



Appeal Decision

Site visit made on 10 June 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State.

Decision date: 13 July 2020

Appeal Ref: APP/F5540/W/20/3246153

53 Lampton Road, Hounslow TW13 1LY

- 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 Central Court Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00676/53/P8, dated 2 October 2019, was refused by notice dated 29 November 2019.
 - The development proposed is the erection of a three storey building containing six flats (C3 use) with associated landscaping, communal amenity, refuse and cycle storage at the rear of 53 Lampton Road.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of future occupiers, with particular regard to light and outlook and the provision of outdoor space and waste and cycle storage.

Reasons

Character and Appearance

3. Lampton Road is lined with buildings of at least three storeys that are used for a mix of commercial uses and flats. However, the appeal site sits behind the buildings of Lampton Road and fronts onto Queen's Road which features a terrace of dwellings and a detached block of flats directly opposite the appeal site, all of which are set back from the road. The side of the road that includes the appeal site features less built form, with the side elevations of the buildings at 53 Lampton Road and 64 Montague Road facing, but being set back from, the road. Gardens, a shared access and car parking areas define the space between the abovementioned buildings and, in addition to the layout of the built form, this creates a sense of space within Queen's Road.
4. The appeal site features a single storey building and a large area of hardstanding that the main parties identify was used in conjunction with the existing building at 53 Lampton Road. The proposal would involve the erection of a building containing 6 flats over three floors. An area of private garden space serving one of the ground floor flats and a communal garden area with a

bicycle store would be provided to the side of the building along with waste storage that would face the road.

5. The proposed building would cover a large portion of the site, would be in very close proximity to the rear and east side boundaries and would be closer to the street than most other built form of the surrounding area. As such, whilst the height of the proposed building would sit comfortably between the heights of the surrounding buildings, the width and bulk of the building would cause it to appear cramped at the site and have a dominating and imposing effect on the street.
6. Moreover, as a result of the built form covering a much greater proportion of the plot than other buildings within the immediate vicinity, the development would contrast harmfully with the prevailing pattern and grain of development within the locality and also cause a reduction of the spaciousness that exists between buildings and the street. In this regard, the provision of a small setback at the site frontage and the positioning of enclosed gardens at the side of the building would do little to reduce the visual effect of the building.
7. The contrast with the character of the area would be heightened as a result of the building having an appearance that is markedly different from any other within the immediate vicinity. In this regard, the steep roof pitch at the front and the parapet topped side elevation would cause the building to have a bulky form when viewed from the entrance to Queen's Road. Furthermore, the proposed dormers would be of a size and prominent positioning that would cause them to dominate the appearance of the roof. The dormers would not be comparable to any other roof features within the locality and, therefore, they would have an incongruous appearance in the context of the surrounding area and would not be sympathetic to local character.
8. The building having a symmetrical frontage, alike the other built form at 20 Queen's Road and the terrace adjacent to it, would not be a harmful feature of the proposal. Furthermore, the arrangement of windows and 'blind windows,' the use of brick detailing and the provision of a recessed entrance and stair core would create visual interest on all elevations and the main parties agree that a condition could be used to ensure that the materials used in the development complement the locality. Moreover, the proposed waste stores would represent a small feature at the frontage of the site and their design would not cause harm to the appearance of the site or the area. In addition, the access to the waste stores would not prevent the provision of soft landscaping at the frontage of the site to an unacceptable degree. However, these considerations would not mitigate the harmful effects of the development that are set out above.
9. Whilst Lampton Road and other roads in the area feature tall buildings and large blocks of flats, such as Nantly House, they are distant from the appeal site and have frontages that address the main circulation roads of the area. As such, those developments have an entirely different context to the appeal site and its surroundings. Furthermore, based on the limited details before me, the developments at 73 & 73A Lampton Road and at land to the rear of 146-159 High Street are very different in terms of their design and context. As such, the other developments within the locality that have been brought to my attention do not alter my assessment of the proposed development and the

effect it would have on the character and appearance of the site and the locality.

10. Given that national and local planning policies require that developments achieve high quality design in all circumstances, neither the location of the site outside of a Conservation Area nor the Council's Urban Context and Character Study identifying that the surrounding area is of medium design quality and medium sensitivity to change represent a reason to support a development that would detract from the character and appearance of the locality. Similarly, the existing appearance of the site, the removal of the existing structures and the need to comply with internal space standards do not represent reasons to support a development that does not add to the overall quality of the area.
11. Consequently, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. The development would, therefore, be contrary to policies CC1, CC2 and SC4 of the Hounslow Local Plan¹ (HLP) which aim to secure development that sensitively and creatively responds to an area's character, reflects the local context and incorporates high quality urban design and architecture. The proposal would also fail to accord with policies 7.1, 7.4 and 7.6 of the London Plan (LP), adopted 2016, which together require that buildings are of the highest architectural quality, reinforce the character of the neighbourhood, and have regard to the pattern and grain of the existing spaces and streets.
12. Furthermore, the development would be contrary to paragraph 127 of the National Planning Policy Framework (The Framework) which states that developments should add to the overall quality of the area and be sympathetic to local character.

Living Conditions

13. The development would include communal gardens at the side of the building and at roof level. In addition, a private garden would serve the ground floor flat that has been designed for occupation by the user of a wheelchair. However, it is uncontested that 5 of the flats would have no private garden space and that the submitted plans show a shortfall of communal gardens relative to the standards set out within Policy SC5 of the HLP, which would be eroded by the provision of cycle parking but not the provision of PV panels as initially suggested by the Council.
14. Policy SC5 indicates that all developments should accord with the abovementioned standards and provides no grounds for the standards to be relaxed. However, the main parties agree that a flexible approach should be taken towards the provision of private amenity space, with the Council identifying that this enables the efficient use of land and the appellant stating that balconies were omitted in order to limit the size of the building and avoid issues of oversailing land outside the appeal site. I agree that taking a flexible approach can help developments meet other objectives but taking such an approach heightens the importance of adequate communal amenity space being provided in the interests of providing living conditions of a good standard. Therefore, although the shortfall would be small, the provision of

¹ London Borough of Hounslow Local Plan 2015-2030 (Adopted 15 September 2015)

insufficient communal amenity space in addition to the absence of private outdoor space would undermine the living conditions of future occupiers.

15. I recognise that the development would be well located with respect to the amenities and transport connections of Hounslow and would also be in close proximity to Lampton Park. However, these factors would not compensate for the shortfall of garden space within the development. Furthermore, whilst it has been brought to my attention that a flexible approach towards garden provision was taken at 73 and 73A Lampton Road, which is further from Hounslow Town Centre, that site appears to have more convenient access to Lampton Park and, in any case, I do not have sufficient information before me in relation to that development to be able to conclude that the same approach should be taken at this site.
16. In terms of the quality and usability of the proposed communal gardens, the provision of segregated areas of communal space within the development would provide opportunities to use them independently and with some degree of separation from other residents. As such, the partial division created by the roof access would not detract from the usability of the communal roof garden. In this regard, a condition could be imposed to ensure that the treatment of the communal areas is agreed in order to enable and encourage their use. Moreover, the entrance to the ground floor communal area being separated from the building would not lead to that space being unusable.
17. However, the boundary walls that would surround the proposed private garden for the ground floor flat would result in that garden being enclosed to an extent that would be overbearing and discourage its use. Whilst the appellant has identified that the depth of that garden accords with the standard contained within the Mayor of London's Housing Supplementary Planning Guidance (March 2016) and is therefore of sufficient size to be functional, this would not compensate for the poor quality of the garden area that would be provided.
18. Therefore, whilst garden space would be provided, this would be inadequate in terms of quantity and quality to an extent that would reduce the living conditions of future occupiers. Furthermore, the shortfall would not be compensated for by other aspects of the site and the development.
19. The provision of bicycle parking and refuse stores at the side of the building and within the communal garden area at the side of the building appears to be a reasonable place to site these features in order to enable them to be functional and accessible. As such, their positioning at the site would not lead them to being unused or cause waste to be stored in other locations such as the highway. Furthermore, I have no basis to conclude that there would be an oversupply of waste storage and, even if there was, that this would be harmful in any respect.
20. Although it was not cited as part of the reason for the refusal of the application, both parties have commented on the quality of the outlook from rear and side windows and the amount of light received through the windows on the ground floor rear elevation which are smaller than most others, with the Council raising concerns in these respects. However, the ground floor windows either serve non-habitable rooms or are secondary windows to habitable rooms that are served by other windows. As such, the light received within the ground floor flats and the outlook from those flats would be sufficient to provide a good standard of accommodation in those respects. Furthermore, although the view

from the rear windows serving the upper floor flats would be towards the parking and services areas at the rear of Lampton Road, this would not make the outlook from those flats unacceptable.

21. Therefore, whilst the living conditions of future occupiers would be acceptable in some respects, the development would have an unacceptable effect on the living conditions of future occupiers, with particular regard to the provision of garden space. Consequently, the development would not accord with policies SC4 and SC5 of the HLP which require that the amenity of future residents is not compromised and that developments are of the highest external quality in order to meet the needs of the intended occupiers. The proposal would also conflict with policy 7.6 of the LP which requires the provision of high quality outdoor space. Furthermore, the proposal would not comply with the part of paragraph 127 of The Framework which requires that developments create places with a high standard of amenity for future users.

Other Considerations

22. The appellant has identified that the development would address a need for smaller units in accordance with policy SC3 of the HLP and contribute to the supply of housing which is supported by policy 3.3 of the LP and paragraph 59 of the Framework. In this respect, I note the appellant's comments in relation to the Housing Delivery Test results that were published on 19 February 2019 and the emerging housing targets of The London Plan – Intend to Publish Version 2019 (The LPIPV). In this regard, the principle of undertaking residential development at this site is not disputed by the main parties. However, whilst paragraph 68 of The Framework, emerging Policy H2 of The LPIPV and the Secretary of State's Letter to the Mayor of London, dated 13 May 2020, all support the contribution of small sites towards housing supply, as the proposal relates to 6 flats the benefit arising in this respect would be modest.
23. Undertaking residential development on previously developed land and at a Town Centre location that is within close proximity of excellent public transport connections weighs in favour of the proposal. Furthermore, I recognise that the amount of accommodation proposed would accord with the density targets that are set out within policy 3.4 of the LP and that the effective, efficient and optimal use of brownfield land is encouraged by The Framework, Policy 3.4 of the LP, The LPIPV and the abovementioned Letter to the Mayor of London. I also acknowledge the intention to make the development car free and include measures within the development that would reduce future carbon dioxide emissions.
24. The main parties have both discussed the effect on the living conditions of the occupiers of neighbouring properties, particularly in respect of 51 Lampton Road where it has been identified by the appellant that the fencing is not in the position shown on the submitted plans. Although the Council have identified that their pre-application advice was not followed in the manner that they anticipated, they identified that no harm would be caused in respect of any neighbouring residents and did not refuse the application for that reason. I have no reason to reach a different conclusion. The main parties also agree that the development would be acceptable in terms of highway safety and that details of the proposed cycle parking could be agreed under the terms of a condition. However, as acceptability in these respects should be expected of all

developments, I consider them to be neutral factors which do not weigh in favour of the development.

25. As no detail has been provided in respect of the viability of the proposed development, I give little weight to the appellant's contention that the quantum of development proposed represents the minimum that can be viably be built at the site.
26. Furthermore, whilst the appellant has sought and acted upon pre-application advice from the Council in a manner that is encouraged by The Framework, this does not alter my assessment of the main issues.

Planning Balance and Conclusion

27. For the reasons set out above, the proposal would be acceptable in some respects and benefits would arise from the proposed development in others, many of which are supported by the development plan and The Framework. However, The Framework also requires the creation of high quality buildings and places, good design, the provision of a high standard of amenity for future users and the avoidance of poor design that fails to take the opportunities available to improve the character and quality of the area and the way it functions. As such, I afford significant weight to the harm that has been identified in respect of the effect on the character and appearance of the site and the surrounding area and the living conditions of future occupiers. Accordingly, the proposal would not comply with The Framework when taken as a whole.
28. Therefore, as I have found that the proposal conflicts with the policies of the development plan overall and other material considerations, including The Framework, do not lead me to reach a different decision, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR