
Appeal Decision

Site visit made on 16 November 2016

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 29 November 2016

Appeal Ref: APP/F5540/D/16/3159520
74 Dukes Avenue, Chiswick, London, W4 2AF

- 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 Marhab Abunayla against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00371/74/P5, dated 6 May 2016, was refused by notice dated 2 September 2016.
 - The development proposed is extension at basement floor with new lightwell and new dormer on side elevation.
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Application for Costs

1. An application for costs was made by Mr Marhab Abunayla against Council of the London Borough of Hounslow. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for extension at basement floor with new lightwell and new dormer on side elevation at 74 Dukes Avenue, Chiswick, London, W4 2AF in accordance with the terms of the application, Ref 00371/74/P5, dated 6 May 2016, and the plans submitted with it, subject to the conditions set out on pages 3 and 4.

Main issues

3. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring residents.

Reasons

4. The appeal property is a substantial semi-detached house in an established residential area with a long, well landscaped rear garden. It has two main storeys, rooms in the roof and a basement. There are a number of small semi-mature and mature trees within the rear garden and in adjacent gardens.
5. Policies relevant in this case are contained in the London Borough of Hounslow Local Plan 2015-2030 (the local plan). Policy CC1 requires development proposals to respond to the context and character of the area and to avoid poor quality design. Policy CC2 requires, among other things, high quality urban design and the protection of trees.

6. Policy SC7 supports residential extensions and alterations provided that they maintain the character of the area and do not result in harm to neighbouring residents. Such development is expected to maintain the existing character and appearance of a building and its context, including both the street scene and private gardens, to be subordinate to the existing building and not to overdevelop the site in terms of mass and density, and to respect characteristics such as the size and quality of gardens. It states that a Supplementary Planning Document giving guidance for basement extensions will be prepared, but, as far as I am aware, this has not yet happened.
7. The appeal proposal includes the provision of a side dormer window. The Council has raised no objection to this and I see no reason to disagree.
8. The proposed basement would extend approximately 19m from the original rear wall of the house and would be entirely underground. The only feature above ground level would be a glazed balustrade protecting an open lightwell part way along.
9. The development would not be visible from the street and, in my opinion, would have little visual impact on the views from neighbouring properties. Although the basement extension would be longer than the existing basement under the house, it would be visually subordinate to the main house by virtue of being underground with no increase in physical mass above ground and would not amount to overdevelopment. It would not materially alter the character or appearance of the house itself or the existing rear garden, since the majority of the latter would be unaffected and capable of retaining its landscaped character.
10. On the basis of the Arboricultural Assessment submitted with the application, I am satisfied that, provided appropriate protection measures are implemented in accordance with those set out in the Assessment, there would be no adverse effect on the health and viability of the surrounding trees.
11. I conclude that the proposal would not harm the character and appearance of the area and that it would be consistent with local plan policies CC1, CC2 and SC7.
12. I have taken account of the concerns expressed by neighbours regarding the impact of the proposal. I consider that it would not have a long term adverse impact on the living conditions of neighbouring residents. The only visible element would be the lightwell and its glazed balustrade. Since it is the appellant's intention to maintain the planting in the garden, I consider that the alterations would have little more effect than any typical garden landscaping, including features such as paved patio areas, which might be carried out during the normal domestic occupation of the property.
13. The noise and disturbance to neighbours during the construction period would be temporary and can be mitigated by the imposition of suitable conditions restricting working hours and practice. I note that a previous planning permission for development at the site would involve some removal of spoil and associated works. In my view, it would be unreasonable to withhold permission in this case, provided restrictive conditions are imposed.
14. I find nothing in policies CC1, CC2 or SC7 put forward by the Council which specifically addresses the impact of construction works in this context. The

Council refers to local plan policy EC2, which relates to developing a sustainable local transport network. I consider this to be of limited relevance in this case, except insofar as it seeks to avoid adverse impacts on the network.

15.I conclude that the proposal would not be detrimental to the amenity of neighbours in the long term and that any short term effects can be mitigated by the imposition of conditions in accordance with Government guidance.

16.I have taken account of the previous history of development proposals on the site, including basement and above ground extensions. I have also taken account of examples of other basements with lightwells allowed in the surrounding area, not all of which extend into the garden. These are material considerations in this case. In my opinion, they add significant weight in favour of allowing the appeal, especially insofar as basement extensions do not have the physical mass of a conventional extension and do not necessarily affect the essential character of the original house or the wider area.

17.I have found that the proposal would not harm the character and appearance of the area and that, in this respect, it is consistent with local plan policies CC1, CC2 and SC7. I have found that any adverse impact on the living conditions of neighbouring residents would be temporary and can be mitigated. I am not persuaded that the local plan policies put forward support a contrary view.

18.For the reasons given above, the appeal is allowed.

Conditions

19.I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. The conditions relating to working hours and details of the Construction Method Statement and Considerate Constructors Scheme membership, and restricting the use of the basement are necessary and reasonable to protect the living conditions of neighbouring residents.

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1569.03B, 1569.04B, 1569.05B, 1569.06A, 1569.07B, 1569.08B, 1569.09B, 1569.10B, 1569.11B, 1569.12B, 1569.13B, 1569.14B, 1569.15B and 1569.16B.
- 3) No demolition or construction work shall take place on the site except between the hours of 0800 to 1800 on Mondays to Friday and 0800 to 1300 on Saturdays and none shall take place on Sundays and Public Holidays without the prior written agreement of the Local Planning Authority.
- 4) No excavation or construction work shall be undertaken prior to the submission and approval in writing by the Local Planning Authority, of a Construction Method Statement, which is certified by a qualified professional giving details of excavation, temporary works and construction techniques, including details of potential impacts on neighbouring land based on assessment of the geology and hydrology of the area.

- 5) The basement shall at no time be used or occupied as a separate dwelling independent of the main house and shall not be used as sleeping accommodation.
- 6) No development shall be carried out until such time as the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

PAG Metcalfe

INSPECTOR