

Appeal Decision

Site visit made on 27 March 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 7th April 2017

Appeal Ref: APP/F5540/W/16/3164837
168 Heston Road, Hounslow TW5 0QH

- 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 Manmeet Singh against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00600/168/P3, dated 17 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is for the change of use from A1 convenience store to A3/A5 restaurant take away.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are firstly, the effects of the appeal scheme on the vitality and viability of the large neighbourhood centre; secondly, its effect on living conditions of adjacent occupiers in terms of noise, and; thirdly, whether the proposal has made adequate provision for waste collection and recycling.

Reasons

Vitality and viability

3. The appeal property comprises the ground floor of a three storey mid terrace building on Heston Road. In line with the bulk of properties along the block, the ground floor is in commercial use, with some having residential uses at the upper floors. The appeal property is currently occupied by a small grocery shop, and this is the A1 use class.
 4. Defined as a large neighbourhood centre in the Hounslow Local Plan (HLP), I saw at my site visit that Heston, which is divided into separate areas containing small parade of shops has a vibrant mix of uses, with few visibly vacant commercial units. Along the road, convenience and specialist retail are interrupted with restaurants, cafes and other high street services. At this particular parade, there are nine commercial units, of which four are in A1 use thereby falling just below the threshold of 50% suggested in HLP Policy TC5, which in the Council's view is the ability of a neighbourhood centre to continue functioning as a shopping centre and thus meeting the needs of the community. The proposal would result in Class A1 uses falling to 33% in this part of Heston. These facts are not disputed by the appellant.
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5. However it appears to me that HLP Policy TC5 relates to the local neighbourhood centre taken as a whole. It does not sub-divide the centre into separate discreet streets and nor does it set out to ensure that there is a continuous built frontage of A1 uses. Taken as a whole, I agree with the appellant's view that the 50% threshold has not been breached. What the policy does set out however is to avoid unacceptable cumulative impacts arising from the over-concentration of hot food takeaways in particular. The appeal property lies adjacent to a restaurant containing a take-away element whilst there is a further take-away facility at the eastern end of this parade. There is a number of such uses in Heston overall. Despite the appellant's contention, I am not persuaded that an additional hot food takeaway would cater for an identifiable local need.
6. Accordingly, whilst hot food takeaways can form an important part of the wider mix of uses within a local neighbourhood, I give more weight to the Council's development plan policies that seek to protect the vitality and viability of the local neighbourhood centre in this case. The objectives of those policies are contingent with those of the National Planning Policy Framework, particularly paragraph 17, which states that planning should be "genuinely plan-led...and take account of the different roles and character of different areas." The proposal would introduce a further non-retail use of a type that already exists in this centre that would, in turn, contribute to the cumulative erosion of the local neighbourhood centre's retail function, and thus would clearly be a departure from the policies of the development plan, particularly HLP Policy TC5.

Living conditions

7. The appeal proposal would include the installation of a ventilation duct to the rear single storey extension to the rear of the host property. This would emerge from the flat roof to a height of around 0.7m with a width of 0.3m. I would agree with the Council that given the discreet location to the rear, together with its overall dimensions, the ventilation system will have little effect on the character and appearance of the area. I have had regard to the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Having regard to the facts of this case, I am satisfied that the proposal at the very least would preserve the character and appearance of the Heston Village Conservation Area.
8. Local Plan Policy EQ5 requires that new plant and machinery such as ventilation systems do not harm the amenity of neighbouring properties in terms of noise in particular. The appellant has failed to supply background noise readings against which the specification for the system can be assessed. However, I saw at my site visit that there are other systems in place, including on the neighbouring property. I would agree with the appellant that this is a matter that could have been dealt with by way of a planning condition. There is nothing in the Council's evidence to suggest that noise problems will inevitably arise. Consequently, given the circumstances of this case and the findings following my site visit, I consider that the matter could be satisfactorily dealt with by condition such that the proposal would be not be contrary to HLP Policy EQ5.

Waste and recycling

9. The Council acknowledges that waste management is possible given the store room facility, which is accessible from the rear. Whilst HLP Policy EQ7 requires that development proposals incorporate suitable arrangements for waste management, including the actual management of waste and recycling, I am again satisfied that this is a matter that could be dealt with by planning condition. Accordingly, I do not consider that the proposal represents an unacceptable breach of HLP Policy EQ7.

Conclusion

10. Whilst I have not found that harm would be caused to living conditions arising from lack of information relating to the ventilation system or waste management, this lack of harm is clearly outweighed by the material harmful effects it would have on the retail function, vitality and viability of the local neighbourhood centre.
11. The appeal scheme would thus conflict with the development plan. As no material considerations weigh particularly in the proposal's favour, I conclude for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR