



Appeal Decision

Site visit made on 20 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/F5540/D/20/3251041

5 Kingsley Road, Hounslow, TW3 1PA

- 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 G Khan against the decision of the Council of London Borough of Hounslow.
 - The application Ref 00667/5/P1, dated 19 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is erection of single-storey rear extension and a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal is accompanied by an application for costs. This is determined within a separate decision.

Main Issues

3. The main issues are (i) the impact of the proposal upon the character of the area, (ii) the impact of the proposal upon the living conditions for existing and future residents and (iii) the impact of the proposal upon the neighbouring property in terms of enclosure, daylight, sunlight and outlook.

Reasons

Character of the area

4. The appeal site is a small, terraced dwelling. The immediate area around the appeal site is in mixed use with retail, commercial and residential use. I note, from my site visit and the submissions, that the properties in the immediate area are varied and some have been extended in some way but it falls to consider the case on its own merits against the Local Plan, and any material considerations, in place at the point of determination.
5. The proposed part first-floor extension, whilst the design is not that attractive, would be subservient to the host building and is a relatively small addition when considering the size of the original property. Whilst the Council's Supplementary Planning Guidance for Extensions and Alterations 2017 (SPG) advises that first floor extensions should be no wider than half the width of the existing property and extend no further than 2.5 metres, the reason for this is to protect the amenities of occupiers of neighbouring properties, not in respect of character and appearance.

6. I find that this, combined with the fact it is not visible from the public realm, means its impact upon the character of the area is not sufficient enough to warrant refusal for the first-floor element. Whilst the proposal is not visible from the public realm and, therefore, there is little impact upon the outward visible qualities of the area (appearance), character is the sum of all the qualities which distinguish an area. Design should establish a strong sense of place and permission should be refused for development which fails to take the opportunities available for improving the character and quality of the area.
7. The side elevations demonstrate that the length of the single storey extensions exceeds the length of the original house notably and looks at odds with the extensive flat roof. I find that this results in an extension which is not secondary to the original house. The enlarged single storey extension I find to have an excessively large scale, depth and site coverage.
8. This combined with the existing outbuilding (in place at the time of my site visit, not that which was the subject of 00667/5/LAW5) at the end of the garden, leaves very little space within the plot which will be free of built form. I find that this results in excessive development of the site which, combined with the neighbouring wall to the South, would appear cramped. This would contribute to a further erosion of garden space and would not improve, or even maintain, the character and quality of the area.
9. The proposal would be contrary to Hounslow Local Plan 2015 (LP) Policy CC1 which seeks to refuse poor design, LP Policy CC2 which requires high quality urban design and LP Policy SC7 which requires development to complement the original building and maintain the character and amenity of private spaces (including rear gardens) and respect the quality and size of gardens. The proposal is also inconsistent with the SPG guidance which requires extensions not too project too far from the rear wall of the original house and that extensions should be secondary to the original house.

Living Conditions for existing and future residents

10. I note that the appellant states that the proposal will improve the internal accommodation at the appeal site to around 65 sq./m. It is stated that this is still below the minimum internal floor area required by DCLG's Technical Housing Standards (space standards). The space standards deal with internal space within new dwellings. The requirements set out Gross Internal Area (GIA) for new dwellings only and have no other statutory meaning or use.
11. The application of space standards is therefore of no weight in this scheme which relates to an existing dwelling. In a similar approach I note the appellant's contention that the Council's standard of 50 sq./m for gardens (in LP Policy SC5, not stated within the refusal reasons) is applicable to new housing development only. Both of the aforementioned standards/policy are applicable to new housing, which is not the case with this appeal proposal.
12. The SPG guidance is clear that, if a property has a small rear garden, then the need to retain amenity space will be considered. I do not have before me any specific standards or sizing for retained garden space as a result of an extension which would leave it, to an extent, to planning judgement taking into account the site context. The garden for the appeal site is already relatively small and the appeal proposal would reduce the garden area to around 31

sq./m. I find that the size, when combined with the proposed built form and the imposing boundary wall to the South, would result in poor living conditions for existing and future residents as result of restricted usability and sense of enclosure.

13. The proposal would be contrary to LP Policy CC1 which seeks to refuse poor design, LP Policy CC2 which requires development to have a positive impact upon the amenity of current and future residents and LP Policy SC7 which requires proposals to maintain the amenity of private spaces (including rear gardens) and respect the surrounding established context including the quality and size of gardens.

Impact upon Neighbouring property

14. The plot widths of the terraced properties are narrow. No. 7 is only one, narrow, garden width away from a substantial wall which results in already limited overall outlook. For this reason I do not find that the proposals would result in a loss of outlook substantial enough to warrant refusal.
15. Despite this the appeal property's existing flat roof extension is currently stepped in from the boundary with no. 7. The appeal proposal would be full plot width, against the boundary for just over 3m beyond No.7's existing extension, at a height of around 2.6m which I find would result in unacceptable enclosure for the neighbouring property. Additionally given the orientation of the properties, and already narrow plot widths which results in generally limited outdoor space, I have insufficient evidence before me to demonstrate that the proposal would not have unacceptable impact upon loss of daylight and sunlight to the neighbouring property and its garden.
16. The decision in 00667/5/LAW5 is clear, in the informative, that the Certificate holds valid only so long as there is no material change in circumstances in or around the site which would have led to a conclusion other than that arrived at in that case. Should the appeal have been allowed, and constructed, it would have represented a material change in circumstances preventing the appellant from then going on to construct the outbuilding due to it resulting in coverage of the site exceeding 50% as assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Schedule 2, Part 1, Class E.
17. In theory there is no requirement for an applicant to secure a certificate for development permitted under Class E of the GDPO, however, it is relevant to note that the Certificate granted for the proposed outbuilding was granted relatively recently. I find, from the site history there is evidence of intent to construct the outbuilding given there are three Certificate of Lawfulness applications¹ which concern an outbuilding of this nature. Despite this the case, as before me within this appeal, should be considered on its own merits and I find that the proposal alone would still result in excessive site coverage as a result of its scale and depth as discussed within this decision.
18. Notwithstanding the above, given that the potential combination of proposals was raised by the Council as a concern a condition removing permitted development rights under Class E of the GPDO could have been imposed upon

¹ 00667/5/LAW2, 00667/5/LAW4 and 00667/5/LAW5

any consent granted to protect the remaining outdoor amenity space had I found the proposal acceptable in other respects.

19. The proposal would be contrary to LP Policy CC1 which seeks to secure development which responds sensitively to an area's character and refuse poor design, LP Policy CC2 which expects development to respond sensitively to the site and minimise overbearingness and LP Policy SC7 which requires proposals to minimise harm to neighbouring residents (such as avoiding unacceptable loss of daylight/sunlight or by creating an unacceptable sense of enclosure).

Other Matters

20. The note the appellant's submission of other decisions within the area, however, each case should be considered on its own merits. Previous decisions do not set a precedent. The application at 11 Kingsley Road (00667/11/P3), which also involved a change of use, granted consent for a rear infill extension and rear dormer extension. The rear extension was infill, between an existing and neighbouring extension whilst the dormer extension is not comparable to the part first-floor extension proposed within this appeal. The scheme is materially different to that within this appeal and as such this has no material weight.
21. The consent at 15-19 Kingsley Road (APP/F5540/W/18/3214904) only dealt with the first-floor extensions and they were stated to be full width with individual hipped roofs across more than one property. This is not the case for this appeal and I find that the schemes are materially different and has no material weight. The consent at 25 Kingsley Road (00667/25/P3), similarly to other sites submitted with this appeal, concerned a change of use and alterations to fenestration on the front elevation. It did not grant consent for an extension as proposed within this appeal. I note that there is an existing ground floor extension, however, I have no details before me as to that extension or the circumstances and timings for it being granted. As such the scheme carries no material weight.
22. The appeal at 37 Kingsley Road (APP/F5540/W/18/3205581) granted consent for a 0.5m first floor rear extension and a rear roof dormer (along with a change of use). The part-first floor extension allowed is slightly smaller, but comparable, to that within this appeal. I note that the Inspector did not specifically discuss the impact of the extension but despite this I attribute limited weight to the appeal as a consideration (in so far as it supports the part- first floor extension only). Similarly to above I note that there is an existing ground floor extension, however, I have no details before me as to that extension or the circumstances and timings for it being granted.

Conclusion

23. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR