



Appeal Decision

Site visit made on 9 September 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/R5510/W/25/3368197

65 High Street, Ruislip, Hillingdon HA4 8JE

- 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 Mr J Sagoo (Sagoo Group Ltd) against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 6786/APP/2024/2989.
- The development proposed is first floor new build self-contained two-bedroom dwelling on top of rear of existing building, with associated bin and bicycle storage at ground level.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:

- Whether the proposed amenity space provides acceptable living conditions for future occupiers; and
- The effect of the proposed development on the living conditions of occupants of the existing neighbouring residential properties in terms of outlook.

Reasons for the Recommendation

Whether Suitable Amenity Space is Provided

4. The appeal site is located on Ruislip High Street and comprises a two-storey end of terrace building. The building is in commercial use on the ground floor (HSBC bank) with a residential flat above. There is a staircase between the appeal property and the neighbouring property, No. 63 High Street (No. 63) which provides access to the existing flat on the first floor and to the flat roof at the rear.
5. The proposed development is for a two-bedroom flat. This would be constructed at the rear, on the flat roof above the ground floor commercial unit and would partially suspend over the top of the existing service yard and parking area. A new staircase is proposed to access the flat from the rear. The remaining flat roof area would be used as outdoor amenity space for the proposed flat and the existing flat at No. 65 High Street, with the two amenity areas separated by a timber fence.

6. Policy DMHB 18 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020) (the DMP) states, amongst other things, that all new residential development will be required to provide good quality and useable private outdoor amenity space.
7. There is no doubt that the amenity space would be suitable in size for the proposed flat (exceeding the Council standard of 25sqm for a two-bedroom flat set out in the DMP) and I can see from the evidence that the amenity areas would benefit from good sunlight and daylight for most of the year. In addition, the proposals would also provide a suitable sized amenity area for the existing one-bedroom flat. However, the arrangement and design of the amenity areas would be awkward and would not provide good quality space for the occupiers.
8. A fence is proposed to separate the two amenity areas and provide privacy between the existing flat at No. 65 and the proposed flat. However, a high fence in such close proximity to the rear of the flats would severely restrict the outlook of the occupiers from the habitable rooms at the rear of the properties. Whilst the view of the flat roof currently experienced from No.65 is not the most attractive, it does allow views beyond this towards the houses and trees on Midcroft, providing a sense of space. Construction of the proposed flat and fence would significantly harm the current open outlook. The high fence would also feel overbearing when outside the proposed and existing flat, creating amenity areas that feel enclosed and not pleasant spaces to spend time in.
9. It is not clear from the plans how occupiers of the proposed flat would access the amenity areas as only windows are shown at the rear of the property, with no side access. Whilst not shown on the existing or proposed plans, I noted on my site visit that the flat roof at the rear contained roof lights, air conditioning units and other infrastructure serving the commercial premises below. This would severely hinder the use of the proposed amenity space and restrict room for domestic outdoor paraphernalia.
10. The proposed development would provide poor quality outdoor amenity space and therefore unacceptable living conditions for future occupiers. The proposed development would therefore be contrary to DMP Policies DMHB 18 and DMHB 11. These policies seek, amongst other things, to ensure development proposals do not adversely impact amenity. It would also be contrary to Policy D3 and D6 of the London Plan (adopted March 2021) and the National Planning Policy Framework (the 'Framework') which seeks, amongst other things, to ensure development delivers appropriate outlook, privacy and amenity and high-quality living conditions.

Living Conditions - Occupiers of Neighbouring Properties

11. I note the Council are satisfied that the proposed development will not result in an unacceptable loss of privacy to any of the neighbouring properties and a reasonable level of daylight access would be maintained. However, one of the neighbouring flats at No. 63 High Street is located very close to the appeal site, with a narrow gap between the buildings separating the two properties. It has flank windows facing the flat roof (which is currently only used for access to No. 65) and would be directly opposite the area proposed for outdoor amenity space. Whilst there is currently some partial screening between the properties in place, I do not consider this would be sufficient to prevent harm if the amenity space was in

regular and prolonged use. The outlook of the occupiers of No. 63 would therefore be adversely affected by the proposals.

12. For the reasons set out above, I have also found the fence between the existing flat at No. 65 and the proposed flat would harm the outlook from No.65 and create amenity space that feels enclosed and unpleasant.
13. Overall, I conclude that the proposed development would provide poor quality outdoor amenity space which would have a detrimental effect on the outlook from No. 65 and No.63 and this would be harmful to the living conditions of occupiers of these properties. The proposed development would be contrary to DMP policy DMHB 11 which seeks, amongst other things to ensure development proposals do not adversely impact amenity. It would also be contrary to Policy D3 and D6 of the London Plan (adopted March 2021) and the Framework which seeks, amongst other things, to ensure development delivers appropriate outlook, privacy and amenity and high-quality living conditions.

Other Matters

14. The appellant has drawn my attention to a recent planning permission for two new flats at 63a High Street (neighbouring the appeal site) and in particular the fact that no amenity space was provided. It was considered by the Council that the absence of amenity space would be offset by the location and proximity to local services and amenities. Whilst the proposals are in the same location, the development at 63a included no change to the bulk, size or design of the existing building and therefore is not comparable to this proposal. The provision of amenity space, if it is not good quality, does not lend positive weight to this proposal.
15. The appeal site is located within the Ruislip Village Conservation Area (CA). I have therefore had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The CA has a village character with the busy and traditional high street forming the commercial centre with parades of shops on both sides. These are of a variety of architectural styles and details, the appeal property is fairly typical in that it has a commercial use on the ground floor with residential above and the proportions and style of the front facade makes a positive contribution to the CA. The rear elevations of the High Street display far less cohesive design and consistency featuring parking, service yards and previous extensions. The front of the building and façade would not be altered by the proposed development. I note the design comments made by the Councils' Conservation Officer and have no reason to disagree with their conclusions. Overall, I conclude that the proposed development would preserve the character and appearance of the CA and accord with Section 72 of the Act.
17. The appellant comments that the Council's most recently published five-year land supply assessment is for the period to 31 March 2022, so it is more than three years old and does not take into account the introduction of the standard methodology in the Framework. The implication suggested is that some 2,292 new

homes a year are required and only some 795 new homes per year delivered in the last three years (the latest Housing Delivery Test results show only 91% delivery).

18. In terms of whether the proposal benefits from the presumption in favour of sustainable development, the evidence is not substantive and the HDT result referred to is well above the trigger for the presumption to apply. Even if Paragraph 11d) ii of the Framework were applied, the adverse impacts of granting planning permission, in terms of the living conditions for future occupants and the impact on the living conditions of existing occupants, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. These include key policies in relation to securing well-designed places that have a high standard of amenity for existing and future users, of which I am required to have particular regard. Therefore, the presumption in favour of sustainable development would not apply regardless.
19. The provision of housing is nevertheless a benefit that weighs in favour of the appeal. However, given that only one additional unit would be provided, this is of moderate weight. There would be some minor economic benefits in terms of the investment in the construction of the proposed flat and local employment during the construction process. In addition, economic benefits would arise via the proposal increasing local spend from residents of the proposed new flat.
20. The proposed flat is a suitable size and would receive good natural light, providing future occupants with satisfactory internal living conditions. No issues have been found in relation to the principle of residential development. The proposed development is acceptable (with conditions in some cases) in relation to cycle storage, bin storage, draining and air quality. It would preserve the character of the CA. However, these, along with other neutral considerations weigh neither for, nor against, the proposal.
21. DMP Policies DMHB 18 and DMHB 11 are broadly consistent with the Framework. I have found that the proposed development would provide unsuitable outdoor amenity space and therefore unacceptable living conditions for the occupiers of the proposed development, and be harmful to the living conditions of the occupants of No. 65 and No. 63 with regard to outlook. The proposal would conflict with the development plan policies as outlined above and with the Framework.

Conclusion and Recommendation

22. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other material considerations, the benefits of the development do not outweigh the harm, and I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson INSPECTOR