



Appeal Decision

Site visit made on 11 February 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021.

Appeal Ref: APP/F5540/W/20/3257705

132 Uxbridge Road, Feltham, TW13 5EA

- 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 Sekhon against the decision of London Borough of Hounslow.
 - The application Ref 01145/132/P6, dated 16 October 2019, was refused by notice dated 20 April 2020.
 - The application sought planning permission for conversion of an existing outbuilding into a residential unit (C3).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of an existing outbuilding into a residential unit (C3) at 132 Uxbridge Road, Feltham, TW13 5EA in accordance with the terms of the application Ref 01145/132/P6, dated 16 October 2019, and the plans submitted with it, and subject to the conditions listed below:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority: 0085-EX-00 Rev.A, 0085-EX-20 Rev.A, 0085-EX-10 Rev.A, 0085-EX-11 Rev.A, 0085-PR-10 Rev.D, 0085-PR-11 Rev.D and 0085-PR-20 Rev.D.
 - 3) Prior to the first occupation of the permitted residential unit, the boundary treatment, comprising a two metre high timber fence and evergreen planting/hedge, and the cycle storage, shown on approved plan 0085-PR-10 Rev.D, shall be implemented and completed in accordance with the details shown and retained thereafter in conjunction with the residential use of the building.

Procedural Matters

2. A previous application to convert the appeal building into a residential unit was dismissed on appeal in June 2016 (ref. APP/F5540/16/3145956) (2016 Appeal). This decision was referred to in paragraph 2.4 of the Council's Delegated Report, but was not included in the appeal submissions of either party. Following my request, a copy of this appeal decision and the accompanying plans were provided by the Council.

3. Whilst the current appeal also involves the conversion of the appeal building into a residential unit, the proposed layout shows a number of amendments to the scheme dismissed in June 2016. In view of this and in determining this appeal, as well as considering the Council's reasons for refusal, I have also taken into account the extent to which the current appeal proposal addresses the concerns raised by the Inspector in dismissing the 2016 Appeal.

Main Issues

4. The main issues are:
- a) whether the proposed residential unit provides a satisfactory living environment for future occupiers, with particular regard to outlook and privacy, and
 - b) whether the proposal would affect the living conditions of existing neighbouring properties, with particular regard to noise and disturbance.

Reasons

Living conditions – future occupiers of the development

5. The Council's first reason for refusal contends that the quality of the proposed internal accommodation would be unsatisfactory.
6. In dismissing the 2016 Appeal, the Inspector found that the presence of the existing brick boundary wall, immediately in front of the appeal building, compromised the outlook from the proposed living accommodation. Within the current appeal, the section of wall outside the appeal building would be removed. Its removal would, in my opinion, significantly improve the outlook from the proposed accommodation. Similarly, it would improve the amount of daylight received within the building, addressing the concerns raised, in this respect, by the previous Inspector and by the Council.
7. With regard to the internal accommodation, the current appeal proposes a more open plan layout compared to that shown in the 2016 Appeal. As I observed on my site visit, due to this, the shallow depth of the appeal building and the various window openings on the front and rear elevations, the quality of the internal living accommodation would, in my judgement, be improved and would be acceptable for a studio unit, as proposed.
8. In relation to the privacy of future occupiers, the Inspector in the 2016 Appeal found that there would be insufficient distance between the facing windows in the proposed unit and those in the host property to prevent overlooking. In the current proposal, the existing side windows on the appeal building have been removed (and are shown as being bricked up). The removal of these windows would prevent any overlooking between the host property and the appeal building. Further mitigation would, in my opinion, be provided by the proposed 2 metre high timber fence and evergreen planting/hedge, as it would secure an effective screen between the two properties.
9. The Inspector in the 2016 Appeal also found that the proposed garden for the new residential unit would be visible from the dormer window of the host property, limiting the privacy of future occupiers. Also, that the size and layout of the garden did not comply with current standards, and as such its use would be limited. Within the current proposal, the size of the garden to the side of

the appeal building has been increased to comply with standards, and, as I confirmed above, would be enclosed by a 2 metre high timber fence and evergreen planting/hedge. As a consequence, the side garden would be secure, private and suitable for various outdoor uses. Whilst there would still be the potential for some overlooking of this garden from the dormer window of the host property, such views or relationships are a common feature of suburban areas. I am satisfied, therefore, that there would not be, in this respect, any significant harm to the living conditions of future occupiers.

10. For the above reasons, I find that the proposed development would be compliant with policy CC1, CC2 and SC5 of the Hounslow Local Plan (HLP) and policy 3.5 of the London Plan. These policies seek to ensure, amongst other requirements, that new residential accommodation is of a high quality design, that suitable internal and external space is provided, and that minimum internal space standards are met.

Living conditions – neighbouring occupiers

11. The Council's second reason for refusal contends that the proximity of the proposed residential unit to neighbouring properties would be harmful to their living conditions as a result of noise and disturbance.
12. In dismissing the 2016 Appeal, the Inspector found that the proposed use would lead to increased noise and disturbance from people accessing the property on foot and by car and from the general use of the appeal building. Within the current proposal, the on-site parking space has been removed, at the request of the Council. I accept that this parking space would have provided the potential for generating noise from doors closing and vehicles manoeuvring into and out of the site, in a location where no such activity currently takes place. The removal of this parking space significantly reduces, therefore, the potential for noise and disturbance.
13. Whilst there would remain the potential for noise and disturbance from the general use of the appeal proposal, I am not convinced that this would be at such a level as to justify on its own the refusal of planning permission. The appeal building has been used as a gym and although I acknowledge that the level of activity and noise associated with that use would in all likelihood be less than that generated by its use as a separate residential unit, the difference would not, in my judgement, be material or harmful.
14. Even so, the proposed 2 metre high timber fence and evergreen planting/hedge would provide an effective noise screen between the proposed residential unit and the host property. In addition, the activities that would occur on the appeal site are similar to those that already take place in this densely built-up area, and as I noted on my site visit, they would take place against the pronounced background noise generated by the busy Uxbridge Road (A312). Moreover, there is no evidence before me to indicate that the noise and disturbance generated by the proposed residential unit would be significant or material, when compared to existing noise levels.
15. For the above reasons, I find that the impact on neighbours' living conditions, with particular regard to noise and disturbance, would, on balance, be acceptable and would not result in any material harm to neighbouring occupiers. Accordingly, the appeal proposal complies, in this respect, with policy CC2 and SC6 of the HLP. Both policies seek to ensure, amongst other

requirements, that new residential units do not result in any harm to the living conditions of neighbouring occupiers.

Other Matters

16. Although the Council have not referred to policy SC1 of the HLP in their decision notice, it is referred to in their Delegated Report. Part (g) to this policy includes a presumption against the development of self-contained residential units within the curtilage of existing dwellings where the proposal would conflict with other policies of the plan. As I have found, the appeal proposal would be compliant with the relevant policies of the HLP and as a consequence it would not be contrary to the provisions of policy SC1 (g).
17. The proposed development would secure the more efficient use of this brownfield site, maximise the potential it offers to contribute towards housing need, specifically for small households, all within a sustainable location. These benefits are supported by other development plan policies, as well as those of the National Planning Policy Framework (February 2019) (Framework). I attach significant weight to these benefits, and they provide further support for the findings I have reached above.

Conditions

18. The Council has suggested a number of conditions which I have considered against the advice in paragraph 55 of the Framework and the Planning Practice Guidance on the use of planning conditions.
19. Conditions relating to the time limit for implementing the development and compliance with the approved plans are necessary and reasonable in order to secure a high-quality sustainable development.
20. A condition requiring the submission and approval by the Local Planning Authority, prior to occupation, of details of boundary treatment is not, in my view, necessary as these details are shown on the approved plan. Even so, as the provision of this boundary treatment is necessary to protect the living conditions of both future and neighbouring occupiers, I have amended the suggested condition to require the details shown on the approved plan to be completed prior to the first occupation of the residential unit. I have also included in this condition the provision of cycle storage, which is again shown on the approved plan. Although the Council's suggested conditions do not refer to the provision of cycle storage, the Delegated Report does identify this as a matter that should be secured by condition.

Conclusion

21. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR