
Appeal Decision

Site visit made on 23 August 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: Thursday, 13 October 2016

Appeal Ref: APP/F5540/W/16/3152178

1 Herm Close, Isleworth, London TW7 4RH

- 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 Abdul Lalji against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01661/1/P2, dated 16 February 2016, was refused by notice dated 14 April 2016.
 - The development proposed is construction of 4-bedroom detached house with integral garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Council of the London Borough of Hounslow against Mr Abdul Lalji. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the conservation area, and the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to shadow and outlook.

Reasons

Character and appearance

4. The character and appearance of the Osterley Park Conservation Area (CA) is primarily informed by Osterley Park House and its grounds. Additionally, a fringe of residential development lies to the southern edge of the CA. The appeal site is located within this residential area.
 5. 1 Herm Close forms part a modern housing development which comprises detached dwellings of a mock-Tudor appearance. The development would result in the subdivision of the mature garden plot, and the construction of a new dwelling within its own garden, next to the existing house. I accept that the design of the property and the proposed materials would broadly reflect those of the other properties in Herm Close.
 6. Whilst the other properties in Herm Close have relatively small plots, 1 and 9 Herm Close have more generous garden plots adjoining Jersey Road, creating a
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typical suburban layout. These larger corner plots add to the spacious, open character of the area around the junction between Jersey Road and Herm Close.

7. By dividing the garden of No 1, and bringing the built form significantly closer to Jersey Road, the development would substantially reduce the open character around the junction. It would appear cramped within site, and would be significantly at odds with the prevailing pattern of development.
8. In terms of the detailed design of the new house, the Council has voiced concern regarding the proposed crown roof form. I note that there does not appear to be any specific adopted guidance with regard to this particular form of roof. Nonetheless, the other roof forms within Herm Close comprise a distinctive mixture of hipped and gabled profiles. When viewed in this context, the proposed crown roof would be a non-traditional roof form. It would lack depth and height, and would produce an uncharacteristically long, low ridgeline in comparison to the neighbouring roofs. I accept that other roof forms were considered and discounted, and that the new dwelling would not be readily visible from wider public views. Nonetheless, it would appear incongruous when seen in conjunction with the other buildings on Herm Close.
9. Taking these factors in combination, I therefore find that the proposal would unacceptably harm the character of Herm Close, and would thus fail to preserve the character or appearance of the wider CA. It would thus conflict with Policy CC1 of the London Borough of Hounslow Local Plan (LP, September 2015), which seeks to protect context and character, LP Policy CC2, which seeks to promote high quality urban design and architecture, and LP Policy CC4, which seeks to conserve heritage assets. It would also be at odds with the National Planning Policy Framework (NPPF), which attaches great weight to the conservation of heritage assets.
10. Whilst the harm to the significance of the CA would be less than substantial (in terms of the phraseology used in the NPPF), this does not mean that the harm would not be significant. The principle of residential development in this location is accepted by the Council, and the contribution of a family house to the housing supply is to be given weight. However, this would not outweigh the harm to the conservation area. I have not identified any other public benefits that would justify the granting of planning permission in this case.
11. I note that the current proposal has been reduced in size from the previous proposal, which was dismissed on appeal¹. I have also taken into account the appellant's view that if the proposal was reduced too much in scale, it would be out of keeping with the character and appearance of Herm Close. However, no alternative schemes are before me, and in any case, I have considered the appeal proposal on its own merits.

Living conditions

12. I note that alterations to No 1 have been proposed which would mitigate any harmful direct views between it and the new dwelling. The new dwelling has also been designed to have a minimal projection beyond the rear elevation of No 1. Nonetheless, the proposed division of the plot would significantly curtail the amount of private outdoor space available to the occupants of No 1.

¹ APP/F5540/A/09/2096764

13. At present, occupants using the outdoor space immediately to the west of No1 would have an uninterrupted view to the south and east across the existing garden. The introduction of a two-storey building, in close proximity, would intrude on the natural line of vision, resulting in an increased sense of enclosure. Similarly, the proposed new fence, at a height of approximately 1.8m, would compound the loss of outlook from this space.
14. I accept that the area would remain within the development plan standards for outdoor space. Nonetheless, as this would be the only private space available to the occupants of No1, I consider these effects to be unacceptably harmful to living conditions. The proposal would therefore conflict with LP Policy CC2, insofar as it expects developments to have a positive impact on the amenity of current and future residents.
15. I have had regard to the Daylight and Sunlight Report (dated June 2016) submitted by the appellant, which concludes that the levels of daylight and sunlight received by the relocated French windows at No 1 would be acceptable, and that the garden are would continue to receive sufficient sunlight. However, this finding would not overcome the harm to outlook that I have identified above.

Conclusion

16. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR