
Appeal Decision

Site visit made on 17 December 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2022

Appeal Ref: APP/F5540/D/21/3283991

65 Silver Crescent, LONDON, W4 5SF

- 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. Tjeng-Hoe Lim against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01021/65/P5, dated 14 May 2021, was refused by notice dated 27 August 2021.
 - The development proposed is the erection of a first-floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed extension on:
 - the character and appearance of the Thorney Hedge Conservation Area, and
 - the living conditions of the occupiers of the host property and neighbouring dwellings by way of light and outlook.

Reasons

3. No 65 is a two-storey, mid-terraced house situated on the western side of Silver Crescent and towards the northern end of the road, close to its junction with Thorney Hedge Road. In common with many other houses along the road in the vicinity, it has a large loft conversion with front and rear dormers. It also has a deep, full-width single-storey rear extension at a lower ground level than that of the main house. At this point the roads converge such that the properties in the vicinity are in close proximity to one another at the rear, and the remaining rear garden of the appeal property is very small. Silver Crescent and Thorney Hedge Road lie within the Thorney Hedge Conservation Area (CA).
4. The proposed first-floor extension would replace an existing small rear outrigger which is around 3.5 metres wide and a little under 2 metres deep, and which currently houses a bathroom. Because of the topography of the site, this bathroom effectively occupies something of a mezzanine-floor position. The proposed extension would replace the existing outrigger and would project out from the main rear elevation of the house by around 4.5 metres. It would occupy the full width of the house above the existing ground-floor extension. The southern portion of the extension would have a mono-

pitch roof sloping up to the boundary with the neighbouring No 63, while the northern portion would have a flat roof. The northern portion, around 2 metres wide, would have a depth of only some 2.5 metres, thereby leaving an open 'lightwell' area between its rear elevation and the main rear elevation of the house, which currently includes a bedroom window at first-floor level.

5. Policy CC1 of the Council's Local Plan (LP) indicates that new development should respond to any local architectural vernacular that contributes to an area's character. Policy CC2 indicates that development proposals should respond meaningfully and sensitively to the site, its characteristics and constraints, and the layout, grain, massing and height of surrounding buildings, and should provide adequate outlook, minimise overbearingness and overshadowing, and ensure sufficient sunlight and daylight to proposed and adjoining/adjacent dwellings. Policy CC4 of the LP relates to heritage issues and indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will need to be outweighed by the public benefits of the proposal.
6. Policy SC7 of the LP indicates that residential extensions should complement the original building and harmonise with adjoining properties, and should minimise harm to neighbouring residents, for example by way of loss of light or outlook, and to future occupants.
7. The Council's Residential Extensions Guide Supplementary Planning Document (SPD) indicates that, in conservation areas, new extensions should never dominate in terms of bulk, scale or design. Furthermore, the acceptable scale of a two-storey rear extension will largely be dictated by the need to protect neighbouring properties from loss of light and outlook. It continues by indicating that the width of a first-floor rear extension should be no greater than half the width of the original house, and the depth should not project more than 2.5 metres beyond the rear wall of the house, while the first-floor section of a proposal should be set a minimum of 2 metres from the original side wall of a neighbouring property to avoid loss of light or enclosure.
8. The Council contends that the proposed side projection to the first-floor extension to the house would, by reason of its size, appearance and failure to preserve symmetry between the host property and its adjoining neighbours be an incongruous feature to the house, which would be harmful to the character and appearance of the property and the surrounding CA.
9. The appellant contends that there is much variety in the rear elevations of the properties in the terrace of which the appeal property forms part and that, in particular, Nos. 59 and 61 Silver Crescent have substantial two-storey rear outriggers. Moreover, the proposed extension would not be readily visible from public views, while its detailed design and scale would relate well to the host property and the established development pattern of the surrounding area, such that it would not harm the character and appearance of the CA.
10. The appellant also notes that a smaller first-floor rear extension, which would also have unbalanced the symmetry of the rear elevations of Nos 65 and 63, has already recently been approved on appeal, and that the current proposal would represent only a minor addition to this.

Character and appearance

11. I accept that the existence of the recent appeal decision represents a realistic fall-back scenario. In his decision notice the previous inspector concludes that there is no substantive visibility of the rear elevation of No 65 or its neighbours from public vantage points, and that the proposal would, in form and materials, reflect a traditional outrigger. He continued that it would represent a modest addition in respect of floorspace and bulk relative to the host property and in absolute terms, and be set-in some distance from the common boundary with No 67. I concur with this analysis.
12. However, in this case, the proposed extension would extend across the full width of the house and would not be set in from the boundary with No 67. All other outriggers along the road would appear to be of limited width and set in from one of the boundaries with a neighbouring house. The current proposal would, therefore, appear significantly uncharacteristic of the surrounding area. Moreover, the northern portion of the extension, which represents a side projection to the previously permitted scheme, would have a flat roof, at a lower level than the eaves of the mono-pitched element, and would have an incongruous 'lightwell' set behind it.
13. The previous inspector also concluded that, given the modest scale of the proposal, the variation in the area, and the lack of prominence of the proposal, the loss of symmetry that would result from the proposal would not be significant, and that the scheme would not inherently prevent a symmetrical extension coming forward separately over time. Again, I agree with this conclusion in the context of the earlier scheme, which had the nature of a limited-width outrigger with a mono-pitch roof that matched the scale and basic design of similar outriggers further south along the road. This would not be the case with the current proposal at No 65, which would be full-width and of a somewhat contrived and incongruous overall design, harmful to the character and appearance of the host property and the wider surrounding area.
14. Whilst every proposal must be assessed on its own merits, to allow this development could encourage the submission of further similar proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to the character of the area.
15. In conclusion on this issue, I find that the proposal would be harmful to the character and appearance of the CA, albeit that harm would be less than substantial. While the scheme would be likely to result in benefits to the appellant and his family, there would be no public benefits to outweigh this harm, as required by paragraph 202 of the National Planning Policy Framework and by Policy CC4 of the LP. The proposal would also conflict with Policies CC1, CC2, and SC7 of the LP, and with guidance in the SPD.

Living conditions

16. Whilst the Council's decision notice does not specifically mention living conditions, the officer's report notes that the proposed first-floor side projection to that of the previously approved scheme would extend up to the boundary with No 67, and that this may have some harm to the amenities of this neighbour by a sense of overbearing development and some loss of light and outlook. The report concludes that it is not considered that it would be sufficiently detrimental to merit refusal on the basis of harm to this neighbour.

17. I concur with the above general assessment, but nevertheless there would be some harm. By virtue of the limited proposed height of the flat-roof element of the proposal it would appear that there would be little adverse impact on light received by the nearest rear first-floor window at No 67. However, the scale and position of the flat-roof element, and in particular its projection up to the boundary with No 67, would result in some detriment to outlook and an increased sense of enclosure, especially given the limited depth of the rear gardens and consequent proximity of the properties along Thorney Hedge Road to the rear of those on this part of Silver Crescent.
18. On this issue, I find that the harm to living conditions by way of outlook would be slight, but it would add to the harm to the character and appearance of the CA, as outlined above. There would be some conflict with Policy SC7 of the LP and with guidance in the SPD.

Other Matters

19. The appellant has provided medical evidence to support his need for accessible bathroom facilities, and I have a great deal of sympathy with his situation. However, I do not consider that the solution as suggested by this current proposal is the only option available. Furthermore, it would appear, from the evidence before me, that the limitations on possible mezzanine/first-floor space available at the rear of the property could mean that the proposed flat-roofed side element would have a very limited internal height, and could potentially have too small an internal floor area to provide an adequate wheelchair accessible bathroom facility. This adds to my concerns that the proposal represents a somewhat contrived, cramped and incongruous design solution.
20. The existing ground floor kitchen extension currently has a rooflight towards the northern end which provides secondary light to part of the kitchen area and also, apparently, secondary light to an internal window serving the rear of the reception room in the main house. This rooflight would be lost if built over by the proposed extension. I have some concerns that this may have a detrimental effect on the light received by the existing ground floor rooms of the host property, though I have insufficient data to conclude on this matter.

Conclusion

21. In conclusion, I find that the proposed extension would be harmful to the character and appearance of the CA and that, although this harm would be less than substantial to its significance, there would be no public benefits to outweigh the harm. Moreover, there would be some limited harm to the living conditions of the occupiers of the host property and the neighbouring No 67 by way of outlook and sense of enclosure. This adds to the harm to appearance and character of the property and the surrounding area. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR