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## Appeal Decision

Site visit made on 10 January 2020

**by Christopher Miell MPlan MRTPI**

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

**Decision date: 29 January 2020**

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**Appeal Ref: APP/F5540/W/19/3234067**

**434 Hanworth Road, Hounslow TW4 5LE**

- 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 Nasir Zaidi against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 01254/434/P6, dated 21 December 2018, was refused by notice dated 28 February 2019.
  - The development proposed is described as 'erection of three storey building following demolition existing building'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Notwithstanding the description of development in the banner heading, the description of development from the Council's decision notice which is '*erection of three storey block of six flats following demolition existing house with associated parking, refuse storage and landscaping*' more accurately and precisely describes the proposal based on the submitted plans. Therefore, I have determined the appeal on that basis.
3. The appellant has submitted a transport statement with the appeal. The document provides additional information in relation to the visibility splays and includes an amended site plan (dwg no: 061319/GA01) which increases the size of the turning area within the proposed car park. As this is a minor amendment, and the nature of the concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I determine the appeal in accordance with this amended plan. In addition, I note that the Council have provided comments on the amended site plan as part of their appeal statement. For the avoidance of doubt, I have therefore determined the appeal on the basis of the amended site plan.
4. The appellant's submissions refer to policies from the Draft London Plan. In addition, the Council advise that they are in the process of undertaking a local plan review and that public consultation on a 'Preferred Options Consultation' document was undertaken in late 2017. In accordance with paragraph 48 of the National Planning Policy Framework (the 'Framework'), weight may be given to policies within emerging plans. The weight given is determined by the stage of preparation of the emerging plan, the extent of unresolved objections

and the degree of consistency of the relevant policies to the Framework. I have not been provided with any substantive details of the status of the respective emerging plans, and therefore I attribute the plans and policies very limited weight as a material planning consideration.

### **Main Issues**

5. The main issues are (i) the effect of the development upon the character and appearance of the area; (ii) the effect of the development upon the living conditions of the neighbouring occupiers of No 430 Hanworth Road in respect of outlook, daylight, sunlight, noise and disturbance and No 436 Hanworth Road in respect of outlook, noise and disturbance; and (iii) the effect of the development upon highway and pedestrian safety, including whether the proposal provides a suitable car parking layout.

### **Reasons**

#### *Character and appearance*

6. The appeal site is occupied by a two-storey detached dwelling of a traditional design which fronts the road and has a large rear garden. The property has a hipped roof form and a double bay window on the front elevation. The property has been extended to the side and rear, but the extensions are subordinate to the host building, and, owing to the single storey scale of the side extension, a spacious gap remains between the side of the appeal property and No 436 Hanworth Road.
7. The surrounding area has an urban character with a mix of uses present within the street. The residential properties are predominately two-storey detached and semi-detached dwellings of a traditional design and appearance with gable or hipped roof forms, set behind front gardens, which typically provide off-street parking, with large gardens to the rear. Opposite the appeal site there is a two-storey shopping parade, which is of a traditional design in keeping with the local vernacular. Whilst there are differing architectural styles present within the street, the consistent two-storey scale and the traditional appearance of the properties results in a design balance and symmetry which contributes positively and distinctively to the character and appearance of the area.
8. It is proposed to demolish the existing building and erect a three-storey block of six flats. The building would have a modern appearance with a flat roof form with balconies at first and second floor level to the front and rear. To the rear of the building there would be private and communal garden areas and a car park for occupiers of the proposed flats, which would be accessed from Hanworth Road via an undercroft through the new building.
9. Despite the proposed use of exterior brickwork, the proposed development would include accommodation over three floors and of a flat roof modern design, which would be at odds with the surrounding properties that are predominately two-storey and of a traditional appearance with pitched roof forms and front doors facing the street. In addition, the proposal would extend the full width of the appeal site and in this context, it would have a cramped appearance when compared to the existing site layout. As such, the proposed development would be seen as an incongruous and unduly prominent form of

development when viewed from the street, causing significant harm to the character and appearance of the area.

10. In addition to the above, the proposal includes a large parking area to the rear of the site with a limited amount of garden space being retained. As such, the layout of the proposal would not be reflective of the prevailing pattern of development on Hanworth Road, whereby properties typically feature frontage parking and large rear gardens. Whilst I acknowledge that the proposed car park would not be readily visible from the street, the undercroft, which itself would be an unusual architectural feature within the street, would draw attention to the presence of the rear car park. This deviation from the prevailing pattern of development would cause significant harm to the character and appearance of the area.
11. The appellant points out that there are a wide variety of property types in the local area, which includes several flat roof developments. The nearest of the examples put forward by the appellant is a flatted development, known as Carlton House, which is located about 100 metres away from the appeal site on Hanworth Road. However, this development is historic, and the evidence from the Council suggests that it dates from the 1960's. Therefore, this development predates the development plan and the Framework. In addition, the flat roof design of Carlton House is the exception rather than the norm within this long road.
12. In terms of the wider examples referred to by the appellant, which includes a recent development at 283 Staines Road, the developments are located a considerable distance away from the appeal site. Such development is not seen in the context of the appeal site and does not therefore contribute directly to the aforementioned and distinctive characteristics of the local area.
13. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies CC1 and CC2 of the adopted London Borough of Hounslow Local Plan 2015-2030 (the 'LP'), insofar that they collectively require new development to create attractive, distinctive and liveable places, through high quality urban design and architecture, which should respond meaningfully and sensitively to the site and its characteristics, including the layout, grain, massing and height of surrounding buildings.
14. Given the above, the proposal would also be inconsistent with paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character.

#### *Living conditions of neighbouring occupiers*

15. Despite the proposed stepped design of the rear elevation, by virtue of the scale and siting of the proposed flatted block, which I note would protrude a significant distance beyond the rear elevation of the existing building, I consider that the development would have a dominating effect when viewed by the neighbouring occupiers from the rearward facing windows and from the respective rear garden areas. Consequently, the development would have an oppressive and overbearing impact upon the outlook of the occupiers of Nos 430 and 436 Hanworth Road.

16. In addition to the above, due to the overall scale of the proposed development and the extent to which the built form would protrude beyond the rear elevation of No 430, when compared to the existing site layout, and, owing to the location of the proposal to the south west of the neighbouring dwelling, the development would cause overshadowing thereby resulting in a material loss of daylight and sunlight to the rear facing windows and the rear garden of No 430, especially during the afternoon.
17. The appellant points out that the side elevations of the proposed development would not feature windows. Whilst the omission of side facing windows would prevent overlooking, it would not mitigate the harmful impacts in respect of outlook and a material loss of daylight and sunlight, which I have identified above.
18. In terms of noise and disturbance, the proposed development would introduce a car park to the rear of the site, which would be served by a driveway that would run along the side boundary of the appeal site. Owing to the number of proposed units, there would be a high volume of comings and goings to and from the car park on a daily basis. Due to the rearward location of the proposed car park and driveway and the close proximity to the neighbouring rear gardens of Nos 430 and 436, I consider that the noise and disturbance caused by the vehicle movements (e.g. engine noise, car doors opening and closing, car headlights) would cause significant harm to the living conditions of the neighbouring occupants.
19. The appellant has submitted a noise impact assessment with the appeal, which seeks to address the Council's concerns relating to noise and disturbance. However, the report does not relate to the impact of the proposal on the neighbouring properties. Instead, it focuses solely on the noise mitigation measures that are required to achieve satisfactory noise levels inside the living areas and bedrooms of the proposed flatted block. As such, I am not persuaded by the appellant's contention that the proposal would safeguard the living conditions of neighbouring occupiers.
20. For the reasons outlined above, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 430 Hanworth Road in respect of outlook, daylight, sunlight, noise and disturbance and to the occupiers of No 436 Hanworth Road in respect of outlook, noise and disturbance. As such, the proposal would not accord with Policies CC2 and EQ5 of the LP, which require proposals to provide adequate outlook; to minimise overbearingness and overshadowing; to ensure sufficient sunlight and daylight to adjoining/adjacent dwellings; and to minimise the impact of noise disturbance from adjoining uses by incorporating appropriate mitigation measures.
21. In addition, the proposal would be inconsistent with the requirements of paragraph 127(f) of the Framework, which requires that development does not have an adverse impact on the amenities of existing and future occupants.

#### *Highway and pedestrian safety*

22. The proposed development would utilise an existing crossover on to Hanworth Road. To the south of the vehicular access there is a brick wall which belongs to the neighbouring property and therefore it cannot be altered as part of the

- proposal. The main parties dispute whether appropriate visibility splays can be provided as part of the proposed development.
23. The appellant contends that adequate visibility splays can be achieved at the site which are set forward of the neighbouring wall and utilise the existing pavement. However, I note this approach would conflict with advice relating to visibility requirements contained within the Council's adopted Residential Crossovers and Off-Street Parking Policy, which advises that visibility splays should be measured along the back of the footway and into the site.
  24. Even if I were to accept the appellant's position, to achieve the necessary visibility of on-coming vehicles, drivers would need to egress from the appeal site and drive directly onto the pavement. Due to the height and close proximity of the neighbouring wall, which is located on land outside of the appeal site, I am not satisfied that drivers exiting the site would have clear and unobstructed views of pedestrians, especially small children and pushchair and wheelchair users, who could be using the pavement.
  25. Furthermore, I noted on my site visit that vehicles park on the pavement along Hanworth Road, including near to the appeal site. The Council explain that this is a common arrangement in the local area. The parked vehicles have the effect of narrowing the width of the pavement. In respect of the immediate section of the highway near to the appeal site, a vehicle parked on the pavement would force pedestrians closer to the neighbouring brick wall, which would further reduce the visibility of pedestrians for drivers egressing from the appeal site.
  26. Whilst I acknowledge that the proposal would use an existing vehicle crossover, the development would significantly increase the number of vehicle movements at the appeal site, which would increase the risk of vehicle and pedestrian conflict.
  27. For the reasons set out above, despite the relatively low speed of vehicles exiting the appeal site, given the impairments to visibility, I consider that the proposal would have an unacceptable impact on highway and pedestrian safety.
  28. In terms of car parking, the proposal would provide six off-street car parking spaces for occupiers of the proposed development. The Council explain that the amount of parking would be acceptable. In addition, in light of the amended site plan, the Council have confirmed that they are now satisfied that vehicles would be able to turn and leave the site in a forward gear. However, the Council have expressed concerns about the layout of the disabled car parking space and argue that a hatched area of 1.2 metres is required to one side.
  29. Whilst I understand the Council's concerns, I note that the amended site plan shows hatched areas with an approximate width of 0.6 metres either side of the proposed disabled space. Consequently, if I were minded to allow the appeal, I see no reason why a planning condition could not be imposed to secure an amended car parking layout which incorporates a hatched area of 1.2 metres to one side of the disabled car parking space. As such, the car parking layout would be suitable for the proposed use. To this extent, I am satisfied that the proposal would be capable of according with Policy 6.13 of the London Plan - March 2016.

30. Whilst I have found that with a minor change it would be possible to provide a suitable car parking layout, I nevertheless conclude that the proposal would be unacceptable in highway and pedestrian safety terms. As such, the proposal would not accord with Policies CC2 and EC2 of the LP, which require proposals to create places that feel safe for pedestrians and accommodate movement in a safe and useable way; and promote a sustainable local travel network that maximises opportunities for walking. In addition, the proposal would conflict with advice contained within the Council's adopted Residential Crossovers and Off-Street Parking Policy.
31. Given the above, the proposal would be inconsistent with paragraph 110(c) of the Framework, which states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles. In addition, paragraph 109 of the Framework advises that development should be refused if there would be an unacceptable impact on highway safety.

### **Other Matters**

32. The proposed dwelling would provide six flats, near to local services and public transport links which would contribute to the Council's housing land supply needs. Whilst these factors weigh positively in favour of the development, they are not significant enough to outweigh the harm I have identified.
33. The rear boundary of the appeal site is located adjacent to the St Stephens Conservation Area (the 'CA'). Given the separation distance between the proposed flatted block and the CA, I conclude that the proposal would preserve the setting of the CA. However, this is a matter of neutral consequence in the overall planning balance and therefore does not outweigh my conclusions on the main issues.
34. The Council's officer report explains that the appeal proposal fails to provide an appropriate level of cycle parking. In addition, concerns have been expressed that Flat No 1 would not meet the Council's minimum space standards for new developments and that the proposal would be contrary to standard 8 of the Mayor of London's Housing SPG, which relates to the design of main entrances. Moreover, the Council state that a lack of supporting information was provided in relation to air quality and energy efficiency. However, I note that none of these matters formed part of the Council's reasons for refusal. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies, and, given my decision to dismiss this appeal, it has not been necessary for me to consider these matters any further.
35. It has been brought to my attention by the Council that the existing floor plans may not accurately reflect the existing building at the appeal site, in so far as they show that the property has been subdivided into two separate dwellings. The Council state that there is no planning history for more than one dwelling on the site. Whilst this may or may not be the case, given my decision to dismiss this appeal, it has not been necessary for me to consider this matter any further.

## **Conclusion**

36. Subject to the imposition of a planning condition, the proposed development would be capable of providing a suitable car parking layout. In addition, there would be some economic and social benefits arising out of the proposal including a limited boost to the supply of housing in the area. However, the above would not overcome or outweigh the very significant harm that would be caused to highway and pedestrian safety, the character and appearance of the area and to the living conditions of the occupiers of Nos 430 and 436 Hanworth Road. Accordingly, I conclude that the appeal should be dismissed.

*Christopher Miell*

INSPECTOR