

Appeal Decision

Site visit made on 24 April 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/F5540/W/17/3169889
685 Staines Road, Feltham, TW14 8PA

- 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 Celtic Trading Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01054/685/P27, dated 19 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is the demolition of existing property to form 3No. residential units.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Appellants appeal statement included two amended plans which removed the first floor balcony from flat 3 at the rear of the building and replaced it with a window of a similar size to the other windows in the rear elevation.
3. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
4. Notwithstanding that, in deciding whether to accept the revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur.
5. In this case, given that the amendment removes an element of the development (the balcony) I consider that there would be no prejudice to any party by accepting this plan at the appeal stage.

Main Issues

6. The main issues are the effect of the development on:-
 - i. the living conditions of the occupiers of 681 and 683 Staines Road with particular regard to outlook and privacy, and the future occupiers of the
-

development with particular regard to amenity space and the layout of the flats; and

- ii. the character and appearance of the area with particular regard to the setting of nearby listed buildings and the character of the Bedfont Green Conservation Area.

Reasons

Living conditions

7. The proposed development would be located in the region of 11 metres to the northwest of the maisonettes of 681 and 683 Staines Road. These properties have habitable room windows facing out towards the proposed development albeit at a slightly offset and at an angle.
8. The development would also have habitable room windows at ground floor and in the roof space facing Nos 681 and 683. There would also be further first floor windows in flat 3 along the hallway. Notwithstanding the slight offset and angle, given the distance between the windows of the existing and proposed flats, there would be a significant loss of privacy to the occupants of Nos 681 and 683 as a result of overlooking between the windows.
9. In respect of outlook from Nos 681 and 683, whilst the proposed building is larger than the existing building on site, given the open undeveloped area to the side of the appeal site and to the front of these properties the proposed building would not appear overly dominant as a result of its scale or bulk particularly given its hipped roof design.
10. Turning to the living conditions of the future occupiers of the flats, Policy SC5 of the London Borough of Hounslow Local Plan 2015-2030 (2015) (LP) requires the development to provide a minimum of 5 square metres of private space per unit plus 25 square metres of communal external space per unit (minus the amount of private space).
11. Whilst the development would provide sufficient space for the ground floor flat, as result of the removal of the balcony neither of the first floor flats would have any outdoor amenity space which would be contrary to Policy SC5.
12. In coming to that view I have considered that the site is opposite Bedfont Green which provides an outdoor recreation area. My attention has also been drawn to other areas of public open space within a mile of the appeal site. Whilst these could be used by the occupants of development, to my mind it does not outweigh the need for the provision of private amenity areas for the occupants of each flat.
13. In respect of the internal living conditions, particularly in relation to the ground floor flat, it is noted that the two habitable rooms which would be facing Staines Road have multiple aspects. I also note that the Appellant has suggested that the lower parts of the windows would be glazed in obscure glass.
14. Given the set back of the building from the pavement of around 1 metre and the other principal windows which serve these habitable rooms the development would, to my mind, provide an acceptable internal living

arrangement. However, that does not outweigh the harm I have already identified.

15. For the above reasons the development would give rise to a significant loss of privacy to the occupants of Nos 681 and 683 and would fail to provide an adequate level of outdoor amenity space for the future occupants of the development. Therefore the proposal would be contrary to Policies CC2, SC4 and SC5 of the LP which amongst other matters seek to ensure that the living conditions of existing residential properties are maintained and that suitable living conditions are provided for future occupants.

Character and appearance

16. The site is located within the Bedfont Green Conservation Area (BGCA). The BGCA broadly follows Staines Road with Bedfont Green located at the heart of the Conservation Area. Within the BGCA there is a diverse mix of architectural styles and ages of buildings. This mix does not present a strong local vernacular. That said, there is a large amount of properties which have hipped roof forms. The appeal site itself is located on the south side of Staines Road opposite Bedfont Green itself and currently has a two storey rendered building with a gabled roof. The ground floor is occupied by a retail unit with a first floor flat.
17. The proposed development would result in a new building which would be approximately the same height as the existing building but would have a larger footprint, a crown roof, and would be set back from the pavement. Notwithstanding the increase in footprint, the development would be of a size, height, scale and mass which would not be too dissimilar to other residential properties in the vicinity of the site.
18. The proposed development would also have a two storey side projection from the main part of the building. This element is set in from both the front and rear elevations and with its lower roof would appear as a subservient aspect to the overall building. Given the above, the building would not appear as an overly large nor would it be of an excessive scale or bulk. Consequently, it would sit comfortably in the context of Nos 677 to 683 Staines Road and the Pippin Court to the rear.
19. However, it is significant that the crown roof is not characteristic feature of the area. Whilst this would not readily discernible from street level, it would nevertheless represent an uncharacteristic design feature in the BGCA. In addition to the roof design, the front canopy would not relate well to the overall appearance of the building and would appear as an addition which does not reflect the overall quality of the proposed building. Cumulatively, these matters result in a building which would harm the character of the BGCA.
20. I have also had regard to the concerns of the Council in respect of the roof lights on the front elevation, the dormer windows to the rear, and the side wall detailing. In respect of the roof lights and dormer windows, my attention has been drawn to several others in the vicinity of the site. The presence of these, together with the diverse mix of property styles, leads me to the view that none of these matters would harm the overall character of the BGCA.

21. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The LBCA Act) requires me to have special regard to the desirability of preserving the character or appearance of the BGCA.
22. Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a development would 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.
23. In this case, the provision of additional housing could be a public benefit as would be the removal of a building which has little architectural merit. However, whilst the harm to the significance of the heritage asset would be less than substantial, the public benefits are not sufficient to outweigh this harm. That provides a compelling case for dismissing the appeal.
24. I have also had regard to the effect of the development on the setting of nearby listed buildings including St Mary's Church (Grade II*) and Burlington House (Grade II). Section 66(1) of the LBCA Act requires me to have special regard to the desirability of preserving the setting of these buildings. In this case, the development would not have any adverse impact on the setting of either of these buildings given the distance between them and the proposed development.
25. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character of the BGCA. Therefore the development would conflict with Policies CC1, CC2 and CC4 of the LP which amongst other matters seek to preserve the character of the Conservation Area. The development would also be at odds with the conservation aims of the Framework.

Planning balance

26. The Appellant has not explicitly advanced a case that the Council cannot demonstrate a 5 year supply of housing, but has indicated that housing applications should be considered in the context of the presumption in favour of sustainable development. It is also stated that weight should be given to the financial and economic benefits of the development on the area.
27. To my mind, the development of two additional residential units would clearly have a benefit in delivering much needed new housing. The economic and social benefits which would result also lead to benefits to the area.
28. However, I have identified a clear conflict with up-to-date Development Plan policies and the Framework. To my mind, the benefits of the development do not outweigh the harm I have identified.

Conclusion

29. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR