
Appeal Decision

Site visit made on 10 March 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/F5540/W/19/3241793

23 Walnut Tree Road, Hounslow TW5 0LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bhupinder Chatha against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01163/adj23/P4, dated 19 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is erection of building comprising 4, two-bedroom flats and provision of 4 car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought but with landscaping reserved for future consideration. I have therefore determined the appeal on the basis of the appearance, scale, layout and access arrangements shown on the application drawings.

Main Issues

3. The main issues are: -
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development provides adequate living conditions for future occupants; and
 - the effect of the proposed development on pedestrian and highway safety.

Reasons

Character and appearance

4. The appeal site is situated within a residential street formed of pairs of two-storey semi-detached houses. Although some of the dwellings have been altered, the layout and appearance of the properties is coherent. Moreover, the properties are arranged approximately parallel with the street and incorporate front and rear curtilage which separate the houses from the street frontage and, in the case of the eastern side of the street, the public footpath

to the rear. The majority of the houses retain their distinctive hipped roofs, which incorporate side roof slopes that continue below the front eaves line. The front façade of each pair is also on one plane.

5. The site concerns the side garden of 23 Walnut Tree Road, which is roughly triangular in shape, tapering acutely to a point northwest of the existing house. Although the site is undeveloped and largely inconspicuous within the street scene, its front and rear boundaries are defined by low features and adjoin public footpaths, which increases the site's visibility within the locality.
6. Taken together, these features make a significant contribution to the character and appearance of the area.
7. The appeal scheme would not incorporate a rear garden and the proposed building would be aligned close to the rear boundary of the site. The proposal would therefore angle closer to the street frontage at its northern end and occupy a significant portion of the site. The front façade of the proposed building would also be of greater width than the more modest semi-detached houses found nearby. The proposal would therefore jar with the established grain of development within the street described above, particularly the consistent alignment of buildings and their spacing within the street. The external appearance of the proposal would also be uncharacteristic of the area, as it would be staggered at its centre and incorporate two hipped projections and four separate entrances to the front, none of which are features of the design of the pairs of houses within this street.
8. I appreciate that the appeal scheme would have the appearance of a pair of dwellings and utilise a palette of materials similar to those used in the construction of other houses in the street. However, the proposed development would not reflect the scale, form and layout of the houses found in the street. The design of the proposal would therefore be visually intrusive and appear dominant and discordant within the street.
9. For the reasons outlined above, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Hence, the proposal would not accord with Policies CC1 and CC2 of the London Borough of Hounslow Local Plan 2015-2030 (the LP). Together these policies require that proposals respond to the wider context of the area, including local architectural vernacular, and conserve and takes opportunities to enhance particular features or qualities that contribute to an area's character.

Living Conditions

10. The proposed development has been arranged to include four 2-bedroom flats, but the main parties disagree on the potential number of occupants of each flat. Moreover, the Council considers that two of the flats could be occupied by four persons whereas the appellant suggests all flats would be occupied by three individuals. As such, there could be twelve or fourteen occupants within the proposed development, including families.
11. Policy SC5 of the LP requires the provision of private external space, such as gardens or balconies. Furthermore, given that each flat has three habitable rooms, the policy also requires that 25sqm of external communal space be provided, minus any private space provided.

12. The proposed development would not include private external space but there would be communal external space. The space to the northern side of the building would primarily be triangular in shape and adjoin the public footpaths and one of the parking areas. To the south of the building a similar triangular space would adjoin the kitchen of the adjacent ground floor flat. There would also be two further smaller areas to the front that would most likely be open to the street, separated by parking and accommodate waste and recycling bins.
13. There is also disagreement between the main parties in respect of the extent of communal space proposed. Even if the spaces were of sufficient size to meet the spatial requirements of Policy SC5 of the LP, the quality of the proposed spaces would be significantly compromised by their irregular shape and relationship with public and parking areas. This would make the spaces difficult to use by future occupants of the proposed building, prone to noise and vehicle fumes and likely to be overlooked by non-residents and effect the privacy of the ground floor flats adjacent.
14. In the first main issue, I referred to the layout of the proposed building within the site, in particular the relationship with the public footpath to the rear of the site. The layout of the proposal would result in Bedroom 1 in each ground floor flat being served by a window close to the public footpath at the rear. It is therefore likely that there would be direct visibility from that footpath into these bedrooms. Whilst the introduction of a boundary enclosure could protect the privacy of these flats, its proximity with windows would be likely to affect the outlook from these bedrooms. In any event, the outlook from these same bedroom windows would be toward the substantial solid fence along the opposite boundary of the public footpath, which serves a neighbouring builder's yard. Although the large bay windows within the ground floor flats would provide greater scope for outlook to the front, the privacy of the northernmost of these flats would also be affected due to the proximity of the building to the front boundary. There would therefore be very little respite for future occupants of this flat from direct visibility into private internal spaces.
15. In terms of the internal arrangements of the proposed flats, whilst a bedroom in each first floor flat would be slightly larger than those at ground floor, there is no substantive evidence before me that would suggest that this would immediately equate to a greater number of occupants. As the proposed flats would all be 61sqm or greater in size, the proposals would be compliant with the minimum space standards for new 2-bedroom 3-person dwellings, as expressed in Table 3.3 of Policy 3.5 of The London Plan (March 2016) (the TLP).
16. Policy EQ7 of the LP requires that development proposals incorporate suitable arrangements for waste management, including the location, size and design of waste and recycling facilities, and transport access. The frontage of the site would be similar to others in the street in that it would be used for the storage of waste and recycling bins. Whilst the proposed development would be likely to lead to a greater concentration of bins or communal bins stored at the front of the building, there would be very little difference to the bins stored in other situations within the street. Accordingly, the location of waste and recycling facilities would not, of itself, result in unacceptable harm being caused to the living conditions of the occupants of the proposed flats.

17. Despite my findings in relation to the internal space of the proposed development and waste and recycling bin storage, I conclude that the external space within the proposed development and the outlook and privacy afforded to the proposed ground floor flats would not provide adequate living conditions for future occupants. Hence, the proposal would not accord with Policies CC2 and SC5 of the LP. Together these policies require that proposals should function well in themselves and in their effect on surrounding areas, have a positive impact on the living conditions of current and future residents. Private external space should be a minimum of five square metres for 1-2 person dwellings, with an extra one square metre of space provided for each additional occupant. Proposals should also show how the aspect, usability, sense of enclosure and prevailing pattern established by local character have been considered in external open space proposals to create sufficiently high-quality living conditions.
18. I have not found in relation to Policy CC1 of the LP in respect of this main issue, as the policy does not refer to living conditions.

Pedestrian and highway safety

19. The houses in Walnut Tree Road are arranged approximately parallel with the street, a modest distance from the footpath. There are some hard-surfaced frontages within the street that accommodate parking but most parking appears to be accommodated on-street and there are no parking controls in place.
20. The appeal scheme would include off-street parking to the front and side of the proposed building but the Council and third parties are concerned that the proposal would lead to parking problems within the street. Moreover, the existing parking for No 23 would be displaced onto the street and two dropped kerbs introduced for the site accesses. It is suggested that this would reduce opportunities for existing residents to park on-street.
21. The appeal is not supported by a parking survey but the appellant has suggested that the street is not heavily parked. Nonetheless, the evidence before me does not demonstrate that there is a local parking issue or that the proposal would result in a material shortage in parking provision on-street in this location. Nor has it been demonstrated that even if there was a material deficiency it would be bound to have a detrimental effect on highway safety.
22. The Council has suggested that the proposed external cycle stores to the north of the proposed building would be too small and not close enough to the corresponding flats. However, given the nature of the proposal and communal arrangements proposed it would be unlikely that external cycle storage could be accommodated in a suitable manner close to each of the proposed flats. Furthermore, there is sufficient space available within the site, so I see no reason to suppose that appropriately sized cycle storage could not be secured with a suitably worded planning condition.
23. The application drawings do not indicate visibility sightlines from the proposed accesses and the proposed vehicle crossovers could be wider than the Council's suggested maximum width. However, there is nothing extraordinary about the proposed access arrangements that would set them apart from the other accesses to parking areas at the front or side of houses within the street. Furthermore, there is no substantive evidence before me to suggest that a

narrower crossover would not be achievable for the proposal or that this matter could not be controlled by an appropriately worded planning condition.

24. In light of the above, I conclude that the vehicle parking, cycle storage and access arrangements for the proposed development would not have a harmful effect on pedestrian and highway safety. Hence, the proposal would accord with Policy EC2 of the LP and Policy 6.13 of the TLP. Together these policies require that development proposals demonstrate that adverse impacts on the transport network are avoided and should provide a minimum number of cycle parking spaces and an appropriate maximum number of car parking spaces consistent with the standards in the TLP, providing for existing local need, together with the resulting increase in demand arising from the development.

Other Matters

25. I note that the Council has previously granted full planning permission for a building within the site comprising of two flats¹. However, the details of that scheme are not before me and it is unclear whether that permission is still extant. In any event, given the apparent difference in the scale of the approved development and the proposal, I have considered the appeal proposal on its own individual merits and concluded that it would cause harm for the reasons set out above.

Planning Balance

26. The National Planning Policy Framework (the Framework) states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
27. The appellant has suggested that the proposal would contribute to resolving the Council's housing shortage but there is no substantive evidence before me of the apparent shortfall. Clearly should I determine that the Council cannot demonstrate a 5-year housing land supply, paragraph 11 of the Framework would be engaged. This requires that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (paragraph 11(d)(ii) of the Framework).
28. I note the contribution that would be made to the supply of housing by this site. Whilst there is no threshold for the assignment of weight to the quantity of proposed dwellings within the planning balance, the appeal before me would deliver four 2-bedroom flats. This would make a meaningful contribution to the overall supply and mix of housing in the Borough. Given the scale of development proposed, I afford this benefit moderate weight.
29. Some economic benefits would arise from, for example, employment and procurement of materials during the construction period and future occupiers would also contribute to the local economy through expenditure, which would carry moderate weight.
30. I also recognise that the proposal could be said to make more efficient use of the site. However, the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's

¹ Planning Reference: 01163/adj23/P2, approved in November 2015.

prevailing character and the importance of securing well-designed, attractive and healthy places.

31. The proposed development would not comply with development plan policy in respect of the harm to the character and appearance of the area and the living conditions of the occupiers of the proposed development. The proposal would not amount to sustainable development under the terms of the Framework. Overall, the adverse impacts of the proposal are matters of significant weight against the grant of planning permission and the absence of harm in respect of the pedestrian and highway safety would neither weigh for nor against the appeal scheme.
32. The adverse impacts identified would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This does not indicate the proposal should be determined other than in accordance with the development plan.

Conclusion

33. While I have not found harm in relation to the living conditions of future occupiers in terms of internal space and the storage of waste and recycling bins, or in relation to pedestrian or highway safety, I have identified unacceptable harm to the character and appearance of the area and the living conditions of future occupiers of the proposed development in respect of external space.
34. The proposed development would therefore be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR