



Appeal Decision

Site visit made on 2 February 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9TH March 2022

Appeal Ref: APP/F5540/W/21/3281894
26 Cardington Square, Hounslow TW4 6AH

- 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 Awais Qarni against the decision of the London Borough of Hounslow.
 - The application Ref 00205/26/P4, dated 29 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is described as the construction of new three-bedroom detached dwelling-house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the locality;
 - The effect of the proposed development upon the living conditions of current and future occupants as a result of privacy, enclosure, and quality of private garden space;
 - Whether sufficient information has been provided to demonstrate compliance with the Development Plan with regards to greenhouse gas emissions.

Reasons

Character and Appearance

3. The appeal site is a triangular parcel of land that forms the side garden of No.26 Cardington Avenue. The local area forms a number of streets that contains formally laid out speculative housing which appears to date from the early-mid twentieth century. Dwellings are typically semi-detached and have a symmetry in their placement with a regimented building line and setback that is parallel to the road with front gardens and low red brick boundary walls. There are also gaps in between properties with access to the rear where glimpses to the tops of trees in rear gardens are experienced and is a positive characteristic of the area alongside trees to front gardens and street trees. The pairs of semi-detached dwellings have similar and functional design characteristics with red roof tiles, the use of render, hipped roof forms, and a central coaxial chimney stack.

4. The appeal site is located towards a curve in the road, with its triangular form as a result of the rear boundary adjoining a strip of land containing the Thames Water Kempton Cricklewood Water Supply Pipe. The undeveloped appearance of the appeal site reinforces the openness and visual gaps present through the estate, however the tall red brick wall to the front boundary is a negative attribute having a defensive appearance to the street scene. Despite this, the appeal site has some prominence within the street scene and contributes to the characteristic spaces in and around dwellings. The reinforcement of visual gaps and the positive qualities of the vegetated surrounds along with the similar nature of design elements, setbacks from the road of the dwellings reinforce the local character, appearance and distinctiveness of the area.
5. In undertaking new development, the London Borough of Hounslow Local Plan (LP) Policies CC1 and CC2 are design led policies which seek to achieve high quality design for new development which reflects the existing character and context of the locality. The London Plan Policies D3 and D4 are similar in their approach in that the London Plan policies seek that development emphasises a design-led approach that respond to its context, form, layout, experience, quality and character, amongst others.
6. The proposed scheme would form a substantial detached two storey property that would be positioned diagonally to the street with part of the dwelling maintaining a similar setback to the neighbouring No.26 Cardington Avenue, and then having a narrow forward projecting element maintaining a setback from the rear boundary, but protruding past the front building line/ setback of the neighbouring properties. The proposed building would have a unique form with its flat roof, curved form and massing, use of brown brick and slender windows which are placed haphazardly on the building which give the building an honest and bespoke approach.
7. I acknowledge and appreciate the justification in the applicant's Statement of Case (SoC) with regards to their approach for the design of a building suitable for the site, and I agree with the applicant that the development plan policies do not restrict bespoke designs and that contemporary design cannot be high quality. However, as required by LP Policies CC1, CC2 and London Policies D3 and D4; it is not evident to me that the proposed development has adequately applied design elements such as context, scale, form, materials of the surrounding area combined with the site constraints in order to influence the resultant design of the scheme.
8. Elements of the proposed scheme such as the complex shape and form (where surrounding forms are more functional), haphazard placement and size of windows (where surrounding windows are more functional and larger), use of brown brick (where surrounding brick is a red brick), parapet height of the proposed dwelling being taller than the eave height of the neighbouring dwelling, roof shape (where hipped and pitched predominate), lack of appropriate setback with a large proportion of the dwelling being forward of the building line, and orientation of the scheme in relation to the road edge (diagonally with offset entrance where characteristically dwelling facades and entrances address the road) are amongst some of the elements which mean that the proposed development would have an awkward juxtaposition with the street scene and when experienced in relation to surrounding context. Additionally, the retention of the two metre front boundary wall continues the

current defensive appearance which is a negative attribute of the character and appearance of the locality.

9. Turning to the layout of the site, the proposed dwelling would remain in the same site as 26 Cardington Avenue and not be a separate subdivided dwelling with its own defined residential curtilage. Given that the proposed dwelling has its own separate access, would be able to function independently, and effectively be a separate planning unit not reliant on No.26 Cardington Avenue, this type of shared arrangement between two dwellings would be uncharacteristic in this particular location. I appreciate the applicant's willingness to enter into a legal agreement in order to control future landscaping and subdivision, however this would not represent a suitable solution. The layout of the site including defined boundaries (even if it is only on paper/title and not constructed for the current occupiers) needs to be suitable for the assessment of the appropriateness of the planning application at hand which would treat the proposal as an independent planning unit.
10. Taking the above into account, the proposed scheme would not respond well to the existing site and would be an overdevelopment that is incongruous and uncharacteristic within the street scene and would cause significant harm to the character and appearance of the area. Consequently, and in conclusion of this matter, the proposed scheme would not be in compliance with LP Policies CC1, CC2 and London Plan Policies D3 and D4 as described previously.

Living Conditions of current and future occupants as a result of privacy, enclosure, and quality of private garden space;

11. LP Policy CC2 seeks that development functions well in themselves and in their effect on surrounding areas, having a positive impact upon the amenity of both current and future occupiers. LP Policy SC5 concerns ensuring suitable internal and external space that seeks minimum space standards and useability of garden land. This sentiment is also present in the design-led approach and quality standards as specified in Policies D4 and D6 of the London Plan.
12. Whilst I understand the nature of the proposal in that the applicant seeks that the amenity space provided reflect a shared approach between both dwellings; the Council have questioned this approach and applied their assessment to future occupants and future subdivision. This would mean that the assessment by the Council has assessed a logical boundary between the dwellings where given the rear extension to much of the rear of this dwelling, the that it would be logical that the private garden space of No.26 Cardington Square would be the area of land to the side of this dwelling, to the north of the proposed dwelling.
13. LP Policy CC2 is quite clear that an assessment of appropriate private garden space requires to consider both present and future occupiers. In making a determination for a separate dwelling, it is logical to test whether the two dwellings could function independently. If taking the most logical solution and drawing a boundary along the northern façade of the proposed dwelling, then this would create a private rectangular open space, approximately 3.5 metres wide. However, to each side of the garden would be a two storey tall wall which would have a domineering presence with a poor outlook to users of this space. Whilst the side garden space would likely obtain some sun in the morning, it would be overshadowed for much of the afternoon. Given that there are no landscaping plans showing details of internal boundary fences, soft and

hardscaping, and vehicle spaces, in its current state, there would also be privacy concerns between the two dwellings and the users of this space.

14. Taking the above into account and in conclusion of this matter, the proposed provision of private open space for No.26 Cardington Square would be inappropriate and would fail to comply with LP Policies CC2 and SC6, as well as London Plan Policies D4 and D6.

Whether sufficient information has been provided to demonstrate compliance with the Development Plan with regards to greenhouse gas emissions.

15. LP Policy EQ2 seeks that new development achieve the highest standards of sustainable design and construction which is evidenced through an energy statement that describes how the development would incorporate principles to cover elements such as passive solar design, water efficiency, sustainable drainage, urban greening and recycling of construction materials, amongst others.
16. The applicant has submitted some limited details in the form of an environmental design approach in the original submission documents. The applicant acknowledges that this alone would not satisfy the full requirements of LP Policy EQ2 and that this issue would be able to be overcome via a pre-commencement condition on any permission granted. I agree with the applicant that this is an appropriate approach, and I have no reason to dispute the applicant's opinion that compliance with LP Policy EQ2 is indeed possible. Given the need to deal with more outstanding matters such as the principle design and living conditions of the scheme as described in this letter, a full energy statement, although helpful, would be a lower priority at this point until acceptance of an appropriate development is possible. In conclusion of this matter, whilst I agree that the documentation submitted is not compliant with LP Policy EQ2, I agree that this matter could be overcome by an appropriately worded pre-commencement condition.

Other Matters

17. I acknowledge and appreciate the comments from the applicant in their SoC regarding their personal needs, their specific situation and justifications for the proposed development regarding the position of ownership and needing to share and house a number of generations of their extended family between two buildings on one site. I am also aware of the need to offer increased housing choice to diverse populations which I have treated as a material consideration to this proposal. Having reviewed these personal circumstances, I feel that there may be other ways of accommodating the applicant's needs which may be more compliant with the policies of the development plan. There are consequently no material considerations that warrant a decision other than in accordance with the development plan.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR