



Appeal Decision

Site visit made on 24 October 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/F5540/W/19/3234744

10 Windmill Road, Chiswick, London W4 1SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Lamington UK against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01218/10/P13, dated 21 January 2019, was refused by notice dated 19 June 2019.
 - The application sought planning permission for demolition of the existing building and redevelopment with the erection of a three storey, plus lower ground and set-back fourth storey, 78 bedroom apart-hotel (Class C1) and associated works to the public highway including the creation of a shared surface loading bay and a disabled parking bay without complying with conditions attached to planning permission Ref 01218/10/P11, dated 25 September 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: P100, P101, P110, P111, P112, P113, P120, P121, P122, P123, P130, P201B, P202B, P211F, P212K, P213D, P214D, P215C, P216C, P220F, P221E, P222H, P223G, P224E, P230E, P231E, P232F, P240D, P250, 2015-2385-DWG-206.
 - The reason given for the condition is: Specifying the relevant drawings provides certainty.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The main parties were given the opportunity to comment on the relevance of the emerging new London Plan to the appeal proposal. I have taken the comments received into account in my consideration of this appeal.

Background and Main Issues

3. The application form indicates that the appellant seeks to vary conditions 2 (approved drawings) and 14 (land contamination) of the original planning permission (Ref 01218/10/P11). Although the Council disputes the acceptability of varying condition 2 to reflect the amended drawings submitted with the appeal proposal, the evidence before me indicates that there is no dispute about varying condition 14. I have therefore determined the appeal on this basis and have focused on the areas of dispute in relation to condition 2.

4. Accordingly, the main issues are the effect of varying condition 2 on: the character and appearance of the surrounding area; and the living conditions of adjoining occupiers in 1-6 Jonathan Court, with particular regard to outlook and light.

Reasons

Character and appearance

5. The appeal site is located on the west side of Windmill Road, which is characterised by relatively large buildings which decrease in height and scale towards Chiswick Common. In contrast, the opposite side of Windmill Road is characterised by smaller, domestic scale properties. At my site visit, I observed that the previous building on the site had been demolished. Although fronting Windmill Road, the site extends towards Windmill Passage and Chiswick Common Road to the west and is relatively visible in the surrounding area. This includes from Chiswick Common and various vantage points on the highway.
6. The approved scheme allows for a three storey building with a set-back fourth storey fronting Windmill Road. However, the approved top storey would not extend the full depth of the building and the small lift overrun would be well set-back and have a limited height, width and depth. The limited nature of the highest elements of the approved building would therefore not be particularly noticeable in the surrounding area. Accordingly, the approved development would be a well-proportioned building which would be experienced as acting as a transition between the 4-6 storey building to the south and the 2-3 storey height of Jonathan Court to the north.
7. Projecting above the fourth storey and significantly larger than the approved lift overrun, the proposed plant room would be a relatively significant, bulky feature. Despite its set-back and reasonably limited height, it would not be particularly discreet and would unbalance the building's proportions. It would also read as a disjointed and top-heavy add-on which would relate poorly to the form and appearance of the main building.
8. Despite its partial set-back in the north-west corner, the proposed rear extension of the fourth-storey – extending it westwards, towards the rear of the approved building – would appear as a relatively sizeable addition. Combined with the additional plant room, the development would therefore significantly increase the scale and bulk of the building. The additional height proposed would fail to relate to the form and proportions of the approved building and to the site's context in relation to the gradual transition of building heights in the locality. In contrast to the approved scheme which would provide a more gradual transition, as shown in drawing P224E, the development would be read – in townscape terms – as a dominating feature in relation to the built form at Jonathan Court, as shown in drawing P274D.
9. Accordingly, the roof extensions would appear as incongruous and unsympathetic additions. In coming to this view, I have taken account of the fact that the building's footprint would not change, the Council's acceptance of the other aspects of the appeal proposal, including in relation to the proposed material palette, style and window proportions, and the lack of objection in relation to effects on heritage assets.

10. Due to its height and set-back, the proposed plant room would not be visible from directly in front of the site on Windmill Road. From this location, the overall height and scale of the building would therefore not appear different from the approved scheme which was granted permission at appeal (Ref APP/F5540/W/17/3177092), and the Inspector for that scheme did not consider that it would appear significantly taller or more dominant than the existing building so as to amount to harm to the character and appearance of the area. However, the proposed plant room would be visible from elsewhere in the locality, including from the north/north-east from further along Windmill Road and, it seems to me, from the north-west/west. The additional mass arising from the rear extension would also be apparent from the public realm, including from the Common and the highway to the west and north-west of the site. These aspects clearly differentiate the two schemes.
11. Existing development visible in those latter views is rather varied, containing a mix of buildings and areas for parking and servicing, and with some buildings presenting their backs to the Common. It has been put to me that the roof extensions would be absorbed into this less sensitive setting and that the proposed building would continue to positively address Chiswick Common through its design and fenestration. From some positions, the proposed building would also be seen within the context of the larger building to the south, which would rise to a greater overall height. Be that as it may, this would not avoid the harm that would arise from the roof extensions, which would be visible in the locality and, rather than appearing as incrementally changing the height and scale of built form on the site, would be experienced as significantly increasing it to the detriment of the surrounding area. The higher form of the existing building to the south would also only be apparent towards the front part of the site, while the increasing height of buildings to the west does not lead me to a different conclusion.
12. It is asserted that the development would represent a significant improvement on the building that previously occupied that site. Be that as it may, that building no longer exists and I have little substantive evidence that the approved scheme is not deliverable. I have therefore considered the effect of the appeal proposal on the character and appearance of the surrounding area in relation to the differences with the approved scheme.
13. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. Varying condition 2 to reflect the amended drawings submitted with the appeal proposal would therefore conflict with Policies CC1 and CC2 of the London Borough of Hounslow Local Plan 2015-2030 (LP). Amongst other aspects, these require development of a high quality design which has regard to local context and character.
14. The appellant refers to Policies 7.4 and 7.6 of the adopted London Plan, which cover local character and architecture respectively. The Council does not allege that the appeal proposal conflicts with these policies. However, for the above reasons, I am satisfied that it does not accord with them, and I have little substantive evidence that the draft policies in the emerging new London Plan – including draft Policy DB1 which, amongst other aspects, requires development to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness – would change this.

Living conditions

15. The site is in relatively close proximity to the residential blocks of Jonathan Court. However, the rear fourth-storey roof extension would be set-back and away from 1-6 Jonathan Court and would therefore be relatively well separated from it. With the surrounding area being relatively built up, a certain degree of limited outlook from some windows would also not be unusual. Accordingly, the rear roof extension would not appear as a significantly overbearing feature that would harm occupants' outlook in Nos 1-6 to an unacceptable degree.
16. The appellant's Daylight, Sunlight and Overshadowing report indicates that the appeal proposal would result in ten windows, serving nine bedrooms, experiencing a Vertical Sky Component (VSC) reduction in Nos 1-6 beyond the BRE guidelines (Building Research Establishment, 'Site layout planning for daylight and sunlight: A guide to good practice'). Six rooms would also not meet the No Sky Line (NSL) test, experiencing a reduction beyond BRE guidelines. The report indicates that the approved scheme would have involved four windows and two rooms in Nos 1-6 respectively experiencing VSC and NSL reductions beyond BRE guidelines.
17. The appeal proposal would therefore result in a reduction in light levels in Nos 1-6 compared to the approved scheme and in relation to the existing situation. However, the BRE guide provides guidance on assessing light levels and a failure to meet the suggested standards does not inevitably mean the impact would be unacceptable.
18. When taking account of the urban surroundings, the currently undeveloped nature of the site and the use of the affected rooms in Nos 1-6, the evidence before me indicates that the majority of rooms experiencing a VSC reduction beyond BRE guidelines would continue to receive adequate residual VSC levels, within the guidelines, despite the appeal proposal. The shortfall in retained VSCs for three rooms would either not be significant or would principally relate to an existing balcony on the first floor of 1-6 Jonathan Court. Although an additional four bedrooms would experience a reduction beyond BRE guidelines in relation to daylight distribution, the VSC results indicate that the NSL reductions at the window would be unlikely to be significant and would not particularly noticeable. Accordingly, and taking account of the flexibility intended within the BRE guidelines and the site's urban surroundings, it seems to me that the appeal proposal would not result in an unacceptable reduction in the amount of daylight received by occupiers in Nos 1-6.
19. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers in 1-6 Jonathan Court, with particular regard to outlook and light. Varying condition 2 to reflect the amended drawings submitted with the appeal proposal would therefore not conflict with LP Policy CC2 with respect to its requirement for development to have a positive impact on the amenity of current residents.
20. The Council also alleges a conflict with LP Policy CC1 with regards to this matter. However, my attention has not been drawn to any words in this policy that are relevant to the living conditions of adjoining occupiers. The policy has therefore not been determinative in my decision.

Planning Balance

21. The proposed development would provide additional visitor accommodation on the site, increasing the number of bedrooms to 93. This would help to meet the demand for new visitor accommodation within London, as identified in the adopted London Plan, including Policy 4.5. However, in May 2019, the Council approved a planning application (Refs P/2018/4806 and 01218/10/P12) for the variation of condition 2 of the approved scheme. That permission allows for an increase in the number of rooms from 78 to 86 on the site through, amongst other things, internal reconfiguration of the approved building. Although it has been put to me that the appeal proposal would allow for an additional 15 bedrooms at the site, it seems to me that the actual increase would therefore be seven, given that there is an extant permission on the site for an 86 bedroom hotel and there is no suggestion that that scheme is not deliverable.
22. The increase in accommodation would therefore be relatively modest. Nevertheless, the appeal proposal would make more efficient use of the brownfield and accessible site. It would also bring greater economic benefits to the area and London as a whole due to an increased number of guests spending money in the locality. However, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.
23. A number of neighbours have raised other concerns in relation to the development, such as with regards to its effect on traffic, parking, sunlight, privacy and noise. However, given that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

24. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR