

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: 13 December 2016

Appeal Ref: APP/F5540/W/16/3157661

Somerville House, 50A Bath Road, Hounslow TW3 3EE

- 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 Mittal Properties Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00083/50A/P2, dated 14 January 2016, was refused by notice dated 24 June 2016.
 - The development proposed is Erection of 2nd and 3rd floor to existing building to form 4 residential units.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant has submitted revised plan 1539 PL04 Rev A as part of the appeal which corrects some elevation details in respect of the appeal property. This does not fundamentally change the proposal. I am therefore satisfied that my acceptance of the revised plan would not compromise or prejudice the interests of the Council or any third parties. I have therefore considered the appeal on the basis of the revised plan.
3. It is my understanding that the planning application was not correctly advertised as part of the original planning process. However, the Council has submitted evidence that this has now been undertaken subsequent to the appeal being lodged. I am therefore satisfied that any interested parties have had the opportunity to make any representations in respect of the proposal.

Main issues

4. The main issues are: the effect on the character and appearance of the area; and the effect on the setting of 44-50 Bath Road, a Grade II listed building.

Reasons

Character and appearance

5. The appeal property is a large, three storey building, currently being converted from offices into flats and is located within a prominent position on the corner of Bath Road and Steve Biko Way. Buildings in the area display a range of heights, sizes and architectural styles and comprise a variety of uses, including
-

commercial, office and residential. The appeal property displays a strong window hierarchy, with large windows at ground and first floor levels and smaller windows at second floor level. The windows at second floor level are spaced in such a manner which maintains a balanced relationship with those on the ground and first floors. The pitched roof of the appeal property assists with reducing its overall scale, bulk and massing and reflects the pitched roof form of a block of flats on the opposite corner of Bath Road and Steve Biko Way. The eastern wing of the appeal property steps down to a two-storey building, 44-50 Bath Road. This provides a noticeable and somewhat sensitive transition in height from the main part of the appeal property to this building.

6. The proposal seeks to raise the height of the eastern wing, to extend the roof over this element and to incorporate a number of dormer windows within this roof and the main roofslopes of the appeal property to provide four additional residential units.
7. I acknowledge that the main ridge height of the appeal property would remain unchanged and that the proposed alterations to the eastern wing would reflect its overall scale. I also recognise that architectural styles should not be imposed or innovation stifled. In addition, I accept that given the variety of building types in the locality, there may be greater scope to accommodate a level of change in the area.
8. However, the proposal would fail to respect the existing sensitive transition in height between the larger, main element of the appeal property and the adjacent two storey building. Moreover, whilst the dormer windows would be set down from the ridge and set back from the eaves, their large size would fail to maintain the window hierarchy of the appeal property and their position would display a poor relationship with the position of the existing windows at ground, first and second floor levels. This would unbalance the overall appearance of the appeal property. This would be noticeable from many public vantage points along Bath Road and Steve Biko Way.
9. In addition, whilst the appellant has provided some photographs of other dormer windows in the area, these appear to be either part of the original design intent for these buildings or are located on modest sized residential dwellings. Moreover, the host buildings do not appear to occupy a similar, prominent, corner location as that of the appeal property and therefore do not share the same context. As such, these examples do not justify a planning permission in this instance and in any case, each planning application should be determined on its own merits.
10. I therefore conclude that the proposal, by virtue of the considerable increase in the height, bulk and massing of the eastern wing and the inappropriate scale and positioning of the dormer windows, would result an incongruous form of development that would give rise to significant harm to the character and appearance of the area.
11. This would be contrary to Policies CC1- Context and Character and CC2- Urban Design and Architecture, of the London Borough of Hounslow Local Plan Volume 1 2015-2020 adopted 2015 (Local Plan). These policies require, amongst other things, development to respect and maintain the character and appearance of an area and to demonstrate high quality design that creates distinctive places. 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.

Listed building

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. Paragraph 132 of the Framework requires that, when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and furthermore, the more important the asset, the greater the weight should be. In addition, paragraph 132 of the Framework states that significance can be harmed or lost through development within its setting. As 44-50 Bath Road is a Grade II listed building and therefore of great importance, I afford great weight to its conservation.
14. The Historic England listing description describes the listed building as a two-storey, mid 18th century Tudor gothic style building with, amongst other things, a crenellated parapet with centre moulding and pyramidal finials at quoins. I observed that the listed building has a low hipped roof and three sets of chimney features which also add interest to its roof form and overall appearance.
15. A sensitively designed, narrow and contemporary glazed extension on the western side of the listed building adjoins the three-storey eastern wing of the appeal property. The roof of the eastern wing where it fronts Bath Road slopes back gently, which in views from Bath Road, gives the impression of a two-storey element with rooms in the roof. This provides a gradual stepping up of built form from the listed building to the main, larger element of the appeal property. This maintains a sense of space between the listed building and the main height, bulk and massing of the appeal property and respects the scale of the listed building. In addition, the overall simple, sloping roof form of the appeal property contrasts with the interesting roof features of the listed building which assists in better revealing its significance.
16. The proposed increase in the height, bulk and massing of the eastern wing of the appeal property would noticeably reduce the sense of space around the listed building and would appear at odds with its scale. In addition, the proposed dormer windows would, in my opinion, dilute the strong contrast that currently exists between the interesting roof form of the listed building and the simple roof form of the appeal property. Consequently, the proposal would fail to preserve the setting of the listed building.
17. However, the effect on the setting of the listed building would largely be restricted to views from along Bath Road to the immediate north and to the east of this building. In addition, Trinity Square, a six-storey building to the south, displays an imposing backdrop to the listed building. Moreover, the appeal property already encroaches, to some extent, within the setting of the listed building. I therefore consider that, having regard to these factors, the harm arising to the significance of the designated heritage asset would be, in this instance, less than substantial.

18. Paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I recognise that the proposal would make a contribution, albeit a limited contribution, to the supply of high quality housing in the Borough. It would also create some short-term construction jobs. Furthermore, the additional spending of any future occupiers would benefit, albeit to a limited extent, local services, facilities and businesses. I have no doubt that the proposal would incorporate a high level of energy efficiency. The proposal would also occupy a location with a good level of access to local services and facilities. Nevertheless, in the wider scheme of things, these benefits, which in the context of Paragraph 134 of the Framework could constitute public benefits, would be modest and would not be sufficient to outweigh the harm I have identified in respect of the designated heritage asset.
19. I therefore consider that the proposal would fail to preserve the setting of the Grade II listed building, No 44-50 Bath Road, contrary to the requirements of the Act and that the harm to the significance of the designated heritage asset, 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 Policy CC4- Heritage, of the Local Plan, which requires, amongst other things, development to conserve or enhance the significance of the Borough's heritage assets. This policy is consistent with the aims and objectives of the Framework which seek to conserve heritage assets in a manner appropriate to their significance.

Other matters

20. I acknowledge the concerns of the landowner, including in respect of the impracticality of any construction and the impact on neighbouring uses during any construction were planning permission to be granted. However, these matters were not raised as a concern by the Council and on the basis of the evidence before me, I have no substantive reasons to conclude that these matters weigh against the proposal.

Conclusion

21. I have found that the proposal would result in harm to the character and appearance of the area and would fail to preserve the setting of the Grade II listed building, No 44-50 Bath Road. 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.

Alex Hutson

INSPECTOR