



Appeal Decision

Hearing Held on 20 July 2021 and 13 October 2021

Site visit made on 15 October 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 8th December 2021

Appeal Ref: APP/F5540/W/21/3273408
108A Hanover Avenue, Feltham TW13 4JP

- 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 and Mrs Ali against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00551/108A/P9, dated 20 April 2020, was refused by notice dated 19 October 2020.
 - The development proposed is the erection of a detached single storey two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Policies from the London Plan (2016) referred to by the Council in its suggested conditions have been superseded by policies from the London Plan (2021). Furthermore, a new National Planning Policy Framework (2021) (the Framework) has been published since the planning application was determined. In light of this, I have sought views from the main parties in writing on the relevance of the new London Plan and the revised Framework to the case.
3. When the hearing was opened on 20 July it came to light that the correct notification had not been carried out. In the circumstances I decided that there was consequently a significant risk that the interests of one or more interested parties would be prejudiced in the absence of such notification. Therefore I adjourned the hearing to 13 October in order to allow the correct notification to be carried out. At the resumed hearing the Council confirmed that this had taken place.
4. Immediately prior to the hearing the appellants requested that I accept drawing 356-EXT-01 of 28 September in my determination of the appeal. The plan shows additional areas of the proposed path as soft landscaping. It additionally includes measurements of the path to the proposed dwelling which did not appear on previous plans.
5. In considering whether to accept the amended drawing at the hearing I had regard to the "Wheatcroft Principles". The alterations are not substantial, and the development is not so changed that to accept the revised drawings would deprive those who should have been consulted of the opportunity of such consultation. Accordingly, I sought the views of the Council on the drawing at

the hearing and I have formally considered the additional drawing in my determination of the appeal.

6. The description of development in the heading above has been taken from the appeal form. Whilst this wording differs from that within the application form, the parties agreed at the hearing that it more accurately describes the proposed development. Thus, I have used the description from the appeal form.

Main Issues

7. The main issues are the effect of the proposed development on:
 - Highway Safety; and
 - The living conditions of future occupiers of the proposed development with regard to access for the deposit and collection of refuse and recycling.

Reasons

Highway Safety

8. The proposed property would be constructed on rear garden land associated with the host dwelling. Pedestrian access to the new property would be via a fenced path adjacent to the host dwelling's boundary. This would connect the rear of the new dwelling with a track which passes in front of the host dwelling and which runs between Hanover Avenue and Orchard Road. The path would additionally accommodate a timber refuse, recycling and delivery storage enclosure to serve the new dwelling, at the point where it met the track.
9. Vehicles parking in front of the host property via the existing track must either enter or exit in a reverse gear as a result of the lack of turning space. Reversing a vehicle is a manoeuvre which reduces the driver's ability to see pedestrians, cyclists or other vehicles whilst emerging. The track is in regular pedestrian use according to the evidence before me and my site visit observations. A previous appeal decision at the same site (Ref: APP/F5540/W/17/3181326) additionally supports my conclusions on these matters. There is consequently potential for conflict between these users and vehicles entering or exiting the host property via the track.
10. The current access from the host property onto the track provides drivers with limited visibility in either direction due to the presence of fencing and vegetation. The appeal fails to demonstrate that the proposed timber bin enclosure would not decrease the available visibility, as a result of its scale, with resulting harm to highway safety. There is minimal substantive contradictory evidence in this regard.
11. The delivery of larger items to the new property is likely to be impeded by the width and length of the new path. Therefore it is more likely that delivery of such items would be attempted via the existing track. There is additionally some potential for any delivery drivers unfamiliar with the delivery box arrangements to drive along the initial section of the track in search of the appeal property.
12. Both scenarios would necessitate reversing manoeuvres by potentially larger vehicles due to the layout of the track and the location of the new property. However, as set out above, such manoeuvres carry a greater risk than the use

of a forward gear. In view of the relatively narrow width of the track, its sharp bend and its regular pedestrian use, there is potential for conflict between pedestrians and any delivery vehicles using the track. Thus, even occasional use of the track for the delivery of larger items to the new property would be undesirable.

13. The appellants propose the installation of a traffic mirror on the track in order to improve visibility. However, even if this were possible on land within the appellants' control, the information provided to drivers by such a mirror would be of limited use when manoeuvring, and I do not consider that a mirror would form an acceptable solution to the issues identified.
14. As the harm identified above would not arise from vehicular parking within the appeal site, the potential for the imposition of a condition requiring garden planting in order to prevent this would not overcome my concerns.
15. As a result, the proposal would have an unacceptably harmful effect on highway safety. It consequently conflicts with Policy EC2 of the Hounslow Local Plan (2015) (the HLP), which sets out that development proposals should demonstrate that adverse impacts on the transport network are avoided.

Living conditions

16. The new path would be approximately 36 metres long, and would provide the means for occupiers of the development to transport waste and collect deliveries. The Council contends that the total distance would be approximately 40-55 metres depending on whether the starting point were the refuse and recycling area immediately to the rear of the new dwelling or the front door, and there is minimal substantive evidence to suggest otherwise.
17. Given the frequency and combination of collections, occupiers of the development would regularly need to transport waste containers along the path and back, including three boxes and a bin which must all be carried. The combination of the distance and frequency of such trips would result in regular inconvenience to occupiers of the new dwelling which would have an unacceptably harmful effect on their living conditions.
18. Furthermore, the Approved Document to Schedule 1, Part H of the Building Regulations (2000) states that residents should not be required to carry waste more than 30 metres. Thus, even if an acceptable path width, surfacing and lighting scheme could be achieved, the distance to carry waste would substantially exceed this guidance.
19. The proposal would consequently cause unacceptable harm to the living conditions of future occupiers of the proposed development with regard to access for the deposit and collection of refuse and recycling. As a result, it conflicts with Policy CC2(i) of the HLP, which states that developments should be easy to get to and through, and easy to navigate.

Other Matters

20. A unilateral undertaking which aims to secure contributions to carbon offsetting, construction training and employment initiatives in the event of a grant of permission has been submitted. However, as the appeal is to be dismissed on other substantive issues it is not necessary to consider it in detail, given that the proposal is unacceptable for other reasons.

21. The proposal was amended by the removal of any on-site parking prior to the Council's decision. The appeal confirms that the site would not include parking. Therefore the swept path diagram which seeks to demonstrate that a vehicle could enter and leave the site in a forward gear is of minimal relevance to my determination of the appeal.
22. The appellants provide a certificate of lawfulness (00551/108A/LAW3) relating to the existing use of the garden and garage associated with the host dwelling for the parking of domestic vehicles. The certificate does not cover any other use of the said piece of land. As the appeal relates to the use of the land for the construction of a different dwelling with no on-site parking, the certificate consequently does not provide support for the appeal proposal.
23. At the hearing the appellants proposed to amend the scheme to reduce the length of the path. Furthermore, a forecourt and parking plan within the Transport Statement shows the timber bin enclosure in a different position. Nevertheless, whilst I have accepted Plan 356-EXT-01 showing dimensions, the appeal process should not be used to evolve a scheme. It is important that what is considered in this decision is essentially what was considered by the local planning authority, and on which interested people's views were sought. Thus, I have not considered these two suggestions further.
24. Each proposal must be assessed on its own merits and hence the presence of similar accesses in the area does not provide justification for the effects on highway safety and living conditions which the proposal would cause.
25. It is submitted that construction of the proposed dwelling would contribute to the resolution of issues such as antisocial behaviour and rodent infestation. Nevertheless, there is no substantive evidence before me to suggest that the proposal would have any significant effect on such matters. Thus, I attach only minimal weight to the submission in determining the appeal.
26. I note the appellants' concerns regarding the Council's approach, however, these are not matters for this appeal, which I have determined on its planning merits.
27. I have had regard to other matters raised, including concerns about living conditions and the effect on utilities. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Planning Balance

28. The Government's objective is to significantly boost the supply of housing and the proposal would provide a modern home in a location with adequate access to services. Given the small scale of the proposal, the provision of the additional dwelling attracts modest weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
29. Conversely, the proposal would cause unacceptable harm to highway safety and the living conditions of future occupiers of the development. These matters attract significant weight and outweigh the benefits associated with the proposed development.

30. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

31. For the reasons outlined above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR

APPEARANCES

For the Appellants:

Mr and Mrs Ali Appellants

Mr Y Mwanza Agent

Mr C Veasey Agent

For the Local Planning Authority:

Ms A Aboud Senior Planning Officer

Mr C Coughlan Principal Transport Planner

DOCUMENTS

A Transport Statement by the Transport and Traffic Consultancy dated 19 July 2021 was handed to me as evidence during the hearing.