
Appeal Decision

Site visit made on 20 April 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/F5540/W/16/3163936

67-69 Isleworth Business Complex, St John's Road, Isleworth TW7 6NL

- 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 Kiran Gulati against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00981/C/P83, dated 6 May 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the development of a new self-contained office block (B1 use). Parking at ground floor will be retained with offices at first floor.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The site address on the Council's decision notice more accurately describes the location of the appeal site and therefore I have used it here.
3. With the appeal, the appellant submitted drawing A106: Proposed Section which the local planning authority has commented on. The drawing supplements information within the appellant's statement and therefore no party would be unfairly prejudiced by me determining the appeal with regard to the drawing. I have therefore accepted the drawing and considered it in my determination of the appeal.

Main Issues

4. These are:
 - (i) the effect of the proposal on highway safety;
 - (ii) the effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to outlook and sunlight; and
 - (iii) the effect of the proposal on the character and appearance of the area and on the setting of the listed building nearby.
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Reasons

Highway safety

5. The proposed office block would occupy the area of 10 existing car parking spaces but 8 would be retained. The spaces are allocated to residents, as indicated in planning applications¹ for a change of use of a building opposite the appeal site to residential. The design statement before me suggests that the change of use *means a reduction in the use of the car park*, however, the apartments, as approved, have parking spaces allocated to them, indicating a need for the spaces on site. Furthermore, it was apparent from my observations on site that the parking spaces were well used; majority of the car parking spaces were occupied. Whilst, therefore, the development may not generate significant levels of vehicle movements, there would be competition for parking between the proposed development and existing residents. This would result in a displacement of car parking which in turn would be harmful to the safe movement of vehicles and pedestrians, contrary to policy EC2 of the Local Plan² which requires development proposals to demonstrate that adverse impacts on the transport network would be avoided.
6. The site is within a PTAL³ of 3; ie moderate and therefore within a reasonable distance of public transport. In a similar vein, the policies within the London Plan stipulate maximum parking standards, including those for office floor space in Outer London, supporting the use of more sustainable means of travel where possible. However, I have no evidence of the services and facilities available to residents to be satisfied that they could meet their daily needs via a means other than the car, or indeed that office workers could travel by public transport rather than via a private vehicle. I cannot consider the location of the site, therefore, to be a compensatory factor for the demand and provision of car parking spaces.
7. The appellant refers to a number of ways the parking could be managed, including the use of *a designated parking space in the rear car park*. I have no details showing where this is or who it would be used by to consider it an alternative place to park. I also have no details relating to the demand for or management of the car parking spaces for me to consider the dual use of spaces to be a feasible option. Notwithstanding this, it would be beyond the reasonable control of a planning condition to restrict residents' use of the parking spaces to outside office hours. Furthermore, a condition to this effect would be difficult to enforce.
8. Whilst Traffic Regulation Orders (TROs) could help regulate traffic movements and parking, they would not address the conflict with policy EC2 that requires development proposals to make adequate provisions for parking. Furthermore, the enforcement of TROs would be outside the remit of planning and in light of paragraph 206 of the National Planning Framework (the Framework), could not be reasonably secured by planning condition.
9. In light of the above, and in the absence of any reasonable alternative to office workers using all of the 8 spaces proposed, I find that the development would result in adverse impacts on the transport network. The competition for

¹ As indicated in planning applications 00981/C(U4)/PA1; 00981/C(U5)/PA2 and 00981/C/PA1.

² London Borough of Hounslow, Local Plan 2015-2030, Volume One.

³ Public Transport Accessibility Level

parking spaces would be disruptive to the safe movement of vehicles, which in turn would be harmful to highway safety, contrary to policy EC2 of the local plan.

Living conditions

10. It was apparent from my observations on site that on the rear elevation of the building fronting St Johns Road there are windows at ground, first and second floor levels to living spaces. The planning applications relating to the change of use of this building show these spaces as living areas and bedrooms; areas that would be well used and where outlook, particularly to the living areas, is important.
11. The development would bring the built line of development closer to the building fronting St Johns Road and at a level higher than the existing commercial building. This would create a sense of enclosure that would be overbearing on views from the living areas. This restricted outlook would create an oppressive living environment that would be harmful to the living conditions of the occupiers. I recognise that parked vehicles currently restrict the outlook at ground floor level, however, the development would have a presence above these cars and therefore a greater impact on outlook. I also appreciate that the visual appearance of the building that residents would look out onto would be an improvement on the existing building. However, this does not overcome the harm found because of the proximity and height of the development and the sense of enclosure that this would create.
12. The development would be directly south of the building fronting St Johns Road. Therefore, as acknowledged by the appellant and as indicated in the assessment of sunlight, the development would limit the levels of sunlight into the existing living spaces, particularly at ground floor level. The appellant suggests that the impact would be minimal given the limited percentage of sunny days in London. However, the interchangeable nature of the weather means that the number of sunny days cannot be relied upon to demonstrate impact; more reliable is the position of the development in relation to the sun's path. The development would increase current levels of overshadowing which would darken the internal living spaces which in turn would be harmful to occupant's living conditions. The external cladding proposed may reflect some light into the existing flats but would not compensate for the loss of sunlight through overshadowing.
13. In finding that the proposed development would have a harmful effect on the living conditions of the occupiers of the neighbouring property, with particular regard to outlook and sunlight, the development would be contrary to policy CC2 of the local plan which requires development to have a positive impact on the amenity of current residents.

Character and appearance

14. The area surrounding the appeal site is a mix of residential and commercial buildings, of varying scales and architectural styles. The appeal site is situated between the three storey building fronting St Johns Road and a single storey commercial building. Both buildings, together with part of the appeal site are visible from St Johns Road. The appeal site, therefore, contributes to the character and appearance of the area.

15. The development would make an appropriate transition in height between the building fronting St Johns Road and the commercial buildings behind. However, it would occupy and protrude forward of the existing car parking spaces, bringing the line of development closer to the rear elevation of the building fronting St Johns Road. This would create a sense of crampedness and would appear as an overdevelopment of the site. This cramped appearance would be visible from St Johns Road, resulting in an incongruous form of development that would be harmful to the character and appearance of the area and contrary to policies CC1 and CC2 of the local plan which seek development that responds to the site's surroundings and is representative of good design.
16. I note the appellant's reference to the office accommodation proposed not being cramped. Whilst I appreciate this, the concerns for crampedness relate to the limited space on site and not with reference to internal space standards. Appropriate internal space standards do not carry weight against the harm identified to character and appearance.
17. Opposite the appeal site is a listed building⁴; the two are separated by an access road, palisade fencing and a mature line of trees and vegetation. This separation, together with the notable contrast in form and architectural style, separates the listed building from surrounding buildings. Consequently the listed building is appreciated within its own setting of mature landscaping and alongside nearby buildings of a similar period and architectural form. The appeal site, therefore, does not form part of the setting to the listed building.
18. In line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving a listed building or its setting. One of the core planning principles of the Framework is that heritage assets should be conserved in a manner appropriate to their significance and with great weight given to the asset's conservation.
19. The proposed development would be some distance from the setting of the listed building and therefore would not encroach physically or visually onto it. Consequently, when having special regard to the desirability of protecting the listed building or its setting, the development would sustain the experience of the listed building within its setting and as a result would have a neutral effect. The proposal would, therefore, not be contrary to policy CC4 of the local plan which seeks development that is in keeping with the character of and setting to a heritage asset.
20. In all, I have found that the development would have a harmful effect on the character and appearance of the area, but not on the setting of the listed building. Whilst the lack of harm to the listed building is welcome, this does not overcome the harm found to the character and appearance of the area in a way that I can give favourable consideration to the proposal in relation to character and appearance.

Other matters

21. The development would provide employment floorspace which the appellant suggests would compensate for the loss of office accommodation following the

⁴ The Parsonage, 43 St Johns Road, Grade II Listed Building

change of use of the building fronting St Johns Road. However, I have no details before me to suggest that there is a demand for office space within the area and therefore that the loss of office accommodation needs to be compensated for. A university teaching hospital nearby and the employment density information before me do not suggest that employment floorspace within the location proposed should be increased and carry weight in favour of the appeal.

22. I note the alternative to the proposed development presented by the appellant; a more intense use of the commercial premises on the business complex which in turn could result in an increased demand for car parking. However, this could arise with or without the development proposed. I suggest that if an increased demand for parking is likely, the proposed development would exacerbate this situation. A more intense use of the commercial premises on the business complex, therefore, does not weigh in favour of the appeal.
23. The appellant refers to a legal agreement to control where cars are parked. I do not have such an agreement before me for this to carry weight in favour of the appeal.
24. The lack of concern found for traffic generation and parking when the Council considered the change of use of the building fronting St Johns Road was in relation to the development proposed and its surroundings at the time the Council made its decision. The proposed development introduces a new set of circumstances for consideration. The lack of concern for the change of use, therefore, has little bearing on the current development for it to carry favourable weight in my decision.

Conclusion

25. I have found that the development would have a harmful effect on highway safety, on the living conditions of the occupiers of the neighbouring properties and on the character and appearance of the surrounding area. Whilst the proposal would not have a harmful effect on the setting of the listed building nearby, this does not overcome the harm found in relation to the main issues identified. In all, therefore, I find that the development would be contrary to the development plan and none of the material considerations indicate that the decision should be made, other than in accordance with the plan. The appeal is, therefore, dismissed.

R Walmsley

INSPECTOR