



Appeal Decision

Site Visit made on 19 April 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/F5540/W/20/3263241

539 Chiswick High Road, London W4 3AY

- 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 Ms Melanie Peters against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00248/539(GF-FF)/P1, dated 18 August 2020, was refused by notice dated 14 October 2020.
 - The development proposed is described as, "Ground and first floor extensions to 539 Chiswick High Road".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown above is taken from the planning application form. It differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as the 'Erection of two storey rear extension to ground and first floor flats, relocation of staircase and formation of first floor terrace'. I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.
3. The appellant provided copies of the same drawings that the Council determined the planning application on, but these copies were marked-up by the appellant with dimensions. These marked-up drawings do not substantially alter the nature of the proposal, and I am satisfied that the parties' interests would not be prejudiced by the marked-up drawings being considered in this appeal. Therefore, I have considered the marked-up drawings as part of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, including the Wellesley Road Conservation Area; and
 - the effect of the proposal on the living conditions of the existing occupiers of neighbouring properties, with particular reference to outlook, light, privacy, and noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises a three-storey mid-terrace property situated at the northern end of an attractive residential area. The property has an existing two-storey rear extension with a first floor dormer. The site is situated within the Wellesley Road Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I observed that the significance of the conservation area as a designated heritage asset derives in part from its high quality architecture and brickwork.
6. The 'Guiding principles' section of a conservation area character appraisal, provided by the appellant, makes reference to the symmetry between certain properties in the conservation area. In this regard, I observed that the rear of the appeal site is not strictly in symmetry with its adjoining neighbours. Nevertheless, I observed that the properties immediately adjacent to the appeal site are very similar to each other in terms of their design, with prominent rectangular-shaped two-storey outriggers present to the rear (albeit that the property at No 541 Chiswick High Road (No 541) has been extended further at ground floor level).
7. Although some large extensions are present to the rear of properties fronting Clarence Road, the run of rear outriggers on this part of the terrace at Chiswick High Road provides a regular, uniform rhythm to it. Many of these outriggers are of similar proportions to the existing rear extension at the appeal property, and commonly cover only half the width of their host properties.
8. In contrast, the proposed two-storey rear extension would cover the full width of the host property, and would protrude from its rear elevation by a considerable margin. As such, it would be a feature of substantial bulk and massing on this modestly-sized property. Although appropriate materials would be used and the ground floor element would be similar in style to the existing ground floor extension, at the overall scale proposed the overly-large two-storey rear extension would conflict with the Council's Residential Extension Guidelines¹ which provide that the height and width of two-storey rear extensions should be proportionate and subordinate to the dimensions of the main house. For the same reasons, it would also conflict with the guidance at paragraph 6.1 of the Residential Extension Guidelines that a harmonious design with the parent building should be achieved.
9. Furthermore, although the proposal would be almost entirely obscured from public vantage points, it would be in view from many neighbouring properties, and as the first floor element of the proposed extension would cover the full width of the host property, it would stand out as an anomalous feature in this terrace of mainly half-width first floor level outriggers. Accordingly, it would undermine the clear rhythm of the rear of the terrace, referred to above. Moreover, its incongruous nature would be emphasised by the very large windows with a contemporary design proposed for both storeys, which would unduly contrast with the modestly-sized windows present on both the host

¹ Residential Extension Guidelines Supplementary Planning Document: A Guide for Householders (adopted 2017)

property and the rear elevations of many nearby properties. In my view, all these adverse effects on the character and appearance of the area would not be adequately mitigated by the removal of the existing dormer.

10. I observed several large outbuildings nearby, but as the primary relationship of the proposal is with the terrace itself, the presence of those outbuildings does not alter my findings. I also note the appeal decision referred to by the appellant, where planning permission was granted for rear extensions with a modern angular design and a substantial amount of glazing². However, although that appeal decision involved the Wellesley Road Conservation Area, the associated drawing, provided by the appellant, shows very few details of the context surrounding the site. As such, on the basis of the limited information before me, it is not clear if the character and appearance of that local area is appropriately similar to enable a meaningful comparison with the proposal before me. Accordingly, the proposal has been assessed on its own merits.
11. Taking all of the above into account, it is clear that the proposal would be harmful to the character and appearance of the area. Consequently, the proposal would undermine the presence of high quality architecture in the surrounding area which contributes to the significance of the conservation area as a designated heritage asset, meaning that it would neither preserve nor enhance the character or appearance of the conservation area. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, this harm must be weighed against the public benefits of the proposal.
12. In this regard, the proposal would remove the existing rear dormer which some adjoining residents have cited as being harmful to the quality of their outlook (in terms of aesthetics / visual amenity). Similarly, the proposed green 'sedum' roof would provide a pleasant visual aesthetic which would benefit the nearby occupiers of the upper floors of the terrace. Additionally, the large windows and the green 'sedum' roof may provide benefits in terms of energy efficiency, including a reduced carbon footprint for the ground and first floor flats, thereby helping to address climate change.
13. I recognise the considerable importance of the conservation area as a designated heritage asset, and in accordance with the Framework³, in considering the impact of the proposal on the significance of the conservation area as a designated heritage asset, I have given great weight to its conservation. Collectively, I give moderate weight to all the public benefits of the proposal. Thus, those benefits do not, either individually or cumulatively, amount to public benefits which outweigh the harm that would be caused to the significance of the conservation area.
14. Therefore, the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area, including the conservation area. It would conflict with Policies CC1, CC2, and CC4 of the Local Plan⁴ which collectively provide that high quality urban design will be supported, and that development proposals will be expected to conserve and take opportunities to

² APP/F5540/D/18/3197788

³ National Planning Policy Framework 2019

⁴ London Borough of Hounslow Local Plan 2015 – 2030: Volume One (adopted 2015)

enhance any heritage asset and its setting in a manner appropriate to its significance. The proposal would conflict with Policy SC7 of the Local Plan which provides that all extensions and alterations should maintain the character of the area. The proposal would also conflict with the Council's Residential Extension Guidelines which provide at paragraph 6.1 that two storey rear extensions should not harm the character of the area.

Living conditions

15. The existing first floor rear extension (including the dormer) at the host property already breaches the guidance given in the Residential Extension Guidelines that the depth of a first floor extension should not project more than 2.5 metres beyond the rear wall of the house, and the proposal would also exceed that guidance. Nevertheless, the existing two-storey rear extension (including the dormer), already reduces the light received to the nearest rear ground floor window at No 537 Chiswick High Road (No 537), and also obscures a fair proportion of the outlook from it.
16. In this context, the proposal would reduce the depth of the existing dormer projection slightly, and would involve only a marginal increase in overall height when compared to the existing dormer. Accordingly, although the proposal would add some mass at first floor level when set against the existing sloping roof and dormer, and it would not be set-in from the boundary with No 537 (in contrast to the existing dormer), the change over-and-above the existing situation would be minor. As such, the proposal would not be materially harmful with respect to both the light received to, and the outlook from, the rear windows at No 537 (including the nearest rear ground floor window). For the same reasons, the proposal would not result in an overbearing sense of enclosure. Thus, it would have an acceptable effect on the living conditions of the existing occupiers of No 537, with particular reference to outlook and light.
17. The proposed terrace would be situated at first floor level, and would be close to the rear outrigger at No 541 and the rear window present in it, and would also extend significantly beyond that outrigger. Nevertheless, the proposed privacy screen would effectively block any overlooking to that rear window. As such, whilst I have had regard to sections 4.3 and 4.10 of the Residential Extension Guidelines (as quoted by the Council), in my view the privacy of the existing occupiers of No 541 would be maintained by the proposal.
18. Furthermore, the principal outlook from that rear window at No 541 is across its garden, and as the proposed privacy screen would be positioned slightly away from it, I am confident that a wide array of outlook would remain. Thus, the proposal would have an acceptable effect on the living conditions of the existing occupiers of No 541, with particular reference to privacy and outlook.
19. Notwithstanding this, in addition to being close to and extending significantly beyond the rear outrigger at No 541, the new terrace would be quite wide. Although the terrace would be relatively sheltered and it would involve private domestic use in an urban context, I consider that several people could potentially congregate there and use it for extended periods of time. In that case, the potential levels of noise and disturbance would go beyond what the existing occupiers of No 541 would be expected to tolerate in a residential area such as this, particularly with respect to their expectation of peace and quiet near a habitable room window. As a result, their living conditions would be harmed.

20. It is noted that the proposed terrace would be smaller than the second floor open terraces present to the rear of nearby properties. However, as they are above first floor level, their relationship with their adjoining properties is materially different to the proposed terrace, which would be at first floor level with the rear first floor window at No 541 being in close proximity to it.
21. It is conceivable that the proposed privacy screen would muffle noise to some degree, but this would be unlikely to provide sufficient mitigation. Whilst noise and anti-social behaviour are subject to separate legislative controls, and Police powers exist in relation to public disorder, noise and disturbance is a legitimate planning concern. As such, none of these considerations alters my findings on this main issue.
22. In light of the above, I find that the proposal would have an unacceptable and harmful effect on the living conditions of the existing occupiers of No 541, with particular reference to noise and disturbance. It would conflict with Policy CC2 of the Local Plan, which provides that development proposals will be expected to have a positive impact on the amenity of current residents, and with Policy SC7 of the Local Plan, which provides that development proposals will be expected to minimise harm to neighbouring residents.

Other Matters

23. I have had regard to the supporting letter and the e-mail from neighbouring residents, submitted in support of the proposal, and I note that there have been no objections to the proposal from interested parties. Nevertheless, on both of the main issues I have found that the proposal would result in tangible harm, and this harm would persist notwithstanding the views of interested parties. The proposal would improve the living accommodation available to the occupiers of the host property (including by creating additional outdoor space when compared to the existing small balcony, and from the creation of a set of large modern windows), but this would mainly be a private rather than a public benefit.
24. I note that the Council has confirmed in a pre-application enquiry that it does not object to the principle of a large ground floor extension, where access to the rear garden from the first floor flat would still need to be maintained, and in this respect the proposal would retain such an access, and it would also incorporate some outdoor space (which could be used for planting and sitting out, for example). Be that as it may, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims.
25. When taken together, I give all these other matters only limited weight in favour of the appeal. Consequently, I consider that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan that I have found.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR