



Appeal Decision

Site visit made on 21 March 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/F5540/W/21/3281989

41 Chiswick High Road, Chiswick, London W4 2LT

- 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 Ms Surita Bhanot against the decision of the London Borough of Hounslow.
 - The application Ref 00248/41/P6, dated 17 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is the conversion of flats to a single family house with the addition of a side balcony and a rear first floor bay window, and alterations to the boundary treatment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, I requested copies of policies from the London Borough of Hounslow Local Plan 2015-2030 (the Local Plan), policies from The London Plan (adopted 2 March 2021) and the Mayor of London Housing Supplementary Planning Guidance (to the London Plan 2016 updated in August 2017) (the London Housing SPG). These policies and the London Housing SPG had been referred to in the reasons for refusal and/or the appellant's statement but had not been included with the appeal papers.
3. Additionally, I am also aware of other published documents on housing which have been produced by the Local Planning Authority. This is because the evidence is before me in respect of another appeal nearby in the Borough and which concerns the proposed amalgamation of housing units and for which I conducted the site visit on the same day. As I would be referring to these documents in my other appeal decision and, consequently, it would be shown that I was aware of them, I sought the views of the main parties on whether there was any implications for this appeal arising from the missing information and the other housing documents. These other documents include the London Borough of Hounslow's Strategic Housing Market Assessment Update (October 2018) (the Strategic Housing Market Assessment) and the London Borough of Hounslow - Building Homes Building Communities - Housing Strategy 2019-2024 (the Housing Strategy).
4. I am satisfied in these circumstances, because I have given the main parties the opportunity to comment, that taking all these documents into account in my overall assessment of the merits of the proposal would not prejudice any party.

Main Issues

5. The main issues are:

- whether or not the conversion of the three flats to a single dwelling would result in the unacceptable loss of family sized accommodation in this area having regard to the development plan,
- whether or not the provision of the proposed single dwelling in this location would be out of character with the area, and
- the effect of the proposed external changes and additions on the character and appearance of the host building and area.

Reasons

6. The appeal property lies at the corner of Chiswick High Road and Airedale Avenue. It consists of three flats accommodated over four floors. The scheme includes the amalgamation of the three flats to form a single dwelling with seven bedrooms.
7. I intend to firstly examine the policy and supporting documents background and then apply these findings to the consideration of the merits of the first main issue.

Development plan policies and supporting documents

8. The planning report explains that the development plan consists of the Local Plan, the West London Waste Plan and The London Plan.
9. The reason for refusal, in respect of the concern raised regarding the loss of family sized accommodation, references Policy H8 of The London Plan, Policies SC1 and SC3 of the Local Plan and conflict with the intent of the London Housing SPG.
10. In terms of the London Plan, Policy H8 is titled loss of existing housing and estate redevelopment. Section A of this policy explains that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.
11. I also note the approach when considering amalgamations of units of accommodation which is set out in paragraph 4.2.8 of The London Plan. This explains that where the amalgamation of separate flats into larger homes is leading to the sustained loss of homes and is not meeting the identified requirements of large families, boroughs are encouraged to resist this process.
12. In terms of the London Housing SPG, paragraph 1.2.38 explains that in some neighbourhoods, especially in parts of central London, de-conversion of a number of smaller units into larger dwellings can reduce capacity to meet the requirements of small households. The text also explains that where there is local evidence that the amalgamation of separate flats into larger units is leading to the sustained loss of homes, boroughs are encouraged to resist this process in line with then London Plan Policy 3.14. This previous Policy 3.14 appears to have been replaced by Policy H8 of The London Plan.
13. Consequently, drawing all these matters together, I consider that the requirements of Policy H8 of The London Plan to resist the loss of housing would apply to the consideration of the appeal scheme. However, this is not the

only issue to consider in terms of amalgamations and I will also have regard to the tests and approach set out in paragraph 4.2.8 of the London Plan and the London Plan SPG.

14. Examining the Local Plan, Policy SC1 is titled Housing Growth. The policy seeks to maximise the supply of housing in the Borough. However this policy requirement is subject to meeting housing need in a manner that is consistent with sustainable development principles and which, in summary, is built at a rate that will exceed The London Plan housing targets. This is a wider test than simply seeking to maximise housing numbers. Furthermore, Policy SC1 goes onto set out how the intended housing growth will be achieved and this list does not make direct reference to restricting amalgamations.
15. Policy SC3 of the Local Plan sets out the approach to meeting local housing need by securing a mix of new housing type, size and tenure across the Borough. The supporting text specifies the general housing mix requirements and this includes delivering a majority of one, two and three bed units and with a small percentage of four+ bedroom units.
16. When considering the policy requirements related to the Local Plan and, in particular, meeting the needs for housing locally, there are various documents that support and inform local housing issues. This includes the Strategic Housing Market Assessment. This explains that amongst a range of findings, some of the main sources of household growth in the future are associated with either the continued occupation of family sized dwellings, or new households who require family sized dwellings and that families with children are projected to remain a significant group; the largest group by 2034 (43,400) and these will require family sized two or three+ bedroom homes.
17. The Housing Strategy sets out the housing objectives for the area. There is an explanation for the need for more family houses and larger family houses are referenced due to the increasingly youthful population. The information on page 20 of the Housing Strategy also states, in summary, that Hounslow's plans for regeneration predict significant employment and housing growth at all levels of skills and income and, in support of a more mixed economy, the Borough's Housing Pledge recognises the need for more executive accommodation and larger family sized properties to attract professionals and skilled workers to the borough.
18. Taken together this evidence indicates a housing need, amongst others, for some more family accommodation which is larger than three bedrooms and this will include some executive and larger family sized accommodation. (Indeed the case made by the appellant to support the amalgamation of the three flats to a single dwelling is to serve the housing needs of this fairly large, extended family within the Borough.)
19. I am also conscious of the policy requirements of the National Planning Policy Framework (the Framework) that seeks to boost the supply of housing and that this includes meeting the needs of groups with housing requirements. Furthermore, the social aspects of sustainable development in the Framework includes ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations.

Whether or not the conversion of the three flats to a single dwelling would result in the unacceptable loss of family sized accommodation in this area having regard to the development plan

20. The present accommodation at 41 Chiswick High Road is divided into three flats. The ground floor flat has two bedrooms, including one within a basement area. This flat has access to the garden. The first floor flat has three bedrooms but has no outside space. The top floor flat has two bedrooms and again with no direct access to the garden, although there is a balcony that provides an external area. The rooms within the flats are fairly sizeable and the accommodation is reasonably spacious.
21. The supporting notes to Policy SC3 of the Local Plan explains that for the purposes of the Local Plan, a unit of family accommodation is defined as providing two bedrooms (with four bed spaces) or more. In this case, the units would all be considered as family units, although the two bedroom units would allow occupation only by a small family and the top two units would not provide occupants with direct access to any garden space for play. The layout and size of the units, therefore, do not provide optimum family accommodation.
22. The proposal would amalgamate the units and create a seven bedroom dwelling. It would therefore become a large house. The loss of the three units of family accommodation would pull against the aims of the policy to maximise the supply of housing. However, the units lost would, in all likelihood, be similar to others in this row on this side of Chiswick High Road where the evidence indicates, that with at least one exception, the buildings are divided into flats. The scheme would deliver a large dwelling that could be considered of a size more akin to an executive sized unit of accommodation or large family unit which the Housing Strategy, amongst other types of housing, seeks to see delivered.
23. There is no convincing evidence before me that the loss of the three units with their size and particular characteristics would materially alter the availability of that type of flatted accommodation in the immediate locality. However, the resulting amalgamated unit would help meet part of an identified need for such larger sized dwellings in the Borough. In particular in this case the size of the accommodation would meet the needs of this extended family and their case highlights and supports the aims of the various housing documents to provide some larger housing units and thereby help to meet this part of the local housing need.
24. Furthermore, this type of larger unit, in these local circumstances, would assist with meeting the Framework policy approach in respect of the social aspect of sustainable development. It would also facilitate the economic aspect of sustainable development as it is considered that more executive and larger family sized properties would assist with attracting professionals and skilled workers to the Borough. In these respects, the scheme could be considered sustainable development in terms of the Framework.
25. In these circumstances, I am satisfied that the proposal would assist in providing a supply of housing in a way that would help meet an identified housing need in a manner consistent with sustainable development principles. There is no clear evidence that the Local Planning Authority is unable to demonstrate a Framework compliant supply and delivery of housing land and the scheme would help provide a small but worthwhile contribution towards a

better balance to the mix of housing across the Borough. The provision of this larger family sized dwelling would meet an identified local need, and meeting this need would, I consider, outweigh the loss of the three smaller flats in this case. As a consequence, I conclude that the proposal would meet with the requirements of Policy SC1 of the Local Plan.

26. As explained, Policy SC3 of the Local Plan sets the policy approach to meet local housing need by seeking to secure a mix of new housing type, size and tenure across the Borough. The evidence in the supporting text to the policy is that there is a reasonably small percentage of dwellings in the Borough with more than 4 bedrooms¹. There is explained a need to provide some more larger family sized accommodation and therefore the appeal scheme could help to meet part of this identified need, and as I have concluded above, the benefits in this case, would outweigh the loss of the three flatted units. In these circumstances, where a need would be met by the scheme, and the larger unit would help in a small way to provide a more balanced and mixed housing profile, there would be compliance with the approach of Policy SC3 of the Local Plan.
27. In terms of The London Plan, the proposed development would result in the net loss of two units of existing housing. However, there is no clear and convincing evidence that this amalgamation would materially impact on the overall delivery of housing or that amalgamations are a wider issue leading to a sustained loss of housing across the Borough. I have already concluded that the provision of a larger sized dwelling would help in a small way to meet the identified requirements of larger families in the Borough. In these circumstances, the scheme would meet with the requirements of paragraph 4.2.8 of The London Plan.
28. For these reasons, I also consider that the scheme would not conflict with the advice in paragraph 1.2.38 of the London Housing SPG which assists in assessing proposals against the then Policy 3.14 of the earlier London Plan. I therefore consider, having regard to this specific advice on amalgamations, that there is no material conflict with the intent of the London Housing SPG in the circumstances of this site. This conclusion is of some background relevance when considering Policy H8 of The London Plan.
29. In terms of the wording of Policy H8 of The London Plan, there would be no loss of housing land or housing floorspace. Nevertheless, there would be a reduction in density and the loss of two units of housing. In these circumstances and notwithstanding my comments above, I consider that there would be a conflict with the policy wording and therefore the requirements of Policy H8 of The London Plan would not be met.
30. Drawing all these matters together, The London Plan is the most recently adopted part of the development plan, however, I consider that the conflict with Policy H8 is tempered by the compliance with the approach set out in paragraph 4.2.8 of The London Plan and its specific approach as to how amalgamations should be considered. The scheme would comply with Policies SC1 and SC3 of the Local Plan and this is a matter which I consider of particular importance and substantial weight.

¹ Page 107 of the Local Plan - The total number of dwellings in the borough is currently estimated to be 97,000 (2011 Census), of these, 18% have one bedroom, 32% have two bedrooms, 35% have three bedrooms and 10% have four bedrooms.

31. In terms of this main issue, the proposal would result in the loss of three smaller units of family sized accommodation but this loss would be outweighed by the benefits from the provision of a large unit of family accommodation which would help to meet part of a local and identified housing need. The scheme would not materially harm the supply of housing and would assist with the choice of housing in the Borough. Notwithstanding that the scheme would not meet with Policy H8 of The London Plan, because of the compliance with key policies of the Local Plan, I consider that the balance falls in favour of the conclusion that the scheme would comply with the development plan policies when taken as a whole in relation to this main issue.
32. As a consequence, I conclude that the conversion of the three flats to a single dwelling would not result in the unacceptable loss of family sized accommodation in the area having regard to the development plan.

Whether or not the provision of the proposed single dwelling in this location would be out of character with the area

33. The section of Chiswick High Road, from the entrance of Airedale Avenue up to the start of Homefield Road, includes the appeal site and is formed of villa-like buildings which are, in the majority, subdivided into flats. There is at least one building in this run which is occupied as a single dwelling. In the other direction, along this same side of Chiswick High Road, and turning the corner into Airedale Avenue, are Prebend Mansions, a large block of purpose built flats. Airedale Avenue consists mainly of what appears to be individual family sized dwellings. There is, therefore, a general mix of flats and dwellings in the roads surrounding the appeal site.
34. It is reasonably difficult to visually discern from public areas that the appeal building is in use as flats because it is within its own walled site and could be considered to have the appearance of a large dwelling. Its use as a single dwelling would not lead to a material change to the appearance or character of the area and it will not materially or harmfully alter the balance between dwellings and flats along this part of the road or the area in general. The use of No 41 as a single family house would therefore not be incongruous or out of keeping with the residential character of the area and the mix of housing.
35. It follows that in terms of the character of the area there would be no undue adverse effect on the mix of housing types and sizes in the area. In this respect, I conclude that the proposed use of the building as a single dwelling would be acceptable in this location and would comply with Policies SC1 and SC3 of the Local Plan which seek, amongst other things, to provide a mix of new housing types to assist with the delivery of sustainable mixed communities.

The effect of the proposed external changes and additions on the character and appearance of the host building and area.

36. No 41 is a pleasantly proportioned building. The front elevation is well-articulated and the curved, triple height bay with balcony provides an architectural feature that helps the building to visually turn the corner. The elevation on to Airedale Avenue is more functional in appearance but its simplicity ensures that it does not rival the corner feature such that the overall composition of the building is sympathetic within the street scene when viewed

from Chiswick High Road. The Local Planning Authority identify the building as locally listed.

37. Most of the rear elevation is visible from Airedale Avenue and includes an older, triple height bay which is well-proportioned and complements the elevation. However, the adjoining more recent rear extension does not fit especially comfortably with the character of the original building. The rear elevation of this more recent addition has features that look somewhat incongruous especially in the case of the design and shape of the window at first floor level and the upper bay window feature and its relationship to the gable above it.
38. In terms of the external boundaries, the brick wall along the frontage with Chiswick High Road is constructed from stock bricks and, while quite high, the reasonably short frontage and curve of the wall at the corner ensure that it does not appear out of character adjoining the footway. Sections of the wall alongside Airedale Avenue are less traditional with concrete blocks such that this is a feature that does not add positively to the boundary treatments.
39. The proposal incorporates a number of changes to the building itself and the boundary treatments. In respect of the proposed side balcony at first floor level, this would introduce a feature that would have a horizontal emphasis and which would contrast with the generally more vertical form of the original side of the building. The balcony would be prominent, and with the additional openings in the side wall having a fairly irregular positioning, it would erode the simplicity of this section of the building. The balcony would also be in proximity to the corner bays and it would distract the focus from the visual significance of this attractive feature and harm the overall composition of the building when viewed from the junction area. As a consequence, the proposed balcony would not appear as a sympathetic addition nor satisfactorily harmonise with the existing building.
40. In coming to this judgement, I accept that there are balconies with metal railings that form part of the character of the area, including at Prebend Mansions and some dwellings in Airedale Avenue. However, those balconies generally appear to have been designed as part of the original elevations. They often span the space between the bay features such that the balconies are sympathetic features which complement the overall character of these buildings. I am not satisfied that their presence justifies the proposed balcony to No 41 in the circumstances where it would have a harmful impact.
41. In terms of the other elements of the scheme, the rear elevation has a zinc clad, small bay at ground floor level. The proposed extension of this bay up to first floor level would make it more prominent. However, the double height bay is acceptably designed and would appear as a modern addition to this extended part of the building. It would be lower than the adjoining three storey bay and with its vertical emphasis and contrasting appearance would not rival the existing features on this rear elevation. The proposed addition would also have the benefit of obscuring the first floor window and would provide a more pleasing arrangement of architectural detailing. I consider this element of the scheme would be acceptable.
42. There are various changes proposed to the boundary treatments. The replacement of the block wall with stock bricks would be beneficial. However, the removal of sections of the brick wall facing onto Chiswick High Road and the entrance gates, as shown on the submitted drawings, would introduce

sections of quite high railings around the frontage areas of the site. The height and presence of these railings would convey a quite austere and overly imposing boundary treatment. These changes would not appear as sympathetic alterations and would be at odds with the generally more open frontages to the properties along Chiswick High Road and the lower railings around Prebend Mansions. I appreciate that there is a reasonably high wall along this frontage and the railings would be no higher, but for the reasons explained, this proposed boundary change would be harmful to the character and appearance of the area.

43. Bringing these matters together, the rear first floor addition and the replacement of the block wall would have an acceptable impact and would result in a small visual improvement to the site and area. However, this positive effect would not be outweighed by the harm that would result to the character and appearance of the area from the balcony and from the provision of the railings. As a result, I conclude that the overall effect of the proposed external changes and additions would be to unduly harm the character and appearance of the host building and area, including its importance as a locally listed building. Accordingly, the proposal would conflict with Policies CC1 and CC4 of the Local Plan and the approach of the London Borough of Hounslow Residential Extension Guidelines Supplementary Planning Document (December 2017) which seek, amongst other things, to ensure that all new development conserves and takes opportunities to enhance their special qualities and heritage.

Planning Balance and Conclusion

44. The scheme would not result in the unacceptable loss of family sized accommodation because the units would be replaced by a single larger unit and this would assist with meeting part of the identified housing needs of the area. However, this benefit would be modest and would afford moderate weight in favour of approval. That the provision of the amalgamated unit would not be out of character with the residential surroundings is neutral in the balance of considerations.
45. On the other hand, the physical impacts of the scheme would, overall, cause harm to the character and appearance of the host building and area. This is an important consideration and one that, for this pleasantly proportioned building in this prominent location, should afford substantial weight. It follows that the benefits of the scheme would not be outweighed by the identified harm.
46. I am conscious of the personal circumstances that have been set out in the appeal submissions and which explain how the provision of a single unit of accommodation within the building would assist in this case. As part of my considerations I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. I have also considered the rights of the appellants under the Human Rights Act 1998, in particular, the right to respect for private and family life.
47. The refusal of planning permission is likely to lead to the appellant and her family continuing in accommodation which is not suitable or appropriate for their needs. Dismissing the appeal would interfere with those human rights. However, the interference of these rights would be justified in this case, in the public interest and in a proportionate way. In particular, it would be in relation to the protection of the character and appearance of the area. This harm could

not be addressed by planning conditions or another mechanism that would acceptably deal with the concerns that I have highlighted because the proposed external changes are an integral part of the proposal.

48. Dismissing the appeal would mean that the appellant may have to consider other options for the scheme and/or housing. There is no evidence before me to demonstrate the appeal development is the only means by which the scheme could be delivered and the needs of the appellant met. It follows that dismissing the appeal would be a proportionate response given the identified harm.
49. In conclusion, given the harm I have found and the conflict with the related planning policies in that regard, I conclude that the scheme would conflict with the development plan when considered as a whole. There are no material considerations of such weight which indicate that a decision should be made otherwise than in accordance with the development plan. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR