



Appeal Decision

Site visit made on 23 September 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2020

Appeal Ref: APP/F5540/W/19/3225947

61 Fern Grove, Feltham TW14 9AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Howarth Homes Plc against the Council of the London Borough of Hounslow.
 - The application Ref 00439/61/P1, is dated 10 December 2018.
 - The development proposed is the comprehensive redevelopment of the site to provide 78 apartments with associated access, parking, cycle parking, refuse storage, hardstanding and landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. Revised plans were submitted with the appeal that propose a small alteration to the parking layout. These changes would be minor in nature and the Council has had the opportunity to comment on them through the appeal process. I therefore do not consider that any party would be prejudiced by my acceptance of them and I have determined the appeal based on the revised plans.
3. The Council raised concerns with regard to the absence of a legal agreement to secure, amongst other things, the requisite amount of affordable housing. However, a signed Unilateral Undertaking (UU) has been received during the appeal process. I am satisfied that this agreement meets the tests set out in the Community Infrastructure Levy Regulations 2010 and I have therefore taken it into account in my decision.

Main Issues

4. Although the Council failed to determine the current proposal within the prescribed period, it was taken to a Planning Committee and Members would have refused it for seven reasons. However, the matters in dispute have since been clarified by written correspondence between the main parties. With regard to this, I consider that the main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether or not the proposal would provide an acceptable housing mix;
 - whether or not the proposal would afford satisfactory living conditions for future occupants, with particular regard to access to external amenity space, access to daylight and outlook; and

- the effect of the proposal on the living conditions of the occupants of surrounding properties, with particular regard to privacy and access to daylight.

Reasons

Character and Appearance

5. The appeal site is a rectangular parcel of land occupied by a number of workshops and ancillary offices in commercial use. The surrounding area is characterised by a mix of commercial, industrial and residential buildings that are predominately two and three storeys in height and exhibit a variety of architectural styles. However, there are taller buildings within the nearby Feltham Town Centre, such as the St Giles Hotel which is visible from the appeal site. Open playing fields bound the appeal site to the west. In addition, four and six storey blocks of residential flats have been recently approved at No 21 Fern Grove immediately to the south.
6. This proposal seeks planning permission for 78 new dwellings within two blocks of flats, one of four storeys and the other of a maximum of seven. However, during the course of this appeal, a similar development has been granted at the appeal site under Ref. 00439/61/P2. This included a seven storey building with large windows and architectural detailing to break up its elevations. The seventh floor would also appear to be set in from the floors below when viewed from the adjacent park which would further assist in breaking up its size.
7. In the context of the adjacent development at No 21 and the taller buildings in the wider area, the height of the proposed buildings would be acceptable. Nevertheless, they would have elevations which include significant areas of brickwork broken up by relatively small balconies and windows. These would be set out in a regimented, unimaginative, pattern that would fail to provide an attractive balance between solid surfaces and glazing. Consequently, I find that the design of the proposed buildings would be of a poor quality which would unduly accentuate their bulk and mass. This would be particularly so for the seven storey building which would be visually prominent in short and long distance views from the adjacent park. Overall, the proposed buildings would appear less translucent and bulkier than those which have already been granted at the appeal site.
8. Taking the above into account, I am not persuaded that the proposal would form an appropriate frontage along the adjacent park. On the contrary, it would introduce inappropriate features to the appeal site which would fail to integrate effectively with the surrounding area. I have also found that the scheme would be inferior in design to that which has already been granted at the appeal site. In this context, and in view of the Government's approach to promoting good design, I am not persuaded that this scheme would be acceptable.
9. I appreciate that the proposal would replace existing commercial buildings which have a utilitarian appearance. It would also improve connectivity to the adjacent park and increase natural surveillance. However, this would not diminish the harm I have identified as a result of the proposal's poor quality design.

10. For the reasons given, I conclude that the proposal would unacceptably harm the character and appearance of the area. It would therefore conflict with Policies CC1 and CC2 of the Local Plan 2015-2030 (LP) and Policies 7.4 and 7.6 of the London Plan. Amongst other things, these seek to promote high quality architectural design that contributes positively to the public realm and ensure that developments sensitively respond to the form, structure and character of areas.
11. Turning to the National Planning Policy Framework (the Framework), this seeks to make efficient use of land in accessible locations by encouraging the redevelopment of previously developed land. It also states that small and medium sites can make an important contribution to meeting the housing requirement of an area. However, this should not be at the expense of achieving a high quality development which is sympathetic to local character and adds to the quality of the area. I have found that the proposal would not achieve this and would therefore conflict with the design objectives of the Framework.

Housing Mix

12. The London Plan promotes balanced communities. To support this, Policy SC3 of the LP aims to provide a mix of new housing to meet objectively assessed and evidenced local need. Such need is identified within the Borough Housing Market Assessment (HMA). A part of this strategy seeks to provide a suitable amount of family sized properties. These are defined by the LP as units with two bedrooms and four bed spaces or more.
13. From the evidence, the proposal would provide an increased number of smaller units compared to the required housing mix. These could be occupied by non-family occupants who wish to take advantage of this accessible location. However, this would be at the expense of larger family sized units and I note that around half of the proposed two-bedroomed flats would fail to meet the LP's definition of family accommodation. Consequently, the scheme would not deliver the requisite amount of larger family homes. In my view, it is also important to provide such accommodation in accessible locations. The proposal would therefore harm the objective of providing a supply of housing that meets the identified needs of communities within the Borough.
14. I appreciate that housing mix policies should be applied over the lifespan of the LP. However, I have no substantive evidence to show that the evidence of the HMA has been superseded or that a housing mix in line with the policy requirement could not be achieved at this site.
15. For the reasons given, I conclude that the proposal would not afford a suitable housing mix. It would therefore conflict with Policy SC3 of the LP and Policy 3.8 of the London Plan insofar as they seek to meet local housing need by securing an appropriate mix of new housing types and sizes.

Living Conditions – Future Occupants

External Amenity Space

16. Policy SC5 of the LP deals with external amenity space. It requires that a minimum of 5sq.m of private outdoor amenity space is provided for all one and two person dwellings, with an additional 1sq.m for each additional occupant. Communal external amenity space should be provided at 25sq.m per flat with

up to three habitable rooms, at 30sq.m up to four habitable rooms and 40sq.m up to five habitable rooms, less a reduction for the area of private space provided for each flat.

17. Most flats would have direct access to some form of private external amenity space. However, it is not clear how this would be provided for ground floor flats and I note that the on-site communal external amenity space would not meet the policy requirement in terms of size. That said, it is proposed that there would be new pedestrian links from the appeal site into the adjacent park. Future occupants could therefore access this adjacent facility by foot. With regard to the above, I am satisfied that all future residents would have appropriate access to outdoor space. Under these site specific circumstances, any technical conflict with Policy SC5 of the LP would not result in material planning harm.

Access to Daylight

18. Around half of the flats would appear to be single aspect and 13 of these would be north east facing. However, rooms with single windows would not be excessive in terms of depth. In addition, north east facing units would receive some sunlight each morning during part of the year. I therefore find that all flats would allow for direct sunlight to enter at least one habitable room for part of the day, in line with the requirements of the London Housing Supplementary Planning Guidance. Consequently, whilst the inclusion of single aspect units is not ideal, I find that the proposed flats would, on balance, offer acceptable access to daylight.

Outlook

19. It would appear that the flats would exceed the minimum internal floor space requirements. I note that plans show that windows closest to the new development at No 21 would contain privacy screens. However, the rooms that they serve would have additional sources of light. Taking the above into account, and with regard to the positioning and layout of proposed buildings in relation to surrounding development, I am satisfied that the internal living environment within flats would not be unduly oppressive.

Overall Findings – Living Conditions for Future Occupants

20. For the reasons given, I conclude that the proposal would afford acceptable living conditions for future occupants in terms of outlook, access to daylight and access to external amenity space. It would therefore accord with Policy CC2 of the LP and Policy 3.5 of the London Plan insofar as they promote high quality internal living environments with adequate outlook and access to daylight. In addition, it would accord with the thrust of Policy SC5 of the LP insofar as it seeks to ensure that intended occupants have access to external amenity space to meet the demands of everyday life.

Living Conditions – Surrounding Properties

21. The proposed buildings would be a sufficient distance from existing residential properties. I am therefore satisfied that this scheme would not harm the living conditions of their occupants in terms of overshadowing and access to daylight. In addition, an appropriately worded condition could be imposed if minded to permit this scheme ensuring that balconies contain suitable obscure glazing

screens. Consequently, I find that the proposal would not afford direct, close distance, views of existing surrounding properties and their associated gardens.

22. For these reasons, I conclude that the proposal would not significantly harm the living conditions at surrounding properties in terms of access to daylight and privacy. It would therefore accord with Policy CC2 of the LP and Policy 7.6 of the London Plan. Amongst other things, these seek to ensure that proposals do not cause unacceptable harm to the amenity of surrounding residential buildings.

Other Considerations

23. The Council raise other areas of concern with this proposal, including its effect on a larger allocated housing site to which it belongs and in terms of drainage. However, given my findings in relation to the main issues above, I have not considered these matters any further as they would not be determinative to my decision.

Planning Balance

24. The Government is seeking to significantly boost the supply of housing. The proposal would add 78 dwellings to the Council's housing stock in an accessible location. In addition, the executed UU would secure the requisite amount (40%) of affordable units. The scheme would also result in economic benefits through construction and occupation. These social and economic factors weigh in favour of the scheme.
25. I have found that the proposal would not harm the living conditions at surrounding properties and would afford suitable living conditions for future occupants. It would also be acceptable in other respects. For example, in terms of its impacts upon air quality and highway safety. However, these are requirements of the development plan and are neutral factors in the overall balance.
26. On the other hand, the scheme would harm the character and appearance of the area and would fail to provide an appropriate housing mix. It would therefore fail to fulfil the social and environmental objectives of sustainable development within the Framework that seek to protect and enhance the built environment and ensure that there are a sufficient range of new homes to meet the needs of present and future generations. These factors weigh significantly against the proposal, considerably reducing the associated benefits of the scheme.
27. Taking the above into account, I consider that the harm I have identified would outweigh the social and economic benefits associated with the proposal. The scheme conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

28. Having regard to the above reasons and to all other matters raised, I conclude that this appeal should be dismissed.

M Heron

INSPECTOR