing use as a public house. Policy DMHB 16 of the HLP Part 2 refers to housing standards requiring all housing development to provide an adequate provision of internal space (in line with national space standards) in order to provide an appropriate living environment. Each of the proposed flats would achieve, and exceed, the minimum required internal space standards.

### *Outlook*

10. Windows would on the whole be modestly proportioned with some being obscurely glazed. Nevertheless, the use of obscure glazing is not specifically discouraged

through policy and where obscure glazing is proposed, the rooms affected would also be served by a clearly glazed window (with the exception of bathrooms).

11. The occupiers of flats 2 and 5 would only have one fully clearly glazed window serving their main living area. This would be small in its extent and face directly towards the adjacent two storey building separated by only a narrow vehicular access. The other windows serving the main living areas for flats 2 and 5 are intended to be obscurely glazed to a height of 1.7m above finished floor level (which could be subject to a condition). Whilst there may be some vertical outlook from these windows, overall, the presence of the neighbouring building would be a dominating feature to the outlook from these flats. The occupiers of these flats are therefore unlikely to want to spend long periods of time in these rooms, despite them forming the main habitable rooms of the flats.
12. The main living areas for flats 3 and 6 would be less constrained through an increase in clear glazing compared to flats 2 and 5, but their outlook would still be unattractive, primarily towards rear service roads and yards. Whilst the existing first floor flat already has an outlook over the same service road, it also has windows towards Swakeleys Road which would not be the case for proposed flats 3 and 6.
13. Appeal reference APP/R5510/W/25/3362220 has been brought to my attention, relating to a site within Ruislip, where the Inspector dealt with matters of outlook. Specifically, the Inspector in that case identified that "*the outlook from the rooms facing this direction is unlikely to offer a particularly inspiring view*". However, the decision goes on to reference "*other outlooks would be available to the occupants.*" This is materially different to the appeal scheme before me where not all of the proposed flats would have other, more attractive forms of outlook available. Flat 6 for example would only have fully clearly glazed windows on the side elevation facing the service road.
14. Policy D6 of the LP specifically discourages against the use of single aspect dwellings. Whilst all of the flats proposed would have at least a dual aspect, given the positioning and size of the windows, the issues associated with single aspect dwellings, notably poor and limited outlook would still be experienced. The proposal would therefore overall deliver a sub-standard level of living conditions for proposed occupiers in relation to outlook. The location of the site in a local centre where tighter building relationships could potentially be expected is not adequate reasoning for the provision of poor outlook.

#### *Daylight*

15. Based on the assessment submitted with the application, whilst all flats would achieve the recommended sunlight levels, there would be three habitable rooms proposed which would not meet the recommended lux levels for daylight. These include two main living spaces and one bedroom. Despite the identification within the evidence that the living spaces relate to flats 4 and 5, the drawings within the submitted assessment are clear that the affected living areas would serve flats 2 and 3 at the first floor. The bedroom affected would be within flat 4 on the second floor.
16. The constrained levels of daylight identified would compound the compromises to the standards of living for the proposed occupiers. Whilst the occupiers of flat 3 would have a terrace, which would provide potential respite from the limited

internal levels of daylight, no such provision would be available for the occupiers of flat 2. I have already identified above that the main living spaces of these flats would have an unsatisfactory outlook. The poor levels of daylight would serve to make the main living space an even more unattractive living environment. I note that bedrooms elsewhere within the flats would be well served by daylight, but a bedroom cannot serve the same functions to which a kitchen, living area would. This would therefore not compensate for the sub-standard living conditions experienced in the flats overall.

17. My attention has been drawn to appeal decisions which have addressed this matter elsewhere in London (APP/N5660/W/23/3317382 and APP/E5900/W/23/3320405). I have limited details of the internal layouts to which these schemes relate. However, in both cases it appears that the Inspectors considered that at least some of the main living space was adequately served by daylight. In this case, even if I were to consider that the space closer to the windows would achieve higher levels of daylight, given the constrained outlook, it is unlikely that future occupiers would want to spend long periods of time close to the windows. I therefore do not consider that the appeal decisions referred to are directly comparable to a degree that they would justify the development.
18. Paragraph 130 of the National Planning Policy Framework (the Framework) references the need to apply a flexible approach to guidance relating to daylight and sunlight, where it would otherwise inhibit making efficient use of a site. However, this paragraph goes on to confirm that the level of flexibility should only be applied where, "*the resulting scheme would provide acceptable living standards.*" Based on the above, I have found that the proposal would not provide acceptable living standards and therefore the provisions of this paragraph do not apply.

#### *Private amenity space*

19. Policy D6 of the LP sets out minimum requirements for private outdoor amenity space but is explicit that these apply where there are no higher local standards in the borough development plan. In this case, Policy DMHB 18 of the HLP Part 2 states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space in accordance with associated standards. The minimum private outdoor amenity space requirements are 20m<sup>2</sup> for studio or one-bedroom flats and 25m<sup>2</sup> for two-bedroom flats.
20. Half of the proposed flats would be served by a terrace or balcony. This would represent an increase in private amenity space when compared to the existing situation whereby the existing flat does not incorporate any. However, the proposed terraces and balcony would not meet the size requirements set by Policy DMHB 18 of the HLP. The terraces proposed for flats 1 and 3 would be enclosed within the building with limited outlook. The terrace proposed for flat 3 would also be below the balcony proposed for flat 4, creating at the very least a perception of being overlooked when the terrace is in use.
21. The supporting text for Policy DMHB 18 of the HLP refers to consistency with the overall design of the building in the context of dwellings on upper floors. However, it is clear that these upper floors should all have access to a private balcony or

terrace. Three of the six flats proposed would have no private amenity space. There is therefore a clear conflict with Policy DMHB 18 of the HLP.

22. Whilst nearby areas of public open space may provide occupiers areas to sit outside, their function is not directly comparable to an area of private amenity space which would be solely for the future occupiers to enjoy. I note the inclusion of an officer report for an application elsewhere within the Borough at Chelmsine Court. However, it appears in that case there was at least some provision of private outdoor amenity space. This is materially different to the appeal scheme where half of the proposed flats would have no private amenity space.
23. Equally I cannot accept that the provision of additional internal floor space would compensate for a lack of private amenity space, particularly given my conclusions above that the internal living environment for some of the proposed flats would be compromised in terms of outlook and daylight.
24. I accept that factors such as the location of the site within the CA and the proposal relating to a conversion scheme have some influence on the overall design and viability of the proposal. However, based on the evidence before me, I do not consider that these factors are sufficient to justify the delivery of an unacceptable form of development.
25. Even for the three flats which are presented with a level of private amenity space, its value would be limited through outlook and size. Overall, the occupiers of all of the flats would have an inadequate provision of private amenity space. The consequence of this is that there would be little respite from internal living arrangements which is likely to lead to occupiers feeling constrained within their living spaces.

#### **Noise**

26. Policy D14 of the LP states, amongst other matters that noise should be managed by mitigating and minimising the existing and potential adverse impacts of noise including from in the vicinity of new development. Policy D13 of the LP relates to the Agent of Change principle, which places the responsibility for mitigating impacts from existing noise on the proposed new noise-sensitive development.
27. The proposed flats would implicitly share a close relationship with the public house, which would be retained at the ground floor of the building. Acoustic information and further internal noise measurements have been provided through the appeal process. The location of the additional measurements is crucially not from the exact location of the proposed flats but from within the public house itself, based on assessment over a two-day period.
28. The first floor between the public house and the proposed flats is a concrete floor with void and suspended ceiling. Based on the surface mass, it is presented that the floor would lead to a sound reduction sufficient to ensure that noise from the public house would not cause disturbance to the occupiers of the flats. However, no specific noise measurements for the first floor have been provided to evidence this. Having reviewed the internal layout for the existing flat, there are rooms which do not have windows facing onto the highway. I therefore cannot accept the position of the highway to be adequate justification for discounting carrying out internal noise measurements at first floor.

29. Despite the lack of formal objection from the Council's appointed noise officer, in the absence of conclusive evidence, I have found that it has not been adequately demonstrated that the floor construction would sufficiently mitigate the noise from the public house, to a degree that further mitigation would not be required. The results of any further assessment could suggest mitigation leading to a fundamental re-design of the proposal and therefore I am not satisfied that this could be adequately addressed by condition. Based on the evidence before me, I cannot be satisfied that the living conditions of future occupiers would not be compromised through annoyance or sleep disturbance from the noise from the public house below.

*Summary of living conditions for future occupants*

30. For the reasons outlined above, I conclude that the proposal would fail to provide its occupants with acceptable living conditions, with regard to outlook, daylight, the provision of private amenity space and noise. It would therefore be contrary to Policies D3, D6, D13 and D14 of the LP, as well as Policies DMHB 11, DMHB 16 and DMHB 18 of the HLP Part 2.

*Public house*

31. As above, Policy D13 of the LP refers to the Agent of Change principle, stating that development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue to grow without unreasonable restrictions being placed on them. Policy HC7 of the LP is specifically related to protecting public houses. This policy states that development proposals for redevelopment of associated accommodation within the curtilage of a public house that would compromise the operation or viability of the public house, should be resisted.
32. The proposal seeks to retain the public house within the ground floor of the building. It would however lead to the loss of some of the footprint currently associated with the public house, including toilet facilities at first floor.
33. I note that further detailed plans have been submitted with the appeal, but for the reasons outlined above, I have not accepted these. Nevertheless, even with the level of detail to which the Council made their decision, there is little before me to suggest that the remaining floor space serving the public house would be overly compromised or that the relocation of the necessary plant to the roof of the building would be inappropriate. The proposed reconfiguration would provide a more consolidated and efficient space.
34. However, based on my above conclusions that occupiers of the proposed flats could be adversely affected by the noise associated with the public house, there could in turn be pressure for unreasonable restrictions to be placed on the business. Whilst there is already an existing residential flat above the public house, the proposal would lead to an intensification of the residential use within the site increasing the number of potentially sensitive receptors and increasing the risk of noise complaints relating to the operation of the public house.
35. It has not been adequately evidenced that the proposal could be effectively integrated with the existing public house. The proposal would therefore have a harmful effect on the longevity of the public house with particular regard to the

Agent of Change principle. In this respect it would conflict with Policies D13 and HC7 of the LP.

#### *Cycle parking*

36. Policy T6 of the LP states that car-free development should be the starting point for all development proposals that are well-connected by public transport. The Council accept the principle of the development as being car free in this location and I see no reason to take a different view on this matter. Policy DMT 5 of the HLP Part 2 seeks to secure cycle parking within development proposals. Whilst the numerical level of cycle parking provision would be appropriate, its location would be on the first floor of the building, accessed via a narrow stairwell.
37. I acknowledge that none of the proposed flats are intended to be step-free or wheelchair accessible. However, this would not necessarily mean that future occupiers would all be able to easily transport a bicycle up a narrow staircase. The location of the cycle store on the first floor of the building would be inconvenient to a degree that occupiers of the proposed flats would likely view it as a deterrent to the regular use of cycling as a sustainable mode of travel.
38. Whilst the appeal site is within a sustainable location with various facilities available within a short walking distance, the development is intended to be car free and therefore cycling would potentially be a valuable mode of sustainable transport for medium or longer distance journeys.
39. Based on the inconvenient location of the cycle store at the first floor of the building, the proposal would fail to provide suitable opportunity for sustainable modes of travel. The appellant has suggested that a condition seeking details of a bicycle hanger could be attached to any forthcoming permission. However, based on the floor plans, and the remaining areas of the site not occupied by the building, I cannot be satisfied that there would be adequate space at ground floor level for the provision of a bicycle hanger of the size required to serve the six flats.
40. Given that Policy T6 of the LP relates specifically to car parking, I have identified no direct conflict with this policy. However, based on the above, the proposal would conflict with Policy DMT 5 of the HLP Part 2.

#### *Refuse*

41. Refuse and recycling storage would be provided at ground floor accessed from the established service road. To use the storage, occupiers would have to travel over 30m from the access door to the flats and even further from the front door of each individual flat. Nevertheless, the location of the refuse store relies on the location of an existing store for the public house, where collection arrangements are already established. The extension of this facility to provide for residential waste storage is therefore logical.
42. The occasions on which occupiers would need to access the store would be infrequent and therefore risk of vehicular conflict would be low. The store is relatively close to the active road frontage which would have passive natural surveillance.
43. Noting that the proposal partially relates to the conversion of an existing building, the provision of refuse storage would be appropriate. I have therefore identified no conflict with Policy S17 of the LP which seeks for developments to be designed

with easily accessible refuse storage space. There would also be no conflict in respect to this main issue with Policy D6 of the LP which states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of recyclables. Neither would there be conflict with Policy DMHB 11 of the HLP Part 2 which amongst other matters requires development proposals to make sufficient external provision for general, recycling and organic waste.

#### *Neighbouring living conditions*

44. As above, Policy D3 of the LP requires for development proposals to deliver appropriate amenity. Policy BE1 of the HLP Part 1 relates to the built environment, and amongst other matters seeks for new development to be designed in a way that protects the amenity of surrounding buildings, particularly residential properties. This is in line with Policy DMHB 11 of the HLP Part 2 which states that development proposals should not adversely impact on the amenity of adjacent properties, including in the context of daylight and sunlight.
45. Nos 13-15 Swakeleys Road includes a residential flat at first floor, immediately to the west of the appeal site. The appeal proposal would lead to a reduction of vertical sky component (a measure of direct skylight) of over 20% for one of the bedrooms and the kitchen within the neighbouring flat.
46. The floor plan for the neighbouring flat shows that the kitchen is modest in extent and therefore unlikely to have room for a dining area. It is therefore not considered as a habitable room by the Council's definition. The flat is otherwise served by a living area facing towards Swakeleys Road which would be unaffected by the proposal.
47. My attention has been drawn to an appeal decision (APP/E5900/W/17/3191757) which considered a similar reduction in retained daylight as that which would be experienced in the kitchen of the neighbouring flat as being, "*a barely noticeable change.*" Whilst I do not have the full details of that case to understand the wider context, it is clear from the evidence and from my site observations that daylight to the neighbouring kitchen would already be compromised by the existing built form which surrounds it.
48. A separate appeal decision has also been referenced elsewhere in London (APP/E5900/W/23/3332263) where the Inspector noted that reductions in daylight to bedrooms were less sensitive noting their primary purpose for sleeping. Even if the change experienced from the appeal proposal were to be noticeable to the neighbouring occupiers, it would unlikely amount to harm to their overall living conditions, particularly noting the remaining areas of the flat which would remain unaffected by the proposal.
49. Based on the above, the proposal would have an acceptable effect on the living conditions of the occupants of 13-15 Swakeleys Road, with regard to daylight and sunlight. In regard to this main issue, there would be no conflict with Policy D3 of the LP, Policy BE1 of the HLP Part 1 or Policy DMHB 11 of the HLP Part 2.

#### *Character and appearance*

50. The appeal site is situated within the Ickenham Village CA which extends over a relatively wide area, broadly centred on the Grade I listed Swakeleys House and

its associated parkland. The CA developed from its origins as a rural village to a suburban environment. The village core is still evident marked by the presence of the Grade II\* listed St Giles Church and the Grade II listed village pump at the highway intersection.

51. Commercial units are arranged in a segmental plan form rounding the corner of Swakeleys Road and Long Lane. Beyond this, the appeal site forms one of many commercial uses within an active ground floor frontage to the south of Swakeleys Road. This area of the CA has a varied character comprising from development dating from the interwar and immediate post war period as well as more modern development. The significance of this part of the CA is partially derived from its 'Metroland' style and the use of brickwork and pitched tiled roofs.
52. Roof heights within the immediate street scene are up to three storeys but are overall not consistent. The existing building within the appeal site is two storeys. The additional storey proposed through the appeal scheme would increase the overall prominence of the appeal building. However, the height of the building would still sit below the adjacent corner block and the building would therefore retain its subservience in the street scene. The proposed roof pitch would be more in keeping with the broader street environment than the existing building.
53. Character is not solely defined by the front façade or the street scene. The changes to the rear of the building would be significant. The proposed roof form would be inconsistent, with elements of pitched and flat roofs, the latter of which would extend to a notable projection at second storey height. The sides of this projection, and the flat roof dormer on the main roof, would be finished in vertical tile cladding.
54. Although the rear of the building would be obscured in part by the front of the building, and the existing buildings which surround it, it would still be visible in glimpsed views from the street scene, and from neighbouring land uses. Nevertheless, the full bulk and massing of the rear projections would in part be mitigated through materials with the vertical tile cladding giving the appearance of a roof.
55. Moreover, the presence of flat roofs is established within the CA, including of up to three storeys in height at the prominent corner building as it fronts Long Lane. The character of the area can therefore accommodate the form of development proposed, particularly noting its less prominent positioning. The proposed roof form would still transition from front to rear through the varying heights, thereby maintaining one of the defining characteristics of the existing roof form. I have therefore found that the proposal would have an acceptable effect on the character and appearance of the area and that it would preserve the character and appearance of the CA.
56. Policy D3 of the LP states that development proposals should deliver buildings that positively respond to local distinctiveness including with regard to building forms and proportions. Policy BE1 of the HLP Part 1 seeks amongst other matters for development to be designed to be appropriate to the identity and context of townscapes including in terms of scale and materials. Policy DMHB 11 of the HLP Part 2 requires for the design of new development to harmonise with the local context including through taking into account the height, mass and bulk of adjacent structures. It also seeks to safeguard heritage assets. Policy DMHB 12 of the HLP

Part 2 relates more broadly to streets and the public realm seeking for public realm design to take account of the established townscape character.

57. Based on the above, in respect to this main issue, the proposal would comply with Policy D3 of the LP, Policy BE1 of the HLP Part 1 and Policies DMHB 11 and DMHB 12 of the HLP Part 2.

### **Other Matters**

58. Within the supporting heritage statement for the application, a number of listed buildings were identified in the surrounding context, clustered around the village centre at the highway intersection. These include the Grade II\* listed Church of St Giles, the significance of which is derived in part from its architectural style as well as its historical associations as a village church. Also nearby, is the Grade II listed pump and Grade II listed telephone kiosk, both of which have significance in part for their historical associations with the village. The Grade II Coach and Horses public house is close to the pump on the opposite side of Long Lane, listed partially for its important position in the village centre.
59. I have had regard to the statutory duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) which requires special regard to be given to the desirability of preserving listed buildings including in respect to their setting. Having regard to the form of development proposed and the intervening distance to the listed assets, the appeal proposal would preserve the setting of the listed assets, the significance of which would not be harmed.
60. There is no dispute between the parties on various matters including the principle of residential development, housing mix, sustainability, internal space, biodiversity net gain and demolition and construction management. Based on the above I have concluded that the proposal would be appropriate in terms of character and appearance, including heritage, neighbouring living conditions and refuse storage. Nevertheless, these factors weigh neutrally in the planning balance rather than constituting specific benefits.
61. The proposal would lead to benefits including the delivery of five additional residential units in a sustainable location. The proposal would represent an efficient use of land, repurposing part of an existing building to accommodate housing growth in an area with accessibility to local amenities and public infrastructure. I have given these benefits moderate weight.
62. Paragraph 125 of the Framework requires substantial weight to be given to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused. I have found that substantial harm would be caused to the living conditions of future occupiers. There would also be associated harm to the longevity of the existing public house, and the proposal would fail to provide suitable opportunity for sustainable modes of transport. The weight which I have attached to the development of a brownfield site is therefore lessened. The benefits associated with the proposal are not sufficient to outweigh the substantial harm, to which I have given significant weight, to the living conditions of future occupiers or the longevity of the public house.
63. I acknowledge the appellant's concerns over the Council's handling of the application, specifically in relation to not requesting further information during the

determination period. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

## **Conclusion**

64. I conclude that the proposal would fail to provide its occupants with acceptable living conditions in respect to outlook, daylight, the provision of private amenity space and noise. I have also identified harm in relation to the longevity of the public house through an increased risk of noise complaints and that the proposal would fail to provide suitable opportunity for sustainable modes of transport. These matters bring the proposal into conflict with the development plan when read as a whole, and material considerations do not indicate that a decision should be taken other than in accordance with the development plan. The appeal is therefore dismissed.

*L Gardner*

INSPECTOR