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## Appeal Decision

Site visit made on 09 April 2019

**by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2019**

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**Appeal Ref: APP/F5540/W/19/3221361**

**67 Ellesmere Road, Chiswick, London W4 3EA**

- 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 Frank Ko against the decision of London Borough of Hounslow.
  - The application Ref P/2018/3207, dated 17 August 2018, was refused by notice dated 25 October 2018.
  - The development proposed is the erection of a new apartment building following demolition of the existing dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are:
  - (i) Whether the proposal would preserve or enhance the character and appearance of the Chiswick House Conservation Area,
  - (ii) Whether the appeal scheme provides adequate living conditions for future occupiers, and
  - (iii) Whether the proposal makes adequate provision for parking and safe access to the highway.

### Reasons

#### *Chiswick House Conservation Area*

3. The Chiswick House Conservation Area primarily seeks to conserve the historic interest of Chiswick House and its setting. The appeal site forms part of the wider residential surroundings of Chiswick House, which are made up of a variety of types and scales of residential development including large blocks of flats which front the heavily trafficked A4. A characteristic of this area which contributes positively to the character and significance of the Conservation Area is the sense of openness created by the width of the road, set back behind grass verges and residential gardens.
4. The appeal scheme would not vary the building line fronting the A4 and would retain both the front garden area as well as the grass verge between the site and the road. However, the scheme would extend built development close to

the edge of the plot with Eastbourne Road and in doing so would reduce openness. Whilst there are other large blocks of flats in the vicinity, including opposite and adjacent to the site, these developments appear to have proportionally less plot coverage than the appeal scheme. The appeal proposal would therefore be incongruous and would erode the open character of this part of the Conservation Area. Due to its localised impact and the retention of openness at the front of the site, the scheme would result in less than substantial harm to the Conservation Area.

5. There are public benefits to the scheme, which would represent a more efficient use of land and would contribute to local housing needs; however, in my view, the public benefits in this case do not outweigh the great weight that should be given to the asset's conservation. They do not therefore provide a clear and convincing justification to allow the appeal. The appeal scheme therefore conflicts with Policies CC1, CC2 and CC4 of the Hounslow Local Plan (HLP) and Policy 7.4 of the London Plan (LP). These policies seek, amongst other things, to preserve or enhance the character and appearance of the area as well as the historic significance of heritage assets and ensure high quality design.

#### *Living Conditions*

6. Local Plan Policy SC5 requires that new housing development complies with the Nationally Described Space Standards (NDSS). The required standard for this type of accommodation is a Gross Internal Area (GIA) of 61m<sup>2</sup>. Three of the proposed flats would have a GIA of 60m<sup>2</sup> and three would have a GIA of 59m<sup>2</sup>. All the flats would therefore fail to meet the minimum standard. This inadequate internal area is not mitigated by the stacked layout of the flats and their dual aspect. The inadequacy of the space would be exacerbated by the internal layout of the flats which include an additional bathroom and hallway area, thereby decreasing the functional space. For these reasons, the scheme would conflict with Policy SC5 of the HLP and the requirements of the LP.
7. In respect of outdoor space, the LP and Policy SC5 require private outdoor space of 5m<sup>2</sup> per flat, plus an additional 1m<sup>2</sup> per person, plus a communal space of 25m<sup>2</sup> per flat less the private space. The parties disagree as to how this should be calculated, with the Council discounting the private gardens of the ground floor flats due to their quality, therefore making the communal requirement higher. When all of the private outdoor space is included in the calculation, the communal space provides outdoor space well in excess of the standard.
8. The quality and usefulness of the outdoor space are nonetheless considerations for Policy SC5, which seeks to ensure high quality living space. The garden for Flat 1 would be located at the front of the building, adjacent to the A4; which would likely cause disturbance to the enjoyment of the private space, however, other private residential outdoor space in the vicinity has a similar relationship with the road, including the private balconies of all the flats fronting the A4, and appears to provide sufficient amenity. The private garden for Flat 2 is very narrow, though would allow sitting out and would be as useable as a balcony. For these reasons, the private outdoor space would not conflict with Policy SC5 or the LP.

#### *Parking and Access*

9. Local Plan Policy EC2 requires that new development complies with the LP standards for car parking and cycling. The proposal includes 7 parking spaces, which is one space more than the maximum standard. The scheme proposes to move the existing access cross-over slightly and the width of the access would exceed the policy maximum distance of 4.2 metres. However, the existing access crossover distance is larger than that proposed, so the effect of the replacement crossover on safety and parking is likely to be limited. Nonetheless, details of parking layout and the crossover could be sufficiently controlled by a planning condition to satisfy the relevant policy standards.

### **Conclusion**

10. Although I have not found there would be harm to some aspects of future living conditions or to parking and access issues, there would be harm to living conditions by way inadequate internal spaces and to the character and appearance of the CA. These are the prevailing considerations. As such, I conclude that the appeal should not succeed.

*Kim Langford Tejrar*

INSPECTOR