

Appeal Decision

Site visit made on 25 June 2018

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2018.

Appeal Ref: APP/F5540/W/18/3197154

Pissarros on the River, Corney Reach Way, Chiswick, London W4 2TR

- 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 Fruition Properties Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01689/D/P6, dated 24 August 2017, was refused by notice dated 15 January 2018.
 - The development proposed is the demolition of existing building and the erection of a part one, part two and three storey block providing eight Class C3 residential units (7 x 2 bed & 1 x 3bed) and associated access, amenity space, landscaping, refuse storage and car and cycle parking.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The original applicant, Corney Reach Way Limited, has confirmed that it is content for Fruition Properties Limited to conduct the appeal on its behalf.

Application for costs

3. An application for costs was made by Fruition Properties Limited against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.

Main Issues

4. Having regard to the statements of the main parties and the representations of interested parties, the main issues are:
 - the effect of the proposed development on the living conditions of surrounding occupiers, with particular regard to outlook;
 - its effect on the character and appearance of the area; and,
 - whether it would provide sufficient communal, external space.
-

Reasons

The living conditions of surrounding occupiers

5. The existing building already has an effect on the outlook from the rooms and back gardens of the houses and flats in Thames Crescent. Because of the curve of the terrace, the windows in its rear wall are angled increasingly away from the site as the curve turns. This would mitigate to some degree the effect of the proposal on the outlook from the houses in Thames Crescent. In addition, the proposal would remove the gabled wall closest to Thames Crescent which would also relieve some of the present effect on outlook.
6. Notwithstanding this, at such proximity to the southern site boundary, the height of the rearmost building of the proposal would reduce the outlook from the openings at first and second floor levels in the rear wall of Nos 3 and 4 Thames Crescent by an unacceptable degree.
7. I appreciate that the rearmost building would be to the north of Thames Crescent; given this and the volume of the existing development, I find no harm from over-enclosure or over-shadowing of the gardens or ground floor rooms of these houses. Furthermore, the additional development directly above the roofline of the existing building, at the distance indicated would not, in my assessment, increase the sense of enclosure which the existing building already imposes in the outlook from the rooms and gardens of these houses to a harmful degree. Nonetheless, because of the proximity of the rearmost building of the proposal, containing flats 1, 4, and 7, to Nos 3 and 4 Thames Crescent, the reduction in the outlook from the rear habitable rooms of these houses would be harmed.
8. The flat block attached to the terrace in Thames Crescent is only a few metres from the side boundary of the site, and includes habitable room windows and a balcony in the elevation directly opposite the development. The riverfront line of the closest building of the proposal would be set back behind the line of the windows closest to the river. These also appear to be secondary to the windows on the riverside elevation. This would mitigate the effect of the development on the outlook from these rooms.
9. However, the westernmost windows in the flank wall of the flats closest to the development appear to light bedrooms. I have taken into account the section of the existing building to be demolished, the density of the surroundings, and the characteristic distances between neighbouring developments. However, the additional development of the closest building of the proposal, flats 3 and 6, above the roofline of the existing building would, at such proximity, result in a significant sense of over enclosure and loss of outlook to the bedrooms on the first and second floor flats.
10. I have taken into account the ordered form of the roofscape of the proposal and the sparsity of openings within it, and weighed this against the effect of the existing building with its openings opposite these flats. However, this does not mitigate the harm identified above.
11. I acknowledge the permission for the extension to Pier House and its proximity to the windows of the first floor of the building on-site. However, I have not been provided with the details of the circumstances which led to that approval. In any event, any harm from proximity would not justify the harm I have

identified above. I note the proximity of neighbouring houses in other parts of the Borough, however, the photographs submitted do not show if there are openings to habitable rooms in the flank walls of these houses.

12. Because of their distance from the development, I find no harm to the outlook of the occupiers of Willow Court and the houseboats. Because of the angle of the development to Chesterman Court and the width of the street, I can identify no material harm to outlook from the occupiers of flats within. I appreciate that views from some flats towards the river may change; however, these have not been identified as protected views in the Development Plan.
13. I conclude on this issue that for the reasons above, the proposed development would harm the living conditions of the occupiers of the houses Nos 3 and 4 Thames Crescent, and the first and second floor flats in Thames Crescent, with particular regard to outlook. It would be in conflict with policies SC4, CC1 and CC2 of the London Borough of Hounslow Local Plan 2015-2030 (2015) (LP) which seek development of high quality design that protects and has a positive impact on the amenity of existing residents.

The character and appearance of the area

14. The siting of two buildings to the riverside frontage and a third facing the development already behind it would not be incompatible with the character of the surrounding development which includes isolated blocks with large footprints, as well as finer grained terrace forms. The existing building spans across the frontage; its redevelopment would not infill a significant gap. I note that there would be more development than presently to the rear; however, a substantial proportion of car-park would be retained. I can identify no character of cramping in the layout of the proposal or any adverse effect on the spatial character around the site.
15. The southernmost building would be lower than the existing 3-storey neighbour on the riverside. While the development would step up towards the north, it would be little higher than the 3-storey neighbour. It would be taller than Pier House but not to the degree where it would dominate it or make an awkward transition in height. Given the far greater height of the background buildings which form its context in views of the riverside, the height and arrangement of buildings would not be out of character with the building heights which characterise the riverside. The building to the rear would be lower than the buildings behind it, and only marginally above the height of the curved terrace to its south. In terms of height, the development would not appear out of place.
16. The different heights of the proposed riverside buildings and the set back of one from the other would ease the mass of the development into its riverside setting. The vertical proportions of the frontage buildings and their finer grained elevations would balance the wider proportions of the buildings beside it. The development would not appear disproportionately great in size compared to the plot coverage and height of surrounding development.
17. The idiomatic symmetry, order and proportion of its principal openings would be sensitive to the formal character of its immediate neighbour, to the south. I saw mansard roofs and roofs with numerous dormers in the surrounding area; the proposed crown roofs would not appear out of character in this context. The recessed openings would add modelling to the riverside elevation and the

restrained character of the continuous parapet detailing would reference a formal entablature. The inclusion of blind windows with decorated brickwork would continue the rhythm of the openings in the elevations, and follow the evocative detailing of the rest of the proposal. The proposal would sit well alongside the more traditionally detailed building to its south, without copying its design.

18. I can identify no harm from the proposed development to the character and appearance of the area. There would be no conflict with LP policies CC1, CC2 GB5, SC1 and SC4 which seek high quality urban design and architecture in this area which responds to and which reflects local context and character, and no conflict with section 7 of the National Planning Policy Framework (the Framework).

Communal external space

19. LP policies CC1 and CC2 seek high quality design and development which has a positive impact on future residents and fosters social interaction and capital. LP policy SC5 requires development to demonstrate how its external space standards have been considered. These seek between 25m² and 40m² of communal external space for every flat. The proposed development minimises communal external space while maximising private external space; an approach to which the Council objects.
20. However, the sub-text of the policy describes how its external space standards reflect the more open, outer suburban character of the borough. In this location, the grain of development tightens alongside the frontage to the river, enclosing the riverside path, and the neighbouring development overlooks the site at the rear. The pattern of development surrounding this site and its redevelopment character with amenity constraints to the rear, amount in my view to the exceptional design considerations against which the quantitative requirement should be considered, as indicated in the sub-text of the policy.
21. The areas of private outdoor space exceed the minimum requirement by a substantial factor. The external area where residents would interact is the car-park, which would not appear dominated by cars. It includes areas of shrubs and trees, and a ground surfaced in a variety of textures, with sufficient space for a pergola and seating. The cycle store would incorporate a sedum roof and would provide more than ample space for storage. Whilst the communal, external area would not attain the quantity sought under the policy, its quality would be high. Moreover, the site lies immediately beside the River Thames which includes substantial areas of public space along its walkway.
22. The over-provision of private outdoor space and the quality of the communal outdoor space, albeit less than the benchmark, are significant factors in this proposal. These considerations, together with the particular design constraints bearing on this site, and the immediate proximity of the riverside, lead me to conclude that in terms of design quality and social interaction, the proposal meets the demands of LP policies CC1 and CC2. The lack of communal outdoor area in the proposed development, and the very limited conflict with LP policy SC5, do not weigh against it.

Other matters

23. I have noted the representations against the loss of what has been described as a communal facility, and the reference to the planning conditions of permissions for the estate development. I would have sought further representations on this matter; however, as I am dismissing the appeal on one of the main issues, I have not pursued this matter further.

Conclusion

24. I have found that the proposed development would cause no harm to the character and appearance of the area, and it would provide sufficient communal, external space for future occupiers. It would bring the social benefit of additional housing to local housing supply to which paragraph 47 of the Framework anticipates a significant boost. It would have economic benefits too, from its construction and from the spending in the local economy of the future occupiers. It would also have access to a range of local amenities and public transport which would have environmental advantages.
25. However, it would harm the living conditions of surrounding occupiers, with particular regard to outlook. This would conflict with the social dimension of sustainable development set out in paragraph 7 of the Framework, and there are no considerations which outweigh the harm identified. Taking the Framework as a whole, I consider that the proposal would be an unsustainable form of development. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR