



Appeal Decision

Site visit made on 21 February 2018

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2018

Appeal Ref: APP/F5540/W/17/3181326
108A Hanover Avenue, Feltham TW13 4JP.

- 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 & Mrs Hassan Karim against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00551/108A/P6, dated 17 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is new 2 bed bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (a) highway safety with particular regard to potential vehicular and pedestrian conflict; and (b) the character and appearance of the area.

Reasons

Highway safety

3. Vehicular access to the existing rear garden at 108A Hanover Avenue is via a right of way from Hanover Avenue. The single lane right of way links Hanover Avenue with Orchard Road and can be used to reach Feltham town centre and the railway station beyond. From Hanover Avenue, it forms a partially hard-surfaced T shape. However, the part of the right of way adjoining the appeal site is unmade. There are a number of street lights adjoining the right of way outside the appeal site. Adjacent to Orchard Road, bollards prevent access and egress for vehicles.
4. The proposed development comprises a two-bedroom bungalow with a single parking space accessed via a roll-back gate adjoining the right of way to the rear of Hanover Avenue.
5. I consider that the positioning of the proposed parking space would offer limited opportunity for a vehicle to turn within the appeal site itself. This would potentially require a vehicle to leave the appeal site in a reverse gear, reducing the driver's ability to see pedestrians, cyclists or other vehicles while emerging from the appeal site. In the absence of evidence indicating that vehicles could enter and emerge from the appeal site in a forward gear, I consider that the

- proposed parking space layout would promote conflict between vehicles and pedestrians.
6. I note that the use of the right of way is already shared between pedestrians and vehicles as No 108A has existing double gates and vehicles were parked in the rear garden at the time of my site visit. The appellants have also provided photographic evidence of other vehicles using the right of way. Despite the presence of existing parking for No 108A, the proposed development would introduce further vehicles servicing an additional dwelling, including future occupiers' cars and delivery vehicles.
 7. Although the increase in the vehicular use of the right of way would be relatively low and vehicles would be travelling at a slow speed, the right of way appears well used by pedestrians. Drivers emerging from the appeal site and turning towards Hanover Avenue would not benefit from reasonable intervisibility with pedestrians, cyclists and other drivers due to the bend in the right of way. Therefore, taking into account the layout of the right of way, combined with its shared use as a public footpath providing an important link with the town centre, I consider that the proposed development would increase the risk of potential conflict between vehicles and pedestrians to the detriment of highway safety.
 8. Although I note the appeal decision at No 110A¹ and the appellants' views on the similarities between the 2 sites and perceived inconsistency on the part of the local planning authority, the proposed development would require vehicles to travel a greater distance along the right of way than at No 110A. As a result of this increased distance and having also considered the positioning of the appeal site on the arm of the right of way which offers access to the town centre, I consider that the circumstances of the 2 appeal sites would be materially different.
 9. Furthermore, although the appellants consider that deliveries and refuse collection would not be problematic as the future occupiers could deposit refuse at and collect deliveries from Hanover Avenue itself, I have not been provided with evidence as to how this would operate. In any event, as the proposed development does not benefit from a direct relationship with Hanover Avenue's street frontage, it is likely that delivery drivers would attempt to access the appeal site via the right of way. This could lead to potential conflict with pedestrians and other vehicles.
 10. Concluding on this main issue, I conclude that the proposed development would cause harm to highway safety with particular regard to potential vehicular and pedestrian conflict. This would be contrary to policy EC2 of the London Borough of Hounslow Local Plan 2015 – 2030 (Volume One) (the Local Plan). Policy EC2, amongst other things, seeks to avoid adverse impacts on the transport network and secure a more sustainable local travel network that maximises opportunities for walking, cycling and using public transport, reduces congestion, improves the public realm and improves health and well-being.

Character and appearance

¹ APP/F5540/A/13/2200286, decision issued 3 December 2013.

11. Hanover Avenue is characterised by two-storey terraced houses in blocks of 4 set back from the road. At the corner of Hanover Avenue, there is a pair of later semi-detached houses at Nos 108A and 108B, and a recently built detached bungalow at No 110A. The house at 108A has an irregularly shaped rear garden which wraps around the garden serving No 108 and contains 2 large outbuildings. The proposed development would comprise a brick bungalow located within the rearmost portion of the rear garden of No 108A.
12. While the proposed development's form would not be consistent with the area's urban grain, given the prevailing terraced development along Hanover Avenue, I do not consider that it would be at odds with its surroundings. The dwelling would be set back from Hanover Avenue's established building line behind the different building lines provided by other existing later insertions in the streetscene at Nos 108A and 108B and the bungalow at No 110A.
13. In terms of the proposed development's design, height and footprint, its proportions would not be dissimilar to the design and proportions of the bungalow at No 110A. While the pitched roof of the proposed bungalow would be visible from neighbouring properties and their gardens, the distance between the proposed bungalow and neighbouring properties would ensure that the proposed bungalow would not be overbearing or overly dominant.
14. Although the spaces around the proposed development would be relatively limited given its proximity to its boundaries, the proposed spaces around the building would still provide a reasonable amount of amenity space and separation of the proposed bungalow from neighbouring properties. Accordingly, it would not appear unduly cramped and would be in keeping with the nearby bungalow at No 110A in terms of its subservience.
15. While the proposed development would be sited across the end of the rear gardens of Nos 108 and 108A, the existing layout of the gardens serving these houses already disrupts the rhythm and spacing of plots along this part of Hanover Avenue as the garden of 108 looks to have been truncated in the past. As such, I consider that the proposed development would not alter the rhythm of the plots or be unreasonably prominent or dominant.
16. Concluding on this main issue, the proposed development would not harm the character and appearance of the area. It would be compliant with policies CC1 and CC2 of the Local Plan. Policy CC1, amongst other things, requires development to sensitively and creatively respond to an area's character. Policy CC2, amongst other things, seeks to promote and support high quality urban design and architecture to create attractive, distinctive and liveable places. Furthermore, the proposed development would also be compatible with the requirements of Section 7 of the National Planning Policy Framework and policy 7.6 of the London Plan, which respectively require development to respond to local character, and comprise details and materials which complement, but do not necessarily replicate local architectural character.

Conclusion

17. Although I have not found harm in respect of the effect of the proposed development on the area's character and appearance, this is outweighed by the harm I have identified with regard to highway safety. For the reasons set out above, and having taken account of all other matters raised, this appeal should be dismissed.

J Gilbert

INSPECTOR