



## Appeal Decision

Site visit made on 16 January 2024

**by C Carpenter BA MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 February 2024**

**Appeal Ref: APP/R5510/W/23/3327636**

**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 Mr M Suchak against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 76364/APP/2023/321, dated 2 February 2023, was refused by notice dated 14 June 2023.
- The development proposed is removal of the existing mansard roof, construction of additional two storeys along with front extensions and external alterations to create an additional 8 units with associated amenity.

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. A revised description of development was agreed by the local planning authority and the appellant, and the application was determined on that basis. I have therefore used the revised description in the heading above.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their comments in my decision.

### **Main Issues**

4. The main issues are:
  - the effect of the proposal on the character and appearance of the surrounding area, including the effect on the significance of the Ruislip Village Conservation Area through development within its setting;
  - the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to outlook and light;
  - whether the proposal would provide adequate living conditions for existing and future residents of Neyland Court, with particular reference to external amenity space;
  - whether the proposal would provide a suitable mix of housing.

## Reasons

### *Character and appearance*

5. The appeal site is in a residential area, close to the edge of Ruislip town centre. The area comprises a mix of one and two storey houses, and some flatted blocks. There is generally a gradual transition from low to medium rise buildings as proximity to the centre increases. Neyland Court contributes to this transition because it is situated between bungalows on Pembroke Road and Pembroke House, which has five storeys. In addition, other flatted blocks opposite the appeal site mostly have three or four storeys, while the dwellings to the rear predominantly have one or two. The latter fall within the Midcroft, Ruislip, Area of Special Local Character (ASLC), a suburban neighbourhood of local townscape value.
6. The Ruislip Village Conservation Area (CA) includes Ruislip's medieval core, the commercial High Street and residential streets on the other side of it from the appeal site. The CA's boundary abuts Pembroke House, close to Neyland Court. The CA's significance as a designated heritage asset (DHA) derives from the village character of the medieval core and subsequent commercial and residential development influenced by early 20<sup>th</sup> century 'Garden Suburb' principles and 'Metroland' styles. The setting of the CA includes the low-rise residential hinterland of the town centre, of which Pembroke Road and the Midcroft ASLC are part. As an extension of the original suburban vision for Ruislip, this setting contributes to the CA's significance.
7. The proposed addition of two floors to Neyland Court would disrupt the gradual transition in heights surrounding the site. There would be a particularly jarring contrast between the proposed five storeys and the adjacent bungalows on that side of the road. The small remaining difference in height between the proposed development and Pembroke House would not mitigate this discordant effect. The extended building would also appear as two storeys taller than the block immediately opposite. The incongruous townscape would be evident when viewed down Pembroke Road from the junction with the High Street, notwithstanding the presence of taller buildings in that location. This would detract from the character and appearance of the area.
8. The contrast with the low-rise homes to the rear of the site would be similarly incongruous and clearly visible from Brickwall Lane and other roads within the ASLC, eroding its character.
9. I acknowledge there would be some similarities in style and materials between the proposed design of Neyland Court and that of newer blocks nearby, including the one opposite. Nevertheless, these would not compensate for the harm to local character resulting from the scale and height of the development. Moreover, even if I were to accept that the proposal would improve the appearance of Neyland Court, this would not outweigh the harm I have found.
10. The harm to the character and appearance of the area would also detract from the suburban setting of the CA and thereby harm the CA's significance. This harm would be less than substantial. Paragraph 208 of the Framework requires less than substantial harm to the significance of a DHA to be weighed against the public benefits of the proposal.

11. Eight additional one-bedroom flats would contribute to meeting local need for this type of accommodation. The Council states it does not have a shortfall of housing land, and the appellant does not dispute this. I therefore give limited weight to this benefit. There would be a modest contribution to local economic growth through construction and future occupiers' use of local services and facilities, to which I also ascribe limited weight. Individually or cumulatively, these public benefits would not outweigh the great weight I am required by the Framework to give to conserving the significance of a DHA.
12. For these reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area and on the significance of the CA. This is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan (HLP): Part 1 Strategic Policies 2012 (HLP1), Policies DMHB1, DMHB4, DMHB5, DMHB11 and DMHB12 of the HLP Part 2 Development Management Policies 2020 (HLP2), and Policies HC1, D3 and D4 of the London Plan 2021 (LP). Together, these Policies seek good design that is appropriate to its context and makes a positive contribution to local character and distinctiveness, including the setting of CAs and Hillingdon's ASLCs. It is also contrary to the Framework where it seeks development that is sympathetic to local character and history, and as set out above in relation to heritage assets.

*Living conditions – outlook and light*

13. The proposed balconies at the front of the additional storeys would project beyond the existing front elevation of Neyland Court by some 1.5 metres. This would be directly above the bedroom windows of the four current flats on the second floor of the building. Even with cantilevering, these rooms would feel more enclosed as a result, bearing in mind their relatively shallow windows. The new floors would also project slightly beyond part of the rear elevation of the building, above the living room windows of the current top two central flats. There is little before me to demonstrate the impact of the proposal on light levels in either the bedrooms or living rooms affected. Therefore, I cannot be certain the effect would be acceptable.
14. The rear garden of 19 Pembroke Road is small and very close to the side of Neyland Court. The additional storeys would dominate the garden, resulting in an overbearing outlook for users of the space. Given the orientation of the buildings, some overshadowing of the garden would also be likely.
15. The addition of two storeys to Neyland Court would dominate the outlook from the rear-facing rooms in the adjoining bungalows on Brickwall Lane and from their modest rear gardens. Even if the rear-facing rooms are bedrooms, these are habitable rooms so there would be harm to the living conditions of the occupiers of these homes. Given the contrast in height involved, this detrimental effect would not be sufficiently mitigated by the separation distance or the trees along parts of the boundary wall. There is also insufficient evidence to satisfy me that effects on light to the rear gardens and rear-facing habitable rooms in these dwellings would be acceptable.
16. For the above reasons, I conclude the proposal would have a harmful effect on the living conditions of neighbouring occupiers, with reference to outlook, and would be likely to have a harmful effect with reference to light. This is contrary to Policy BE1 of HLP1 and Policy DMHB11 of HLP2, which require development to protect the amenity of surrounding residential properties, including light. It

is also contrary to the Framework, where it requires a high standard of amenity for existing users.

*Living conditions – external amenity space*

17. Policy DMHB18 of HLP2 requires a minimum of 20m<sup>2</sup> of private outdoor amenity space for one-bedroom flats. Policy D6 of the LP defers to borough-level development plan standards for private outside space where these are higher than 5m<sup>2</sup>.
18. The area of the proposed balconies falls well short of 20m<sup>2</sup> for each new flat. It is likely that some future occupiers would seek to use the existing communal amenity space behind the block. This is not sufficiently large to accommodate further users, particularly given each flat could potentially be occupied by two people. Consequently, the needs of future occupiers would not be met, and the living conditions of existing occupiers would likely be eroded.
19. The small area to the front of the block does not provide sufficient privacy for people to sit out and does not appear to be used currently for that purpose. Therefore, this would not add to available outside private amenity space. I acknowledge there are public open spaces in the area. However, on the evidence before me these are not sufficiently large and/or close to Neyland Court to provide adequate compensation for the considerable shortfall in private amenity space in the proposal.
20. I therefore conclude the proposal would not provide adequate living conditions for existing and future residents of Neyland Court, with particular reference to external amenity space. This is contrary to Policy DMHB18 of HLP2 and Policy D6 of the LP, which require good quality and useable private outdoor amenity space in all new residential development. It is also contrary to the Framework, where it requires a high standard of amenity for existing and future users.

*Housing mix*

21. Policy DMH2 of HLP2 requires the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. Supporting text to the Policy states that current information indicates a substantial borough-wide requirement for larger private market units, particularly three-bedroom properties. Applicants are required to demonstrate this need has been taken into account. Policy H10 of the LP states schemes should generally consist of a range of unit sizes, having regard to various considerations including the nature and location of the site.
22. Neyland Court currently comprises twelve one-bed flats and the proposal would add a further eight one-bed flats. I acknowledge the proximity of the site to public transport. However, there is little before me to demonstrate a level of demand for one-bed flats in the area sufficient to justify this lack of dwelling size mix. In addition, other than the absence of a lift, there is little to substantiate the appellant's suggestion that larger units would not be commercially viable or appropriate in this location. Consequently, I am not persuaded on the evidence before me that a development exclusively of one-bed units would provide a suitable housing mix.
23. I therefore conclude the proposal would not provide a suitable housing mix, which is contrary to Policy DMH2 of HLP2 and Policy H10 of the LP. This is also

contrary to the Framework, which seeks an appropriate mix of housing types for the local community.

### **Other Matters**

24. I have given limited weight to the social and economic benefits of the development identified above. The proposal would also use a previously developed site with good public transport accessibility to provide more housing, which is supported by the Framework. Nevertheless, these factors would not outweigh the harms I have identified.
25. The Council is satisfied regarding highways and parking, refuse storage, the proposed quality of internal accommodation in both the new and existing flats, and with effects on the privacy for neighbouring occupiers. On the evidence before me, I see no reason to disagree with these conclusions. I also note the appellant would seek to minimise any disruption to neighbours during construction. However, an absence of harm in these respects is a neutral factor.

### **Conclusion**

26. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

*C Carpenter*

INSPECTOR