
Appeal Decisions

Site visit made on 4 April 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 04 May 2018

Appeal A: APP/F5540/C/17/3180088

Appeal B: APP/F5540/C/17/3180089

82 St Stephens Road, Hounslow, Middlesex TW3 2BN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Preetpal Brar (Appeal A) and Mr Harpreet Brar (Appeal B) against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The enforcement notice was issued on 13 June 2017.
- The breach of planning control as alleged in the notice is: without planning permission the demolition of four chimney stacks within the St Stephens Conservation Area.
- The requirements of the notice are: Reinstall the four chimney stacks to pre development.
- The period for compliance with the requirements is three months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act falls to be considered.
- Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.

Summary of Decisions: Appeal A is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision. I take no action on Appeal B.

Appeal A on ground (a)

Main Issue

1. The main issue is whether the removal of the chimney stacks preserves the character or appearance of the St Stephens Conservation Area.

Reasons

2. The appeal property is an extended detached house, which is situated within the St Stephens Conservation Area. St Stephens Road comprises mainly 19th Century residential development, which displays a range of architectural styles and features. There has been later infill development, but despite this, the road is described as one of the best preserved and complete late-Victorian streets within the Borough.¹ The significance of the Conservation Area, insofar as is relevant to the matters before me, is attributed to the appearance of the road as a cohesive whole, in particular, its 19th Century architecture.

¹ St Stephens Conservation Area Statement and Character Appraisal.

3. The appeal concerns the removal of chimney stacks from the roof. The house is constructed from red brick and has a slate roof with decorative ridge tiles. Other architectural features include the two-storey canted bay window with stucco detailing. The design is consistent with the late-Victorian development along St Stephens Road and the house makes a positive contribution to the Conservation Area.
4. The Council claims that the chimney stacks form one of the most distinctive characteristics of the street, as they define the dwellings and knit them into the overall street scene. I saw from my site visit that a number of properties retained original features, such as sash windows, stucco detailing and chimneys. However it is apparent that architectural features, including chimney stacks, have been removed over the years.
5. Whilst I agree that the chimney stacks are important historic and architectural elements that add value to the street scene, the variation in the styles and design of the houses means that no one feature stands-out as a defining detail. The quality of the Conservation Area is as a result of a range of 19th Century details that complement each other whilst providing variety and interest. Chimney stacks are evident across the roof scape but there is no regular repetition, style or design that makes their absence obvious, where they have been removed. The loss of historic architectural features is regrettable but, in this instance, I do not consider that the removal of the chimney stacks from the appeal property has adversely affected the significance of the Conservation Area or the appearance of the wider street scene.

Other Matters

6. I note the matters raised by an interested party in respect of other development at the appeal property and the adjoining site, but these matters are not before me. Similarly, the appellant's alleged conduct with the Council is not relevant.
7. I acknowledge the concerns about the effect of the development on the financial interests of the neighbours, but the planning system does not exist to protect the interests of one individual over another. Consequently, I give this consideration little weight.

Conclusion

8. I conclude on this matter that the removal of the chimney stacks preserves the character and appearance of the Conservation Area in accordance with Policies CC1, CC2 and CC4 of the Local Plan² which, amongst other things, seek to secure good design that complements the surrounding area. For the reasons given above, the appeal succeeds on ground (a) and planning permission will be granted.

Appeals A and B on grounds (f) and (g)

9. It is unnecessary for me to consider whether the appeals on grounds (f) and (g) should succeed, as the enforcement notice will be quashed in consequence of my decision to allow Appeal A on ground (a). I shall therefore take no further action on these grounds of appeal.

² London Borough of Hounslow Local Plan 2015-2030

Formal Decisions

Appeal A

10. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the demolition of four chimney stacks on the land at 82 St Stephens Road, Hounslow, Middlesex TW3 2BN.

Appeal B

11. I take no further action in respect of this appeal.

Debbie Moore

Inspector