
Appeal Decisions

Hearing Held on 2 November 2021

Site visit made on 2 November 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22/12/2021

Appeal (P8) - Ref: APP/F5540/W/20/3255521

Land at Coach and Horses Public House, 684 London Road, TW3 1PG

- 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 Gurram Investments against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00707/684/P8, dated 13 December 2019, was refused by notice dated 9 April 2020.
 - The development proposed is demolition of existing public house. Construction of a building up to 10 storeys with D1, D2 space on the ground and basement and 67 residential units (22 x1b/2p, 38x2b/4p, 7x3b/4p) disabled parking, cycle parking and communal amenity space.
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Appeal (P9) - Ref: APP/F5540/W/20/3275289

Land at the Coach and Horses Public House, 684 London Road, TW3 1PG

- 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 Gurram Investments against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00707/684/P9, dated 27 August 2020, was refused by notice dated 1 April 2021.
 - The development proposed is the demolition of existing public house and erection of a building up to nine storeys with non-residential D1/D2 assembly and leisure space on ground and basement; 66 residential units (25 one-bedroom; 35 two bedroom; 6 three bedroom); disabled persons' parking; cycle parking and communal; and private amenity space.
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Decisions

Appeal (P8)

1. The appeal is dismissed.

Appeal (P9)

2. The appeal is dismissed.

Procedural Issues

3. It is apparent from the decision notices issued by the Council in respect of the two applications that they have been differentiated by referring to the earlier application (appeal ref: 3255521) as P8 and to the later application (ref 3275289) as P9. This way of referring to the applications was adopted at the

hearing and proved to be a convenient shorthand for differentiating between the two proposals. I therefore propose to adopt this method of differentiating between the two proposals in this decision.

4. Both appeals relate to the same site, but to different proposals. The applications to which the appeals relate were submitted to the Council approximately 8 months apart, with appeal P9 seeking to address the concerns the Council had with the P8 scheme.
5. Two undated and unsigned agreements in accordance with S106 of the Town and Country Planning Act 1990 were submitted the day before the hearing. I will deal with their compliance with the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 57 of the National Planning Policy Framework later in this decision, should I be minded to allow the appeals.
6. There were slight variations in wording between the description of development on the application form and on the notices of decision issued by the Council in respect of P8 and P9. It was agreed at the hearing that the description set out on the Council's notices of decision were acceptable.
7. After the hearing I received a series of amended plans which demonstrate how the proposals would provide affordable housing and accessible housing required by the Council. The amended plans do not materially change the plans upon which the Council made its decisions and were the subject of consultation. I therefore consider that the requirements shown in the amended plans could be dealt with by a conditions and through the S106 agreements should I be minded to allow the appeals.

Background and Main Issues

8. The applications to which the appeals relate were refused for different reasons. P8 was refused for matters that related to the adequacy of the provision of affordable housing, its effect on the character and appearance of the area, its effect on the living conditions of neighbouring residents and whether the occupants of the proposed flats would have acceptable living conditions. P9 was refused for matters that related its effect on the character and appearance of the area, its effect on the living conditions of neighbouring residents and whether the occupants of the proposed flats would have acceptable living conditions. In addition, the Council considered that P9 failed to provide an archaeological assessment and that it had not been demonstrated that safe vehicular access could be achieved.
9. Through the Statement of Common Ground (SoCG), submitted prior to the hearing, the matters related to the adequacy of affordable housing provided within the scheme (P8), the provision of an archaeological appraisal (P9) and the proposals impact on highway safety were resolved.
10. As a result, the main issues are common to both proposals and these are:
 - the effect of the proposals on the character and appearance of the area in terms of their siting and bulk in relation to the street, size, design, materials, and scale;
 - the effect of the proposals on the living conditions of the neighbouring residential occupiers; and

- whether the proposals would provide acceptable living conditions for the occupiers of the flats.

Reasons

Character and appearance

11. The appeal site lies just outside the town centre of Hounslow. Its immediate area is characterised by low to medium rise development. This consists of mid to late 20th century housing, a recent flat block, and some commercial development in older two storey buildings. Along London Road, both towards Hounslow town centre and to the east, are examples of more recent tall buildings.
12. Towards the town centre is a tall building referred to as 'Aces Court' which has commercial uses on the ground floor and residential accommodation above. Aces Court has a wide pavement in front of it separating it from the road. Some way to the east lie 'Silchester Apartments' and 'West Gate House'. These are modern residential blocks.
13. Silchester Apartments has flats on the ground floor and is split into two blocks by a wide street which is also used for parking. The ground floor flats have small front gardens and there is landscaping between these and the pavement. The pavement in front of Silchester Apartments varies in width from around 3m to 5m. It therefore achieves around 6m to 8m separation between the back edge of the pavement and the buildings.
14. Westgate House appears to be a less recent block and appears to be set behind mature street trees thereby reducing its impact on the street scene and the public realm.

Character and appearance – P8

15. The P8 proposal is 10 storeys in height overall and, amongst other things, incorporates a set back to the front elevation to the west side so as to accommodate a small piazza. It also reduces in height from west to east. Despite this the south elevation is forward of the small terrace to the west. The remaining part of the south elevation is in front of the majority of the elevation of 666 London Road (Tudor Court). This would make the building prominent in the street scene and would result in a tall building rising from close to the pavement and London Road.
16. The relationship of the P8 building with the street is key to its acceptability in this location. Unlike other tall buildings along this part of London Road there is very little transition between the proposed building and the public areas (pavement and road) to its front. At this point the footpath is approximately 2m in width and the piazza and proposed public realm within the appeal site would add approximately 3m to the east and around 6m to 7m in the west, where it is proposed to locate the piazza. This would give a public realm in front of the building which would range from approximately 4.5m in the east to around approximately 7m to 9m in the west. Given the relatively narrow frontage of the appeal site, the area of public realm in front of the proposed building would be limited.
17. Other tall buildings in the locality have either a much more significant extent of public realm/footpath in front of them, Aces House for example (about 11m), or

provide a transition from the public realm to the front of the building with landscaping and/or the use of private space (Silchester Apartments).

18. In the example of Silchester Apartments the public realm/footpath starts at the eastern side of the development at around 3m in width and is backed by landscaping and private amenity space for the ground floor flats (around 7m to 8m in width at this point). This continues for the whole width of the building. This has the effect of pushing the tall building even further away from the road and reducing its dominance in this part of the street. In the west the pavement widens to around 5m, enough to accommodate a bus shelter, whilst retaining landscaping in front of the building. Moreover, the whole development is split into two blocks divided by a relatively wide road that is used for parking. This further assists in reducing its bulk and its dominance in the locality.
19. One further example was put before me and that is of Westgate House. Whilst I accept the Council's point that this is an older scheme and might not comply with current policy requirements, it is clear that it is set back from the road and its bulk and massing is to a certain extent mitigated by street trees.
20. I heard evidence at the hearing that the Council had concerns about the 'human scale' of the development in relation to the street and the public realm and how the appeal proposal in this respect did not comply with the 10 characteristics of well-designed spaces set out in the National Design Guide. The specific characteristics referred to were movement, identity, public space, and nature.
21. Specifically, there is some conflict between the proposed P8 scheme and the characteristic that defines identity. It is apparent that the identity of London Road in this location is defined as much by the spaces in front of the buildings as the buildings themselves, these being of mixed styles, ages, and heights.
22. A key characteristic of this part of London Road is the width of the pavement along the majority of the north side of the road and the set back of the buildings from the pavement. This is demonstrated in the siting of the existing public house on the appeal site which has a large terrace in front of it between the building and the pavement. The wide pavements where they occur and the open space in front of the buildings contribute significantly to the area's identity. The appeal proposal would not retain the extent of open space in front of the building (between the buildings and the road) in this location and consequently would not respect a key feature of its identity.
23. In terms of the overall height of the building whilst there is no 'in principle' objection to tall buildings in this part of London Road a tall building still needs to respect the overall character and appearance of the area. In this respect the appeal proposal, by creating a tall building in close proximity to the edge of the highway, would not respect the prevailing character and appearance of the area as it would create a dominant and overbearing relationship between it and the street. This impact is amplified by the lack of the so-called sky gaps/views through the building which were referred to at the hearing.
24. I acknowledge that the building itself would provide interest along this part of London Road and act as a landmark in the locality. Other aspects such as the intention to create winter gardens on the upper floors could add interest over a 24-hour period. However, it is the building's relationship with the street and the very restricted amount of space between the building and the street, notwithstanding the provision of the small piazza, means that it would have an

overbearing and dominant effect on this part of London Road which would therefore harm the character and appearance of the area.

25. The development plan for the area is comprised of the London Borough of Hounslow Local Plan 2015 – 2030 (HLP) and the London Plan 2021 (LP21). In terms of character and appearance the relevant policies are CC1, CC2, CC3 and SC4 of the HLP and D3 of the LP21.
26. Policy CC1 expects proposals, amongst other things, to respond to their wider context and urban structure and form. In view of the closer proximity to the highway than other similar buildings in the area it would have a dominant and overbearing effect on the street scene in this location. Consequently, it would be in conflict with this policy.
27. Policy CC2, amongst other things, looks at the impact of proposals on the amenity of visitors and passers-by. The appeal proposal would harm the experience of visitors and passers-by through its mass and bulk in relation to the footpath, it would also have the effect of closing down longer views to the east along London Road. Therefore, the proposal would be in conflict with this policy.
28. Policy CC3 deals with tall buildings. In view of the buildings positioning within the site and its relationship to the pavement and the road, set out above, it does not respond carefully to the character of the surrounding area. Neither does it present a careful transition between the road and the building. Therefore, its height would represent a dominant and overbearing feature in the area. It is therefore in conflict with this policy.
29. Policy SC4 seeks to strike a balance between ensuring that efficient use is made of land, whilst ensuring that development responds to and reflects local context and character. The proposed building does not do this as it does not reflect the relationship of the built form to the proximity of the public spaces in front of it. For the reasons set out above the proposal is in conflict with this policy.
30. Policy D3 of the LP21 seeks to ensure that all developments are design led to make the best use of land and optimise the capacity of the site. In this case the layout of the building on the site means that it is too close to the road in order to properly reflect the provision of space in front of buildings in the locality. This results in the building being a dominant and overbearing feature in the street scene. As a consequence, the proposal is in conflict with this policy.
31. Consequently, for the reasons given above, I find that the P8 proposal would have an adverse effect on the character and appearance of the area in terms of its siting and bulk in relation to the street, its size, and scale. It would therefore be in conflict with the development plan as set out above.

Character and appearance - P9

32. The P9 scheme removes the small piazza, reduces the overall height of the building by 1 storey and creates more or less symmetrical step downs on each side of the building (the step down on the east side is one floor lower than that on the west). The overall effect of these changes is to create a building with a different character to P8, but with the overall footprint move nearer London Road.

33. The effect of these changes might reduce the impact it has on buildings to the rear (I will address this matter later). However, it increases the impact it has on the footpath to the front of the site and to London Road itself by moving tall elements closer to the pavement and the road. On the western side of the site the elevation would be significantly further in front of the 2-storey buildings to the west than P8. On the eastern side the building would remain in front of the principal building line created by Tudor Court¹.
34. The space between the back edge of the pavement and the building would be approximately between 5m to 6m across the front of the site. This is less than the separation of Tudor Court and significantly less than the separation between the buildings to the west and the edge of the pavement. Moreover, it is significantly less than the space between the edge of the pavement and the other tall buildings on the side of the London Road closest to the appeal site. This includes Aces Court where the separation is around 11m and Silchester Apartments where the separation ranges from around 10m to 15m (including the pavement and the private space in front of the building).
35. As a consequence of the buildings' close proximity to the back edge of the pavement, its overall height, and the lack of sky gaps/views through the building to break up its bulk and massing the P9 scheme would still appear as a dominant and overbearing feature in this location.
36. The policies of the development plan, as referred to above, whilst not discouraging tall buildings along this part of London Road do expect proposals to respond to their wider context and urban structure and form (Policy CC1), have regard to the impact of proposals on the amenity of visitors and passers-by (CC2) and, in specifically in relation to tall buildings to be sensitively located and carefully respond to the character of the surrounding area (CC3). The appeal proposal P9 fails to do this as it would be closer to the road than other tall buildings in the locality. This would result in an overbearing and dominant relationship between the building, the pavement, and the road.
37. Moreover, it would not provide any transitional elements, such as planting or landscaping between the front of the building and the edge of the pavement. I acknowledge that within this scheme some opportunity for planting has been made at the eastern side of the building. However, this is under the principal elevation of the building and it is this elevation that would be perceived as the front edge of the building when viewed from London Road and not the planting. Consequently, I do not consider that the inclusion of this planting mitigates the dominant and overbearing relationship the building would have in the street scene.
38. As a result, and for the reasons given above, proposal P9 is in conflict with the development plan in that it would not respond to its wider context nor would it have regard to the impact of the proposals on the amenity of visitors and passers-by. This is due to its relationship to the road and the proposal to site the building significantly in front of the adjacent and lower buildings.

¹ Note there is a small single storey porch in front of the pedestrian access to 666 London Road which is in line with the front elevation of both P8 and P9.

Effect on the living conditions of the occupiers of neighbouring properties

P8 - overlooking

39. The residential blocks that would be potentially most effected by overlooking would be the existing flats at Dominion Close to the rear and Tudor Court to the east.
40. Dominion Close would be overlooked by bathroom windows on the first, second and third floor of the element which would be closest to the boundary. However, these windows would be obscure glazed, and a condition could be used to ensure that they were fixed shut and the bathroom ventilated mechanically. Other windows in the elevations of the appeal proposal facing towards Dominion Close would be too far away from the flats and the boundary of the appeal site to cause any unreasonable loss of privacy due to overlooking. Therefore, in terms of the appeal proposals effect on the privacy of the occupiers of Dominion Court this would not be unacceptably harmed.
41. In terms of Tudor Court, the east elevation of the proposed block would cause the rear projection of the part of Tudor Court nearest to the appeal site to lose privacy due to overlooking. Of particular concern are the proposed windows at first, second and third floor levels serving the lounges to flats 1.04 and the balconies of these flats and flat 1.05 as these look directly at the rear projection of Tudor Court. The balcony and bedroom window serving flat 1.03 is of lesser concern as this looks on to a car park.
42. I note that it was stated at the hearing that the distance between these windows and those in the rear projection of Tudor Court was around 16m although this appeared to be disputed. However, given the distance between facing windows, the height of the proposed block and the number of windows facing towards this part of Tudor Court, I consider that the appeal proposal would lead to an unacceptable loss of privacy. As a consequence, it would harm the living conditions of the occupants.

P8 – loss of outlook

43. To the rear of the proposed scheme a 4-storey element would be close to the boundary of the flats on Dominion Close. The flats on Dominion Close are themselves close to the boundary of the appeal site. Consequently, the occupiers of at least some of the flats on Dominion Close would suffer a loss of outlook due to the proximity of the 4-storey element to the rear boundary of the site. The height of the proposed 4-storey element and its proximity to the boundary would therefore harm the living conditions of the occupiers of a number of the flats in Dominion Close.

P8– loss of daylight/sunlight

44. The proposed scheme would be significantly taller than the buildings that surround the site. It would be located on the south side of the flat blocks at Dominion Close and to the west side of the residential blocks at Tudor Court. Therefore, given the location, height, and bulk of the building it would have the potential to restrict the daylight/sunlight the flats in Dominion Close and Tudor Court would receive. This is confirmed in the evidence submitted with the planning application and the appeal.

45. It is not unusual for sites in London to be affected by a loss of daylight/sunlight. Moreover, the guidance used by the appellant to assess the loss of sunlight/daylight on surrounding residential properties is meant to be used flexibly and in conjunction with other factors when assessing the acceptability of proposals. However, the loss of daylight/sunlight to the occupiers of the flats at Dominion Close is significant, especially when the factor around loss of outlook is also considered. I therefore find that the proposal would harm the living conditions of the occupants of the flats at Dominion Close through a reduction in the amount of daylight/sunlight they would receive.

P8 - living conditions – neighbouring occupiers – conclusions

46. I understand that in London there is a need to apply standards relating to overlooking, loss of outlook and sunlight/daylight flexibly in order to optimise the use of land. However, it is also important that this flexibility does not unacceptably harm the living conditions of the adjacent residential occupiers.
47. This approach is set out in the Framework at paragraph 130 where the need to optimise the potential of sites to accommodate an appropriate amount of development is referred to. This is reflected in Policies D3, D4 and D6 of the LP21 which all seek to deliver good design, optimise the use of sites, and provide housing of a high standard. Moreover, the policies also recognise that in doing this proposals for development need to provide sufficient daylight and sunlight to surrounding housing (Policy D6) and deliver appropriate outlook, privacy, and amenity. The approach therefore of the policies of both the Framework and the LP21 is to optimise development having regard to factors such as daylight/sunlight, privacy, and outlook and not simply to maximise development on a site.
48. The HLP is consistent with this approach with Policies SC4, CC1 and CC2 all seeking to strike a balance between making efficient use of land (optimising the development of a site) and protecting the living conditions of existing residents in terms of providing adequate outlook, minimise overbearingness and ensure sufficient sunlight and daylight to adjoining dwellings.
49. I have found that the appeal proposal would harm the living conditions of the adjacent residential occupiers at Dominion Close and Tudor Court. This is because it would result in an unacceptable loss of outlook and sunlight/daylight, create an overbearing relationship between the 4-storey element and the flats at Tudor Court and, notwithstanding the proposed changes to the window and balcony details to the eastern elevation, would harm the privacy of the residents of Tudor Court. Consequently, the proposal would be in conflict with the policies of the development plan referred to above.

P9– overlooking/loss of outlook/sunlight/daylight

50. The P9 proposal is set further forward on the site and therefore has less of an effect on the outlook and sunlight/daylight of the flats at Dominion Close. Therefore whilst 11 windows in Dominion Close would fall below the 27% vertical sky component (VSC) and are less than 0.8 times their former value all the windows retain 23% of their VSC and do not fall below 0.69 of their former value. I consider that in terms of the flexibility allowed for in the guidance that this loss of VSC would be acceptable.

51. However, the rear projection of Tudor Court is more significantly affected by the loss of the VSC and a significant reduction in the former value. All of the windows in this projection facing towards the proposed building would have a VSC value of significantly below 27% and would suffer a considerable reduction in their current VSC value as a result of the proposed building.
52. Consequently, I find that the appeal proposal would unacceptably harm the living conditions due to loss of outlook and daylight to the occupiers of the rear projection of Tudor Court and therefore be in conflict with Policies D3, D4 and D6 of the LP2021 and SC4, CC1 and CC2 of the HLP.

P8 Effect on the living condition of the occupiers of the proposed flats

53. The main issues with the living conditions amounts to the usability of the communal open space in that it is fragmented across 6 different areas and the ground floor space has stepped access which would make it difficult for people with mobility problems to use. Additionally, some of the flats would suffer from poor outlook and inadequate light levels due to window sizes and positions and 18 would not comply with the standard for private external amenity space set out in the development plan. It has been demonstrated by the appellant, to the satisfaction of the Council, that the appeal proposal could comply with the accessibility standards required by the Building Regulations.
55. I consider that it is an advantage for the development to have external open space located at various points around the development as this would mean that residents would have external open space in reasonable proximity to their flats. The ground floor external space, as well as including some peripheral landscaping, does have an adequate amount of useable open space for the residents. Moreover, whilst the plans upon which the Council made its decision show some of this area accessed by steps, a condition could be imposed requiring further details to be submitted to show access could be made to the open space without the need for steps.
56. In terms of the suitability of some of the windows to provide adequate daylight and outlook, these are 2-bedroom windows serving the flats in the rear 4-storey block nearest Dominion Close and the ground floor windows serving a bedroom and a living room in flats G.04 and G.05.
57. With regard to the 4 flats in the rear 4-storey block the windows affected are those that serve bedrooms 2 and 3. Both windows would be narrow and full length (although it is difficult to tell from the plans whether this is the case with the window serving bedroom 3 and I am relying on evidence presented at the hearing).
58. The window serving bedroom 3 is almost entirely obscured by the projection which contains the window serving bedroom 2. This would not only give this bedroom a poor outlook but would severely restrict the amount of direct sunlight and daylight it would receive.
59. Bedroom 2 whilst having a better outlook than Bedroom 3 would also suffer from poor daylight and sunlight as the proposed window would be located in a projection in the corner of the room. Whilst Bedroom 2 might receive direct sunlight in the evening, as it faces west, at other times of the day direct sunlight would be severely restricted.

60. In terms of ground floor flats G.04 and G.05 these would have living and bedroom windows facing on to the boundary of the site. G.04 in particular would have a poor outlook with both windows being around 1.5 metres from the perimeter fence/wall. G.05 would have a marginally better outlook as the windows would be around 5/6 metres from the perimeter fence/wall. However, overall, the occupants of the two flats would have living conditions which would be below the standard required.
61. Finally, it is clear that 18 of the proposed flats would not have private external amenity space which would be above 5 square metres as required by the policy and some of this space would have a poor outlook due to the need for privacy screens.
62. The policies relevant to this matter are those D3, D6 of the LP21 and SC3, SC4 and SC5 of the HLP. All the policies seek to encourage high quality development and apply minimum standards in terms the provision of adequate outlook, daylight/sunlight, and external amenity space. I have outlined above that whilst the provision of communal amenity space within the appeal proposal is adequate, 18 flats are below the standard required for private amenity space, and some of the flats provide poor access to sunlight/daylight and would offer a poor outlook for residents. In these respects, I find that the appeal proposal would be in conflict with these policies of the development plan.

P9

61. The primary matters at issue are the fragmentation and usability of the proposed external communal areas and the access to sunlight/daylight of the area proposed on the 4th floor, the access to daylight/sunlight for the whole building and in particular flats 1.10, 2.10, 3.10, 4.80 and 5.08 and the outlook of ground floor flat G.03.
62. As with the P8 proposal the proposed external open space is split between various locations across the scheme. In terms of the quantum of communal space to be provided this exceeds the standard set out by the Council. However, certain areas of the communal open space would be overshadowed by the proposed building and therefore these areas would not receive the same amount of sunlight/daylight. This is the case for the ground floor areas to the north west of the building and the space located on the 4th floor. I consider that given the over provision of open space against the standard required by the Council (1809sqm provided against a standard required of 1400sqm) that the open space provided is acceptable. This is because occupants would be able to locate areas of open space which would have full sunlight/daylight at most times of the day and even the areas the Council identifies as being deficient in daylight/sunlight would not be in shadow for all of the day.
63. With regard to the fragmentation of the space I consider this to be beneficial for the residents as it is likely that they would have an area of open space closer to their flat than if the space were located all in one area, such as the ground floor. Finally, the access to the ground floor terrace by steps was referred to by the Council. I consider that the accessibility of the ground floor open space can be dealt with through the use of an appropriate condition should I be minded to allow the appeal.
64. It is clear that the proposed block does not meet the Building Research Establishment Guidelines with regard to sunlight and daylight. Specifically, this

deficiency appears to relate to flats 1.10, 2.10, 3.10, 4.80 and 5.08. These flats are single aspect, appear to face approximately north/northwest and are recessed into the main building. They would appear to receive minimal direct sunlight and would be overshadowed at certain times of the day by the rear projection of the building which would mean that their daylight would be restricted. As a result, I consider that the living conditions of the potential occupiers of these flats would be harmed due to the lack of direct sunlight and the restriction in day light at certain times of the day.

65. Finally ground floor flat G.03 would have a bedroom which would be within 1.6m of the perimeter wall or fence which would mean that it would have a poor outlook. Whilst I can appreciate why this would be so, it is only one bedroom window in this case, and it is full size. The rest of the windows serving the flat would not have a restricted outlook. Consequently, I do not consider that the poor outlook from this window would unduly harm the living conditions of the potential occupiers of the flat.
66. The policies relevant to this matter are those D3, D6 of the LP2021 and SC3, SC4 and SC5 of the HLP. All the policies seek to encourage high quality development and apply minimum standards in terms of the provision of adequate outlook, daylight/sunlight, and external amenity space. I consider the private and communal amenity space proposed to be provided within the development to be acceptable and in compliance with the relevant policies of the development plan. However, the lack of sunlight/daylight to the specific flats referred to above and the harm this would cause to the living conditions of the residents means that overall, the proposal is in conflict with these policies of the development plan.

Other matters

67. The appellant has argued that both schemes would be highly accessible having a Public Transport Accessibility Level (PTAL) of 6a meaning that it is located in a highly accessible location. However, whilst the policies of the development plan encourage the intensification of uses in areas such as this Policy SC4 also states that all other planning policies should be fully satisfied.
68. I have set out above how the proposal conflicts with other policies of the development plan. Therefore, the accessibility provisions of Policy SC4 alone cannot make the development acceptable.
69. The appellant has made reference to other proposals which have been approved in the locality which do not comply with the relevant Building Research Establishment guidance with regard to sunlight/daylight and other factors that relate to living conditions. I have had regard to these proposals, however without full details it is difficult to make direct comparisons between different proposals on different sites. In any case I am required to make this decision on the basis of the specific characteristics of this proposal in relation to its location.

Planning Balance

70. The proposal would assist in boosting the housing supply in Hounslow and make a contribution to affordable housing need. Aspects of the development such as the proposed 'winter garden' in P8 and the form of both proposals would make them stand out in the locality and the proposed landscaping is

capable of being finished to a high standard. Moreover, the development would make use of an underused site. In combination the benefits of the proposal attract significant weight.

71. In terms of character and appearance the relevant policies are CC1, CC2, CC3 and SC4 of the HLP and D3 of the LP21. I find that the proposals are in conflict with these policies of the development plan, for the reasons set out above. As a consequence, they would both harm the character and appearance of the area. I give substantial weight to this harm in this decision.
72. In terms of both of the proposals I find that they would harm the living conditions of the neighbouring residential occupiers. The proposals would therefore be in conflict Policies D3, D4 and D6 of the LP21 and SC4, CC1 and CC2 of the HLP. Both developments would lead to overlooking, loss of outlook and over shadowing of neighbouring dwellings which would harm the living conditions of the occupants for the reasons given above. I give substantial weight to this harm.
73. I find that the proposals would harm the living conditions of the potential occupiers of the proposed flats due to inadequate daylight/sunlight and outlook which would be experienced in certain flats in both schemes, as outlined above. This would be in conflict with Policies D3 and D6 of the LP21 and Policies SC3, SC4 and SC5 of the HLP. I give significant weight to this harm in this decision.
74. Therefore, and in accordance with the provisions of Section 38(6) of the Town and Country Planning Act 2004 in the absence of any other material considerations which would outweigh the policies of the development plan the appeals should be determined in accordance with the development plan.

Conclusion

78. I therefore dismiss the appeals.

Peter Mark Sturgess

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Joe Cunnane	Cunnane Town Planning
John Muir	Architect – 4D Studio
Mark Lyle	4D Studio
Rosie Muir	4D Studio
Venkat Pabbath	Gurram Investments
Shankar Devarashetty	Gurram Investments
George Jones	Erban Consulting
James Brown	

FOR THE COUNCIL:

Leo Hall	Hounslow Council, Planning
Walid Omeir	Hounslow Council, Planning
Abigail Mason-Thompson	Hounslow Council, Planning
Rupinder Dhoot	Hounslow Council, Planning

INTERESTED PERSON

Gideon Keren	Local Resident
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DOCUMENTS SUBMITTED AFTER THE HEARING

1. Policy CC3 Hounslow Local Plan (tall buildings)
2. Policy D9 London Plan 2021 (tall buildings)
3. Additional suggested condition related to wheelchair accessible units (P9)
4. Architects' presentation from the hearing
5. Email accepting the imposition of pre-commencement condition 3 on P8 and P9
6. Formal comments from the Housing and Occupational Therapy Team
7. Schedule of flats
8. Revised plans 4D_1843_PL102 Rev K
9. Revised plans 4D_1843_PL109 Rev L
10. Revised plans 4D_1843_PL100-110 Rev L
11. Revised plans 4D_1843_103.1 Rev K
12. Revised plans 4D_1843_103.2 Rev K

- 13.Revised plans 4D_1843_103.3 Rev K
- 14.Revised plans 4D_1843_104 Rev k
- 15.Revised plans 4D_1843_105 Rev K
- 16.Revised plans 4D_1843_106 Rev K
- 17.Revised plans 4D_1843_107 Rev K
- 18.Revised plans 4D_1843_108 Rev K
- 19.Revised plans 4D_1843_109 Rev K
- 20.4D_1843_PL_100 Rev K
- 21.4D_1843_PL_101 Rev J
- 22.4D_1843_PL_102 Rev L
- 23.4D_1843_PL_103.1 Rev L
- 24.4D_1843_PL_103.2 Rev L
- 25.4D_1843_PL_103.3 Rev L
- 26.4D_1843_PL_104 Rev L
- 27.4D_1843_PL_105 Rev L
- 28.4D_1843_PL_106 Rev L
- 29.4D_1843_PL_107 Rev L
- 30.4D_1843_PL_108 Rev K
- 31.4D_1843_PL_109 Rev K
- 32.4D_1843_PL_110 Rev D