



Appeal Decision

Site Visit made on 20 July 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/F5540/W/21/3271895

67 Ellesmere Road, Chiswick, London W4 3EA

- 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 Frank Ko against the decision of London Borough of Hounslow.
 - The application Ref 00392/67/P5, dated 10 October 2019, was refused by notice dated 30 September 2020.
 - The development proposed is erection of new apartment building following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to the decision notice, no confirmation that a change was agreed has been provided.
3. The decision notice referred to policies from the London Plan (2016). The Council have not provided any policies in place of these that have subsequently been replaced by the London Plan 2021. Following the refusal of the application the new National Planning Policy Framework 2021 (Framework) has been published. I have had regard to comments, where received, from the main parties in regard to these.
4. There have been no fundamental changes relevant to the main issues in this appeal and so no injustice has been caused to any of the appeal parties in my taking these into account in my decision.
5. Although not included as a reason for refusal, the site is located within Flood Zone 3. Having raised this and sought comments from the main parties on this matter, they would not be prejudice by it being a main issue of the appeal.

Main Issues

6. The main issues of the appeal are whether the development would:
 - comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding,
 - preserve or enhance the character or appearance of the Chiswick House Conservation Area (CA),

- encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities; and
- meet appropriate energy standards.

Reasons

Flooding

7. There is existing residential development at the site. Floor levels would be no lower than at present, flood proofing measures incorporated and there are said to be flood defences in the area. However, this does not alter that the site is within Flood Zone 3 and that the proposed use of the site constitutes a 'More Vulnerable' use. Moreover, the proposal is not for householder or minor development.
8. Planning Policy Guidance (PPG)¹ and the Framework² aim to steer development to areas with the lowest probability of flooding through a sequential test. PPG states that where necessary, a site-specific flood-risk assessment (FRA) should accompany a planning application and the Framework³ indicates one should be provided for all development in Flood Zones 2 and 3. PPG states that only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of site in Flood Zone 3 be considered.
9. No FRA has been provided and no sequential test has been carried out. There is insufficient information before me regarding the risks and effects of flooding at the site and elsewhere or the availability of alternative sites. Consequently, on the basis of the information before me and the individual circumstances of the case, I have not been satisfied that the principle of development at the site is acceptable.
10. The proposal would not comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding. The Council have not provided any development plan policies in relation to this issue. However, the proposal would be contrary to the aims of the Framework and PPG to steer development to areas with the lowest risk of flooding and where they require FRA's and a sequential test to be provided for schemes in Flood Zone 3.

Character and Appearance

11. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
12. From my observations, the significance of the CA lies, in part, in its verdant appearance and general openness provided by the set back of properties and park land. There is variation in terms of the built form with more modern flatted developments being found near the edge of the CA where it meets the A4. There is no consistency to the materials, proportions, appearance, and quality of the built form within and close to the CA along Ellesmere Road and Eastbourne Road.

¹ Paragraph: 019 Reference ID: 7-001-20140306

² Paragraph 162

³ Footnote 55

13. The appearance of the existing dwelling does not reflect any nearby properties, has been extended and altered, and does not have a consistent pattern of openings or detailing. It also contrasts with the blocks of built form nearby that, although having no uniformity between separate blocks, individually have a distinct pattern of openings within them.
14. The site though does currently contribute positively to the significance of the CA as a result of the spaciousness that the position and scale of development on the plot gives.
15. Although different to the existing building, there is built form nearby of a similar, and greater scale to the proposed one. The roof form would be changed, but the overall height would not exceed the adjacent dwellings. The proposed building would have a comparable footprint and building line to that of the existing one, being set in from its front and side boundaries. This would retain the spacious and open nature of the site that is characteristic of the surrounding area and CA.
16. The appeal building would have a clear rhythm to the pattern of openings in its own block of built form. The use of different materials and staggering of parts of the building along with deep set openings with surrounds would break up its mass and add interest. A condition could be imposed to agree the external materials were the appeal to be allowed.
17. Boundary treatments along with retained and additional landscaping would aid in screening the parking areas. Moreover, the existing parking and garage is open to the street.
18. Consequently, the scheme would preserve the character and appearance of the CA. The proposal would accord with the design and conservation aims of Policies CC1, CC2 and CC4 of the Local Plan⁴. The proposal would also comply with the historic environmental policies contained within the Framework.

Transport Modes

19. A cycle store is provided including some wall mounted and semi-vertical spaces. The Council were satisfied with the number of spaces and in the absence of any compelling case to the contrary I have reached the same finding. There is no clear evidence that an alternative layout would require a considerably different size building or altered car parking layout that could not be accommodated on site. Were the appeal to be allowed, final details of the cycle provision could be secured by planning condition.
20. Therefore, the proposed development would appropriately encourage future occupiers to use a range of transport modes with regard to the provision of cycle storage facilities. It would accord with Policy EC2 of the Local Plan where it, in part, seeks to maximise opportunities for cycling.

Energy Standards

21. Policies EQ1 and EQ2 of the Local Plan promote sustainable design and construction with schemes needing to demonstrate that minimum specified levels in Local Plan, London Plan or national standards are met including carbon emission reduction. A sustainability statement is required.

⁴ Hounslow Local Plan

22. The application was accompanied by an Energy Statement that outlined aims for construction, heating, ventilation, lighting and renewable energy. Solar panels are shown on the building. Further details of the technologies and methods to achieve the appropriate standards could be secured by condition were the appeal to be allowed. There is no compelling case otherwise.
23. Consequently, the scheme would accord with energy standard requirements of Policy EQ1 and EQ2 of the Local Plan.

Other Matters

24. While any contribution is worthwhile, given the number of additional units proposed, the effect on housing supply would be small as would economic and social benefits associated with the construction and occupation of the building. Benefits from a more efficient use of land and energy saving would be moderate given the size of the proposal.
25. That the scheme would provide sufficient outdoor amenity space and parking, would not give rise to unacceptable impacts on nearby residents subject to conditions, along with preserving the character and appearance of the CA are neutral factors.
26. I do not have the full details of the information provided with the previous appeal at the site⁵. As that appeal was dismissed for other reasons, the Inspector did not need to address the location of the site being within Flood Zone 3.

Conclusion

27. The Council have not provided development plan policies with regard to flooding. However, the Framework and PPG are material considerations. The scheme is contrary to these with regard to flooding and this outweighs the compliance with the development plan policies for the other main issues.
28. For the above reasons, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

⁵ APP/F5540/W/19/3221361