



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: 06 November 2020

Appeal Ref: APP/F5540/W/20/3246311

40 Cecil Road, Hounslow, TW3 1NT

- 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 D Virdee against the decision of the Council of London Borough of Hounslow.
 - The application Ref 00223/40/P4, dated 3 October 2019, was refused by notice dated 3 December 2019
 - The development proposed is erection of single-storey rear infill extension and change of use of a single dwelling-house (Use Class C3) to a small house in multiple-occupation (Use Class C4) for up to a maximum of six (6x) persons.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single-storey rear infill extension and change of use of a single dwelling-house (Use Class C3) to a small house in multiple-occupation (Use Class C4) for up to a maximum of six (6x) persons at 40 Cecil Road, Hounslow, TW3 1NT in accordance with the terms of the application ref: 00223/40/P4, dated 3 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be maintained in accordance with the following approved documents: Location Plan (390CR 001), Block Plan (390CR), Floor Plans (390CR-005) and Elevations (390CR-006).
 - 2) The House in Multiple Occupation hereby permitted shall not be occupied by more than 6 residents at any time;
 - 3) The single-storey rear infill extension hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) to vi) below:
 - i) Within two months of the date of this decision a scheme for all external materials shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been

finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

v) Upon implementation of the approved external materials scheme specified in this condition, that external materials scheme shall thereafter be maintained.

vi) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The flat roof of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity areas without the grant of further specific permission from the Local Planning Authority.

Procedural Matters

2. At the time of my visit to the appeal site the single storey rear extension had already been carried out. The application was submitted retrospectively and I have considered the appeal on that basis.

Main Issues

3. The main issues are (i) the impact of the proposal on the living conditions of neighbouring occupiers, with particular regard to loss of light and increased sense of enclosure and ii) the impact of the extension on the character and appearance of the host building and surrounding area.

Reasons

4. The appeal site is an end of terrace house with a lawful use, at the point of determination, as a single, family house. Objections to the scheme are noted and discussed within this decision, however, the Council's reasons for refusal are restricted to the main issues identified above. The main issues are the main matters to be considered in this appeal before me.
5. Since the Council's consideration of this proposal within their officer's report, and the subsequent refusal, the appeal site has been the subject of another appeal APP/F5540/W/19/3238522. Whilst that appeal proposal was for a larger (eight person House in Multiple Occupation (HMO)) it sought retrospective consent for the same infill extension before me within this appeal.
6. That appeal was dismissed as a result of the Inspector's findings that the proposal was unacceptable in principle and failure to provide an adequate standard of living for all its occupants (both reasons for refusal relating to the larger HMO element).
7. Despite being dismissed the previous Inspector found the extension, which is the subject of this appeal, would not harm the living conditions of neighbouring occupiers with particular regard to outlook and light. It was also found that the extension would not cause harm to the character and appearance of the host building and surrounding area, subject to a condition regarding external finish.

8. Given that the extension before me is the same as that within the previous appeal it is a material consideration to which I attribute, on this occasion, very strong weight.

Living Conditions of Neighbours

9. The rear infill extension is located along the boundary with no. 38, but it projects only marginally (around 2m) beyond no. 38's own, single storey, infill extension. The proposal also lies to the north east of no. 38. As a result of this, and similarly to the Inspector within the previous appeal¹, due to its orientation, height and relative projection, I do not find that the extension has an overbearing or enclosing effect on the rear outlook of no. 38, nor that it causes loss of light to occupiers of that property.
10. Matters relating to disturbance and damage from previous construction works are, unfortunately, matters which are subject to separate regulations and laws. Such matters do not fall to be considered within this appeal which is based upon the planning merits of the scheme.
11. The proposal would be consistent with London Borough of Hounslow Local Plan 2015 (LP) Policy CC2 which seems to minimise overbearingness and ensure sufficient sunlight and daylight and LP Policy SC7 which seeks to minimise harm to neighbouring residents.

Impact of the extension of the character and appearance of the host building and surrounding area

12. The impact of the retrospective rear infill extension has also previously been considered in a previous appeal for this site as outlined earlier within this decision.
13. During my visit I stood, on a step ladder, and looked over the fence to the rear elevations of neighbouring properties and the vast majority of properties have been extended and have become part of the character of the area. I do not, however, have details of how such extensions were granted before me.
14. Despite this, I concur with the previous Inspector's findings and note that the rear elevation, as a result of the arrangement of properties, is only visible from the surrounding properties as a result of the compact arrangement of terraced houses.
15. The current mix of materials on the appeal proposal is unacceptable and does fail to harmonise with the existing building. To overcome this a condition requiring the external finish to match the existing building can be applied to remedy the materials utilised as part of the extension in order to secure minimal harm to the appearance of the property.
16. Subject to this condition the proposal would conserve the area. I do not find that the scale, design and appearance of the extension would cause harm to the character and appearance of the host building and surrounding area.
17. The proposal would comply with LP Policy CC1 which requires proposals to respond to design recommendations and LP Policy CC2 which requires

¹ APP/F5540/W/19/3238522

development to function well in themselves and seeks to review decisions to help raise design standards.

Other Matters

18. I note an objection submitted by no. 38 Cecil Road. I have dealt with some of the matters raised above. The concerns regarding number of occupants can be addressed with a condition restricting the number of occupants to six. Activity on adjacent land or other properties is outside the scope of this appeal.
19. The objection from Heston Resident's Association is noted, however, the whilst the requirements of LP Policy SC10 are noted it is a material consideration that a small House in Multiple Occupation (HMO) (Use Class C4) can be undertaken within the scope of permitted development². This outweighs the requirements of both LP Policy SC10 and the Supplementary Planning Document for HMOs as an Article 4 direction is not in place for the appeal site.

Conditions

20. Whilst the application is retrospective, I have imposed a condition requiring the development to be maintained as per the submitted plans in order to define and control the consent which is granted. A condition limiting the number of occupants is required to control the development as this is the basis upon which it has been granted. A condition preventing use of the flat roof as amenity space is required to protect the privacy of neighbouring residents.
21. The purpose of condition 3 is to require the appellant to comply with a strict timetable for dealing with external materials which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the development authorised by the grant of planning permission may only remain if the appellant complies with each one of a series of requirements.

Conclusion

22. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to the conditions outlined at the start of this decision.

Eleni Randle

INSPECTOR

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 2, Class L