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# Appeal Decision

Site visit made on 5 April 2022 by R Dickson BSc (hons) MSc

## Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

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### Appeal Ref: APP/F5540/D/22/3291269

#### 31 Barrowgate Road, Chiswick, London W4 4QX

- 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 Jamie Theakston against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 00079/31/P8, dated 20 October 2021, was refused by notice dated 17 December 2021.
  - The development proposed is Rear outbuilding with flue.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. The application reference in the header above is taken from the Council's decision notice. Another reference, Ref P/2021/4178, is also used by the parties.

### Main Issues

4. The main issues are:
  - whether the development could be put to an alternative use in future;
  - the effect of the proposed development on the character and appearance of the Wellesley Road Conservation Area (CA); and,
  - the effect of the proposed development on the living conditions of the occupiers of 14 Burlington Gardens, with particular regard to outlook.

### Reasons for the Recommendation

#### *Future use*

5. Concerns have been raised with regard to the future use of the proposed development. I must consider the proposed development before me only, which is for an outbuilding with a small kitchen and shower room to be used ancillary to No 31, and not a separate dwelling. If the appeal were to be allowed and the structure was not built or used as proposed, or if there was a

material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission were not granted. Accordingly, the future use of the proposal has not been determinative in my recommendation.

#### *Character and appearance*

6. Burlington Gardens and Barrowgate Road have a quiet residential character, with the presence of trees heavily influencing both the immediate local character, and the character of the wider CA. Brick boundary walls are also a feature of this part of the CA. The boundary wall of the appeal site is topped with a slatted fence which, although tall, still offers views across the open garden space to the rear of 31 Barrowgate Road. This creates a sense of openness at this corner quite different from the close-knit development surrounding it. This and several large trees on the appeal site contribute positively to the character and appearance of Burlington Gardens and this part of the CA.
7. The proposed outbuilding would be taller than the wall and the upper part would be seen through the slatted fence. The trees on the side boundary would provide some screening, however there are no trees on the rear boundary and so the proposed outbuilding would be clearly visible from Burlington Gardens, when looking towards the rear boundary and rear of No 31. The introduction of a large outbuilding into this space would reduce the overall sense of openness, eroding the gaps between the buildings on this corner. Consequently, although it would be smaller than the existing dwelling and subservient to it in scale, it would harm the character of this part of the CA.
8. The appellant has provided an arboricultural method statement which demonstrates that the proposed outbuilding could be constructed without harming the long term health of the trees. However, due to its scale and siting close to the side boundary, the proposal would draw the eye and visually compete with the trees, reducing their visual contribution to the appearance of this part of the CA.
9. The proposed use of black steel cladding would complement the proposed windows of the outbuilding, however would nevertheless be in sharp contrast to the traditional materials typically found within this part of the CA, increasing visual prominence of the proposal from Burlington Gardens. The appellant would be willing to change the external materials to aged oak cladding, however this would not mitigate the effect of the scale and siting of the proposed outbuilding on the character or appearance of the CA.
10. The appellant has also suggested removing the parapet of the proposed development. This would be a material change to the scheme before me, which neither the Council nor interested parties have had the opportunity to comment on. In the interests of fairness, therefore, I have considered the proposal based on the plans before me.
11. The proposal would result in harm to the character and appearance of the CA. This would be limited due to the localised effect of the proposal, resulting in less than substantial harm to the significance of the CA as a whole. Nevertheless, it is a matter to which I give considerable weight and

importance. There is no substantive evidence before me that the proposed outbuilding would result in any public benefits to outweigh this harm.

12. The proposal is therefore contrary to Policies CC1, CC2, CC4, and SC7 of the Hounslow Local Plan 2015-2030 Volume One, and the London Borough of Hounslow Residential Extensions Guidelines (2017), insofar as they require high quality design which conserves and enhances heritage assets, including the CA.

#### *Living conditions*

13. A side window of 14 Burlington Gardens is situated to the rear boundary of the appeal site. I am advised that the window is not a habitable room and on site I saw that it is a stained-glass window and therefore has very little outlook. The proposal would be close to this window and taller than the intervening fence, however given the existing situation it would not harmfully reduce the outlook from it. Therefore, the proposed outbuilding would not have an overbearing impact and would not significantly adversely effect the living conditions of the occupiers of No 14 in respect of outlook.
14. Accordingly, the proposal would not conflict with Policies CC2, CC4 and SC7 of the Local Plan or the London Borough of Hounslow Residential Extensions Guidelines (2017), insofar as they require development proposals to respond positively to the living conditions of neighbouring residents.

#### **Other Matters**

15. The appellant has drawn my attention to other outbuildings in the area, however they are significantly smaller than the proposal before me and consequently do not have a comparable impact on the character and appearance of the CA. This does not therefore outweigh the harm that I have identified.

#### **Conclusion and Recommendation**

16. While I have found no significant adverse effects in respect of living conditions and in relation to the future use of the outbuilding, the proposal would harm the character and appearance of the CA, which is not outweighed by any public benefits. This harm is sufficient in itself to dismiss the appeal. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*R Dickson*

APPEAL PLANNING OFFICER

#### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

*L McKay*

INSPECTOR