



Appeal Decision

Site visit made on 19 March 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2019

Appeal Ref: APP/R5510/W/18/3218019

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

- 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 Madhu Suchak (Anslip (UK) Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 38324/APP/2018/2678, dated 20 July 2018, was refused by notice dated 18 October 2018.
 - The development proposed is erection of detached building to accommodate office accommodation above existing parking.
-

Decision

1. The appeal is allowed, and planning permission is granted for erection of detached building to accommodate office accommodation above existing parking at Pembroke House, 5-9 Pembroke Road, Hillingdon, Ruislip HA4 8NQ in accordance with the application Ref: 38324/APP/2018/2678 dated 20 July 2018, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The National Planning Policy Framework was revised in 2019. This is a material planning consideration and I have taken it into account as part of the determination of this appeal

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the Area of Special Local Character (ASLC) and on the setting of the Ruislip Village Conservation Area (CA).
 - The effect of the proposal on the living conditions of residents of Pembroke House, in respect of privacy.
 - Whether the proposal would ensure that there is sufficient car parking provision for the occupiers of Pembroke House and the effect of the development on on-street parking demand, car parking standards, the free flow of traffic and highway/pedestrian safety outside of the site.

Reasons

Character and appearance, CA and ASLC

4. The appeal site is located within the car park at the rear of Pembroke House. It is adjacent to, but not within the CA and ASLC. The CA was first designated in

1969, and the medieval village, based around Manor Farm, St.Martin's Church and the surrounding buildings form the core of the CA. Ruislip has a distinct identity that reflects its historical development.

5. Whilst the appeal site lies within the setting of the CA and ASLC, the car park itself is private, and public use is restricted. The design of the building, brick built with a mansard roof and hanging tiles would be very similar to the existing office building in the car park and would be considerably smaller than many of the existing buildings, including Pembroke House, that surround it.
6. Due to the private nature of its location to the rear of Pembroke House, it would not be conspicuous within the street scene setting of Pembroke Road. Furthermore, and owing to the position and scale of the development, I am satisfied that the development would not interfere with important views into or out of the CA or have a detrimental impact on its setting. Consequently, I do not consider that the development would look out of place in the locality or cause significant harm to the character and appearance of the area.
7. With regard to the ASLC, it is the rear gardens of the Brickwall Lane properties that set the context. These generally incorporate high vegetation screening along the boundary. There is no evidence to suggest that any of that screening would be affected by the proposals. The proposals are a significant distance from those properties, and as there are no windows proposed at the rear, privacy to the amenity spaces of the Brickwall Lane properties would not be compromised by the appeal proposals. In this context, I do not consider that any significant harm would be caused to the ASLC.
8. For the reasons outlined above, I conclude that the development would not result in any material harm to the setting of the CA or to the ASLC, and as such would not be in conflict with policies BE1 and HE1 of the London Borough of Hillingdon Local Plan Part One Strategic Policies (2012) (the LP) and Policies BE4, BE5, BE13, and BE19 of the London Borough of Hillingdon Local Plan Saved Unitary Development Plan Policies 2012 (the UDP), which, amongst other matters, seek to promote good design that harmonises with its surroundings and protect designated and locally registered heritage assets. Policy BE15 of the UDP is not directly relevant to this main issue in that it is concerned with extensions and alterations to existing buildings.

Living conditions - privacy

9. From the evidence provided, it appears that the distance from the proposed building and the existing residential properties at Pembroke House is approximately 16.5m, which is below the 21.0m acceptable separation distance set out in the Council's Supplementary Planning Document on Residential Extensions (SPD). However, this SPD relates to residential dwellings, whereas the proposal would be for a B1 office use and the overall amount of proposed office space would be very limited. In this case, I do not consider that the SPD guidance is relevant to the appeal proposal. It is necessary that I reach a view on privacy matters using my own planning judgement.
10. In this case, the proposed building would be separated from the flats at Pembroke House by an existing car park. In addition, the building would be used for office purposes and so I consider that it is reasonable to take the view that it would not likely be occupied at all times of the day. In addition, the

windows proposed for the elevation facing the flats in Pembroke House would be relatively small and limited in numerical terms.

11. When the above matters are considered as a whole, I do not consider that the appeal proposal would give rise to a significant loss of privacy for the occupiers of Pembroke House. Therefore the proposal would accord with the amenity aims of Policy BE24 of the UDP and the guidance set out in the Framework.
12. Also, in relation to that guidance, the proposed relationship is not taken across private garden areas, but across a car park used by vehicles, which may well be parked for long periods of time. I find that these factors render the separation distance requirements unworkable in the policy in this instance, and as such, I find no conflict with the SPD, or Policy BE24 of the UDP, which requires development to protect the privacy of neighbouring dwellings.

Car parking, highway safety and free flow of traffic

13. The existing parking provision is a private car park for residents. Based on the evidence provided, there are 21 existing spaces for 19 residents and the existing office building.
14. The proposed building would include car parking space within the construction footprint. I concur with the Highway Authority in that the proposals would effectively remove two spaces, in that space 18 would be unusable for a normal vehicle, and space 17 would be very close to the entrance to the new building. However, and acknowledging that, I find that space 17 would nonetheless still be usable. Furthermore, space 18 could well be utilised for motorbikes or cycles. I also agree with the Highway Authority that the surrounding area is covered by parking controls, and that there is good access to public transport. I note that the Highway Authority have not raised an objection to the proposals.
15. Notwithstanding the above, the Council have raised concerns regarding the overall amount of car parking that would be provided on the site. I understand from the evidence provided that 15 car parking permits are currently issued, and this is controlled by the owners of the building. This is below the 1:1 car parking standard set out within policy AM14, however it is reasonable to assume that the car park is not currently at capacity, and that it would remain under the control of the owners of the building. In addition, I am not in receipt of any evidence to suggest that there is an ongoing problem with car parking on the site. The car park is not available to be used by the public, and I am satisfied that the revised capacity would be sufficient to be able to control the private parking demand. I consider that the loss of two spaces would not cause significant harm to highway safety or lead to any on-street parking issues or traffic flow issues off site.
16. For the collective reasons outlined above, I conclude that the proposal would accord with policies AM7 and AM14 of the UDP which collectively state that, amongst other matters, that proposals should not cause significant harm to the conditions of highway and pedestrian safety and that the number of car parking spaces on the site would be sufficient for all land uses.

Other Matters

17. I have noted the concerns raised by other interested parties and many of the comments raised have already been addressed in my reasoning above. Comments have been made that the existing car park serves both Pembroke

House and Neyland Court, but I have no objective evidence before me to support such a view. Concerns have also been raised about possible dust and noise at construction stage. Any disturbance at construction stage would be temporary in nature and the Council has separate statutory nuisance powers to deal with any unacceptable impacts.

18. I acknowledge the comments made by some interested parties about the possibility of the appeal building being converted into a dwelling in the future. This is not relevant to the determination of this appeal and any such proposal would require separate planning permission.
19. I have considered the relationship of the proposed development with properties (including rear gardens) on Brickwall Lane. Owing to the location, height, position of windows and screening on the common boundary with neighbouring properties, I am satisfied that the development would not cause significant harm to the living conditions of the occupiers of these neighbouring properties in respect of outlook, light and privacy. In addition, I am satisfied the proposal would not result in any significant loss of light or outlook for the occupiers of Pembroke House.

Conditions

20. I have taken into consideration the conditions proposed by the Council as agreed by the appellant and amended some of the wording in the interests of precision. I have not included the conditions relating to the submission of details of boundary treatments, as there would be no requirement for any boundary treatments, given the concerns of the Council regarding loss of parking spaces. I have also deleted a pre-commencement condition that appears to have been duplicated as well as the suggested condition requiring visibility splays for the car parking space, which is unnecessary, given that the proposal is acceptable in plan form and most of the car park/access shown on the submitted plans is already in existence, serving existing development.
21. It is necessary to impose the three-year time limit and a condition requiring the development to be carried out in accordance with the approved plans, in the interests of certainty. It is necessary to impose conditions 3 and 5 in the interests of the character and appearance of the area. Condition 6 is necessary in order to discourage the use of the private motor vehicle and to encourage more sustainable transport movements. Condition 4 is imposed to ensure that parking provision is retained for the lifetime of the development. In this case, and notwithstanding the agreement from the appellant to impose pre-commencement conditions, I do not consider that any of the conditions suggested by the Council need to be strictly pre-commencement conditions. I have therefore amended such conditions in so far that it would allow development to commence prior to specified details being approved, subject to such development not being above ground level.

Conclusion

22. For the reasons set out above, and taking into account all other matter raised, the appeal is allowed.

Paul Cooper

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

L.01 - Site Location Plan; B.01 – Block Plan; P.01 - Existing site layout;
P.02 - Proposed Site Layout; P.03 - Proposed Site Plan;
P.04 - Proposed Ground Floor Plan; P.05 - Proposed First Floor Plan;
P.06 – Proposed Roof Plan; P.07 - Proposed Elevations.
- 3) No development above ground level shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved details.
- 4) The car parking to be provided with the development hereby approved shall be kept available for the parking of vehicles at all times.
- 5) No development above ground level shall take place until details of facilities to be provided for the screened storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
- 6) No development above ground level shall take place until details of covered and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.