
Appeal Decision

Site visit made on 25 April 2017

by Clive Sproule BSc MSc MRTPI MEnvSci CEnv

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

Decision date: 11.08.2017

Appeal Ref: APP/F5540/W/16/3165908
164 Duke Road, Chiswick, London W4 2DF

- 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 Ms Victoria Collett against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00373/164/P6, dated 26 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is demolition of existing two storey detached dwelling and reconstruction to match existing with the addition of a basement and mansard roof as approved in permissions 00373/164/P4 and 00373/164/P5.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing two storey detached dwelling and reconstruction to match existing with the addition of a basement and mansard roof as approved in permissions 00373/164/P4 and 00373/164/P5 at 164 Duke Road, Chiswick, London W4 2DF in accordance with the terms of the application, Ref 00373/164/P6, dated 26 August 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Ms Victoria Collett against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.

Main Issues

3. Within the context of the Council's reason for refusal and the evidence in this case, the main issues are considered to be the effect of the development proposed on: a) the character and appearance of no.164 and the locality; and, b) the historic environment.

Reasons

Character and appearance

4. No.164 is a detached dwelling that from Duke Road is seen within the context of neighbouring garden fronted terrace of houses, an adjoining pedestrian passageway and associated development, along with larger scale school (and associated) buildings that terminate views along the street.
5. Residential development in Duke Road and the associated streets of terraced houses are noted to form the 'Glebe Estate', and are identified by the Council's

Urban context and character study (August 2014) as being within an area of special character.¹ These streets have been noted to display a consistency that includes architectural quality and to have an illustrative historic value in the coherency of the Victorian suburban development,² and I agree with that description.

6. No.164 has a distinctive appearance that results from its Victorian architecture and later modifications. Indeed, a representation at the application stage noted the building, like many of the houses in neighbouring streets, to have “...undergone multiple renovations and extensions...”. These cause no.164 to differ from the design of both the terraced houses within the street scene and the school buildings.
7. A sales brochure that includes photographs of the dwelling,³ taken prior to its acquisition by the appellant, confirms that the underlying structure of the house could not have been fully appreciated prior to the interior having been stripped-out. Pre-application advice for the appeal scheme is noted to have been sought in July 2016 following the stripping-out of the building.
8. The *Relevant history* set out in the Council Officer’s delegated report includes planning permission granted in October 2015 for a mansard roof extension with new window openings on the side elevation and photovoltaic solar panels on the roof. Then in April 2016, planning permission was granted for a basement with front and rear light wells.⁴
9. The Council Officer’s delegated report also notes that the proposed replacement dwelling had been designed to match the style, appearance and character of the existing building, and it would utilise matching materials.⁵ All of these matters could be the subject of planning conditions, and there is no reason to doubt the deliverability of the scheme to replace the dwelling with the alterations already permitted for the existing building.
10. The appeal scheme includes the previously permitted roof and basement extensions. The proposed roof of the front bay window would vary from the existing design, but it would be sympathetic to the form of the mansard roof and it would reflect windows elsewhere in the street scene. No.164 stands between the terrace that ends with no.162 and the large pitch roof gable fronted dwelling at no.166, with the much larger school buildings beyond. As an individual plot in these circumstances, the proposed architecture (including the mansard roof and basement light wells) would be appropriate to the scales, character and design of development in this location.
11. Replacing the dwelling would result in a new built form. However, this is not a listed structure. Consequently, no.164 could be the subject of comprehensive refurbishment without the need for planning permission that could also result in a building that would have lost much of the external residential ‘patina’ that communicates its age.
12. Therefore within this built environment and the planning context for the appeal site, rebuilding no.164 as proposed by appeal scheme would result in very little

¹ Paragraph 58 of the appellant’s Heritage Appeal Statement

² Paragraph 59 of the appellant’s Heritage Appeal Statement

³ Provided as part of Ms Wakeman’s representation of 23 March 2017

⁴ Planning permissions 00373/164/P4 & 00373/164/P5 respectively

⁵ Paragraph 2.1 of the Council Officer’s delegated report on the application

change to the street scene. It is apparent that the residential character and appearance of no.164 and the locality would be retained and conserved by the proposed development. Accordingly, the appeal scheme complies with Policies CC1 (Context and Character) and CC2 (Urban Design and Architecture) of the *London Borough of Hounslow Local Plan 2015-2030* ('LP').

Historic environment

13. As noted above, no.164 is not a listed building, nor is it in a Conservation Area and as a result, it is not subject to the statutory protection afforded to such designated heritage assets. However, LP Policy CC4 states that an area of special (local) character is a non-designated heritage asset.
14. No.164 is associated with the Glebe Estate through its age and location, but it is not part of the terraced development that forms an important element of the area of special character. As noted above, the appeal scheme would retain the character of no.164 and therefore its contribution to the character of the locality, including the area of special character, would be preserved.
15. Representations at both application and appeal stages have referred to Policy ENS-8.2.6 – *Identification and protection of buildings of local townscape character* of the *Hounslow Unitary Development Plan 2003* ('UDP'). The Council Officer's report on the application only refers to LP policies and states explicitly that the development plan for the Borough comprises the LP, along with the West London Waste Plan and the London Plan. It has not been shown that UDP Policy ENS-8.2.6 remains an extant part of the development plan for the policy to carry any weight in this appeal.
16. The Council's reason for refusal refers to LP Policy CC4, which seeks to protect buildings by means that include locally listing buildings for their contribution to an area's character. '*Supporting facts*' for the policy also note that the Council will maintain and publish a list of '*Buildings of Local Townscape Character*'. Representations highlight there to be 91 locally listed buildings in Chiswick and the process has yet to include no.164.
17. The reason for refusal also refers to paragraph 135 of the National Planning Policy Framework which states that: the effect of an application on the significance of a non-designated heritage asset should be taken into account; and, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
18. Council Officer's delegated report notes that: the application was originally to be recommended for approval,⁶ but this changed and a local listing application was proposed by objectors; no.164 is not locally listed; and, the Council has logged the property as a possible future candidate for local listing.⁷
19. The house was built in (or around) 1871. The Council considers it to be the first house to be built on land known as the Glebe Estate and is part of a loose group of detached houses.⁸ However, the appellant disputes this, noting the plot to have been leased in 1869 to Elijah Cornish from the developers of the

⁶ This reflected 'without prejudice' pre-application advice given to the appellant, which noted there to be in-principle no objection to demolition and rebuilding of the property

⁷ Also described in the e-mail at Appendix J to Mr Newham's appeal stage representation

⁸ Paragraph 4.5 of the Council Officer's report on the application

- Glebe Estate, and then developed independently of the terraced houses in Duke Road and associated streets.
20. Ordnance Survey mapping from 1871 indicates a building on the land next to Devonshire Passage. A plan in relation to a lease for vacant land, dated 1872 but indicated to start on 25 March 1869, would appear to include the plots of what are now no.164 and 2 Devonshire Passage within the lease. However, the plan for the lease does not show the building included on the 1871 Ordnance Survey map.
 21. The front elevation of no.164 states the building to be 'St Alban's Cottage 1871'. Representations also refer to the dwelling as 'The Glebe/Glebe House' and indicate the 1872 'Rate Book for Chiswick' to describe no.164 as a '*...House with Coach house, etc. Located on the Glebe Land...*'.⁹
 22. Mapping from 1896 shows: the plots for no.164 and 2 Devonshire Passage to be distinct from each other and to have buildings on them; the buildings on the plot of 2 Devonshire Passage on the Ordnance Survey mapping from 1871 and 1896 appear to differ in shape, scale and position; terraced housing has been built to the north (but not yet adjacent to no.164) and opposite to the appeal site; and, school buildings were present on the opposite side of Duke Road, but did not terminate the road and extend next to Devonshire Passage.
 23. No.164 is comparable in scale to other dwellings in the locality. It is not a large building and its size does not suggest it to have been a building of importance, even if it had a larger garden at one point.¹⁰ The 1896 Ordnance Survey mapping is clear that no.164 was a modestly sized dwelling on a plot with a garden comparable to those of the terraced dwellings on the Glebe Estate, and the land behind it to the west (and to the north of Devonshire Passage) had yet to be developed.
 24. No.164 retains a considerable number of historic features that contribute to its character. These features include a projecting cornice at eaves level, a parapet and balustrade above the front elevation, and render on the elevations. However, the render is considered to be a later addition to the dwelling.
 25. The appellant also highlights other features to be later additions including: a recent extension/complete rebuilding of the rear of the dwelling; the low chimney stack; and, the rendered parapet above the front façade is likely to be an original feature, but the distinctive and somewhat eye-catching balusters on top of it are modern cast concrete. Also, it is not apparent that the front boundary treatment and tiled pathway are original features, and the front bay window may not be an original feature. Implementation of the recently granted roof and basement planning permissions would alter the appearance and visible scale of the dwelling still further.
 26. In addition to no.164's significantly modified exterior, photographs of the building's exposed internal structure reveal very significant levels of rebuilding. The Council acknowledges that the internal condition of the building is poor, but does not accept that the building is unsuitable for refurbishment. However, in addition to the presence of patch repairs and other strengthening works, the building has two different types of foundation within its structure that are

⁹ A copy of the relevant part of the 'Rate Book' has not been provided

¹⁰ The appellant's final comments are clear that the titles of houses on land which could have formed a larger garden confirm that it was leased to 'Francis Thompson' in 1869 (and not Elijah Cornish).

causing differential movement and associated cracking.¹¹ These matters are not associated with the use of the building since the appellant purchased it.

27. At present no.164 is of a scale and appearance that contributes to the character of the street scene, and the adjacent terraces are recognised as forming an area of special character. Objectors to the appeal scheme have provided a history of no.164 and the early occupiers of it. Set against this is the appellant's Heritage Appeal Statement. It was carried out by someone with a relevant professional qualification and accreditation, and who has used a recognised methodology to provide a clear view on the lack of significance of no.164.¹² The Council has not provided a clear rebuttal of that evidence, and the appellant's assessment is convincing.
28. Evidence in this case indicates that: the history of no.164 is not particularly special either architecturally or historically within the context of the development occurring in the locality and across London in the early 1870s; no.164 is not of sufficient importance for it to be considered a heritage asset; and, the rebuilding of no.164 as proposed would not cause harm to, or loss of, the significance of the area of special character that includes the Glebe Estate.
29. Representations indicate the level of community interest in this matter. Although no.164 may have been one of the first dwellings to be developed on the 'Glebe Land' that includes the terraced streets to the north of the appeal site, that in itself does not suggest the building should be preserved in its highly modified state. The evidence in this case indicates that the proposed development would conserve the Borough's heritage assets and support the area's distinctive character and sense of history to comply with LP Policy CC4 (Heritage), and the relevant aims and objectives of the Framework including those within Section 12 - *Conserving and enhancing the historic environment*.

Other matters

Highway safety

30. In urban areas, development often occurs in close proximity to highways, including footways. Such works will, from time to time, include demolition and there is no evidence that demonstrates the demolition of no.164 could not be carried out safely due to the proximity of Devonshire Passage. Nor is it apparent that a constructor carrying out their duties within the context of suggested planning conditions, while exercising a reasonable standard of care for their own and other's safety, would be likely to cause unacceptable harm to highway safety (or to local living conditions).
31. The appeal scheme would result in no more living accommodation than is already present and approved for this site. Consequently, the proposed development would not be expected to result in additional parking pressures in the locality.

Living conditions

32. There are existing windows in the side elevation of no.164 next to no.162 and the appeal scheme would add an additional opening. This is an urban area where a certain degree of overlooking reasonably can be expected to occur and

¹¹ As noted in the appellant's structural report, dated July 2016

¹² Historic England advice in relation to 'Local Heritage Listing'

already does so. It is not apparent that the appeal scheme would cause additional overlooking that would be unacceptably harmful to the living conditions of neighbours.

33. Nor is it evident that demolition and construction works would cause levels of noise and disturbance in excess of what reasonably would be expected in an urban environment of this type for unacceptable harm to occur to the living (and educational) conditions of neighbours.

Precedent

34. No.164 is a detached dwelling that stands next to streets of terraced houses. If this appeal were to be allowed, the demolition of the detached house would have an entirely different context to any proposal for the demolition and replacement of a terraced dwelling. Each application and appeal is determined on its individual merits within the context of the relevant legislation and planning policies, the specific circumstances that apply to the proposal and the evidence provided. That is how I have approached this appeal, and for these reasons a planning permission resulting from this appeal would not set a precedent in relation to the determination of other planning proposals. Nor would it negatively impact the Council's ability to implement its adopted planning policies.
35. It has been suggested that the appellant submitted the proposals for the roof extension and basement with an 'ultimate goal' of demolishing no.164. There is no proof of this.
36. A petition submitted in objection to the current proposal indicates that other dwellings in the area have been renovated without demolition and believes there to be no need to demolish no.164. However each planning application and appeal falls to be determined against matters set out above,¹³ regardless of the state of the building's finishes, and that is how this appeal has been dealt with.
37. It is suggested that there were procedural inconsistencies at the appeal stage due to a lack of notification for at least two parties who made representations at the application stage. However, it is apparent that interested parties are aware of the appeal, and if this occurred at a late stage, a party could still have sought to make a representation. In any event, all representations made at the application and appeal stages, and the range of matters raised within them, have been taken into account. There is no evidence of any procedural inconsistency in regard to the main parties to this appeal.¹⁴ Accordingly, it is not apparent that any party has been disadvantaged by the procedural arrangements for the determination of this appeal.

Social and economic factors

38. The appeal proposal would enable the dwelling to provide its occupiers with higher levels of thermal and acoustic insulation than is possible within the existing structure. In addition, the construction of the proposed dwelling would provide economic benefits, and these factors attract significant weight in favour of the appeal scheme.

¹³ That is, as set out in the paragraph immediately below the 'Precedent' sub-title

¹⁴ The 'main parties' to an appeal are the local planning authority that took the decision and the appellant

Conclusion

39. All representations have been taken into account, but no other matters have been found to outweigh the identified lack of harm and compliance with LP policies CC1, CC2 and CC4, and the relevant parts of the Framework. The appeal scheme would not cause a loss of heritage significance, and no other matters indicate that planning permission should be withheld in this case. For the reasons above, the appeal scheme would be a sustainable form of development and accordingly, the appeal should be allowed.
40. A condition shall be imposed to address the timescale for the commencement of development. For the avoidance of doubt and to ensure an appropriate form of development, a condition shall be imposed regarding the approved drawings.
41. In the interests of providing suitable living conditions for the occupiers of no.164, a condition shall be imposed to address the use of the basement. To protect the living conditions of local residents, a condition shall be imposed to address the times when demolition and construction works occur. In the interests of protecting the character and appearance of the locality and the living conditions of local residents, a condition shall be imposed in regard to the storage of waste and materials for recycling.
42. In the interests of the character and appearance of the site and the locality, a condition shall be imposed in regard to the materials to be used for the external surfaces of the development. As these are matters that concern the design of the development and its implementation, it is necessarily a pre-commencement condition.
43. Highway safety and local living conditions are protected by a condition requiring the provision of, and adherence to, a Construction Method Statement. To be effective the Construction Method Statement needs to be in place prior to works commencing.
44. In the interests of highway safety and providing a sustainable form of development, a condition shall be imposed for the provision of secure cycle parking.

Clive Sproule

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2016_07_P01 - Location Plan
 - 2016_07_P02 – Existing Block Plan
 - 2016_07_P03 – Existing Plans
 - 2016_07_P04 – Existing Elevations
 - 2016_07_P05 – Existing Sections
 - 2016_07_P06 – Proposed Block Plan
 - 2016_07_P07 – Proposed Plans
 - 2016_07_P08 – Proposed Plans
 - 2016_07_P09 – Proposed Elevations
 - 2016_07_P10 – Proposed SectionsDesign & Access Report for 164 Duke Road W4 2DF (August 2016)
- 3) The basement shall at no time be used or occupied as a separate dwelling independent of the remainder of the replacement dwelling hereby permitted and the basement shall not be used as sleeping accommodation.
- 4) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 5) No development shall take place until samples of all external facing materials for the replacement dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to control the emission of dust and dirt during construction;

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery hours; and,
- viii) development to be carried out in accordance with the Considerate Constructors Scheme and compliance with its Code of Conduct, and the display of an associated site notice.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Prior to the first occupation of the replacement dwelling hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority for the provision of storage for waste and materials for recycling. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the replacement dwelling hereby permitted and retained as such thereafter.
- 8) Prior to the first occupation of the replacement dwelling hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority for the provision of two secure cycle parking spaces in accordance with the London Plan. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the replacement dwelling hereby permitted and retained as such thereafter.