The Planning Inspectorate

Appeal Decision

Site visit made on 6 April 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 12 May 2017

Appeal Ref: APP/F5540/W/16/3156712
Land to the Rear of 109 Windmill Road, Brentford TW8 9LZ

- 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 Kimlight Ltd against the decision of the Council of the London Borough of Hounslow.
- The application Ref 01217/109/P5, dated 13 June 2016, was refused by notice dated 16 August 2016.
- The development proposed is a two storey rear extension to provide a self-contained duplex residential unit.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-

   - The character and appearance of the area;
   - The living conditions of the future occupiers of the residential unit with regard to internal living space and the living conditions of neighbouring occupiers with regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises an undeveloped area to the rear of 109 Windmill Road (No 109). No 109 is a 3-storey end of terrace property adjacent to the junction of Windmill Road and Grove Road. As such, the extension would face onto Grove Road. Between the appeal site and 1 Grove Road, a 2/3-storey end of terrace dwelling, is a gravel drive that is currently used for parking and access to the rear of the adjacent properties on Windmill Road. A 3-storey extension to provide stairs to the rear of No 109 has recently been completed.

4. The section of Windmill Road where the site is located does include a number of commercial uses. Nevertheless, the properties within the immediate vicinity of the site are predominantly residential and suburban in character comprising of a mix of houses and flats. The streets are primarily straight arranged in a grid configuration creating a pattern of perimeter blocks. During my site visit I noted that, towards most corners of the perimeter blocks in close proximity to the site, spaces are created where the rear of the end property on one street backs on to the side of the end property on the adjoining street.

5. The spaces between the properties at street corners are generally bounded by walls of around 2 metres in height. They allow glimpses between buildings into the private green space in the centre of the perimeter blocks and provide visual relief to the dense urban grain of the built environment.

6. The proposal would involve a substantial 2-storey extension with the rooms on the first floor being partially within the roof space. Three dormer windows would be on the Grove Road elevation. A small garden area would be provided adjacent to the Grove Road frontage. Both parties have referred to a previous appeal decision[1] on the site and I have taken this into account in my determination of this appeal.

7. The ground floor footprint of the development would be similar to that previously proposed. However, the eaves height has been increased and a first floor extension to the existing rear wall of No 109 is now proposed. As a result, it has been designed as an extension to the existing building rather than a detached dwelling as considered in the previous appeal decision. The materials and the window and door detailing of the development would be sympathetic to the host building.

8. However, the building would practically fill the open space between the gravel drive and No 109 and it would significantly extend the built form of No 109 along the Grove Road frontage. I acknowledge that it would be subservient in height to the host building and that the height of the building has been influenced by the appellants' desire to not harm the amenity of neighbouring occupiers. Nonetheless, the 2-storey design with rooms in the roof space would be at odds with the scale of the host building or the adjacent buildings and the first floor windows would not line through horizontally with the host building's windows.

9. Moreover, its considerable length combined with its 2-storey height and prominent siting would result in the creation of a bulky and incongruous feature that would erode the characteristic spacing between the buildings. The previous Inspector stated that *"The presence of the small garden would not successfully disguise the perception of the proposal as a clear example of a harmful and cramped overdevelopment of a very modestly sized site."* Despite the slight differences between the schemes I find this persuasive.

10. There are extensions on the building that is on the opposite corner of Windmill Road and Grove Road but I do not know of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any event, there is a considerable gap remaining between the rear of the properties on that side of Windmill Road and the side of the dwellings on Eastbourne Road. Furthermore, I am required to determine the appeal on its own merits.

11. In conclusion the proposal would significantly harm the character and appearance of the area. It follows that it would conflict with Policies CC1 and CC2 of the Hounslow Local Plan (LP) and Policies 7.4 and 7.6 of the London Plan which, in combination, seek to ensure that development is high quality design, creating attractive places to live, enhancing an area's character and having regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

[1] APP/F5540/W/15/3140197 – 19 April 2016

Living Conditions

12. In order to provide high quality housing developments, LP Policy SC5 requires that minimum internal space standards, as set out in the 'Technical housing standards – nationally described space standard' (NDSS) be applied to all new developments. For a 2-storey, 2 person dwelling the minimum gross internal floor area (GIA) of 58 square metres together with built in storage of 1.5 square metres is required by the NDSS.

13. The proposed ground floor plan is annotated to state that the new flat would have an area of 60.3 square metres. The appellant has provided no detailed evidence as to which specific floor space this relates to. I have taken it to include all the GIA and the built in storage. The Council have stated that the proposal would have a GIA of 57.64 square metres and 1.86 square metres of built in storage. They have also not provided a detailed breakdown of how they have calculated these figures.

14. Overall there is a minor discrepancy between the Council and the appellant in relation to the overall floor space that would be provided. Moreover, even though the Council consider that the GIA would not meet the NDSS the level of shortfall is slight. However, section 10.i. of the NDSS set out that a minimum floor to ceiling height of 2.3m for at least 75% of the GIA should be achieved. The appellant has stated that the *'height of the floors will be 2.8 metres at each level'.*

15. Consequently the ground floor would meet the minimum floor to ceiling height. Nevertheless, even though a floor to ceiling height of greater than 2.3m could be achievable in the central section of the first floor, due to the low eaves height and the hipped pitched roof a large proportion of the first floor would appear to be below that minimum height. Consequently, I am not satisfied that the submitted plans demonstrate that the minimum floor to ceiling height would be 2.3 metres or greater for at least 75 per cent of the GIA. The extent of sloping roof, particularly in the bathroom and bedroom areas could result in a claustrophobic and cramped living space.

16. The rear wall of the proposed development would be in close proximity to the rear wall and open space associated with 109A Windmill Road (No 109A). However, the ground floor of No 109A appears to have last been used as a retail premises and there was no indication at my site visit that the ground floor windows served habitable rooms.

17. I note that the previous Inspector stated that "*the building would appear imposing when viewed from the space to the rear of 109a Windmill Road in view of its closeness to the separating boundary. It would also tend to overshadow this space. The Council says that the area is used as amenity space/garden, but I saw no clear indication that the area, which is hard-surfaced, is used for these purposes. Accordingly, the Council's objection on this basis, in itself, would not justify a refusal of planning permission."* I have no reason to disagree with these findings as the use of the open area to the rear of 109A does not appear to have altered.

18. I acknowledge that the proposed access to the existing flats within No 109 would be enclosed by the proposal. However, in my experience this is not unusual within apartment developments. I consider that the access path between the existing building and the proposal would be of sufficient width to

allow access by wheelchairs or prams. No existing windows serving habitable rooms to the existing flats would be affected by the proposal. Consequently, I do not consider that the proposal would adversely affect the living conditions with regard to outlook of the neighbouring occupiers.

19. Taking into account all of the above even though I have found that the proposal would not harm the living conditions of the neighbouring occupiers I consider that it would fail to provide acceptable living conditions for future occupiers in terms of internal living space. It follows that it would conflict with LP Policy SC5 which applies minimum space standards in accordance with the NDSS in order to ensure that development meets the demands of everyday life of its intended occupants.

Other Matters

20. One of the reasons for refusal relates to cycle parking. However, I consider that cycle parking could be provided within the garden space. Therefore, I am satisfied that cycle parking provision could be overcome by way of condition if I was minded to allow the appeal and this is not a fundamental issue in this case.

21. I acknowledge that there would be benefits associated with the proposal. Specifically, the appeal site is within the built up area of Brentford where there is a range of services, facilities and employment opportunities available. One additional dwelling would be provided which would have limited social and economic benefits. However, I have found that the proposal would be harmful to the character and appearance of the area and the living conditions of the future occupiers and that harm outweighs my findings in respect of the other main issue and the benefits associated with the scheme.

Conclusion

22. Therefore, having had regard to all other matters raised, I conclude that the proposal would conflict with the development plan as a whole and I dismiss the appeal.

D. Boffin

INSPECTOR