The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCIArb MCIL

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Reference: APP/F5540/W/19/3226414
13-15 Bear Road, Feltham TW13 6RB

- 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 Nima Naghdi-Esfastani against the decision of the London Borough of Hounslow Council.
- The application (reference 00088/13-15/P3, dated 19 December 2018) was refused by notice dated 27 February 2019.
- The development proposed is described in the application form as "erection of single storey rear extension to storage area for shops".

Decision

1. The appeal is allowed and planning permission is granted for "erection of single storey rear extension to storage area for shops", at 13-15 Bear Road, Feltham TW13 6RB, in accordance with the terms of the application (reference 00088/13-15/P3, dated 19 December 2018), subject to the following conditions.

   1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

   2. The development hereby permitted shall be carried out in accordance with the following approved drawings, namely the "Revision B drawings" (dated 26.02.2019):
      drawing number UA-0718-09-B (Proposed Ground Floor);
      drawing number UA-0718-10-B (Proposed Roof Plan);
      drawing number UA-0718-11-B (Proposed North Elevation);
      drawing number UA-0718-12-B (Proposed East Elevation);
      drawing number UA-0718-13-B (Proposed South Elevation);
      drawing number UA-0718-14-B (Proposed Section A-A);
      drawing number UA-0718-15-B (Location Plan);
      drawing number UA-0718-16-B (Proposed West Elevation).

   3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

   4. No additional doors, windows or other openings shall be formed in the external walls of the extension hereby approved without the prior written approval of the Local Planning Authority.

Preliminary point

2. The proposed development was refused planning permission on the basis of the drawings submitted with the planning application, although amended drawings were submitted to the Council subsequently to the application but prior to the issue of their decision. These may be referred to as the "Revision A drawings" (dated 19.01.2019) and the "Revision B drawings" (dated 26.02.2019), respectively. These two sets of drawings have also been included in the appeal submissions and the appeal has been advertised. I have taken them into account, therefore.

Main issues

3. There are two main issues in this appeal. The first is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance, by loss of outlook or by overshadowing). The second is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal site lies within a densely built up part of Feltham, close to the A316 which, in turn, leads to the M3 out of London. The immediate vicinity of the appeal site is mixed in character, with some retail premises as well as residential properties. The appeal site lies at the junction of Bear Road and St George's Road and it includes two shop units, though only the corner unit was in operation at the time of the site visit, since the property was undergoing a refurbishment and improvement project, including works to upper floors in non-retail use.

5. The existing building at 13-15 Bear Street forms part of a two storey terrace of buildings of conventional design, with additional accommodation at attic level. The shop units occupy the front part of the ground floor and a single storey extension at the rear of the building provides storage space. This structure occupies most of the space at the rear of the building and it extends to the rear boundary of the plot, although it is inset from its side boundaries.

6. The proposal that is the subject of this appeal, as shown on the "original" drawings, would comprise a substantial single storey rear extension to the ground floor of the premises, covering most of the rear part of the plot, replacing the existing rear extension. The two revised schemes show modified versions of the proposed development, successively reduced in size.

7. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities.

8. These aims also underpin local policies in the Development Plan for the area. In particular, Policies CC1 and CC2 of the London Borough of Hounslow's 'Local Plan 2015-2030' (which was adopted in September 2015) are concerned to achieve high standards on design in the built environment and to protect existing residential amenities. Policy SC7 of the 'Local Plan' relates specifically

to "residential extensions and alterations" but it includes an intention to "minimise harm to neighbouring residents" which can be inferred to be a general proposition.

9. The Council's 'Supplementary Planning Document: A Guide for Householders' (adopted in 2017) likewise relates essentially to residential development, though it has a general relevance. Such guidance does not have the same force as Policies in the Development Plan but it is a material consideration in this appeal, nevertheless.

10. The proposed extension at the rear of the existing shops would present long side elevations to the northern and southern elevations, on the St George's Road frontage and the boundary with number 17 Bear Road, respectively.

11. In the original scheme, the proposed south elevation, on the boundary with number 17 Bear Road, would be a long high wall, extending for much of the length of the boundary, even though the extension would not extend to the end of the plot, as does the existing building. The roof of the new extension would rise immediately at the rear of the main part of the building, where a pitched roof section is incorporated into the design. This long high wall would be an unrelieved feature, almost on the boundary, and it would dominate the neighbouring garden to an unacceptable degree.

12. The first of the revised schemes made only a limited improvement to this condition but the second, with a pitched roof alongside to the boundary, would involve a boundary wall that would be much reduced in height and would not be unduly overbearing in its context. Thus, the latest scheme (the "Revision B drawings") would not cause unacceptable harm to the neighbours by reason of overbearing appearance or loss of outlook.

13. As to the question of overshadowing, it is noted that the new extension would lie to the north of the neighbouring garden which, itself, lies to the east of the main terrace of two-storey buildings. Although the extension would have some overshadowing effect, therefore, the impact would be very limited and would not justify a refusal of planning permission.

14. The new extension would have a brickwork finish to the external walls, which would need to match the main part of the existing building as far as possible. The brick wall forming the proposed north elevation, facing St George's Road, would be relieved by recessed sections in each of the three schemes but, in the original version, it would have included a significant sloping section of roof, close to the rear of the two storey part of the building. The two revised schemes incorporate a shallower pitched section at the rear of the building. In each of the three schemes, the larger part of the proposed extension would have a flat roof.

15. The existing rear extension is not a particularly attractive feature in St George's Road and, if anything, the proposed development would improve the streetscene, as shown in any of the three proposals. Moreover, the development would include a garden area at the end of the plot which would also enhance the surroundings. Hence, the project would not amount to an unduly bulky or intrusive addition to the existing building and would not have a harmful visual impact on the surroundings or on the host building.

16. Evidently, the appeal site lies within an established urban area, which is "sustainable" in principle, and the proposed extension would be a useful addition to the floorspace at 13-15 Bear Road. Each of the schemes would have been acceptable in terms of its impact on the streetscene, but only the third scheme (the "Revision B drawings") would avoid causing unacceptable harm to living conditions at the neighbouring property by reason of overbearing appearance and loss of outlook.

17. Hence, this particular scheme would not be in conflict with the Development Plan and would be acceptable in planning terms. In short, I am persuaded that the appeal ought to be allowed in respect of the latest revised scheme and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

18. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and simplicity.

19. Conditions are necessary to define the planning permission and to ensure that quality is maintained. In addition, if windows or other openings were to be inserted into the external walls of the extension, they could intrude on neighbour's privacy. A further condition is necessary, therefore, to prevent the insertion of additional openings unless the local planning authority agrees.

Roger C Shrimplin

INSPECTOR