
Appeal Decision

Site visit made on 5 September 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 04 October 2017

Appeal Ref: APP/F5540/W/17/3180013

Cressingham, 16 York Way and land to side of 5 Sunrise Close, Feltham TW13 6BL

- 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 James Caldwell of Turnbull Land against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 01246/R/O16/P3, dated 12 April 2017, was refused by notice dated 7 June 2017.
 - The development proposed is the erection of a 2 storey block of six apartments comprising 4 x 1 bedroom 2 person and 2 x 1 person apartments with associated access via York Way.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 storey block of six apartments comprising 4 x 1 bedroom 2 person and 2 x 1 person apartments with associated access via York Way at Cressingham, 16 York Way and land to side of 5 Sunrise Close Feltham TW13 6BL in accordance with the terms of the application, Ref: 01246/R/O16/P3, dated 12 April 2017, subject to the conditions set out in the attached scheduled.

Main Issues

2. The main issues of the appeal are the effect of the proposal on:
 - (i) the living conditions of neighbouring residents, with particular regard to noise and disturbance;
 - (ii) the character and appearance of the surrounding area; and
 - (iii) highway safety, with particular regard to site access and parking provision.

Reasons

3. The appeal site consists of an open parcel of undeveloped back land and a section of the garden of 5 Sunrise Close. The previous planning history of the site is noted, including the three previous planning applications¹ for residential schemes which were refused, including the application which is the subject of a separate planning appeal².

¹ Council references P/2014/4673, P/2016/5526 and 01246/R/06/P2

² Appeal reference APP/F5540/W/17/3176960

Living conditions – neighbouring residents

4. It is proposed to utilise the existing driveway at the side of No 16 York Way as part of the main access. Following the previous refusal of planning permission, and subsequent pre-application discussions with the local planning authority, various amendments to the scheme have been proposed, including the reduction in car parking spaces from 6 to 3.
5. Figures relating to the proposed vehicle movements have not been provided. Despite this, given the reduction in number of car parking spaces it follows that the level of traffic generated to and from the spaces would be significantly reduced. In addition, as the proposed number of units has also been reduced, the number of deliveries to and from the site would be less.
6. It is accepted that alongside of vehicles manoeuvring on the access way, associated noise and disturbance from conversations being held within the parking area, the slamming of car doors, the turning over of car engines would occur. However, due to the reduction in vehicle movements it is not considered that the level of noise and disturbance generated would be so significant as to have an adverse impact on the living conditions of the occupiers of 15 and 16 York Way.
7. It is also noted that the appellant is willing to accept noise conditions in regard to the protection of residential amenity. If I were minded to allow the appeal, I consider it would be reasonable and necessary to impose such conditions to ensure residential amenity, in particular regard of noise and disturbance, is protected.
8. Policies SC4, CC2 and EQ5 of the London Borough of Hounslow Local Plan 2015-2030 (the LP) seek, amongst other things to protect residential amenity. As it is not considered any significant harm in relation to the living conditions of neighbouring residents at Nos 15 and 16 would result, the proposal is therefore found to comply with the objectives of Policies SC4, CC2 and EQ5 of the LP.

Character and appearance

9. The surrounding area is predominantly residential in character, with the majority of dwellings being semi-detached. The proposal would be of a 2-storey design which is generally reflective of surrounding dwellings. The proposed amendments to the scheme have resulted in a reduction in both the scale and massing of the proposal. The proposed footprint has been reduced by approximately 25% and as such, would be located further away from the existing site boundaries. Furthermore, the reduction in scale would also enable additional open space to be provided on the northern and southern flank elevations.
10. It is accepted that although the proposal would be of a standard height for a 2-storey development, the ridge height would still be higher than that of 5 Sunrise Close. However, the difference in height would not be significant and due to the separation distances, such would appear marginal.
11. Due to the plot size, the reduction in overall footprint and the substantial lateral gaps, the proposal would appear similar to many dwellings within the locality. It would not therefore appear as an incongruous, overly cramped form of development. Consequently, the proposal would not harm the character and appearance of the area and therefore complies with Policies CC1 and CC2 of

the LP and Policies 7.1, 7.4 and 7.6 of The London Plan 2016 (TLP). When taken together these policies, amongst other things, seek to ensure that the design of new development is appropriate to its context and recognises and conserves the existing character of the locality.

Highway safety

12. Policy EC2 of the LP aims to secure a sustainable local travel network and, in regard to car parking and cycle parking, requires new development to comply with the standards established within the TLP. Policy CC2 of the LP, amongst other things, seeks to ensure that development provides safe places for cyclists and pedestrians.
13. With regard to larger vehicles entering and leaving the site, such as transit vans, the submitted swept path drawings confirm that it would be possible for larger vehicles to both access and egress the site and complete the required manoeuvres in a safe manner. It is accepted that there may be the possibility of a slight over run of the footway outside 15 York Way by large vans. However, from observations made during the site visit, and from the submitted swept path drawings, it would appear that this is a minimal risk and could be avoidable in most situations.
14. Turning my attention to the proposed parking provision, as previously commented on, the number of proposed car parking spaces has been reduced from 6 to 3. Due to the increase in available space, the submitted swept path drawings confirm that vehicles utilising the car parking spaces would be able to leave the site in a forward gear.
15. The Council raised concern in relation to the size of the proposed car parking spaces regarding compliance with the 4.8 metre standard. The submission of an amended drawing³ by the appellant confirms the spaces would comply with required standards.
16. Policy 6.13 of TLP seeks to reduce the reliance on car usage. However, a degree of dispute exists between the parties as to whether the provision of 3 car parking spaces is adequate. Table 6.2 of Policy 6.13 of TLP details maximum parking standards and in this particular location, the requirement is 1 car parking space per unit.
17. The Council therefore contends that the proposal has a shortfall of 2 car parking spaces. It should however be noted that the standards detailed within the TLP are maximum requirements, not minimum. Although 0.5 spaces per unit are proposed, the site is located within an accessible location, with a bus stop sited on Hampton Road West and rail facilities located within both walking and cycling distance.
18. A parking stress survey, following the Lambeth Methodology, was also commissioned by the appellant. The results indicate that within 200 metres of the site unrestricted parking stress of 53 to 59% exists⁴. Accordingly, it is considered that if any parking over-spill was to occur, on-street car parking is available within the vicinity of the appeal site. It is noted that the Council considers the survey findings to be inadequate. However the Council

³ Drawing reference 917:1087/PL101 Rev A

⁴ Sarnlea Limited Consulting Engineers – Parking Survey Results 3 August 2016

has not provided substantive evidence confirming how the survey fails to comply with the standard methodology or specific inadequacies.

19. Furthermore, observations made during the site visit and a further unaccompanied site visit on the same day, confirmed that on-street car parking was available close to the appeal site. It is appreciated that these observations provide only a snapshot at two particular times of the day. However, there is no substantiated evidence to suggest that this is not representative of the regular parking situation.
20. Paragraph 32 of the National Planning Policy Framework states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In view of the above there is no substantive evidence before me to justify that the cumulative impacts of the development would be severe. It is not therefore considered that the proposal would result in significant harm to either the free flow of traffic on the highway or pedestrian safety. Furthermore, the proposal also fully complies with Policies CC2 and EC2 of the LP, insofar as the requirements for both car parking standards would be met and the parking spaces available would allow for the safe manoeuvring of vehicles.

Other Matters

21. Concern has been raised relating to the proximity of a telecommunications box, telegraph poles and location of utility cables. In relation to alterations to a public highway, and further to comments received from Transport for London (TfL), it would be necessary for the appellant to enter into a section 278 agreements with TfL. This would ensure that any works on the highway are carried out to the relevant standards and satisfaction with TfL.
22. I note the concerns of local residents in respect of the effect of the proposed development on property value. Since the planning process is concerned with land use in the public interest, the effect of development on private interests such as property value can carry only very limited weight.
23. I do not underestimate the importance of the above matters to those involved. However, there is no substantive evidence which would lead me to conclude the scheme should be resisted on these grounds.

Conditions

24. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case; however some have been edited for precision and clarity.
25. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans in order to provide certainty. Conditions to secure appropriate hard and soft landscaping, boundary treatments, recycling and waste storage are necessary in the interests of the protection of both residential amenity and the character and appearance of the site.
26. Conditions in relation to the access, parking provision and visibility splays are necessary in the interests of highway safety. A condition to secure details of the provision of cycle parking and storage is required to ensure adequate

provision is made in the interests of promoting sustainable transport modes. In the interests of the protection of residential amenity, conditions relating to the obscure glazing and opening of windows and noise insulation are also considered necessary.

Conclusion

27. For the above reasons, I therefore conclude that, subject to conditions, the appeal should be allowed.

Helen Cassini

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 plans: Location Plan 1:1250; Ground Floor and Site Plan Dwg No: 917:1087/PL101 Rev A; First Floor Plan Dwg No: 917:1087/PL102 Rev A; Roof Plan Dwg No: 917:1087/PL10 Rev A; Ground Floor and Site Plan – tracking T35 van Dwg No: 917:1087/PL105 Rev A; Ground Floor and Site Plan – tracking private car Dwg No: 917:1087/PL151 Rev A; Car Access TL0001; Transit Van Access TL0008; Transit Van Egress TL0010.
- 3) Prior to the first occupation of the development hereby permitted, a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing material and refuse storage. The soft landscaping scheme shall include planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation programme. The landscaping schemes shall be carried out in accordance with the approved details and thereafter retained in the approved form.
- 4) The proposed windows at first floor level in the side elevations of the development hereby permitted shall be fitted with obscure glazing and hinged to open inwards. These windows shall be permanently retained as such and shall not be repaired or replaced without the prior written approval of the local planning authority.
- 5) Notwithstanding the submitted details, no development, other than demolition and ground works, shall take place until details for access and car parking has been submitted to and approved in writing by the local planning authority. The access and car parking shall be provided in accordance with the approved plans prior to the first occupation of the dwellings. The access and car parking shall thereafter be retained in the approved form.
- 6) Prior to the first occupation of the development hereby permitted a visibility splay of 2.4 metres x 2.4 metres shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access, and no fence, wall or other obstruction to visibility exceeding 0.6 metres in height above the surface of the adjoining highway shall be erected within the areas of such splays.
- 7) Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be provided in accordance with the details as approved under this condition prior and retained as such thereafter.
- 8) Prior to the first occupation of the development hereby permitted, details of the parking and storage of bicycles shall be submitted to and approved in writing by the local planning authority. The bicycle parking and

storage shall be provided in accordance with the approved details and shall thereafter be retained in the approved form.

- 9) Prior to the first occupation of the development hereby permitted, details of the arrangement for the management and storage of waste and recycling shall be submitted to and approved in writing by the local planning authority. The arrangements for the storage of waste and recycled materials shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 10) No development, other than demolition and ground works, shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme providing for the insulation of the proposed dwellings against the transmission of externally generated road noise and vibration, taking account of any ventilation requirements necessary, in order to ensure that the maximum noise levels permitted within the dwelling rooms do not exceed those that are specified in Table 4 of the British Standard BS8233: 2014.
- 11) Prior to the first occupation of the development hereby permitted, it shall be demonstrated that the proposed noise mitigation scheme is compliant with the standards specified in Table 4 of the British Standard BS8233: 2014, by carrying out post completion noise tests inside dwelling rooms carried out by accredited/approved organisations in residential units affected. The test reports shall be submitted to and approved in writing by the local planning authority. Noise tests shall be carried out taking account of worst case environmental conditions, such as easterly operations at Heathrow, peak time traffic flows wind speed, direction and presence of temperature inversion. Continuous logged data shall be submitted, together with parameters measuring LAeq, 16 hours during day-time (0700 – 2300) and Bedroom = 30 dB LAeq, 8 hours during night-time (2300 – 0700), LA90 for day and night and LAFmax at 1 metre from external façade. LAFmax 45dB inside bedrooms is applicable by default, even though this metric has been excluded from BS8233:2014; and design limit specified in BS8233:2014 for external amenity areas is also equally applicable and shall be tested for compliance.