



Appeal Decision

Site visit made on 13 February 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/F5540/W/18/3214904

15-19 Kingsley Road, Hounslow TW3 1PA

- 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 Haris Ali Solicitors against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00667/15-19/P2 dated 12 July 2018, was refused by notice dated 28 September 2018.
 - The development proposed is Change of use of 3 x dwelling houses to a Solicitor's office (A2) [No.19] and use of outbuildings to the rear of No.19 for ancillary storage. 2 x studio apartments [No.17] (C3) and a dwelling house (C3) with a rear/side infill extension between No.17 & No.15 to provide a shower room for the Ground Floor Studio at No.17. Erection of first-floor extension to No.17 & No.15 and external alterations to the rear of No.19.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of 3 x dwelling houses to a Solicitor's office (A2) [No.19] and use of outbuildings to the rear of No.19 for ancillary storage. 2 x studio apartments [No.17] (C3) and a dwelling house (C3) with a rear/side infill extension between No.17 & No.15 to provide a shower room for the Ground Floor Studio at No.17. Erection of first-floor extension to No.17 & No.15 and external alterations to the rear of No.19 at 15-19 Kingsley Road, Hounslow, TW3 1PA in accordance with the terms of the application, Ref 00667/15-19/P2, dated 12 July 2018, subject to the following 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: Unnumbered Location Plan; ALI/PLAN/001/A; ALI/PLAN/002; ALI/PLAN/004; ALI/PLAN/006
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) The private roof terrace hereby permitted shall be fitted with obscure glazed screens to all three sides, as shown on the approved plans, prior to the occupation of the studio flat hereby permitted and shall be retained as such thereafter.

- 5) The premises at no.19 shall be used for Class A2 (Financial and professional services) and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 6) The use hereby permitted shall only be used between the following hours: 08:00- and 19:00-hours Monday to Friday, and at no time on Saturdays, Sundays or on Bank Holidays.

Preliminary Matter

2. Planning permission was granted on the 14 May 2018, following an appeal (APP/F5540/W/17/3176403), for *"Change of use of 2 x dwelling-houses (Use Class C3) and a HMO (Use Class C4) to a solicitor's office [No 19] and use of outbuilding to rear of No 17 & No 19 for ancillary storage. 2 x studio apartments (Use Class C3) and a dwelling-house (Use Class C3) with a rear/side infill extension between No 15 and No 17 to provide a shower room for the ground floor studio at No 17 and external alterations to No. 15."*
3. The proposed development includes several elements that are included in this planning permission and the only matter in dispute relates to the proposed first floor rear extensions to nos. 15 and 17. I have therefore confined my consideration to these matters as set out below.

Main Issues

4. The main issues are the effect of the proposed first floor rear extensions on the character and appearance of the existing buildings and the effect on the living conditions of the occupiers of 13 Kingsley Road, having particular regard to outlook.

Reasons

Character and appearance

5. The site consists of three two-storey terraced properties with pitched roofs. No. 19 is adjacent to the access to the Hounslow Bus Station. Each property has a rear garden with a single storey outbuilding at the far end. Nos. 15 and 17 have full width single storey rear extensions. The rear of the site faces the Hounslow Bus Station and is not visible from the public realm.
6. The proposed first-floor extensions to Nos. 15 and 17 would be some 4 and 5.25 metres deep respectively. They would occupy the full width of each property at around 3.25 metres, with individual hipped roofs. Because of the narrow width and juxtaposition of the hipped roof, with a ridge height below the ridge of the main roof, they would appear subservient to the host property and would not be visible from public vantage points. Consequently, I consider that given that they would be clearly subservient to the host building and not be seen from the public realm, they would not harm the character and appearance of the host properties or the surrounding area.
7. Whilst the Council's Supplementary Planning Guidance for Extensions and Alterations (2017) (SPG) advises that first floor extensions should be no wider than half the width of the existing property and extend no further than 2.5 metres, the reason for this is to protect the amenities of occupiers of

neighbouring properties, not in respect of character and appearance. I deal with the issue of living conditions below.

8. Consequently, I consider that the proposed development would therefore comply with Policies CC1, CC2 and SC7 of the London Borough of Hounslow Local Plan (2015) (LP) which, amongst other things, seek to ensure new development is of good design in keeping with the character of the area.

Living conditions

9. Turning to the effect of the proposed first floor extensions on the living conditions of occupiers of No.13, I note the Council consider that the first floor of No.13 is used for residential purposes. Whilst the appellant indicates that this is not the case, even if I were to accept the Council's argument that it is, the first-floor rear window of that property is set in some distance from the side wall of the property such that any views of the proposed first floor extension would be oblique. I consider that the separation distance between the window and proposed first-floor extension would be enough that it would not result in a material loss of outlook or create an excessive sense of enclosure for the occupiers of No.13.
10. I therefore find that the development would not be harmful to the living conditions of the occupiers of No.13 and the development would therefore comply with LP Policies CC1, CC2 and SC7 which, amongst other things, seek to ensure new development protects the amenities of existing residents.

Conditions

11. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity, and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
12. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reasons of certainty.
13. A condition to require the extensions are constructed in matching materials is necessary to protect the appearance of the building. The Council have also suggested a condition requiring prior approval of samples of the materials to be used in the construction of the balustrade and screening of the roof terrace. Whilst I agree that prior approval is required for these materials, I consider that it should be prior to first occupation of the studio flat rather than prior to the commencement of development.
14. To protect the amenity of the occupiers of the adjoining residential properties, conditions are required to restrict the use of No.19 to a Class A2 use and that the hours of operation are restricted to between 08:00 and 19:00 hours on Monday to Fridays only.
15. The Council have also suggested conditions relating to details and provision of fans, ducts and plant and facilities for waste storage. However, given the proposed use, I consider that none of these details are necessary. Additionally, the suggested condition to require separate access to the upper floor accommodation to be made available at all times is unnecessary as this is clearly shown on the approved plans.

16. In respect of the suggested restriction to permitted development rights, I do not find there to be any exceptional circumstances that would justify the removal of such permitted development rights.
17. Finally, a condition requiring covered cycle parking is suggested but site conditions would make this difficult to provide. Given this and the site's excellent access to public transport, I consider the condition unnecessary.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Storrie

INSPECTOR