
Appeal Decision

Site visit made on 9 April 2015

by C Thorby MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2015

Appeal Ref: APP/R5510/W/15/3002384

243 Blyth Road, Hayes, UB3 1DD

- 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 Pradip Dhamecha, Empire Partners Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 1933/APP/2014/3878, dated 30 October 2014, was refused by notice dated 30 December 2014.
 - The development proposed is construction of an additional third floor extension to accommodate 9 x 2 bedroom flats (Class C3) and associated car and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for construction of an additional third floor extension to accommodate 9 x 2 bedroom flats (Class C3) and associated car and cycle parking at 243 Blyth Road, Hayes, UB3 1DD in accordance with the terms of the application, Ref 1933/APP/2014/3878, dated 30 October 2014, subject to the conditions set out in annex A.

Reasons

2. The main issues are the effect of the proposal on the character and appearance of the area and whether or not the proposal would make adequate provision for affordable housing.
3. *Character and appearance.* The appeal site is within a mixed, commercial and residential area where there is a considerable variety in building size and style, including substantial properties and small terraced housing. The varied buildings and their juxtaposition, provide the setting for the adjacent Botwell:Thorn EMI conservation area which is comprised of mainly commercial buildings of some historic interest. The nearby locally listed Jupiter House and substantial grade II listed Enterprise House, along with other local buildings, are important architecturally and historically, as part of the commercial and industrial development of the area.
4. The appeal building has a functional appearance being a former office and the proposed extension would be similar in style. The existing window system would be followed and the proportions proposed would ensure that the extension would not overwhelm the existing building. The building is some distance from others in the area as it is surrounded by car parking. As a result, the height increase to the building would be easily assimilated and not appear too large, in keeping with the mixed character and the area. The existing building does not contribute to the historic interest of the area and the

extension would have a neutral impact on its appearance. For these reasons it would not detract from the character and appearance of the area and it would preserve the setting of the conservation area and other locally and statutorily listed buildings. It would comply with the London Borough of Hillingdon Local Plan (LP) Part 1 policies HE1 and BE1 and Unitary Development Plan (LP part 2) policies BE4, BE13 and BE15 which seek to protect local character including that of the historic environment.

5. *Affordable housing.* The Council has already given prior approval for conversion of the building to residential use. As the subject of a separate planning application, this appeal must be considered on its own merits including for the purposes of affordable housing. The appeal scheme falls below the threshold for affordable housing (developments of 10 units or less and no more than 1000sqm) set out in the Planning Practice Guidance (PPG) which is government policy as expressed in the written statement of 28 November 2014.
6. The internal space would provide good living conditions, as exemplified by the size of flats being in excess of the national minimum space standards. The future intentions for the living space or the appellant's intentions are not known, do not form part of the appeal and cannot carry any weight. It does not appear that LP policy H2 follows the recent national policy changes regarding affordable housing thresholds and I have given more weight to national guidance. The appeal scheme would provide new residential units and meet the government aims set out in the written statement which would outweigh any conflict with policy H2 and related SPD.
7. *Conditions.* Materials are important to ensure that the extension compliments the existing building. While render is shown as the finish on the plans, no details of colour are given, and a white/light render finish would almost certainly be too bold. Therefore, requiring details of materials would be necessary to ensure a satisfactory appearance to the development. Refuse and cycle facilities are important to protect amenities and the appearance of the site. There is a specific policy in the London Plan seeking lifetime homes, and, therefore, a condition is reasonable to ensure housing choice. For the avoidance of doubt and in the interests of proper planning a condition specifying the appeal plans would be necessary. Conditions relating to these matters are imposed. Some of the wording of the conditions (but not their intention) is changed having regard to the Written Ministerial Statement of March 2015.
8. Resistance to the passage of sound is dealt with under building regulations. It appears that, in accordance with the London Plan March 2015, energy assessments are only required for major development. It is not clear what the basis is for the precise measures set out in the suggested condition or whether they meet the tests for conditions set out in the National Planning Policy Framework (NPPF). On the basis of the information provided I am unable to conclude that the condition is necessary. As the appeal scheme is for a roof extension, details of boundary fences would not be necessary. Conditions related to these matters would not appear to comply with the NPPF tests and are not imposed.

Christine Thorby

INSPECTOR

ANNEX A

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No part of the development hereby approved is to be occupied until details of facilities for screened storage of refuse bins have been submitted to and approved in writing by the local planning authority, and implemented in full in accordance with the approved details.
- 4) No part of the development hereby approved is to be occupied until details of covered and secure cycle parking have been submitted to and approved in writing by the local planning authority, and implemented in full in accordance with the approved details.
- 5) The scheme shall be built in accordance with lifetime home standards as set out in the Council's supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 2840-01, 2840-05, 2840-06, 2840-07, 2840-08.

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