



Appeal Decision

Site visit made on 15 November 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/F5540/W/19/3236477
157 Thornbury Road, Isleworth, TW7 4QG

- 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 Mrs Audrey Mammana against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01119/157/P7, dated 2 July 2019, was refused by notice dated 7 August 2019.
 - The development proposed is 1 bed single flat, alterations to existing first storey habitable accommodation including access stairwell from the front of the building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on living conditions of existing occupants, with particular regard to privacy and outlook; and future occupants, with regard to the provision of external amenity space.

Reasons

3. The appeal site is an existing mid-terrace, two-storey property located within a small shopping parade. At ground floor there is a hot food takeaway, with the first floor in use as a flat. The flat is accessed from the rear of the site, via an existing access road which also provides rear access to the takeaway and other units within the shopping parade.
4. The site is separated from the existing access road by a wall with double gates providing access into the site. Beyond this there is a small paved area of open space and a substantial single storey canopy structure which spans the width of the site. The canopy is enclosed to its rear elevation by fencing and a brick structure, which appears to be an old out-house or store. The majority of the canopy area is used for storage in connection with the takeaway and can be directly accessed from the ground floor unit. The storage area is fenced off internally within the canopy, providing for an access through to the entrance of the first floor flat.
5. The proposal is to remove the existing canopy and construct a two-storey flat roof extension which would accommodate a one-bedroom flat. The internal arrangement of the existing takeaway and flat would also be modified as part of the proposals.

Existing occupants

6. There is a first-floor rear window to the existing flat which is the only window to the kitchen-living room. Although there is an extension to the rear of No 159 Thornbury Road, which appears to provide two-storey accommodation, it is lower in height than the main building with its roof sitting just below the cill line of the existing upper floor windows. The extension to the rear of No 155 Thornbury Road is set off the side boundary and there is good separation between it and the existing window at the appeal site.
7. I saw from my site visit that there is a good open aspect from this window. The existing extensions are not overly dominant or intrusive and do not result in any significant overshadowing. This would not be the case with the appeal scheme which would result in a reduction in the width of this window.
8. Although the rear extension incorporates an inset at first floor, the flank wall would extend directly out from the side of the existing window, and due to its proximity, height and extent of projection would be a dominant feature from inside the property. To compound this harmful impact, the width of the extension increases to the rear of the site, with a wall being positioned directly opposite the existing window.
9. There would also be a low-level wall at first floor level to the boundary with No 159. Whilst this may permit the retention of a more open outlook to the north the outlook would be dominated by existing extraction equipment in place on the roof of No 159. The extension would, therefore, due to its overall bulk, height and proximity to the window be a dominant feature and result in a severely restricted outlook and sense of enclosure.
10. I note the intention would be to create green living walls though there is little detail before me as to how these would be established and maintained. Whilst some of that detail could be required by condition, the orientation of the site means the walls would be significantly shaded by the proposed extension. This would not be a realistic option. Even if a green living wall could be established to provide a more attractive outlook, it would not address the sense of enclosure that would still be experienced.
11. Moreover, due to the orientation of the site the window would be significantly overshadowed by the proposed extension. The appellant has sought to address this by incorporating a light well into the living room. However, as the kitchen-living room would be the main areas used for daily living, occupants could reasonably expect to experience higher levels of natural light without reliance on skylights. The proposal would significantly reduce the level of daylight-sunlight to the rear window and given the size of the room I consider a skylight would not provide sufficient light to mitigate this unacceptable harm.
12. No 155 is located to the south of the appeal site and this property has a two-storey rear extension that occupies much of the site. The proposed extension would be inset from the boundary with this property. Whilst there are a number of windows to the rear and side of this property, I saw that the majority appear to be obscure glazed windows to non-habitable rooms. There is however a clear glazed window at first floor level to the side elevation facing the site which appears to be a secondary window to a kitchen-living room.

13. This window would be in close proximity to a non-habitable window proposed at the appeal site and there could therefore be a perception of overlooking. Having regard to the separation there would be between the built development, size of the existing window, that it is a secondary source of light and outlook, and that a condition could be used to ensure it is obscure glazed, I consider the extension would not result in any significant harm with regards to visual intrusion or overlooking.
14. There is a clear glazed first floor window at No 159 in close proximity to the boundary with the appeal site from which the proposed extension would be clearly visible. However, the extension would be inset from the boundary and a more open aspect would remain to the rear and north of No 159, on this basis I consider there would be no harm to living conditions.
15. Whilst I have not found harm in relation to the living conditions of the occupants of No 155 or No 159, I have found that the proposed extension due to its size, design and proximity to the window of the existing flat at the appeal site would result in harmful overshadowing and poor outlook that would provide occupants of the existing flat with poor living conditions internally, which would not be sufficiently mitigated by a green wall and rooflight.
16. The proposals would therefore be contrary to Policy CC2 and SC1 of the London Borough of Hounslow Local Plan, Volume One, 2015-2030 (LP) which seek to ensure developments contribute to improving the quality and design of housing in the Borough, have a positive impact on the amenity of current residents and provide adequate outlook, minimise overbearingness and overshadowing ensuring sufficient sunlight and daylight.

Future occupants

17. The proposal seeks to create a new unit of residential accommodation. Whilst the resulting flat would achieve the minimum internal floorspace standards there would be no provision for outdoor amenity space. Policy SC5 of the LP requires a minimum 5m² of private outdoor space to be provided.
18. On my site visit I saw that the existing paved area to the rear of the site could potentially provide outdoor amenity space for the existing flat. Whilst a small area of outdoor space would be retained it would provide an access route to the rear of the site and be occupied by a bike and bin store, shared by both the residential units and the takeaway. Considering this and its linear nature its value in terms of useable outdoor space would be limited and the quality of the space poor.
19. The proposal would create a new dwelling, and whilst it is acknowledged that some flat developments do not have outdoor amenity provision the LP is clear that such space should be incorporated into new proposals. The provision of outdoor space is identified as an essential characteristic of suburbia and the Borough. I consider future occupants could therefore reasonably expect a certain level of outdoor amenity space to be provided. I have seen little to suggest that some form of useable private amenity space, that would accord with the LP requirements, could be accommodated for within the site.
20. The site is within close proximity to Osterley Park and House and this would offset the lack of outdoor space to a certain degree. However, I did see on my site visit that this appears to be a National Trust owned property. It is not clear

in the evidence before me whether access to that open space is freely available all year to residents. Even if this were open and available, being physically detached from the site it would not provide the same direct benefits to the day-to-day living environment of future occupants that on-site provision would, and which the Policy seeks to achieve.

21. On the basis of the above I consider that private amenity space could not be accommodated on the site, and the lack of any such provision as part of the appeal proposal, would result in unacceptable harm to the living conditions of future occupants. The proposal would therefore conflict with Policy CC2 and SC5 of the LP which seek to ensure developments are of a high quality, internally and externally and provide for usable private external space that affords privacy and security and accords with the provisions of the London Plan.

Other Matters

22. The appeal site is located within the Osterley Park Conservation Area (CA). The CA encompasses Osterley Park and House and as such has a spacious and verdant character. The status and stature of Osterley House is complemented by the consistency in the high-quality design evident to properties on Jersey Road and Thornbury Road. The appeal site forms an integral part of a terrace that has a distinctly Art Deco façade that is distinctive within the street scene and remains largely unaltered. It is the front façade of the appeal site building which contributes positively to the CA.
23. The extension, being sited to the rear of the property, would not be clearly visible from the surrounding area nor would it detract from the building's attractive frontage. Consequently, the character and appearance of the CA would be preserved.
24. The appellant has referred me to a previous Inspector's decision¹ for development at No 155 where no external amenity space was provided. Whilst I am mindful of this, I note that proposal sought to extend an existing residential dwelling where there was no existing external amenity space within the site. This is distinctly different from the appeal scheme where a new dwelling is proposed, and outdoor amenity space could be accommodated. The proposals are therefore not directly comparable, and the absence of outdoor amenity space at No 155 or other adjacent properties does not weigh in favour of the appeal scheme. In any event, I have determined this appeal on its own merits.
25. The proposal would provide for access to both residential units from the front and this would be an improvement for the existing flat which currently only has access from the rear. The parties agree that the new residential unit would exceed minimum internal floorspace requirements and I have no reason to disagree. However, I do not consider these benefits would be sufficient to outweigh the harm I have identified above.
26. The appellant has stated that the proposal would be more sympathetic than the extension at No 155 and others to the rear of the shopping parade and would meet most design criteria being inset 1m from the boundary. Albeit, I consider these would have a neutral effect. Similarly, the provision of a safe and

¹ APP/F5540/W/16/3159631

suitable access in relation to the new residential unit, independent of the ground floor commercial unit, would have a neutral effect and these matters do not, therefore, weigh in favour of the appeal.

27. My attention has been drawn to a previous approval for development between No 153 Thornbury Road and 4 St Mary's Crescent. That development however related to the redevelopment of an existing garage and is not comparable to the appeal scheme before me.
28. Whilst the appellant has attempted to address the Council's objections to a previous scheme on the site, having considered the proposal on its own merits, this does not alter the harmful effects I have found. These other matters, therefore, do not lead me to a different conclusion.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR