
Appeal Decision

Site visit made on 8 April 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/F5540/W/20/3264864

104-108 Hanworth Road, Hounslow TW3 1UF

- 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 Peter Warda against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01254/104-108/P14, dated 24 January 2020, was refused by notice dated 18 June 2020.
 - The development proposed is the construction of a four-storey building incorporating eight flats at first, second and third floor levels and retaining existing A3 (restaurant) usage at ground floor level following demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new London Plan was adopted in March 2021 (the London Plan), replacing the previous version of the plan. A revised National Planning Policy Framework (the Framework) was also adopted in July 2021. Both parties have been provided with the opportunity to comment on the new documents and I have taken account of their representations. I have reflected the revised documents as appropriate throughout my decision letter.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to the proposed mansard roof;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to loss of light, harm to privacy, and sense of enclosure;
 - whether or not the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook and the provision of adequate external amenity space in terms of size and noise;
 - whether or not the proposal would encourage sustainable transport choices, with particular regard to the provision of cycle parking; and,
 - whether or not the proposal would suitably address energy requirements, with particular regard to carbon dioxide emissions.

Reasons

Character and appearance

4. The proposed building would have a tall mansard roof with prominent and large windows. It would be disproportionate to the lower levels of the building, particularly due to its height. It would not be subservient to the main bulk of the building. At the same time, the footprint of the mansard roof would be set significantly away from either side elevation. This serves to accentuate its disproportionate height and to create an awkward relationship with the building form to lower levels. I acknowledge that the appeal site is on a road with a wide variety of architectural styles and roof profiles and typologies. However, this does not mean that an unattractive design should be allowed.
5. Overall, the proposal would harm the character and appearance of the area, and would fail to comply with the relevant parts of Policies CC1 and CC2 of the Local Plan 2015-2030 Volume One (the LP), Policy D3 of the London Plan, and with Chapter 12 of the Framework. All of these policies and guidance require high quality design.

Living conditions of neighbouring occupiers

6. The proposal is located next to two residential properties – 100 and 112 Hanworth Road – both of which have windows to their rear elevations that would look out onto the proposed appeal building.
7. A Daylight and Sunlight Report has been submitted. This finds that all affected windows would either pass the sunlight and daylight tests or that any effect would only be within the 'minor adverse' range. Given the urban nature of the location of the neighbouring properties and the very minor exceedances to the BRE guidelines, on its own these failures do not indicate an unacceptable harm to the living conditions of the occupiers of the properties. However, the Report has not taken into account the likely need for boundary walls to the proposed communal outside space. Any walls would be close to the affected windows and would have the potential to more significantly reduce daylight and/or sunlight to the properties. It has therefore not been demonstrated that the proposal would not unacceptably harm the living conditions of the occupiers of 100 and 112 Hanworth Road with regard to loss of daylight and sunlight.
8. Windows to the side elevations would be opaque glazed and 1.8m high opaque screens would be provided to the balconies and first and second floor levels. As stated above, although not directly confirmed on the submitted drawings, a similar approach would be required to the boundary of the proposed communal outside space on top of the proposed ground floor level. These measures would prevent direct overlooking of neighbouring properties. However, due to the proximity of the balconies and windows to the adjacent properties, there would still be a harmful perception of overlooking and loss of privacy. Depending on its eventual materiality and height, any boundary wall for the communal open space could also be overbearing on neighbours. The proposed glazing to the balconies to the third floor level would only be 1.1m high, but because of the height of these balconies, any overlooking would be at an oblique angle, mitigating its harm to the privacy of neighbouring occupiers.
9. Consequently, the proposed side elevation windows and balconies at first and second floor levels would harm the living conditions of the occupiers of

neighbouring properties. The proposal would therefore fail to comply with the relevant parts of Policies CC2 and SC4 of the LP which, amongst other criteria, seek to protect the living conditions of neighbours. I note that Policy CC1 of the LP is quoted on the decision notice but is not relevant to this reason for refusal.

Living conditions of future occupiers

10. Private balconies are proposed to the three proposed flats at first floor level. These would all be 2-bed, 3-person dwellings. Policy SC5 of the LP requires at least 7 sq m of private outside amenity space for such dwellings. The proposed balconies would be at least 7.5 sq m, in excess of the minimum standards. However, all of the balconies would be surrounded by 1.8m high opaque privacy screens which would harm their utility by blocking light and reducing outlook. The three proposed flats at second floor level would not have any private outside amenity space. A balcony is proposed to each of the two proposed flats at third floor level, both in excess of minimum size standards. Only 1.1m high opaque glazing is proposed to these balconies which would have minimal effect on outlook and light. These two balconies would therefore provide an acceptable standard of private outside amenity space.
11. A roof space is proposed to provide communal amenity. This would be 101 sq m, falling below the requirement for 151 sq m as set out in Policy SC5 of the LP. The policy does allow for a smaller area to be provided if the overall quality can be justified but the proposed communal amenity space would be accessed from the sides of the building requiring future occupants to exit the building and walk around to access the space. The space would also be directly adjacent to the proposed flats and to neighbouring buildings creating the perception of overlooking.
12. Two of the proposed bedrooms, to Flats 1 and 4, would only be served by an opaque glazed window to 1.5m high. The top sections would be openable but this would still severely restrict the outlook for future occupants of these two proposed flats.
13. The proposed building is surrounded by commercial uses, including a car wash, and a fairly busy road. Policy EQ5 of the LP requires a noise assessment for proposed changes of use to a more sensitive use. The appeal proposes the introduction of a more noise sensitive use, i.e. residential, and is not accompanied by a noise assessment. Although the appellant has indicated that the proposal could comply with the relevant Building Regulations, no substantive detail has been provided of what this would entail or how this would be achieved. I have given consideration as to whether a condition could be imposed to require the future agreement of mitigation measures in this regard. However, without an understanding of what the noise levels are or the nature of what mitigation would be, this would be an unreasonable condition to impose.
14. Consequently, due to the lack of outlook and light to the proposed balconies to the first floor flats, the failure to provide any private outdoor amenity space to the second floor flats, the sub-standard quality and size of the communal amenity area, and the heavily restricted outlook from two of the proposed bedrooms, the proposal would not provide satisfactory living conditions for future occupiers. In addition, it has not been demonstrated that the proposal would provide a suitable quality of accommodation for future occupants with regard to noise pollution, either internally or in the proposed external amenity

spaces. The proposal therefore fails to comply with the relevant parts of Policies SC5 and EQ5 of the LP. It would also fail to comply with the relevant parts of Policy D13 of the London Plan which, amongst other criteria, require that mitigation for impacts from existing noise generating activities be born by the proposed development.

Sustainable transport

15. An area for secure, covered cycle parking for 16 bikes is proposed to the ground floor, to be accessed from the side of the building and then providing access to the road. Although not directly indicated, it would likely be possible to separate or split this area through an internal wall and to provide separate access doors to provide independent spaces for the proposed residential and commercial uses. However, the cycle parking area lies behind an access gate to the highway. It is not clear how this could be securely controlled for both residential and commercial access. Furthermore, Policy T5 of the London Plan requires three long-stay spaces for the restaurant and 15 long-stay spaces for the proposed flats, in other words more than the 16 spaces proposed. Policy T5 also requires short-stay spaces for both the residential and restaurant uses, none of which are proposed.
16. I have given consideration as to whether a condition could overcome the sub-standard provision. However, both a larger cycle area and a different approach as necessary for short-term spaces is required and it is not clear that this could be accommodated on the appeal site, or what alternative off-site measures might be adopted if required. This would therefore be an unreasonable condition to impose.
17. Overall, the insufficient space for, and design of, the proposed cycle parking, and the lack of detail regarding short-stay spaces, would not encourage sustainable transport choices. The proposal therefore fails to comply with the relevant parts of Policy EC2 of the LP which, amongst other criteria, requires that development maximises the opportunities for cycling. It also fails to comply with the relevant parts of Policy T5 of the London Plan, as set out above.

Energy

18. Policy EQ1 of the LP requires that proposals meet the carbon emissions reduction requirements in the London Plan. Policy SI 2 of the London Plan sets these requirements at achieving a minimum on-site reduction of 35% beyond Building Regulations, providing a clear demonstration of attempting to achieve net zero-carbon on-site, and then a payment in lieu of any remaining shortfall after the above has been undertaken.
19. An Energy Assessment has been submitted. This confirms that the proposal would meet the on-site target reduction of 35% beyond Building Regulations. However, it has not been robustly demonstrated why further reductions could not be achieved on site. In addition, in the absence of a s106 planning obligation, a payment in lieu of any remaining shortfall has also not been secured.
20. Consequently, the proposal has not suitably addressed energy requirements with regard to carbon dioxide emissions. It therefore fails to comply with the relevant parts of Policy EQ1 of the LP and Policy SI 2 of the London Plan.

Conclusion

21. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR