
Appeal Decision

Site visit made on 2 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/F5540/W/17/3167721
45 Bell Road, Hounslow TW3 3NX

- 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 A Hussain against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00108/45/P7, dated 9 August 2015, was refused by notice dated 1 November 2016.
 - The development proposed is described on the application form as an existing restaurant/pub to undergo garden refurbishment proposal to install additional outdoor seating with a retractable awning.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of additional outdoor seating and retractable awning at 45 Bell Road, Hounslow TW3 3NX in accordance with the terms of the application, Ref 00108/45/P7, dated 9 August 2015, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. The Council's decision notice describes the development as the installation of additional outdoor seating and retractable awning. The Appellants appeal form also uses this description. Given the nature of the development, this more concisely describes the proposed development. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance and highway safety.

Reasons

Living conditions

4. The existing premise consists of a public house with a rear yard which already has a covered seating area which was granted planning permission¹ by the Council in October 2015. To the rear of the site is a private car park beyond which there are residential properties. Residential properties also exist on the upper floors of properties on Bell Road.

¹ 00108/45/P6

5. From the evidence before me, there are no restrictions on the use of the current outdoor area subject to the appeal application. The provision of a covered area would invariably allow for an increase in the intensity of the use of the outdoor area. This could have the potential to have an adverse impact on the living conditions of the occupiers of nearby residential properties when considered cumulatively with the existing outdoor seating area.
6. In the absence of any evidence to the contrary, I am of the view that such harm could be mitigated by the imposition of suitably worded planning conditions. I note that the Council have suggested conditions which would restrict the hours of use to between 11:00 and 23:00 on any day, including any lighting, and that there should be no amplified music played. To my mind, these conditions would therefore mitigate any harm which would arise from the increased use of the outdoor area.
7. For the above reasons, subject to the imposition of suitably worded planning conditions in relation to the hours of operation of the outdoor seating area (including lighting) and that no amplified music shall be played, the proposal would not have an adverse impact on the living conditions of nearby residential properties. Therefore the proposal would accord with Policies CC2 and EQ5 of the Hounslow Local Plan (2015) (LP) which amongst other matters seeks to minimise noise disturbance to noise sensitive developments such as residential properties.

Highway safety

8. The Council's reasons for refusal relates to the loss of the on-site servicing area without sufficient information as to the servicing arrangements. The Appellant has stated that servicing of the premises takes place from Bell Road as opposed to the service yard off Vine Place, and has done so for over 10 years.
9. No evidence has been provided which disputes this, and I noted from my site visit that service access via Vine Street would not be easy. Notwithstanding that, servicing from Bell Road has the potential to cause highway and/or pedestrian safety issues.
10. However, consideration must be given as to whether any such harm could be addressed through a suitably worded planning condition. In this case, the agreement of a servicing and delivery plan would ensure that effective controls are in place to ensure that such servicing does not have an adverse impact on highway safety. I note that the Council has suggested such a condition and I consider that this would adequately address this issue.
11. For the above reasons, subject to the imposition of a suitably worded planning condition in relation to the servicing and delivery arrangements, the development would not have an adverse impact on highway safety. Therefore the proposal would accord with Policy EC2 of the LP which amongst other matters seeks to ensure that adverse impacts on the transport network are avoided.

Conditions

12. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

13. I have already identified that conditions relating to the hours of use of the outdoor seating area, lighting, amplified music and a servicing and delivery plan are necessary in the interests of the living conditions of the occupiers of nearby properties and highway safety.
14. In addition to these, I consider that the suggested condition regarding access/egress to the seating area is not via Vine Place (except in the case of an emergency) is also necessary in the interests of the amenity of local residents.
15. With the exception of the servicing and delivery plan, it is not necessary for any of these conditions to have details agreed prior to the commencement of any site works. However, it is necessary to agree the servicing and delivery plan as once works commenced on the development it is likely that such deliveries would not be able to use the Vine Place access in the future.

Conclusion

16. Taking all matters into consideration I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan – 0920 Rev 1.
- 3) The outdoor seating area and any associated lighting shall not be used outside of the hours 1100 to 2300 on any day.
- 4) No amplified music shall be played in the outdoor area to the rear of the site at any time.
- 5) Access to and from the hereby approved outdoor seating area shall be through the main public house and not via the side gate fronting Vine Place, except for access during an emergency.
- 6) Prior to the commencement of development on site, a Servicing and Delivery Plan shall be submitted to and approved in writing by the local planning authority and servicing and deliveries shall not be undertaken other than in accordance with the approved details.