

Appeal Decision

Site visit made on 27 April 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/R5510/W/22/3307666

73 Victoria Road, Hillingdon, Ruislip HA4 9BH

- 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 Pershing Properties Limited against the decision of London Borough of Hillingdon.
 - The application Ref 76505/APP/2022/586, dated 10 February 2022, was refused by notice dated 20 April 2022.
 - The development proposed was originally described as the conversion of the existing loft and building over the outrigger airspace to create a new one bedroom flat at second floor level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effects of the proposed development on the character and appearance of the surrounding area;
 - The effects of the proposed development on the living conditions of the occupiers of Nos 73a and 75a Victoria Road (Nos 73a and 75a) with particular reference to outlook and light, and with regards to No 73a, with particular reference to privacy, noise and disturbance from the proposed refuse and cycle store provision; and
 - Whether future occupiers would be likely to experience acceptable living conditions in terms of outlook, natural light and external amenity provision.

Reasons

Character and appearance

3. The appeal site comprises of a ground floor commercial unit and a first floor flat forming part of a row of two storey properties that retain a strong uniformity when viewed from Victoria Road. This reflects the higher status of the front façade of the terrace, in contrast with the service status and function of the rear. Nonetheless, despite variation and visual clutter to the rear, there remains a broad consistency to the roofscape of the terrace and the height of first floor outriggers.
4. The erection of a second floor addition to the first floor outrigger would be a significant departure from the broadly consistent roofscape. Moreover, due to

the length of the projection to the rear, and its elevated height, it would appear an unduly bulky structure, subsuming most of the rear roof slope. Even with matching materials, the shape, size, and elevated location would not harmonise with the host dwelling and the row of properties that form part of this terrace.

5. There are external staircases at present to the rear of the terrace. However, the proposed staircase would reach the second floor level and, at this height it would be a highly prominent discordant feature. Moreover, the combination of the existing, and proposed staircase, would result in a significantly cluttered appearance, blocking views of windows, to the detriment of the appearance of the façade. In this regard, the degree of visual clutter within the rear of the terrace group does not justify adding to the clutter at a more prominent elevated position.
6. The two-storey row of terraced properties adjoins a three-storey row of terraced properties. However, the appeal site is clearly seen as part of the two-storey row. Moreover, the three-storey row maintains a broadly cohesive design to the upper floors, stepping down without significantly projecting out to the rear at the second floor level. This form, and with windows on the rear elevation, maintains an uncluttered and harmonious appearance. The presence of the adjoining three-storey row does not, therefore, alter my findings.
7. To conclude on this main issue, the proposed development would have a harmful effect on the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policy BE1 of the Hillingdon Local Plan: Part One-Strategic Policies (LP1) (2012), Policies DMHB11 and DMHB12 of the Hillingdon Local Plan: Part Two-Development Management Policies (LP2) (2020), Policies D1, D3 and D4 of the London Plan (LP) and the National Planning Policy Framework (the Framework) (2021), when taken together and insofar as they relate to this main issue. These require, amongst other things, that all development, including extensions be designed to the highest standards and, incorporate principles of good design including harmonising with the local context.

Living conditions - Nos 73a and 75a

8. The proposed staircase, refuse and cycle store would be positioned near the rear windows and door serving the kitchen of No 73a. Moreover, the extension would project, by a small amount, over the windows of bedroom 1 and 2. The resulting built form and activity of the occupiers of the proposed development would erode the light and outlook received within No 73a, erode the privacy of its occupiers and result in increased noise and disturbance.
9. It is a function of the planning system to secure good living conditions for existing occupants of buildings. In this regard, it is not appropriate to rely on the possibility that conflicts between occupiers could be cordially resolved. Moreover, I have no firm evidence that a condition that reconsiders the refuse and cycle storage location could overcome my concerns.
10. No 73a is located within a busy urban environment, and the flats have a first-floor access to the front passing past the front windows. Even so, the cumulative effects of the proposed development would significantly erode, and ultimately unacceptably harm, the living conditions of the occupiers of No 73a.

11. Due to the proximity to No 75a, length of projection, its box like form and elevated position at the second floor, the proposed development would appear an unduly dominant addition that would unacceptably erode the outlook from the nearest upper floor habitable room of No 75a. Even considering the urban environment, this additional physical massing would, as a result, unacceptably harm the living conditions of the occupiers of No 75a.
12. Due to the appeal site's position northerly of No 75a, I do not consider that the proposed development would result in an unacceptable loss of light. The absence of harm in this regard is a neutral matter.
13. To conclude on this main issue, the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No 73a with particular reference to outlook, light, privacy, and noise and disturbance. Moreover, the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No 75a with particular reference to outlook.
14. As such, I find conflict with the requirements of Policy BE1 of the LP1, Policies DMHB11 and DMT5 of the LP2, Policy T5 of the LP and the Framework, when taken together and insofar as they relate to this matter. These say, amongst other things, that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Living conditions – future occupiers

15. The proposed bedroom 1 would be served by a combination of two roof lights and a small window. This window would be positioned immediately adjacent to the long projecting built form proposed and in close proximity to the more modest but projecting built form of No 75a. The bedroom would, because of the design, in my view, have inadequate outlook and access to natural light.
16. The external space falls significantly short of the Council's requirements of 20m², as set down in Table 5.3 of the LP2. Private outdoor amenity space provides a different and important function, to public spaces such as the nearby Shenley Park. In this regard, the location of the park within walking distance does not justify a departure from the requirements set down within Policy DMHB18 and Table 5.3 of the LP2. The proposed external space is small, and given it would be used as the access to the property as well, provides little meaningful useable amenity space. The lack of privacy that would ensue from its elevated exposed nature, although not determinative, adds to my concerns.
17. I accept that any future occupiers would be aware of the amenity space and outlook, and there are different degrees of expectations from suburban housing to living in flats above shops. However, it is a function of the planning system to secure good living conditions for future occupants of buildings and, in this regard, the proposal falls short of this goal.
18. I therefore conclude on this main issue, that future occupiers would be likely to experience unacceptable living conditions in terms of outlook, natural light and external amenity provision. As such, I find conflict with the requirements of Policies DMHB16 and DMHB18 of the LP2, Policy D6 of the LP and the Framework, when taken together and insofar as they relate to this matter. These broadly seek to ensure good standards of living conditions for future occupants of developments, amongst other things.

Other Matters

19. The government places considerable importance on boosting the supply of housing, including from small scale developments meeting the needs of different groups. The proposal would deliver economic and social benefits from the construction and occupation of the flat in a sustainable location. The size and location of the proposed development may result in a cheaper form of accommodation than alternative housing. However, I have no firm evidence of this, moderating the weight I afford this matter. Moreover, as a single flat the associated benefits would be limited.

Conclusion

20. The proposal would not accord with the development plan when read as a whole and I find there to be no material considerations, that would indicate that the decision should be taken other than in accordance with it.
21. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR