
Appeal Decision

Site visit made on 21 August 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/F5540/W/17/3173224
37A Whitton Road, Hounslow, TW3 2DB

- 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 Andy Smith against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01205/D/P14, dated 21 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is the redevelopment of former church hall site to provide eight flats in a three storey block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (i) the effect of the development on the character and appearance of the area;
 - (ii) the effect of the development on the living conditions of the occupiers of the adjoining residential properties with particular regard to outlook and privacy; and
 - (iii) whether the development would provide suitable living conditions for its future occupants with particular regard external amenity space.

Reasons

Character and appearance

3. The appeal site is located largely to the rear of the existing Royal British Legion (RBL) building which is on the west side of Whitton Road opposite Pownall Gardens. There is a variety of differing styles of building in the vicinity of the site including two and three storey development with pitched roofs. To the rear is a two storey flat roofed building occupied by Horizons Bar and Banqueting.
4. The Council's principal concern over the development relates to the relationship between the proposal and the existing RBL building which has three staggered gables fronting onto Whitton Road with ridge lines running from the front to the rear of the building.

5. In contrast with the RBL building, the proposal would have a vertical wall immediately behind the RBL building which would visually appear as a large block. This would be particularly evident from views along Whitton Road from the north and from Pownall Gardens. To my mind, this stark vertical element would unacceptably disrupt the appearance of the RBL building and the streetscene despite its setback from the road frontage.
6. In coming to that view I acknowledge that the use of grey rockpanel cladding is intended to replicate the appearance of the previous roofslope of the church hall which was devastated by fire in 2014 and subsequently demolished. However, whilst it would achieve a minimalist backdrop to the roof of the RBL, it would also appear as an alien addition.
7. Turning to the height of the proposed development, I acknowledge that the building would be similar in overall height to the now demolished church hall. I also acknowledge that it would be lower than 39 Whitton Road, but higher than No 37. Given the above, I consider that the overall height of the building would be acceptable in the streetscene.
8. The Council also consider that the proposal would be a cramped form of development. However, this concern appears to be as a result of the design of the building rather than an over-development of the site. Given that the site would provide a large amenity area to the rear, I consider that the proposal would not appear overly cramped, nor would it be an overdevelopment of the site. However, this does not overcome the design issue I have found with the proposed building.
9. For the above reasons the proposed development would harm the character and appearance of the area contrary to Policies CC1 and CC2 of the Hounslow Local Plan 2015-2030 (2015) (LP) which amongst other matters seek to ensure that new development conserves and takes opportunity to enhance the character of the area and promote high quality urban design.

Living conditions – adjoining properties

10. The proposed development would be located in close proximity to 37 Whitton Road and would be significantly taller in height and bulk. Notwithstanding that, closest part of the development to No 37 would be two storeys in height (with a flat roof). Furthermore, this element would not be significantly higher than the ridge line of No 37 and would not project significantly beyond the rear building line at first floor level.
11. The third storey of the proposed building would be located broadly in line with the north side elevation of the RBL building and would be largely shielded from view from the occupants of No 37 (when in their rear garden or when looking from their habitable room windows) by the two storey element of the building. Consequently, I consider that the development would not have an overbearing impact on the occupiers of No 37 or would lead to a significant loss of outlook or privacy.
12. In respect of the availability of sunlight and daylight I note that the Appellant has submitted a Daylight, Sunlight & Overshadowing Report. Whilst this report acknowledges some impact to the side facing windows of No 37, this is not surprising giving the close proximity of the windows and the side wall of the proposed development.

13. However, not all of the windows which would be affected by further loss of sunlight or daylight relate to habitable rooms. The windows which give the most concern are windows S16 on the side elevation at first floor level and S12 at ground floor level on the rear elevation.
14. From the evidence before me window S16 (at first floor on the side elevation of No 37) is a secondary window into the kitchen with a further window being located on the front elevation. Given the presence of a window to the kitchen on the front elevation I consider that any loss of daylight and sunlight to window S16 would not be so significant as to cause an unacceptable level of internal light.
15. Window S12 is located close to the boundary with the appeal site. However, there is already a significant boundary wall which is of a similar height to the proposed development which extends along the entire side boundary to No 37. Given that the location of the taller elements of the proposed development are away from the areas which could lead to an adverse effect on daylight and sunlight to this window, I consider that the development would not have any significant effect on the living conditions of the occupiers of No 37 above and beyond the existing situation.
16. Turning to the effect of the development on the occupiers of 12 and 13 Hanworth Terrace, concern is raised in respect of overlooking from the living room windows of flats 5 and 8. Given the proximity of the development to these properties it is clear that there would be some overlooking potential even though they would be at an oblique angle.
17. Notwithstanding that, flat 8 would have windows in the open plan kitchen/living room area in the side and rear elevations. Given the layout of the kitchen/living room area it would be possible to reduce any overlooking potential by obscure glazing the rear facing window closest to the side boundary (above the first floor flat roof area). To my mind, this would allow for a sufficient degree of separation to protect the privacy of the occupants of Nos 12 and 13 and would still provide a suitable level of light and outlook for the future occupiers of flat 8. This could be controlled by a suitably worded planning condition.
18. In respect of flat 5, there would be two living room windows on the rear elevation, which would be staggered. The furthest window to the boundary would be below the window I have referred to above (in flat 8). However, given the lower level of the window in flat 5 it would not provide such an overlooking potential to the garden and rear windows of Nos 12 and 13 when compared to the window above in flat 8. As such, I consider that any harm which would arise from any overlooking from that window would not be significant.
19. In relation to the closest window to the boundary it would be possible to obscure glaze this window in a similar fashion to that in flat 8, or provide a privacy screen over the flat roof area to prevent overlooking in the direction of Nos 12 and 13. Either of these methods could be reasonably secured via a suitably worded planning condition.
20. For the above reasons, the development would not give rise to any significant harm to the living conditions of the occupiers of 37 Whitton Road or 12 and 13 Hanworth Terrace which cannot be addressed by the imposition of planning

conditions. Consequently the development would accord with Policy CC2 of the LP which amongst other matters seek to ensure that new developments provide for adequate levels of privacy, do not harm outlook, and ensure that sufficient sunlight and daylight to adjoining dwellings is maintained.

Living conditions – future occupants

21. It is acknowledged by both main parties that each of the proposed flats provides for an adequate level of internal space and I have no reason to disagree.
22. From the submitted plans, none of the proposed flats are provided with an area of private amenity space, such as a balcony or dedicated garden area. However, to the rear of the proposed building is a large communal garden area for use by the occupants of the proposed development.
23. Policy SC5 states that the provision of private external space should have regard to the benchmark external space standard as set out in figure 5.2. This figure sets out that a minimum of 200 square metres of communal space is provided for the development. It also indicates that a minimum of 5 square metres of private amenity space should be provided for each flat (where there are between one and two occupants) with an extra 1 square metre for each additional occupant. The private amenity space can be taken off the communal space requirement for the flat it serves.
24. The Council have stated that they consider that the development is unacceptable due to the lack of amenity space provision. However, the development provides an amount of space in excess of the overall requirement.
25. Figure SC 5.2 acknowledges that for flats the private outdoor space can be provided in the form of private garden areas. Given the amount of space available at the rear, it would be possible to provide areas of individual space for the occupants of the development and still maintain a useable communal area as well. This could be controlled through the imposition of a suitably worded planning condition. Consequently, the proposal would provide a suitable private and communal amenity area for the future occupants of the development.
26. For the above reasons, subject to the imposition of a suitably worded planning condition, the development would provide a sufficient amenity space for the future occupants of the development and would accord with Policy SC5 of the LP which amongst other matters seeks to ensure that new development provides for suitable levels of private external space that is usable and affords sufficient privacy and security for its future occupiers.

Conclusion

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

Chris Forrett

INSPECTOR