



Appeal Decision

Hearing held on 27 June 2019

Site visit made on 27 June 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/F5540/W/18/3206038 86-88 Hounslow Road, Feltham TW14 0AX

- 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 London Hotel Group Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00631/86-88/P1, dated 27 October 2017, was refused by notice dated 5 February 2018.
 - The development proposed is demolition of existing garage and erection of replacement structure comprising a relocated hotel access, creation of a basement extension to rear comprising 30no. hotel rooms served by 2no. lightwells and 1no. stairwell, hard and soft landscaping measures and provision of car and cycle parking spaces.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 1 October 2019

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of replacement structure comprising a relocated hotel access, creation of a basement extension to rear comprising 30no. hotel rooms served by 2no. lightwells and 1no. stairwell, hard and soft landscaping measures and provision of car and cycle parking spaces at 86-88 Hounslow Road, Feltham TW14 0AX in accordance with the terms of the application, Ref 00631/86-88/P1, dated 27 October 2017, subject to the 22 conditions set out in the attached schedule.

Procedural Matters

2. I have dealt with this appeal along with another appeal relating to a site on the opposite side of Hounslow Road (ref APP/F5540/W/18/3206039). Given the similar proposals and issues, but different appellants, the appeals have travelled together rather than being formally linked. Hearings were held jointly by me on the same day, but each appeal has a separate decision letter.

Main Issues

3. The application was refused for 5 reasons. In its statement of case, the Council confirmed that it was not defending the 4th and 5th reasons for refusal on sustainability and drainage respectively based on additional evidence provided by the appellant with the appeal. At the start of the hearing, the Council also confirmed that it was not defending the 3rd reason for refusal relating to the

effects of the construction phase on highway safety and living conditions based on additional information submitted by the appellant.

4. Therefore, the main issues are the effect of the proposed development on:
 - (a) the character and appearance of the host property and the surrounding area; and
 - (b) the living conditions of neighbouring residents in terms of noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a pair of semi-detached properties at 86-88 Hounslow Road. A certificate of lawfulness (ref 00631/86/LAW1) confirms the existing lawful use of the properties as a hotel. From the front, the properties appear part of the suburban residential street scene, with houses of similar size and design either side. There is a single shared garden at the rear laid to grass and enclosed by boundary fencing and foliage. Notwithstanding the lawful hotel use, the character and appearance of the site at the rear is largely residential, similar to adjoining properties. The Feltham section of the Urban Context and Character Study (UCCS) identifies that the site falls within an area of general uniformity of scale, design, use and layout, of medium quality and medium sensitivity to change.
6. The proposed development would result in few external changes to the actual properties. The existing detached garage to the side of No 88 would be replaced with an extension of similar size and design with no adverse effect on the street scene. At the rear, the small glazed skylight at the bottom of the garden would be a modest structure and not particularly noticeable. The stairwell and its metal railings would also be a small feature in a similar location and not particularly intrusive.
7. The other lightwell would run across most of the length of the garden creating a large feature. However, it would only protrude above ground level by a small amount and be mostly transparent so as to avoid dominating the rear garden. Conversely, the metal railings to enclose the large lightwell would be more visually intrusive due to their length and height. Although not visible from any public vantage point, they would be seen in views within the rear garden and from the upper floors of neighbouring properties. They would appear out of keeping in a location which is predominantly residential in character. I have given little weight to the approved lightwells at the hotel scheme across the road as the two sites have a different character and context.
8. The appellant has suggested that the railings could be removed and the lightwell glazing reinforced for safety purposes. This would address the negative effects on character and appearance and could be secured via the approved plans condition. This would make the development acceptable in character and appearance terms and it would not detract from the general uniformity of the area as set out in the UCCS.
9. At the hearing, the Council confirmed that the Residential Extension Guidelines Supplementary Planning Document 2017 (SPD) is not applicable to an existing hotel site but provides some helpful references on basement extensions. The

development would not meet the SPD's guidelines in terms of the depth of the lightwell from the rear wall of the properties, but I do not consider that it would have a negative effect for the reasons set out above. The SPD also advises against the use of railings, which in this instance could be omitted from the approved plans.

10. Concerns have also been raised regarding the potential loss of boundary vegetation including trees. The plans indicate that existing specimens would remain, although there is little evidence to confirm this. However, there is a condition suggested by the parties which requires details of landscaping works including planting plans, which should allow for adequate levels of boundary planting in the event that the development is implemented.
11. Concluding on this main issue, based on the omission of the larger lightwell railings, the development would have an acceptable effect on the character and appearance of the host property and surrounding area. Therefore, it would accord with Policies CC1 and CC2 of the Hounslow Local Plan 2015-2030 (HLP) which, amongst other things, seeks development that responds to local context and character in a meaningful and sensitive way and carefully considers its external appearance.

Living conditions

12. There is no dispute that the existing hotel can accommodate up to 36 guests based on the 18 rooms it provides. As the existing use has become lawful over time, there are no planning conditions or restrictions on comings and goings or the use of the rear garden by guests.
13. The development would result in 30 extra bedrooms and a potential increase in the number of guests to 96. These bedrooms would all be below ground, so any noise generated from their occupation would be imperceptible from the outside. The appellant's noise impact assessment submitted with the appeal indicates that while there would be additional vehicle and pedestrian movements at the front of the site, the likely numbers on top of existing hotel movements would not be excessive. Servicing of rooms already takes place, while the proposed restaurant would only require 3 deliveries per day. Hounslow Road is a main thoroughfare and already noisy in terms of traffic movements which would lessen the effect of any additional noise at the front. A noise management plan could control the timing of arrivals and departures of guests, particularly at night which would address impacts at quieter times.
14. At the rear, it is likely that guests will want to use the rear garden particularly for rooms that are below ground, even if the rooms are only used for short-stay purposes. The external staircase at the rear would provide access to basement rooms and would result in pedestrian movements through the site. Both aspects would generate a degree of noise and disturbance from people moving and talking. This could have an effect on occupiers of neighbouring properties and gardens, particularly at first floor rear windows.
15. In terms of the potential increased use of the rear garden, the appellant's noise addendum assumes 10% of the total number of guests using the space at any one time. This would be around 10 people based on a fully occupied hotel compared to around 4 people based on the existing hotel. The noise addendum considers that noise levels would not increase by more than 2.1dBA during the hours of operation (08:00 to 22:00 hours). Based on the categorisation of

noise changes in the addendum, this would have a slight impact and no observed adverse effect. With 20% of guests using the space (20 people), the appellant's consultant confirmed at the hearing that noise levels would increase by around 4dBA which would have a moderate impact and the lowest observed adverse effect.

16. The rear garden is large enough to reasonably accommodate 20 people, and so this would result in negative effects in terms of noise including loud voices. However, that number of people could use the garden under the existing lawful use. Moreover, for the proposed development, the hours of use of the rear garden can be controlled via planning condition, and concerns regarding smoking and other disturbances can be addressed via a management plan. This is not possible at the moment based on the existing lawful use. The benefit of better regulation and the ability to provide mitigation would help to offset any negative effects on living conditions.
17. There would be some noise and disturbance to properties arising from the construction of the development. However, this can be controlled through conditions requiring a construction management plan and specific hours of work. I note that at least one of the adjoining neighbours works night shifts, but adverse effects on noise during the construction and operational phases of the development can be mitigated and reduced. Potential light spill from the lightwell can be controlled by a management plan and hours/method of illumination.
18. Concluding on this main issue, the effect of the development on the living conditions of neighbouring residents in terms of noise and disturbance would be acceptable. Therefore, the development would accord with HLP Policy CC2 including part (j) which seeks a positive impact on the amenity of current and future residents, visitors and passers-by and part (r) which seeks to mitigate noise quality issues.
19. There would also be no conflict with Policy D9 of the emerging London Plan. The policy compels London Boroughs to establish policies to address the negative impact of large-scale basement development and consider the impact of noise amongst other things. Finally, there would be no conflict with paragraph 180 of the National Planning Policy Framework which seeks to mitigate and reduce to a minimum any potential adverse impacts resulting from noise from new development.

Other Matters

20. Hounslow Road and the nearby junctions are evidently busy parts of the highway network, with refurbishment works taking place at Feltham train station a short distance away. However, additional assessment work carried out by the appellant indicates that the impact of construction traffic on the network would be acceptable, even taking into account the potential for construction work across the road at the other appeal site. Such matters can be addressed via conditions relating to a construction management plan and a phasing plan. Although an increase in the number of guests could result in unauthorised parking off-site, I have not been presented with clear evidence to show that this would have unacceptable adverse impacts.
21. The evidence before me does not reveal that traffic pollution levels would be unacceptably increased. Structural damage to neighbouring properties has

been assessed as low, even if the site opposite is constructed at the same time, and can be addressed via mechanisms outside of the planning system including the Party Wall Act. Impacts on property values are not something that can be taken in account in planning decisions. A drainage scheme can address flood risk concerns while the evidence of negative effects on sewage is limited.

22. There is little evidence that there is no need for further hotel accommodation in the local area, even with the hotel site on the opposite side of the road. Any proposal to amend the development, including further basement extension, is likely to require approval from the Council and would need to be assessed on its own merits. Concerns regarding the current use of the hotel as a hostel (including by the Council to house people) along with anti-social behaviour and the risk of crime are noted, but this can be better regulated through a management plan and a maximum occupancy stay required by planning conditions.

Conditions

23. In addition to the standard time limit condition, Condition 2 specifies the approved plans for clarity and compliance. The condition makes it clear that the railings around the larger lightwell are not to be provided. Conditions 3, 4 and 5 relating to materials (including glazing), landscaping and boundary treatments are necessary in the interests of the character and appearance of the area and to maintain the privacy of adjoining properties.
24. Conditions 6, 7, 9 and 11 are necessary in the interests of highway safety to ensure that adequate cycle and car parking is provided along with revised crossovers and plans to manage parking, deliveries, servicing, coaches and vehicle circulations.
25. Conditions 8 and 21 require the approval of a construction management plan and a phasing plan before development commences. This is to ensure acceptable effects on neighbouring living conditions and the safety of the highway network. They are pre-commencement conditions as they need to be resolved before any work takes place. They have been agreed in writing by the appellant. Condition 22 is necessary to specify the construction hours.
26. Condition 10 is necessary to ensure that wheelchair accessible rooms meet the required standards. Conditions 12 and 13 are necessary to ensure that the development has an acceptable effect in terms of sustainable energy use. Condition 14 is necessary in the interests of drainage and flood risk management. Condition 15 is necessary in the interests of adequate waste management provision. Condition 16 requires survey work relating to contaminated land and is necessary to reduce the risks to people and the environment.
27. Condition 17 is necessary to ensure adequate security measures for the development. Condition 18 is necessary to limit the hours of use of the private external space in the interests of the living conditions of occupiers of neighbouring properties. Condition 20 is also necessary in the interests of living conditions and requires a management plan for the development including noise management.
28. I have imposed Condition 19 which limits the occupancy of the hotel to no more than 30 consecutive days. Although the appellant considers this to be

unnecessary, I have been given little evidence as to why the development would be acceptable without it. Such a condition would ensure that the hotel use operates as approved, and so is necessary, relevant and reasonable. It would also be enforceable as the Council could monitor the use over time.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rupert Warren QC	Counsel
Richard Quelch BA (Hons) DIP MRTPI	Avison Young
Lauren Whiteley BA (Cantab) MA	Avison Young
Torben Andersen BSc MIOA	RBA Acoustics
Callum Brewer MSc MIOA	RBA Acoustics
Martin Hempell	Systra
Adrian Cole BA MSc FCILT	Steer
Mike Crilly BSc MSc DIC	Geotechnical Consulting Group

FOR THE LOCAL PLANNING AUTHORITY:

Sam Smith	London Borough of Hounslow
Tom Bradfield	London Borough of Hounslow

INTERESTED PARTIES WHO SPOKE AT HEARING:

Sheila Ahmed	Local resident
Adeel Ahmed	Local resident
L Dalglish	Local resident
Tina Fernandes	Local resident
June Stewart	Local resident

DOCUMENTS SUBMITTED AFTER HEARING

1. Revised list of conditions, submitted by the main parties.

Schedule of Conditions (22)

- 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: A-000-001 P0, A-025-001 P0, A-025-002 P0, A-025-003 P0, A-025-010 P0, A-025-020 P0, A-100-000 P1, A-100-001 P1, A-100-002 P1, A-100-003 P4, A-110-001 P0, A-120-001 P1, A-120-002 P1, except in respect of the railings around the larger lightwell shown on plans A-110-001 P0 and A-120-002 P1.
- 3) No above ground works of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the development including glazing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to first occupation of the development, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall have been carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing material; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, external lighting etc); and proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme; and details of soil depth.
- 5) Prior to first occupation of the development, site plans shall have been submitted to and approved in writing by the local planning authority indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatment shall be completed before the development is first occupied and shall be retained thereafter.
- 6) Prior to first occupation of the development, full details including plans and elevations of cycle parking facilities shall have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved before the development is first occupied and shall be retained thereafter.

- 7) Notwithstanding the details shown on the approved plans, prior to the first occupation of the development, a plan shall be submitted to and approved in writing by the local planning authority showing full details of the parking to take place on the site. These details shall include scale and location of parking spaces and tracking diagrams. The works shall be carried out as approved before the development is first occupied and shall be retained thereafter.
- 8) Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority.

The following shall be included in the plan:

- i. confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with Hounslow Highways and a commitment to repair any damage caused
- ii. provision for the parking of vehicles of site operatives and visitors
- iii. provisions for loading, unloading and storage of plant and materials within the site
- iv. details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements
- v. details of vehicle routeing from the site to the wider strategic road network
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii. provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access
- x. commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts
- xi. avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway
- xii. all necessary traffic orders and other permissions required to allow safe access to the site to be secured and implemented prior to commencement of construction
- xiii. details of the construction programme and a schedule of traffic movements

The development shall be carried out in accordance with the approved details.

- 9) Prior to first occupation of the development, the following plans shall be submitted to and approved in writing by the local planning authority:
 - A car park management plan

- A delivery and servicing plan
- A coach management plan to include (but not restricted to) details of how guests and coach operators will be informed of the various restrictions prior to or during the booking process, how the hotel's website will advise future guests of the restrictions, and how the policy will be managed, enforced, reviewed and amended
- A plan to manage and enforce vehicle circulation within the site to include the provision of appropriate signage prior to first occupation to enforce the plan

The plans and works shall be carried out as approved before the development is first occupied and shall be retained thereafter.

- 10) No above ground works shall take place until details of wheelchair accessible rooms have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved before the development is first occupied and shall be retained thereafter.
- 11) Notwithstanding information contained within the approved drawings, before above ground works take place details of revised crossovers shall be submitted to and approved in writing by the local planning authority. The crossovers must comply with a Stage 1 Road Safety Audit and Stage 2 if necessary and a written agreement shall be entered into with the Council to secure the works. The approved crossovers shall be available for use before first occupation of the development and shall be thereafter retained and maintained as such.
- 12) The development shall not be occupied until evidence (e.g. photographs and copies of delivery notes, invoices or installation contracts) have been submitted to and approved in writing by the local planning authority to demonstrate that the development meets the following:
 - At least three of the key elements of the building envelope (external walls, windows roof, upper floor slabs, internal walls, floor finishes/coverings) are to achieve a rating of A+ to D in the Building Research Establishment (BRE) The Green Guide of specification.
 - At least 50% of timber and timber products are to be sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) scheme.
 - No construction or insulation materials are to be used which will release toxins into the internal and external environment, including those that deplete stratospheric ozone.
- 13) (A) The development shall be implemented in accordance with the approved Energy Strategy and shall not commence above ground until full Design Stage calculations under the Standard Assessment Procedure have been submitted to and approved in writing by the local planning authority to show that the development will be constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions. Prior to first occupation of the development, evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure) should be submitted to the local planning authority and approved in writing to show that the development

has been constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions.

(B) Prior to first occupation of the development, a BREEAM Post-Construction Review certificate and summary score sheet (or such equivalent standard that replaces this) must be submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating has been achieved, unless otherwise agreed in writing by the local planning authority.

- 14) (A) Prior to commencement of development (excluding site investigations and demolition), final detailed drainage designs (including drawings) of the proposed scheme agreed within the Flood Risk Assessment October 2017 and February 2018 published by RPS must be submitted to and approved in writing by the local planning authority. This should specifically confirm the final attenuation volumes required with the installation of the green roof and attenuation combined to achieve the agreed 2l/s restricted run off rate. The design should consider the use of rainwater harvesting on site and include where appropriate within the scheme in line with London Plan policy 5.13.

(B) Prior to first occupation of the development, evidence that the drainage system has been built as per the final detailed drainage designs through the submission of photographs and copies of installation contracts, and written confirmation that the drainage features will be managed as per the detailed maintenance plan for the lifetime of the development, must be submitted to and approved in writing by the local planning authority.

- 15) Prior to first occupation of the development, details of the arrangements for storing of waste and recycled materials shall be submitted to and approved in writing by the local planning authority. The arrangements for storing waste and recycled materials shall not be carried out otherwise than in accordance with any approval given and shall be completed before first occupation of the development and thereafter retained.

- 16) Before the development hereby permitted commences (excluding demolition):

(A) A contaminated land Phase 1 desk study report shall be submitted to and approved in writing by the local planning authority. Should the Phase 1 report recommend that a Phase 2 site investigation is required, then this shall be carried out and submitted to, and approved in writing by the local planning authority. The site shall be investigated by a competent person to identify the extent and nature of contamination. The report should include a tiered risk assessment of the contamination based on the proposed end use of the site. Additional investigation may be required where it is deemed necessary.

(B) If required, a scheme for decontamination of the site shall be submitted to the local planning authority, for written approval. The scheme shall account for any comments made by the local planning authority before the development hereby permitted is first occupied.

During the course of the development:

(C) The local planning authority shall be notified immediately if additional contamination is discovered during the course of the development. A competent person shall assess the additional contamination, and shall submit appropriate amendments to the scheme for decontamination in writing to the local planning authority for approval in writing before any work on that aspect of development continues.

Before the development is first brought into use:

(D) The agreed scheme for decontamination referred to in clauses (B) and (C) above, including amendments, shall be fully implemented and a written validation (closure) report submitted to the local planning authority for approval in writing.

- 17) Prior to first occupation of the development, details of security measures shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before first occupation of the development and shall be thereafter retained as such.
- 18) No customer of the hotel shall be present within the outdoor amenity space between the hours of 22:00 - 08:00, Monday – Sunday, save for the purposes of access/egress.
- 19) No customer of the development hereby approved shall reside at the premises for a period of greater than 30 consecutive days.
- 20) Prior to first occupation of the development, a Management Plan, including a noise management plan, shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved plan.
- 21) Prior to commencement of the development, a phasing plan shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved plan.
- 22) Hours of construction shall be limited to 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 Saturday. No construction shall take place outside these hours or on a Sunday.