



Appeal Decision

Site visit made on 23 August 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/F5540/W/21/3286340

42-43 The Little School, Boston Park Road, Brentford, TW8 9JF

- 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 H Randeva against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00134/42-43/P16, dated 20 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is described as "*retention of existing nursery use and alterations to existing nursery building including upward extension of one and a half storeys to deliver six new residential units, alterations to front car park and access pathway, new landscaping, cycle parking, refuse store and other alterations*".
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms H Randeva against the Council of the London Borough of Hounslow. This application is the subject of a separate decision.

Procedural Matter

3. An extract from a Design and Access Statement for another scheme was submitted by the appellant during the course of the appeal. This related to a planning application for residential development on an adjoining site that is currently pending determination. The Council was given the opportunity to comment on this document, and I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore taken it into account in my determination of this appeal.

Main Issues

4. The main issues are the effect of the development on:
 - (a) The character and appearance of the host building and surrounding area;
 - (b) The living conditions of neighbouring occupiers with regard to overlooking and outlook; and
 - (c) The living conditions of future occupiers with regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises a part single storey, part 2 storey building that is used as a children's nursery. It is set in a backland position with a relatively narrow frontage occupied by a car park. The surrounding area has a mixed character with both residential and commercial uses, and variations in building heights. In this regard, a number of taller buildings are located nearby.
6. The development proposes a vertical extension of the existing building to create a three storey structure, including a mansard style pitched roof and projecting angular bays. This would be constructed in red brick and both the existing nursery and proposed extension would be roofed in zinc. The use of materials would harmonize effectively with the host building, and its height would not appear out of scale with surrounding buildings. Overall, the front elevation of the development would be appropriate to its context and would not appear out of keeping.
7. Conversely, the rear elevation of the building would have a far plainer and more functional appearance. In this regard, it would have little visual interest and would appear relatively featureless and mundane. In my view, it would clearly represent poor design. Whilst the Design and Access Statement states that this elevation "*addresses the industrial land to the north*", I understand that an application is currently pending for a residential led scheme on this site. In any case, it would be seen as an unattractive feature regardless of the use to the northwest, and this would not be significantly ameliorated by the level change at the rear.
8. In terms of the proposed pedestrian access route, this would be positioned along the edge of the nursery car park. Whilst this would not be ideal, on balance, I do not consider that this arrangement would be unacceptable for a scheme of this size. However, that does not alter my other concerns regarding the design of the rear elevation, as set out above.
9. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies CC1 and CC2 of the Hounslow Local Plan (2015). These policies seek to ensure, amongst other things, that new buildings are of high quality design that respond to the character of the surrounding area.

Living conditions – adjoining occupiers

10. The development would introduce a 3 storey structure in close proximity to the rear boundaries of Nos 41a-d Boston Park Road. The proposed southeast-facing elevation would include a number of windows and balconies that would look towards the rear gardens and windows of those properties.
11. It is proposed to install obscure glazing to a height of 1.4 metres in most of the proposed southeast facing windows at first and second floor level. In addition, 1.4 metre high obscure balustrades would be installed around the proposed balcony areas. However, most people of average height or above would be able to see above these when in a standing position. This would be of particular concern in relation to the balconies which are small spaces in which people are likely to stand near to the balustrades. This would afford direct views over the rear gardens of Nos 41a-d and would significantly undermine

the privacy of these spaces. Moreover, the number of large habitable room windows and balconies that are proposed would create multiple points where overlooking could occur. This would also result in a perception of overlooking that would be intrusive and oppressive to users of the garden areas.

12. At present, the appeal building is single storey in height along the boundary with Nos 41a-d which creates a relatively open feel at the rear of those properties. In contrast, the development would be 3 stories in height, which would be a significant increase even in comparison to the previously approved scheme (Ref 00134/42-43/P14). This would create a tall imposing feature along the boundary that would enclose the garden areas of Nos 41a-d along one side. This would have a harmful overbearing effect on these gardens, which would be exacerbated by their relatively compact size. Whilst I note that other tall buildings are proposed in the vicinity, these would be positioned significantly further back.
13. The apartments would be accessed via an existing route along the edge of the car park that is currently used to access the nursery. Whilst the apartments would generate pedestrian movements at times when the nursery was closed, including into the evening, this would be unlikely to result in any significant disturbance to neighbours given the relatively small number of units proposed.
14. Separately, the distance between the proposed and existing habitable room windows would be at least 21 metres, which would be acceptable in my view. I also do not consider that any significant noise or disturbance would be likely to arise from the proposed balconies or communal garden area, which are residential in nature. However, that does not alter my other concerns regarding living conditions, as set out above.
15. For the above reasons, I conclude that the development would significantly harm the living conditions of adjoining occupiers with regard to overlooking and outlook. It would therefore be contrary to the relevant sections of Policy CC2 of the Hounslow Local Plan (2015) which seeks to ensure, amongst other things, that new development provides adequate levels of privacy and outlook.

Living conditions – future occupiers

16. A number of the proposed apartments would effectively be single aspect in that all of their habitable room windows would face to the southeast. Whilst they would also have small secondary windows facing to the northwest, these would either serve a bathroom (and so would be obscurely glazed) or a narrow corridor area only. All of the habitable room windows to these apartments would either be obscurely glazed to a height of 1.4 metres, or would face onto a 1.4 metre high obscure balustrade at close quarters. Accordingly, these apartments would have very limited outlook, which would create enclosed and oppressive internal spaces. This would result in unacceptably poor living conditions for future occupiers in my view. Whilst the appellant states that this type of arrangement has been approved elsewhere in the Borough, no comparable schemes have been drawn to my attention in this regard.
17. Policy SC5 of the Hounslow Local Plan (2015) requires that benchmark external space standards (set out in Figure SC 5.2) are considered in the formulation of development proposals. In this regard, it is alleged that the development does not achieve these standards. However, from the information before me it is unclear whether that is the case. It is also asserted that the proposed

staircase and front door could undermine fire safety as they may not be large enough to meet Building Regulations requirements. That matter is also unclear from the appeal documents. However, as I am dismissing the appeal on other grounds these matters are not determinative in this case.

18. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers with regard to outlook. It would therefore be contrary to the relevant sections of Policies CC2 and SC5 of the Hounslow Local Plan (2015) which seek to ensure that new development provides suitable internal space and outlook.

Conclusion

19. As set out above, I conclude that the development would significantly harm the character and appearance of the area, and the living conditions of both neighbouring and future occupiers. It would be contrary to the development plan in these respects. Whilst it would provide new housing on a previously developed site, in an accessible location, and would generate some economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR