
Appeal Decision

Site visit made on 1 February 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/F5540/W/21/3276707

10 Stile Hall Parade, Chiswick High Road, Chiswick, London W4 3AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Willesden Lane Properties Limited against the decision of London Borough of Hounslow.
- The application Ref 01073/10/P8, dated 4 December 2020, was refused by notice dated 1 April 2021.
- The application sought planning permission for Variation of condition 3 (approved plans) to extend the lower ground floor, make internal alterations at all levels and minor external alterations to the fenestration and roof additions, and change the overall accommodation mix to planning permission 01073/10/P5 approved 28/08/19 for the erection of first and second floor rear extensions with balustrades to rear, a roof extension with roof window to front elevation, to create a retail shop at ground floor level with five self-contained flats above without complying with a condition attached to planning permission Ref 01073/10/P7, dated 19 June 2020.
- The condition in dispute is No 3 which states that:

The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted (490-A-31(A), 490-A-32, 490-A-33(C), 490-A-34(C), 490-A-35(C), 490-A-36 and 490-A-37, received 16/06/2020, Daylight and Sunlight Assessment received 11/03/2020 and 413-SHP-100, 413-SHP-101, 413-SHP-102, Existing Plans only (413-SHP-103, 413-SHP-104, 413-SHP-105, 413-SHP-106, 413-SHP-107), 413-SHP-109, 413-SHP-111, 413-SHP-113, 413-SHP-115, 413-SHP-117, 413-SHP-119 and 413-SHP-121, received 16/05/2019) therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.

- The reason given for the condition is:

To ensure the development is carried out in accordance with the planning permission.

Decision

1. The appeal is allowed and planning permission is granted for the Variation of condition 3 (drawing numbers) to allow retrospectively for the retention of a larger second floor projection to the rear of the property, a modification to the 3rd floor roof terrace and changes to the upper fenestration on the south western facade following planning permission 01073/10/P7 dated 19/06/2020 for variation of condition 3 (approved plans) to extend the lower ground floor, make internal alterations at all levels and minor external alterations to the

fenestration and roof additions, and change the overall accommodation mix to planning permission 01073/10/P5 approved 28/08/19 for the erection of first and second floor rear extensions with balustrades to rear, a roof extension with roof window to front elevation, to create a retail shop at ground floor level with five self-contained flats above at 10 Stile Hall Parade, Chiswick High Road, London, W4 3AG in accordance with the terms of the application, Ref 01073/10/P8, dated 4 December 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The appellant has submitted a revised layout for the ground floor flat (Flat 1) with the appeal. The Council has had the opportunity to comment on this and I consider that there would be no injustice to any party in considering this amendment as part of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, bearing in mind the sites location within the Wellesley Road Conservation Area, and
 - whether the occupiers of Flats 3 and 5 would experience satisfactory living conditions, with particular regard to outlook and sense of enclosure, and whether the occupiers of Flat 1 would experience satisfactory living conditions, with particular regard to outlook, sense of enclosure and daylight.

Reasons

Character and appearance

4. The appeal site lies within the Wellesley Road Conservation Area (the CA). The significance of this designated heritage asset lies, in part, in the quality of the variety of Victorian properties that line the streets. The Wellesley Road Conservation Area Appraisal (November 2018) identifies that one of the threats to the CA is the development of overly large upwards extensions, especially in the roof.
5. The appeal scheme has increased the depth of the second-floor part of the rear extension to the building forming part of Stile Hall Parade. The previously approved scheme permitted an extension with a maximum depth of 2.5 metres, while the constructed scheme increases this by approximately 2.2 metres. The Council's Residential Extensions Guidelines Supplementary Planning Document (the SPD) advises that a rear extension above first floor should not extend more than 2.5 metres beyond the rear wall of the house.
6. However, in my view, the additional depth of the second-floor results in a more successful transition between the larger properties of Stile Hall Parade and the dwellings to the rear along Stile Hall Gardens. Previously, the shallower second floor would have appeared artificially truncated. The increased depth allows for a more balanced step down in terms of the hierarchy of buildings that is present at this location.

7. As a result, the addition does not appear as an overly large or dominant feature, but instead allows the extension to integrate with the scale of existing buildings more appropriately. Moreover, the balcony associated with this addition remains set back from the edge of the rear extension and is a modest visual element that conveys little in the way of additional bulk to the appeal scheme.
8. In addition to the rear add-on, alterations to the side facing third floor/roof level terrace are also included. These are minor visual elements that are largely subsumed into the detailing of the side elevation and roof. They have little effect on the visual appearance of the building, particularly from street-level below. They would not be incongruous or alien features, but subservient elements, viewed within the context of the approved dormer windows, on what is a large and commanding building.
9. I therefore find that there would be no harmful effect on the character and appearance of the area, and that the appeal scheme preserves the significance of the Wellesley Road Conservation Area as a designated heritage asset. Accordingly, the scheme accords with policies CC1, CC4 and SC7 of the London Borough of Hounslow Local Plan (adopted 2015) (the Local Plan), insofar as they seek to ensure development conserves the character of an area, that the significance of designated heritage assets is conserved and that extensions maintain the character of an area.
10. I acknowledge that there may be some conflict with the guidance of the SPD, but in this case given the lack of harm, I find good reason for departing from this general advice.

Living conditions

11. Flats 3 and 5 have a bedroom and kitchen respectively that are served by windows facing the side return alongside the rear extension. While the additional built form would be visible in views from these rooms, views remain to the rear. As such, within the context of the previously approved extension and the extent to which that would limit the outlook from these windows, the additional part of the building would not reduce outlook or increase any sense of enclosure, to a degree that would result in unacceptable living conditions.
12. Similarly, in respect of Flat 1 to the ground floor, under the revised layout submitted with the appeal, the window facing the side return would serve a bedroom and the outlook from this window is already severely restricted by the approved development. The addition of the extra built form two-storeys above would have a negligible impact on the outlook from this window, given the angle at which it would be viewed. Moreover, there would not be any unacceptable effect resulting from an increased sense of enclosure as a result of the appeal scheme, for the same reason.
13. The submitted daylight assessment demonstrates that the window serving the bedroom in the reconfigured Flat 1 would achieve an average daylight factor of 2.2% against a target of 2% set out in BRE guidelines. In terms of sunlight, the Annual Probable Sunlight Hours assessment shows that against a 25% target, the window would achieve 24%. While acknowledging that this falls short of the target, this is only a marginal deficit. When considering the use of the room as a bedroom, which would predominantly be utilised at night, the small shortfall would be acceptable in this case.

14. Accordingly, I find that the occupiers of Flats 3 and 5 would experience satisfactory living conditions, with particular regard to outlook and sense of enclosure, and the occupiers of Flat 1 would experience satisfactory living conditions, with particular regard to outlook, sense of enclosure and daylight. Therefore, the scheme accords with policies CC1, CC2 and SC7 of the Local Plan, insofar as they seek to ensure that poor design is resisted, that development provides for appropriate amenity and harm to future residents is minimised.

Other Matters

15. I note that the Council makes reference to other departures from the approved plans. However, these matters are not before me and so this has little bearing on my decision.

Conditions

16. I have not imposed a condition in respect of the commencement of development, as it has already begun. I have amended the plans condition to refer to the amended drawings submitted as part of the planning application and the appeal, as well as removing the "tailpiece" allowing for written approval of departures from the approved drawings, in the interests of precision.
17. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Martin Allen

INSPECTOR

Schedule of Conditions

- 1) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building unless otherwise shown on the plans (i.e. red brickwork to match original elevations [following removal of pebbledash], tile-clad dormers to match main roof and replacement timber sash windows for original building; but stone lintels, metalwork and aluminium balustrades, framed windows and perforated and sliding doors for the rear extensions).
- 2) The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted (490-A-31(B), 490-A-32(D), 490-A-33(G), 490-A-34(E), 490-A-35(D), 490-A-36(D) and 490-A-37, Daylight and Sunlight Assessment dated March 2021 and 413-SHP-100, 413-SHP-101, 413-SHP-102, Existing Plans only (413-SHP-103, 413-SHP-104, 413-SHP-105, 413-SHP-106, 413-SHP-107), 413-SHP-109, 413-SHP-111, 413-SHP-113, 413-SHP-115, 413-SHP-117, 413-SHP-119 and 413-SHP-121) therewith and approved by the Local Planning Authority.
- 3) Within three months of this permission, the applicant shall have submitted to and had approved in writing by the Local Planning Authority an updated Energy Statement demonstrating compliance with the Council's zero carbon ambitions. The approved scheme shall be carried out in accordance with the approved Statement.
- 4) Prior to first occupation of the flats hereby approved, full details of the arrangements for storing of waste and recycled materials shall have been submitted to and approved by the Local Planning Authority. The arrangements for storing waste and recycled materials shall not be carried out otherwise than in accordance with any approval given and shall be completed before any part of the accommodation hereby permitted is occupied.
- 5) Before first occupation of the building hereby approved the cycle parking spaces and the access to them shall be provided in accordance with the scheme shown on drawing 490-A-33(C), and such spaces shall be permanently available for the users of the building(s) without obstruction.
- 6) Prior to first occupation of the building evidence (schedule of fittings and manufactures literature) shall be submitted to the Local Planning Authority and approved in writing to show that the development has achieved an internal water use of 105L/person/day or less.