

Appeal Decision

Site visit made on 9 August 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/R5510/W/22/3298681

Neyland Court, Pembroke Road, 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 Anslip (UK) Limited against the decision of London Borough of Hillingdon.
 - The application Ref 76364/APP/2021/4604, dated 21 December 2021, was refused by notice dated 25 March 2022.
 - The development proposed is construction of detached building to accommodate new management office accommodation above replacement parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant advises that during the application they submitted an amended plan (Dwg No P.11.A) for discussion purposes. There are errors in the numbering of properties on this amended plan. However, the plan does not indicate that it is for discussion purposes only, there is no substantive evidence of the communication before me stipulating this intention, and the plan was subject to a re-consultation exercise. The Council's assessment, Officer Report and ultimately its determination, was based on the amended plan.
3. The appellant has also indicated that they would accept the introduction of fixed obscure glazed windows on the rear wall as an amendment to the scheme and has suggested that this could be secured by way of a condition. However, it is not the purpose of the appeal system to amend the design of proposals as this would deny occupiers of neighbouring properties the opportunity to provide comments, denying fairness and natural justice. For clarity, I have determined the appeal based on the plans before the Council when it made its decision. This includes Dwg No P.11.A.

Main Issue

4. The main issue is the effects of the proposals on the living conditions of the occupiers of the following properties:
 - Nos 4, 6, 6a and 8 Brickwall Lane with particular reference to outlook and sunlight;
 - Flats within Neyland Court with particular reference to outlook, privacy, noise and disturbance and loss of external amenity space; and
 - No 19 Pembroke Road with particular reference to outlook.

Reasons

5. The appeal site forms part of a parking area to the rear of Neyland Court. The proposals would introduce a two-storey building on the northern boundary of the site. To the rear, of which, are the gardens of residential properties along Brickwall Lane. Of these properties, No 6 and No 6a Brickwall Lane (No 6 and 6a) are bungalows, positioned with their rear elevations close to the boundary with the appeal site and have small gardens.
6. The proposed building would have a box like form. Although the design with a flat roof would keep the overall scale and massing as low as possible, its width and height, in such close proximity to the garden and rear elevations of No 6, and to a lesser extent No 6a, would be an oppressive feature. Moreover, the lack of fenestration on the rear elevation, whilst ensuring that there would be no overlooking, would result in a somewhat stark appearance, exacerbating the harm. Overall, it would have a harmful effect on the outlook from these properties and their gardens.
7. There is no substantive quantification of any shadowing effects from the proposal. Although two storeys high, with its flat roof, and considering the height of the sun, any shadowing effects are unlikely to be significant for most of the properties along Brickwall Lane. However, due to the small size of the gardens at No 6 and 6a, increased shadowing of these gardens would harmfully affect their use and enjoyment.
8. There is some planting along the boundaries of No 6 and 6a, some of which has been cut back considerably. Even if this grew back to the height of the proposed building to cast a similar shadow, the solid dominance of the brick wall along the boundary would not be fully mitigated by the softening of the vegetation. I do not accept that this, therefore would justify the physical massing of the proposed building, along the rear boundaries as proposed, given the particularly small size of gardens at No 6 and 6a.
9. No 4 Brickwall Lane is set further back from the boundary and at that distance, although visible, the proposed building would not appear oppressive in scale, except from the bottom part of the garden. No 8 Brickwall Lane is to the east of No 6a with the garden of No 6a in between. At this distance, and with the intervening garden, it would not appear unduly dominant. On balance, therefore, any changes to the outlook from these properties would not unacceptably harm the living conditions of occupiers.
10. The view of the proposed building from the flats within Neylands Court would be intimidating to occupiers of the flats, due to the reasonably short distance and directness of the view. Here, the proposed building would be a dominant structure with windows directly facing the flats. At this short distance there would be an unacceptable loss of privacy and outlook for occupiers of the flats.
11. The alterations to the parking and landscaped area would erode the external amenity space associated with the flats. Moreover, this would result in increased activity nearer the building from cars parking, doors closing and residents using the bin store. These incremental alterations would, cumulatively, erode the quality of the environment and exacerbate the harm from the proposed building.

12. No 19 Pembroke Road is located to the east of Neyland Court. However, given the angle and distance to the proposed building and the single storey garage block in between, the proposed building would not appear unduly oppressive in scale from this property.
13. To conclude, the proposals would result in an unacceptable effect on the living conditions of the occupiers of No 6 and 6a (with particular reference to outlook and sunlight) and the occupiers of flats at Neyland Court (with particular reference to outlook, privacy, noise and disturbance and loss of external amenity space). The proposals would therefore be contrary to the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 of the National Planning Policy Framework (2021) (the Framework). These say, amongst other things, that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties.
14. Past enforcement matters do not alter the planning merits of the proposals before me. Moreover, a previous appeal (Ref: 3279874) was for a different design in a different location to the rear of Neyland Court. Pembroke House has previously been altered from office to residential use and there are two existing office buildings opposite it to the rear that sit along the northern boundary.
15. One of the existing buildings is similar in design to the proposal before me, being a brick-built building with a flat roof with parking below the office. Even though this was granted consent, its design does not contribute positively to the visual amenity of the area, having a top-heavy appearance. The building is oppressive in scale at close quarters and has windows facing directly toward the flats within Pembroke House. However, this building is further from the properties along Brick Lane, than the proposal before me, due to the length of gardens at this point.
16. The existing office in the north west corner is orientated with its side elevation facing Pembroke House and main windows facing into the car park away from Pembroke House. As such, the relationship is not directly comparable to the scheme before me. Overall, I was able to see how these types of buildings to the rear can erode the quality of living conditions for occupiers of neighbouring properties. In this regard, I have assessed the proposal on its own merits, and they do not justify the proposed development, given the nature and the scale of the harm that I have identified.
17. The associated benefits from cycle parking, an Electric Charging Point and alterations to the refuse area would be small and do not outweigh the harm to the neighbouring occupiers living conditions. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal.
18. To conclude, for the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR