



## Appeal Decision

Site visit made on 15 July 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

**Appeal Ref: APP/R5510/W/24/3356952**

**82-84 High Street, Ruislip HA4 7AB**

- 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 Bika Construction against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 78935/APP/2024/1992.
- The development proposed is extensions and alterations at ground, first and second floors and conversion of first floor from office (Class E) to provide 5 no residential flats (Class C3) with associated cycle and bin storage. Retention and reconfiguration of Class E unit at ground floor and alterations to fenestrations.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) whether the development would provide satisfactory living conditions in terms of outlook, privacy, security, ventilation, room layout and access to light, (ii) its effect on living conditions in dwellings in the Thomas Moore building (the TM building) and 80a High Street (No 80a) in terms of privacy, outlook, noise and access to light, (iii) air quality, (iv) the effect of the development on the marketability of the ground floor commercial unit and on the function and vitality of Ruislip Town Centre (RTC), and (v) its effect on the character and appearance of the building and locality, including whether it would preserve or enhance the character or appearance of the Ruislip Village Conservation Area (the CA).

### Reasons

#### *The appeal site.*

3. The appeal property was previously a bank on the ground floor with offices at first floor level and a residential flat on the second floor. The front or main part of the building faces out onto the High Street and contains 3 storeys. To the rear is a single storey flat roof projection that links the main building to a 2 storey high building to the back of the site (the back building). A narrow alleyway leads between the back building and the TM building, forming a pedestrian link between Ickenham Road and a car park to the rear of properties facing High Street.

#### *Living conditions within the proposed development.*

4. The proposal would introduce 3 apartments at first floor with flat 1 and flat 2 within the main building and flat 3 in the back building. Flats 4 and 5 would be at second floor level in the main building.

5. The window in bedroom 1 of flat 3 would look directly out to the blank side elevation of the TM building with only the narrow alleyway in between. This window already exists and I saw it provides a highly restricted outlook. The window to bedroom 2 of the same flat would provide views towards the back of the main building. Also, these views would be restricted by a proposed fence near to the window and between a private roof terrace for flat 3 and a communal terrace. As such, the outlook from both of the bedroom windows within flat 3 would be poor, even when considering the town centre location.
6. The communal terrace area would provide the only outdoor space for the residents of flats 1, 2, 4 and 5. This would not be a private space as it would be overlooked from rear windows to flat 2. Consequently, the development does not comply with the minimum requirement for private outdoor space as set out under part F(9) of policy D6 of the London Plan 2021 (LonP).
7. First floor balconies on the back of the TM building tend to provide views towards the rear car park rather than towards the appeal building. Accordingly, there would be no significant potential of overlooking from the TM building balconies into the living/dining room to flat 3. Therefore, residents of this apartment would have a sufficient level of privacy.
8. The development would provide a rear entrance off the alleyway, although there would also be an alternative entrance to the flats from the High Street. In any event, the alley is short and straight and so it provides good forward visibility. Also, it leads to entrances to other residences. Therefore, the alleyway feels safe and secure so users of the entrance into the back building would not feel vulnerable.
9. Flats 1 and 4 would be single aspect apartments. As such, they would go against the provisions of part C of LonP policy D6 unless it is shown they would have adequate passive ventilation and would avoid overheating. The appellant's technical note on overheating mitigation explains these flats would have openable windows fitted with glazing to reduce solar gain. Mechanical ventilation will be provided to the bathrooms and kitchens. I also note the tall floor to ceiling heights in these flats, which would allow a cooler living space. Suitable mitigation measures could be secured by planning conditions to ensure satisfactory ventilation and prevent overheating in these apartments.
10. All of the proposed flats would meet the minimum internal floorspace figures provided at table 3.1 of the LonP. I am satisfied the kitchen/living/dining rooms for flats 2 and 5 are of a shape and of adequate width in overall terms to accommodate appropriate furniture and to allow circulation. The appellant has provided a daylight and sunlight assessment (DSA). This concludes all the proposed flats would benefit from daylight levels in excess of recommendations in the Building Research Establishment's Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and BS:EN17037:2018. In the absence of any substantive evidence to the contrary, I find each of the flats would have acceptable access to light.
11. To summarise, I find the development in many regards would provide acceptable living conditions. However, the outlook from the bedrooms in flat 3 would be unacceptably poor and residents of 4 of the 5 proposed apartments would have no private outdoor space. Therefore, I conclude the development when considered as a whole would provide unsatisfactory living conditions. In these respects, it would not accord with policy DMHB16 of the Council's Local Plan Part 2 Development

Management Policies adopted 2020 (LP2) and LonP policies D3 and D6. Amongst other things, these policies seek to ensure development delivers appropriate outlook and privacy and general amenity. The Council's refusal reason also refers to LP2 policy DMHB15 on planning for safer places. For the above reasons, I conclude the development would accord with this policy.

*Effect on living conditions at the TM building and No 80a.*

12. The alterations to the back building would include the insertion of a clear glazed window to serve the living/dining room to flat 3. Currently, there is an obscure glazed window in the same position that prevents views towards the TM building. The views out of the new window would be directly towards a first floor balcony at the rear of the TM building. As the window would be fairly near and at about the same height, it would lead to a significant potential for overlooking onto the balcony and an intrusive loss of privacy.
13. No 80a is attached to the appeal property and a first floor bedroom window to the rear is near to the appeal site boundary. The proposed extension to the rear of the main building would not project out beyond this window. However, a new fence measuring 1.8m high would be erected on the boundary to provide privacy to the proposed roof terrace area. This fence would project out beyond No 80a's bedroom window so as to form a tunnelling effect. Existing buildings and a boundary wall already affects the outlook from the bedroom window but the fence would further increase the sense of enclosure.
14. The proposed terrace area would be near to No 80a's bedroom window but it is fairly small and would be used for purposes ancillary to the proposed residential units. As such, it is unlikely the terrace would be the source of excessive noise disturbance to residents of No 80a. The DSA concludes the development would not unduly reduce access to light reaching various windows on nearby buildings. Therefore, I find the development would avoid unacceptable harm to living conditions at the TM building and No 80a in terms of noise and access to light.
15. However, for the above reasons, I conclude the proposal would be detrimental to living conditions in residences within the TM building due to a loss of privacy and to living conditions at No 80a in terms of restricting outlook. In these regards, the development would not accord with policy BE1 of the Council's Local Plan Part 1 adopted 2012 (LP1) and LP2 policy DMHB11. These look to ensure development does not adversely impact on the amenity of adjacent residential properties. The fact the site lies within a town centre location does not negate the need to assess the proposal against these policies.

*Air quality.*

16. The site is within the declared Hillingdon Air Quality Management Area (the AQMA). LP2 policy DMEI14 states that development should be at least air quality neutral. Also, it requires development to actively contribute towards the improvement of air quality, especially within the AQMA. In these regards, the policy accords with LonP policy SI1 and the statement that development plan policies should seek opportunities to deliver improvements to air quality.
17. No part of LP2 policy DMEI14 indicates it only applies to major developments. Paragraph 9.1.12 of the LonP says the constraints surrounding single-site schemes may limit their ability to improve local air quality. However, the same paragraph also

highlights that the delivery of an air quality positive approach may rely on opportunities in the surrounding area as well as on-site measures to reduce emissions. Moreover, paragraph 9.1.20 of the LonP states that even for minor developments, achieving air quality neutrality may not be sufficient where there are additional requirements under local policy. As such, the requirement to improve air quality under LP2 policy DMEI14 is consistent with the contents of the LonP.

18. As well as the AQMA, the site lies within Ruislip Town Centre Air Quality Focus Area (the AQFA). Paragraph 9.1.17 of the LonP explains the AQFA is a location where the EU annual mean limit value for nitrogen dioxide is exceeded and where there is high human exposure. The appellant's Air Quality Neutral Statement (AQNS) explains the AQFA is considered to be a hotspot of poor air quality. The AQFA designation emphasises the need to ensure the development contributes towards improving air quality, particularly as it would increase the number of residents that live on the site.
19. The AQNS sets out mitigation measures to eliminate or reduce air pollution sources. These include the provision of cycle storage to promote cycling rather than travel by air polluting modes of transport as well as the inclusion of low-emission gas boilers. The AQNS concludes the air quality neutral benchmarks as referred to in paragraph 9.1.9 of the LonP would be met and exceeded. Therefore, the proposal would be air quality neutral.
20. However, the AQNS fails to show the development would contribute towards improving air quality. This is a particular concern in light of the recognised air quality issues in the locality of the site. The Council indicate this issue could be addressed through the payment of a contribution towards measures on the local road network to reduce vehicle emissions or human exposure to pollution. Paragraph 9.1.15 of the LonP states that legal agreements should be used to secure measures to improve air quality. No such planning obligation is before me for consideration.
21. Therefore, I conclude the development would not appropriately address air quality in accordance with LP2 policy DMEI14 and LonP policy SI1.

*Effect on marketability of commercial unit and RTC.*

22. The appeal property is in a primary shopping area within RTC as designated in the LP2. The proposal would include works to the rear part of the ground floor area to provide a refuse store and cycle parking facilities to serve the proposed residences. In these regards, it would conflict with LP2 policy DMTC1 as it states the residential use of ground floor premises in primary shopping areas will not be supported.
23. However, the proposal would retain most of the ground floor area for purposes that fall within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). As such, the development would ensure the appeal property continues to attract visitors and so contribute to the vitality of RTC. Also, I am advised the appellant is close to securing a long term commercial tenant for the ground floor, even though a small part to the rear of the premises would not be available for the occupier. This demonstrates the attractiveness of the unit would not be unduly affected by the proposed alterations.
24. Therefore, I conclude the development would not harm the marketability of the ground floor of the appeal property as a commercial unit and so it would not harm

the function and vitality of RTC. In these respects, it would accord with LP2 policy DMTC2, LP1 policy E5 and LonP policy SD6. Amongst other things, these seek to promote town centres for commercial activities. For the reasons given, the proposal would not fully accord with LP2 policy DMTC1. However, there is sufficient justification to depart from this policy in this case.

*Effect on the character and appearance of the building and the area.*

25. The appeal property dates from the 1920's and it is on a prominent street corner. Its frontage reflects architecture typical of its date of construction. The building's street presence and the symmetry within its principal elevation means it has notable aesthetic interest. The Council has defined the property as a locally listed building and it is appropriate to treat it as a non-designated heritage asset (NDHA).
26. The rear part of the premises is not viewed from any street but it is seen from the car park and alleyway as well as from adjoining and nearby properties. In such views, the mix of extensions and various additions to the back of the appeal property and adjacent buildings is readily apparent.
27. The Ruislip Village Conservation Area Appraisal 2010 (the CAA) identifies the appeal property as lying within the High Street Character Area. This part of the CA partly derives its significance from the architectural interest of many of the commercial buildings dating from the first half of the 20<sup>th</sup> century. The CAA notes the appeal property as being prominent and having a classically inspired composition. In these regards, it contributes positively to the qualities of the CA.
28. The proposal would include only minor alterations to the front of the main building. As such, it would preserve the architectural interest of the principal elevation and how the property is generally seen from public vantage points.
29. More significant alterations are proposed to the rear. However, the proposal would not cause a sense of overdevelopment as the extensions would be fairly small in scale, particularly when compared to the size of the existing building.
30. A rear extension to the first and second storeys of the main part of the property would be connected to the first floor level of the back building by a link across the flat roof. The back building would partially screen these additions from the car park and the alleyway and so they would not be prominent. Also, the fenestration of the proposed rear wall would align vertically and horizontally and so it would be sympathetic to the regular pattern of windows on the main building. The rear wall would be narrower than the existing but this would not appear incongruous or unbalanced given the lack of uniformity to the rear of the site as well as adjoining properties. The small extension and alterations to the windows and doors in the back building would not meaningfully change the appearance of the property.
31. For these reasons, I conclude the development would have an acceptable effect on the character and appearance of the host building as a NDHA. Also, it would preserve or enhance the character or appearance of the surrounding area and the CA. In these regards, it would accord with LP1 policies BE1 and HE1, LP2 policies DMHB1, DMHB3, DMHB11 and DMHB12 and LonP policies HC1, D3 and D4. Amongst other things, these seek to ensure development conserves heritage assets and responds to the existing character of a place. Acceptability of the scheme in these respects is a neutral factor in my assessment of the appeal.

## **Other Matters and Planning Balance**

32. I have found the proposal would not accord with development plan policies as outlined under the first 3 main issues. It follows to consider whether other factors justify granting planning permission.
33. The proposal would create construction employment and occupiers would support local businesses. The benefits in these respects would be fairly limited given the modest scale of the development. The re-use of the ground floor unit would create jobs and contribute to the vitality of the town centre. However, I am unconvinced the reoccupation of the unit is dependent upon the development. As such, the economic benefits of the scheme attract limited weight.
34. The development would improve the energy efficiency of the building. Residents would be able to walk to the wide range of local facilities and public transport links and so the proposal would promote sustainable modes of travel. These environmental benefits attract moderate weight in favour of allowing the appeal.
35. The appellant accepts the Council is able to show in excess of 5 years' supply of housing land. The latest housing delivery test figures show only 91% of houses as required have been delivered in the 3 years up to 2023. However, the circumstances set out in footnote 8 of the Framework do not apply. Accordingly, paragraph 11(d) of the Framework and the presumption in favour of sustainable development is not engaged. Even so, the proposal would add to the housing stock and it would represent the efficient use of an existing building in an urban location. The benefits in these regards attract significant weight.
36. However, the shortcomings and the harm I have identified in respect of the first 2 main issues means the development would be contrary to paragraph 135(f) of the Framework and the aim to create places with a high standard of amenity for existing and future users. In these regards, it would not be well designed and so paragraph 139 of the Framework says permission should be refused. The failure to comply with air quality development plan policies adds to the overall weight of concerns with the proposal. Therefore, I find the advantages of the scheme even when considered together would be insufficient to justify granting planning permission contrary to the development plan.

## **Conclusion**

37. For the above reasons, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR