
Appeal Decision

Site visit made on 15 December 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2020

Appeal Ref: APP/F5540/W/20/3258139

16 The Crossways, Hounslow TW5 0JP

- 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 Khan against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00329/16/P5, dated 24 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed is erection of a bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are;
 - Whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to outlook, daylight and sunlight;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would meet appropriate energy and carbon reduction standards.

Reasons

Living Conditions

3. From the information before me, the proposed development would provide adequate internal space, ventilation and garden area. The glazed ground floor bedroom window would allow some outlook from the room, and the adjacent outbuilding is single storey. Nevertheless, the room would be served by a single window in very close proximity to the outbuilding. The very limited separation from, and size of, this building would result in an uninviting and unacceptable outlook from the bedroom.
4. These factors and the direction of the sun, and therefore shadowing, would also severely limit the daylight and sunlight that could reach the room. No detailed daylight and sunlight assessments have been provided to the contrary. Although the internal layout of the dwelling could in the future be rearranged, the appeal scheme shows this room as a bedroom.

5. Therefore, the proposal would not provide appropriate living conditions for future occupiers with regard to outlook, daylight and sunlight. The scheme would fail to accord with Policies CC2 and SC4 of the London Borough of Hounslow Local Plan (Local Plan). These, in part, require development to have a positive impact on and not compromise the amenity of future residents.
6. As policy CC1 of the Local Plan relates to character and appearance it is not applicable to this issue.

Character and Appearance

7. The height and roof of the proposed dwelling would be greater than the existing garage and the approved scheme for the conversion of it to a dwelling. There are no properties close by of a similar style and scale to the proposed one and it would be clearly visible from the road and nearby properties.
8. However, the existing building and conversion scheme do not replicate the style or appearance of the adjacent properties at present. In addition, there is some variation in the appearance and size of the built form nearby. Moreover, while larger than at present, the use of a hipped roof would reduce its bulk and the roofscape nearby is not uniform. As such, in this instance the presence of a dwelling that is different to those adjacent would not be incongruous.
9. Consequently, the proposed development would not harm the character and appearance of the area. The scheme would not be contrary to Policies CC1, CC2 and SC4 of the Local Plan. These, amongst other things, seek to ensure developments take into account, respond to and conserve context and character.

Energy and carbon reduction

10. Policy EQ1 of the Local Plan states that all developments will be expected to meet the carbon emission reduction requirements set out in the London Plan.
11. Policy 5.3 of the London Plan requires proposals to demonstrate that sustainable design standards are integral to the proposal. Policy 5.2 of the London Plan states that major developments of residential buildings will need to be zero carbon from 2016. It does not indicate that minor developments must also be zero carbon and sets different efficiency aims indicating that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. There is limited evidence from the Council to support their interpretation.
12. The application was accompanied by an energy statement that outlined CO2 options for the scheme. Were the appeal to be allowed, conditions could be imposed along the lines of those suggested by the Council for energy and emission targets. This would be the same approach as the approval for the conversion of the existing building at the site and for the dwelling approved opposite.
13. As such, the proposal would meet the energy and carbon reduction standards of, and consequently accord with, Policy EQ1 of the Local Plan and Policies 5.2 and 5.3 of the London Plan.

Other Matters

14. Being for 1 dwelling the contribution of the scheme towards housing supply and mix would be minimal. That the Council have not included refusal reasons relating to the principle of residential development and highway safety are neutral factors and do not weigh in favour of the scheme.
15. The approval for the conversion of the existing building did not include a ground floor bedroom with the same uninviting and limited outlook as the appeal scheme. Nor was a bedroom window positioned as close to another building, thereby restricting the light that could reach the room. As such, this fallback would provide better living conditions for future occupiers. The permission for a dwelling opposite the site also did not feature a bedroom with an outlook comparable to the appeal proposal. Therefore, it is materially different to the appeal scheme.

Conclusion

16. While I have found the proposal would be acceptable with regard to character and appearance as well as energy standards, the lack of appropriate living conditions for future occupiers is determinative.
17. Therefore, for the reason given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR