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# Appeal Decision

Site visit made on 29 November 2016

**by Alex Hutson MATP CMLI MArborA**

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

**Decision date: 9<sup>th</sup> December 2016**

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**Appeal Ref: APP/F5540/W/16/3153397**

**29 Burlington Road, Chiswick, London W4 4BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Torsten Laughton against the Council of the London Borough of Hounslow.
  - The application Ref 00177/29/P6, is dated 18 April 2016.
  - The development proposed is ground floor orangery rear extension with basement, first floor and roof extensions with rear dormers.
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## Decision

1. The appeal is dismissed and planning permission for ground floor orangery rear extension with basement, first floor and roof extensions with rear dormers is refused.

## Preliminary matter

2. The appeal follows the failure of the Council to determine the planning application within the prescribed period. The Council's officer's report and appeal statement sets out the reasons why it considers the proposal would be unacceptable. In addition, the Council has provided a copy of a decision notice it would have issued had the planning application been determined on time. These documents have formed the basis of what I consider to be the main issues.

## Main issues

3. On the basis of the evidence before me, I consider the main issues are: whether the proposal would preserve or enhance the character or appearance of the Wellesley Road Conservation Area (WRCA); and the effect of the proposal on the living conditions of the occupiers of a flat within 31 Burlington Road with particular regard to outlook and sunlight and daylight.

## Reasons

### *Conservation Area*

4. The appeal property lies within the WRCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area,
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“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” In addition, Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

5. The appeal property is a large, two-storey detached dwelling with rooms in the roof and a basement, located on the eastern side of Burlington Road. The area is predominantly residential in character. The appeal property and 25, 27 and 31 Burlington Road form a group of four large, detached dwellings, which share a similar character and appearance, notably in views from along Burlington Road. Nos 25, 27 and 31 incorporate what appear to be original two-storey rear outriggers, set down from the eaves of their host dwellings, though during my site visit, I observed that the roof forms and depth of these rear outriggers were not wholly consistent. Nevertheless, they form a characteristic element of these properties and the setting down of the rear outriggers from the eaves maintains a broadly consistent plane to the rear hipped roof form of these properties. This is apparent in views from along Wellesley Road, through a gap between No 31 and 7B Wellesley Road.
6. The appeal property has been subject to some alterations in the past, including the removal of its original rear outrigger, which would likely have broadly reflected the form of the rear outriggers on Nos 25, 27 and 31. The appeal property now displays a two-storey rear extension, centrally located and set down from the eaves, and two, single storey rear extensions either side of the two-storey rear extension. Notwithstanding these alterations, the rear hipped roof form maintains a broadly consistent plane to the rear roof forms of Nos 25, 27 and 31 and in this sense, displays a strong level of uniformity within this group of buildings.
7. The proposal seeks to demolish the existing rear extensions and to introduce a single storey rear extension and rear extensions at first floor and roof level. In addition, three rear dormer windows would be provided at roof level and the basement would be extended with light wells to the front and rear.
8. I note that the Council does not raise any particular concerns in respect of the proposed basement extension and light wells. I would concur with this view, given that these elements would appear subordinate to the appeal property and as such, would not undermine its character or the wider character of the streetscape. The proposed rear dormers would also, in my view, appear as subordinate features that would not appear out of character with the appeal property or surrounding buildings.
9. In respect of the proposed single storey rear extension, I note that it would exceed the recommended depth of such extensions as set out within the Council’s Residential Extension Guidelines Supplementary Planning Guidance 2002 (updated 2007) (SPG) and would therefore be contrary to the advice contained within it. Nevertheless, the SPG is not a recent document and refers to, and was adopted in the context of now outdated local planning policies. This substantially reduces the weight that I afford it. Furthermore, the proposed single storey rear extension would appear subordinate to the appeal property, would not encroach significantly into its large rear garden and would not be easily apparent in views from the public realm. In addition, whilst the

proposed materials for this element would contrast with the existing materials of the appeal property, I do not consider that the materials would result in harm to its overall character.

10. Turning to the remainder of the proposal, the proposed first floor rear extension would extend across a considerable width of the appeal property. The roof extension above it would extend the rear roof plane considerably beyond the existing roof plane of the appeal property and the roof planes of Nos 25, 27 and 31. Moreover, these elements would fail to reflect the appearance, scale and setting down below the eaves of the characteristic rear outriggers of these properties and the setting down below the eaves of the existing two storey rear extension.
11. I therefore consider that the height, bulk and scale of the proposed first floor rear extension and rear roof extension would considerably unbalance the appearance of the appeal property and would appear incongruous in the context of the prevailing character and appearance of the rear elevations and roof forms of Nos 25, 27 and 31 and that of the appeal property. Whilst this would not be obvious in views from along Burlington Road, it would be noticeable in views from along Wellesley Road. Consequently, the proposal would, overall, fail to preserve the character and appearance of the WRCA.
12. However, in the context of the WRCA as a whole, I consider the harm that would arise to the significance of the WRCA designated heritage asset would be less than substantial when considered in the context of Paragraphs 133 and 134 of the Framework. Here, it is anticipated that the harm so quantified, needs to be balanced against any public benefits the proposal might bring. With respect to this, I have not been presented with any compelling evidence from the appellant to this effect. I have taken into account the appellant's desire to provide high quality living accommodation for his family into the future. However, I do not consider this to be a public benefit that would be sufficient to outweigh the harm I have identified in respect of the WRCA designated heritage asset.
13. The proposal would therefore be contrary to the requirements of s72(1) of the Act and the harm identified, albeit less than substantial, would not be outweighed by public benefits as required by paragraph 134 of the Framework. The proposal would also be contrary to Policies CC1- Context and Character, CC2- Urban Design and Architecture, CC4- Heritage and SC7- Residential Extensions and Alterations, of the London Borough of Hounslow Local Plan Volume 1 2015-2030 (Local Plan). These policies require, amongst other things, development to respect and maintain the character and appearance of an area, to demonstrate high quality design that creates distinctive places and to conserve or enhance the significance of heritage assets.
14. These policies are consistent with the aims and objectives of the Framework that require planning to take account of the different roles and character of different areas and to conserve heritage assets in a manner appropriate to their significance.

#### *Living conditions*

15. No 31 comprises a dental surgery at ground floor level and a residential unit at first floor level. The rear garden of No 31 is modest in size and short in length and is surrounded by high brick walls. This is likely to provide a strong sense

of enclosure for any users of this rear garden, including the occupiers of the first floor flat who have access to it.

16. The Council acknowledges that the proposed first floor and rear roof extensions would not have a harmful effect on the living conditions of the occupiers of neighbouring properties. Given the generous setback of these elements from the side boundaries, I have no substantive reasons to consider otherwise. The Council's main concern appears to relate to the relationship between the proposed single storey rear extension and the rear garden of No 31.
17. The proposed single storey rear extension would be located to the north of the rear garden of No 31 and would be set back from the high brick wall which forms its northern boundary by approximately 1.5 metres (m). It would rise to approximately 3.5m in height and would extend approximately the length of the rear garden of No 31. Having regard to the orientation of the proposed single storey rear extension, the setback from the boundary, the modest height to which it would extend and the fact that the sun travels in an east to west direction, it is very unlikely that any overshadowing of this garden would occur. Consequently, I do not consider that there would be a harmful loss of either sunlight or daylight to this garden. This would be the case notwithstanding that the dimensions of the proposed single storey rear extension have been modestly under represented within a daylight and sunlight study submitted with the original application.
18. For the same reasons, combined with the already enclosed nature of the rear garden of No 31, I do not consider that the proposed single storey rear extension would result in an overbearing form of development and would not materially increase the sense of enclosure for any users of this garden.
19. I therefore conclude that the proposal would adequately maintain the living conditions of the occupier of the first floor flat within No 31 and would not detrimentally affect their enjoyment of the rear garden of this property.
20. The proposal would therefore comply, in this regard, with Policies CC2 and SC7, of the Local Plan, which require, amongst other things, development to respect and maintain the amenities of neighbouring residents. The proposal would also comply with the aims and objectives of the Framework which require planning to secure a good standard of amenity for all existing occupants of land and buildings.
21. Whilst the Council cites conflict with Policy CC1 of the Local Plan in respect of living conditions matters, this policy relates primarily to character and appearance and is therefore not of relevance to this main issue.

#### *Other matters*

22. I note the appellant's concern with regard to the poor condition of the appeal property and any further deterioration in this respect if planning permission were not to be granted. However, externally, the appeal property did not appear to me to be in a visually poor condition and I have no substantive evidence before me to demonstrate that there are any serious structural problems, either externally or internally, that would give me cause for concern. As such, I afford this matter limited weight.
23. I have had regard to the concerns of a number of interested parties, including in respect of noise and dust levels during any construction, privacy, foundation

stability, light pollution, an underground stream and property devaluation. However, property devaluation is not a material planning consideration to which I can afford any significant weight. With regard to the other matters, these were not raised as a concern by the Council and on the basis of the evidence before me, I have no substantive reasons to take a different view.

### **Conclusion**

24. Whilst I have not found harm in respect of living conditions, I have found that the proposal would fail to preserve the character and appearance of the WRCA. The harm so caused would not be outweighed by any benefits. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed and planning permission refused.

*Alex Hutson*

INSPECTOR