



Appeal Decision

Site visit made on 25 August 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/F5540/W/21/3269437

3 O'Riordans Tavern, High Street, Brentford, TW8 0DX

- 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 Innergysave Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00607/3/P4, dated 1 April 2020, was refused by notice dated 7 December 2020.
 - The development proposed is demolition of the existing public house and construction of a three storey building with lower ground floor (following terrain of the existing site) to create four new dwellings and a community use space.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The National Planning Policy Framework (the 'Framework') was revised on 20 July 2021 and the new London Plan (2021) published during the appeal period. Both parties have had the opportunity to comment on the implications of this for their case.

Main issues

3. The main issues are:
 - whether or not cycle storage would be sufficient,
 - whether or not the proposal meets the requirements of local and national policy with regard to flood risk and incorporation of sustainable urban drainage systems,
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposed community use meets the requirements of local policy with regard to protection of these facilities.

Reasons

Provision of cycling storage

4. It is proposed to have a dedicated cycle store within the new building. This would be accessed via the front door and then a second door off the hallway. A vertical rack would be provided for 7 bicycles, the stands of which would be approximately 0.3 metres apart.

5. It is not in dispute that 7 cycle spaces are required for the residents of the flats, and it is reasonable that some space should also be provided for users of the community facility. Insufficient cycle parking is therefore proposed.
6. The Council states that vertical racks are not acceptable, that stands should be 1 metre apart and the entrance doors should be wider. No policy or guidance to underpin these requirements has been presented, , but I accept that for cycle storage to be effective, accessibility and usability must be maximised.
7. Vertical racks may not be as easy to use as horizontal racks, but I am satisfied that they can present a sensible compromise on a constrained site, such as this. However, negotiating 2 doors and a tight corner would be challenging and I consider that this would be to the extent that the level of usage of the facility could be harmed. In addition, while I accept that 1 metre spacing between bicycles may not be practical on a constrained site, I consider that the small separation distance between the stands would also be an impediment to use of the rack. It has not been demonstrated that this configuration is the only viable solution for the scheme.
8. I have noted the appellant's suggestion that this issue be dealt with via a pre-commencement condition. Given the space constraints on the site, I am not confident that there would be an easily available alternative solution to bicycle storage. The re-configuration of the ground floor and outside space may be necessary to maximise its use and this could materially evolve the scheme. For this reason, I do not consider that a pre-commencement condition would be appropriate.
9. I find that cycle storage would be insufficient and the development would therefore not meet the requirements of Policy EC2 of the London Borough of Hounslow Local Plan (2015) (the LP), in particular that the opportunities for cycling are maximised.

Flood risk

10. The parties remain in disagreement over the flood zone in which the appeal site is located. Based on the Environment Agency's 'flood map for flooding', it is clear that the majority of the site is in Flood Zone 1. There is a small area beyond the footprint of the proposed building in Flood Zone 3. A sequential test is therefore required¹. This has been drawn to the attention of both parties, but no compelling evidence as to why this is not applicable at the site has been forthcoming. In the absence of this the requirements of Policy EQ3 of the LP and paragraph 167 of the Framework, in particular that development is demonstrably located in areas of lowest risk in the first instance, are not met.
11. A Drainage Assessment Form has been submitted as part of the appeal, the original absence of which formed a reason for refusal. The main purpose of the drainage form appears to be to signpost information to demonstrate that sustainable drainage systems (SUDS) are incorporated, ultimately to ensure *inter alia* that flood risk is not exacerbated and urban pollution reduced. On this basis, I am satisfied that my acceptance of the Form would not cause prejudice to any party.
12. The SUDS assessment proposes that roof drainage be attenuated using a tank below the building because the low permeability of the London Clay precludes

¹ PPG Paragraph 018 Reference ID: 7-018-20140306, revised 6 March 2014

effective infiltration. This is in line with the guidance and would be an improvement on the existing situation. For these reasons, I am satisfied that SUDS are adequately incorporated in the development.

13. The Environment Agency has indicated that it is satisfied with the flood risk assessment, which confirms that the site would be safe for its lifetime. I see no reason to disagree with this.
14. A satisfactory flood risk assessment has been submitted and SUDS would be incorporated in the development, in line with Policy EQ3. However, a sequential test has not been provided, despite the site being partly in Zone 3 and, for this reason, Policy EQ3 of the LP and paragraph 167 of the Framework are not satisfied.

Character and appearance

15. O'Riordans Tavern faces a busy road and has its back to the River Thames, which is just beyond the rear boundary. The area is dominated by tall, modern blocks of flats. There is some variety in the design of these buildings, but they are consistently finished with brick and sections of grey cladding, and many have balconies looking towards the river. There is also a short terrace of older residential properties immediately opposite the appeal site, between a disused commercial property, a large billboard and a petrol station.
16. O'Riordan's Tavern is a detached, 2-storey building with a small basement and living space in the attic. The older front section of the building has been subject to large, 2-storey, flat roofed extensions to the rear. It is diminutive in size when compared to the surrounding blocks of flats and to the passer-by is appreciated as being an older and more traditional building. However, it is of limited architectural interest and, to this extent, has an essentially neutral impact on the prevailing character and appearance of the locality. Its overall contribution to the character of the area is mainly through the visual link that it provides to the area's past.
17. Interested parties, including Brentford Community Council and 'Brentford Voice', have described O'Riordans Tavern as an important local landmark, detailing the history of the site and highlighting the cast iron window pillars and possible hidden tiled entrance. The building is clearly valued by the community for its history and as a reflection of a largely lost local vernacular.
18. The development would create a 3-storey block of contemporary design with a lower floor at the rear. It would be finished with brick and cladding, and balconies inserted to the rear elevation. The roof would be largely flat, with a small section of pitched roof to the centre front. The proposed building would suitably reflect the surrounding modern development in terms of scale, density, design and finish.
19. The site is also within the 'Thames Policy Area', which requires that development in such a location has a positive influence on the waterside environment. The rear of the existing building is an unattractive, box-like extension that has a detrimental effect on the waterside environment, and the proposed development would be a significant improvement on this.
20. Overall, the building respects the dominant modern vernacular of the area and would improve the appearance of the waterside. I acknowledge that there would be some community benefit from preserving a locally valued link to the

past. However, the building is not identified as a heritage asset and there is no evidence before me to indicate that it would not be permissible to demolish it at any time. I must therefore afford the comments made by other interested parties limited weight in the planning balance and, furthermore, I have found that the proposed development would assimilate with its surrounding in design terms.

21. I conclude that the proposal would meet the requirements of Policies CC1 and CC2 of the LP, and D1 and D3 of the London Plan, which together seek to ensure that development conserves local character and does not harm the appearance of an area.

Community use

22. To allow the loss of existing community facilities, Policy CI1 of the LP states that that a) the facility must have been vacant for a continuous period of 18 months, b) evidence provided that it is no longer required and, c) that the site is demonstrably not appropriate for any other community use.
23. The public house has been actively marketed for well over 18 months with no interest. The reasons suggested for this are manifold and I accept that the building is unlikely to have a viable future as a public house, even allowing for the increased footfall that may be associated with the new Brentford Stadium.
24. It has also been demonstrated that there are numerous other public houses offering better facilities within walking distance and I am content that a public house is no longer required at this location.
25. It is proposed to retain 50 m² on the ground floor for community use and this is accepted by the Council as sufficient space to be viable. Given that the appeal site is surrounded by residential properties on a busy thoroughfare, it seems a reasonable proposition that a community use can be found.
26. I see no reason to justify curtailing this to a nursery. I have noted the Council's concern that public consultation was carried out on this basis, but I am satisfied that the intention of the application was that of an unspecified community use, with the nursery given as an example. For this reason, I do not consider that any party would be prejudiced by my consideration of the appeal on this basis.
27. A public house would have fallen under Use Class A4, which has become *sui generis* under the new provisions. However, in light of there not being a viable existing use to lose, it is reasonable that wider community uses are considered. The wide ranging list of these in the supporting text of Policy CI1 includes facilities in the new Use Classes C, E and F and, for this reason, I do not find that reference to these by the appellant undermines local policy.
28. For these reasons, I have not considered it to be necessary to confine the proposed community use to that of only a nursery. The description of development would enable the provision of a flexible community facility which would be acceptable in planning terms. I therefore conclude that the proposal would meet the requirements of Policy CI1, which protects community facilities.

Other matters

29. The Council states that the development would not be 'zero carbon' and therefore a payment into the Council's Carbon Offset fund would be required via a Unilateral Undertaking. As I am dismissing the appeal, it has not been necessary for me to consider this matter any further.

Conclusion

30. The proposal would be acceptable in respect of provision of community facilities, the effect on character and appearance of the area, and drainage. It would positively add 4 new dwellings to the supply of housing in the area. However, it has not been demonstrated that provision of bicycle parking is sufficient or maximised, nor that locations less vulnerable to flooding have been considered. These concerns outweigh the benefits of the scheme.
31. I conclude that the proposal would conflict with the local development plan when read as a whole. There are no other considerations that would lead me to determine other than in accordance with this and the appeal should therefore be dismissed.

B Davies

INSPECTOR