



Appeal Decision

Site visit made on 11 August 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/F5540/W/20/3248695

10 Stile Hall Parade, Chiswick High Road, Chiswick, London W4 3AG

- 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 Willesden Lane Properties Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01073/10/P6, dated 1 November 2019, was refused by notice dated 20 February 2020.
 - The application sought planning permission for erection of first and second floor rear extensions with balustrades to rear, a roof extension with roof window to front elevation, to create a retail shop at ground floor level with five self-contained flats above without complying with a condition attached to planning permission Ref 01073/10/P5, dated 28 August 2019.
 - The condition in dispute is No 3 which states that: *The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted (413-SHP-100, 413-SHP-101, 413-SHP-102, 413-SHP-103, 413-SHP-105, 413-SHP-1006, 413-SHP-107, 413-SHP-108, 413-SHP-109, 413-SHP-110, 413-SHP-111, 413-SHP-113, 413-SHP-115, 413-SHP-117, 413-SHP-118, 413-SHP-119, 413-SHP-120, 413-SHP-121, 413-SHP-122, 413-SHP-123, 413-SHP-24, Planning Statement, Interior Daylight Analysis, Design/Access Statement and Cover Letter received 16/05/19, 413-SHP-104 (Rev.A) received 16/08/19, and 413-SHP-112, 413-SHP-114 and 413-SHP-116 received 22/08/19) therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.*
 - The reason given for the condition is: *To ensure the development is carried out in accordance with the planning permission.*
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The name of the applicant as stated on the application form appears to be Acton Lane II (London) Limited. However, during the course of the appeal, the agent has clarified that the applicant was Willesden Lane Properties Limited, who is identified as the appellant on the appeal form. This is reflected in the banner heading above.
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4. The appellant has provided revised drawings as part of their appeal submission. While neighbouring occupants have not had the chance to provide comments on these revised drawings, I consider that they would not be prejudiced by my acceptance of them as the proposal would remain broadly unchanged. I therefore accept the revised drawings and have considered the proposed variation on this basis.

Main Issue

5. The main issue is whether the proposal would provide future occupants with acceptable living conditions, with particular regard to outlook, light, private external amenity space and accessibility.

Reasons for the Recommendation

6. The appeal site accommodates a three-storey building on the corner of Chiswick High Road and Stile Hall Gardens, just within the western boundary of the Wellesley Road Conservation Area.
7. Flat 1 would be a duplex flat split over ground and lower ground floors. Occupants of Flat 1 would have access to a sunken courtyard at lower ground-floor level, which would be further bounded by a timber fence at ground-floor level. Due to its location below ground-level and its enclosed setting, occupants would have particularly poor outlook from this amenity space. Furthermore, due to its low-level location at the rear of the site bounded by the flank wall of the proposed two storey extension, the area would not receive much direct sunlight. Due to the lack of sunlight, confined setting and poor outlook, the quality of the proposed private amenity area for the occupants of Flat 1 would not be acceptable.
8. Similarly, outlook from the proposed bedrooms at lower ground-floor level would be extremely limited to the enclosed setting of the sunken courtyard. This poor level of outlook would result in an oppressive living environment at lower ground-floor level and so would fail to provide acceptable living conditions for the occupants of Flat 1.
9. The daylight and sunlight assessment submitted in support of the proposal states that the proposed bedrooms at lower ground-floor level would have good levels of daylight, with the average daylight factor (ADF) of each bedroom window complying with British Research Establishment (BRE) guidelines on natural light and development. However, the assessment also states that the no sky line (NSL) figures for each bedroom would not comply with BRE guidelines, resulting in a poor distribution of daylight throughout each bedroom. Furthermore, the NSL results also provide further indication that the outlook from these bedrooms would be poor.
10. The bedrooms proposed at lower ground-floor level would have poor levels of sunlight. However, these rooms would likely be used primarily at night and occupants would have sufficient sunlight within the open-plan living area at ground floor-level during the day.
11. Figure SC5.2 of the Local Plan 2015-2030 (the Local Plan) states that flats consisting of up to three habitable rooms should provide 25sqm of communal external amenity space, less a reduction for the area of private amenity space each flat provides. No communal space would be provided but, given the constraints of the site, such provision would not be practical. The proposed size

- of Flat 1's outdoor amenity space would comply with the minimum standards for private external amenity space as set out in Figure SC5.2 of the Local Plan, and so I consider that the amount of private amenity space that would be provided would be acceptable in this case.
12. From the revised drawings, I note that the occupants of Flat 4 would have access to a private outdoor terrace that would comply with the benchmark external space standards set out in Figure SC5.2 of the Local Plan. This revised arrangement would therefore be acceptable. While Flat 2 would not have any private external amenity space, this is no different to the development already granted planning permission. Overall, I consider the proposal to be acceptable in this regard.
 13. While Policy SC5 of the Local Plan states that 10% of new dwellings must provide enhanced accessibility or adaptability, this is only applicable when the Council would be responsible for allocating or nominating people to those dwellings. As the proposed flats would be put on the private market, there is therefore no policy requirement for the appellant to provide a wheelchair accessible unit and so the layout of Flat 1 would be acceptable without the provision of a chair lift or floor lift.
 14. In summary, although I have found that the proposed development would be acceptable in terms of the amount of outdoor amenity space and accessibility, I conclude that the proposal would not provide future occupants with acceptable living conditions with particular regard to outlook for the reasons set out above. The proposal would therefore conflict with Policy SC5 of the Local Plan, which states that new housing developments will be required to be of the highest quality internally and externally.
 15. The proposal would also conflict with the Residential Extension Guidelines Supplementary Planning Document (2017), which states that residential development should create good living conditions.

Other Matters

16. I acknowledge that the proposed development would result in the provision of a studio flat, two one-bedroom units and two two-bedroom units. However, this housing mix would not justify the proposal which I have found to be unacceptable for reasons set out above. Also, although the appellant refers to public open space nearby, no further details have been provided and no such space was apparent at the site visit.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR