



---

# Appeal Decision

Site visit made on 26 April 2022

**by Alexander O'Doherty LLB (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 May 2022**

---

**Appeal Ref: APP/F5540/W/21/3280139**

**Land rear of 1 Cromwell Street, Hounslow TW3 3LQ**

- 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 and Mrs Balvir Grewal against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 00325/R/O1/P1, dated 17 December 2020, was refused by notice dated 7 May 2021.
  - The development proposed is described as, "Demolition of existing garages and construction of a new 1 bedroom 2 person dwelling house (with a lower ground floor and an upper ground floor)".
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether the proposal would provide adequate living conditions for future occupiers of the scheme, with particular reference to outlook and private amenity space;
  - the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to outlook;
  - whether the proposal would adequately minimise greenhouse gas emissions; and
  - the effect of the proposal with respect to sustainable transport.

## Reasons

### *Living conditions for future occupiers*

3. The appeal site relates to an area of land to the rear of 1 Cromwell Street (No 1). The site contains 2 garages sat within a yard.
4. The bedroom and reception area for the proposed new dwelling would have an adequate level of outlook over the proposed garden area. The proposed upper ground floor level would have a dual aspect and the front window would offer views of the sky, as would the proposed 6 rooflights.
5. However, the outlook from the front window would be constrained somewhat by the presence of a wide and tall building on the opposite side of Hibernia Road to the site. Furthermore, whilst the proposed large oriel window would

afford views in 3 directions, these views would be very substantially curtailed by the fact that the window would be obscured up to approximately 1.7 metres.

6. The proposed function of this space as a 'living, kitchen, dining' area (as stated on the plans) means that the future occupiers of the proposed dwelling would likely spend a good amount of time within this space. Considering this, the combined effect of the constrained outlook from the front window and the obscuring of the oriel window would mean that this space would suffer from a poor quality of outlook. This space as a whole, and particularly the area furthest from Hibernia Road, would be unpleasant to use as a result.
7. It is common ground between the main parties that the proposal would incorporate approximately 11.2 square metres of private amenity space. This would be very considerably below the benchmark external space standard for houses with 3 habitable rooms, of 50 square metres, required by Policy SC5 of the London Borough of Hounslow Local Plan 2015 – 2030: Volume One (adopted 2015) (Local Plan).
8. Moreover, the sunken rectangular area proposed for the private amenity space would be so small and thin that it would likely be barely usable for any meaningful recreational purpose, other than simply sitting out. Public parks are within walking distance of the site but as parks are not set out as justification to depart from the standards set out in Policy SC5 the presence of nearby parks does not overcome the clear policy conflict identified.
9. I have taken into consideration the appellants' opinion that the dwelling would be more akin to a flat, which would require the provision of less outdoor amenity space, than a house. However, the proposed living accommodation would not form part of a set of accommodation within a larger building, and it would comprise 3 habitable rooms (a bedroom, a study, and a 'living, kitchen, dining' area), rather than 2 habitable rooms or less. Therefore, whilst the proposal might be intended for a single person or a couple, it would have the attributes of a house and I am unconvinced on that basis that there is any justification for the provision of a reduced level of external space contrary to Local Plan policy.
10. I therefore find that the proposal would not provide adequate living conditions for future occupiers of the scheme, with particular reference to outlook and private amenity space. The proposal would conflict with Policy SC5 of the Local Plan which provides that, amongst other things, developments will be required to be of the highest quality internally and externally, and meet the demands of everyday life for the intended occupants, whilst offering flexibility to meet changing needs and respect the principles of good neighbourliness.

*Living conditions of neighbouring occupiers*

11. Part of the side elevation of the proposed new dwelling, which would face the rear garden of 3 Cromwell Street (No 3), would be set-in from the boundary between the site and the garden of No 3. Much of the remainder of the proposed dwelling would be positioned behind the large outbuilding which lies to the rear of No 3. Considering this, and the length of the garden to No 3, the proposal would not be likely to result in harm to the living conditions of the occupiers of No 3 via any loss of outlook from their garden or living areas.

12. The outlook from the ground-floor rear window at No 1 is compromised due to the presence of the outbuilding which lies to the rear of No 3, and the long side elevation of the public house which is positioned on the opposite side of the site.
13. Although the proposed new dwelling would replace 2 existing garages on site in this densely built-up area, and it would be partially sunken into the ground, it would extend a fair distance above the outbuilding to No 3. The appellants have calculated that there would be an approximately 7 metres separation distance between the proposed new dwelling and No 1 at ground floor level and approximately 10 metres at first floor level, and these figures have not been disputed by the Council. At this distance, whilst taking account of the urban context, the proposal would appear as a tall and wide structure which would unduly dominate the outlook from the ground-floor rear window at No 1, resulting in an unpleasant enclosing effect in views from that window.
14. I therefore find that the proposal would have an unacceptable and harmful effect on the living conditions of the occupiers of No 1, with particular reference to outlook. The proposal would conflict with Policies CC1 and CC2 of the Local Plan which collectively provide that, amongst other things, development proposals should function well in themselves and in their effect on surrounding areas, and have a positive impact on the amenity of current and future residents.

#### *Greenhouse gas emissions*

15. The appellants have responded to the comments of the Council's Sustainability Consultant by proposing that the specific measures highlighted by the Council could be dealt with by conditions, including a revised Energy Statement to be submitted to the Council detailing measures to the Council's satisfaction prior to the commencement of development.
16. However, the roof for the proposed dwelling would contain 6 roof lights which would cover a significant amount of roof space. In relation to this, the submitted Energy Statement<sup>1</sup> does not detail exactly where on the roof the proposed PV panels would be installed. Given the current design of the roof, and considering that the roof lights themselves would contribute to heat loss, on the evidence before me there is no certainty that the inherent design of the proposal would allow for a sufficient number of PV panels to be installed on the roof to adequately contribute to net zero-carbon development in terms of meeting the requirements for minimising greenhouse gas emissions found in Policy SI 2 of The London Plan (published 2021).
17. In this scenario, whilst a condition could require for a revised Energy Statement to be submitted to the Council which could identify any shortfall against the net zero-carbon target, conditions would require the submission of a planning obligation to the Council in relation to net zero-carbon compliance contributions. The Planning Practice Guidance provides that a negatively-worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases, and that such an obligation can be required in exceptional circumstances<sup>2</sup>. No exceptional circumstances have

---

<sup>1</sup> Energy & Sustainability Assessment, Watt Energy & Consulting Engineers Ltd (March 2021)

<sup>2</sup> Paragraph 21a-010-20190723

been put forward in this case. Hence, it would not be reasonable for a condition to be imposed relating to carbon off-setting relating to the proposed development.

18. I therefore find that it has not been demonstrated that the proposal would adequately minimise greenhouse gas emissions. The proposal would conflict with Policy EQ2 of the Local Plan which provides that, amongst other things, for new build residential development all new development should meet the standards for sustainable design and construction set out in The London Plan. It would also conflict with Policy SI 2 of The London Plan (published 2021) which provides that, amongst other things, residential development should achieve a 10 per cent minimum on-site reduction of greenhouse gas emissions beyond Building Regulations.

### *Sustainable transport*

19. Table 10.2 of The London Plan (published 2021) requires 1.5 cycle spaces per 2 person 1 bedroom dwelling, which applies to the proposal. Although the site is small, with a constrained curtilage, as Policy EC2 of the Local Plan seeks to maximise opportunities for cycling, to improve health and well-being, and considering that the planning system should be genuinely plan-led, this requirement should be met for the proposal.
20. The proposal provides for a vertical bike stand situated on the proposed upper ground floor. However, this would only accommodate one bicycle. Moreover, as it would be a vertical bike stand, it would potentially not be usable by occupiers with an electrically-assisted bike, which could include occupiers with mobility impairments.
21. The appellants have proposed that a condition could be imposed to require a dedicated storage solution for a second bicycle, but considering the small size of the site and the inadequate provision for private amenity space identified under the first main issue, above, it is not clear if a horizontal bike stand could be provided on-site without unacceptably reducing valuable storage or private amenity space to a level which would be harmful to the living conditions of the future occupiers of the proposal.
22. I therefore find that the proposal would not make adequate provision for sustainable transport options. It would conflict with Policy EC2 of the Local Plan which provides that, amongst other things, developments should provide a minimum number of cycle parking spaces.

### **Other Matters**

23. No concerns have been raised by the Council with respect to matters relating to refuse and recycling, flood risk, vehicle parking provision, highway safety, or noise generation. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.
24. The proposal would incorporate open-plan living accommodation and a study (thereby facilitating home working), which would reflect modern lifestyles. It would have spaces wide enough to be used by wheelchair users. The accommodation would also meet the government's Technical Housing Standards. Nevertheless, as all these matters merely denote compliance with the development plan collectively they have been given limited weight.

25. The proposal would remove the existing garages and roller shutter on site which presently do not positively contribute to the character and appearance of the area. In doing so, the proposal would create an active street frontage with natural surveillance. Additionally, in design terms the proposed new dwelling would somewhat improve the appearance of the site and the street scene. However, considering the small scale of the proposal overall, the benefits in these respects would be limited.
26. The proposal would introduce a new dwelling in an accessible location, on land which has already been built on, in an existing residential area. As such, the proposal would add to the choice and mix of accommodation options in the local area, and would use land efficiently. In this way, the proposal would support the Government's objective of significantly boosting the supply of homes, and it would make an efficient use of land.
27. This would be in accordance with a number of the Council's policies and policies in The London Plan (published 2021), and the National Planning Policy Framework (the Framework). In particular, I note that paragraph 69 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Nevertheless, considering that only one new dwelling is proposed, the collective benefits in these respects would be minimal.
28. Accordingly, collectively I have given these other matters moderate weight. However, the combined planning harm identified from the 4 main issues would be very significant. It follows that all these other matters are not sufficient to outweigh that harm, nor the conflict with the development plan identified.

### **Conclusion**

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

*Alexander O'Doherty*

INSPECTOR