



Appeal Decision

Site visit made on 27 September 2022

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/F5540/W/22/3292585

90 Linkfield Road, Isleworth, TW7 6QH

- 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 Tonin Kacaj against the decision of the Council of the London Borough of Hounslow.
 - The application ref 00702/90/P3, dated 15 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is demolish a conservatory and parking garage and construction of a 2-storey plus lower ground 3-bedroom dwellinghouse, refuse enclosure, landscaping and incidental works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am dealing with another appeal which relates to 90 Linkfield Road (Appeal Ref. APP/F5540/X/22/3292496) which concerns a certificate of lawfulness. This appeal is the subject of a separate decision.
3. The appellant submitted revised plans as part of his appeal submission, which he confirms show an increase in the size of the lower ground front lightwell. The Council has had the opportunity to comment on these plans and the interested party in this case does not refer to the lightwell. Therefore, no injustice would arise were I to consider the revised plans in my determination of the appeal and I shall do so.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area including the effect on a locally listed building, which is a non-designated heritage asset.
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook and the provision of external amenity space.
 - Whether the development accords with the Council's approaches to:
 - sustainability and carbon reduction, and
 - housing growth
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Reasons

Character and Appearance

5. The appellant acknowledges the Council's Urban Context and Character Study and notes that the site falls within a character area where design quality is medium, and sensitivity to change is low.
6. 90 Linkfield Road is a two storey semi-detached house with a side garden, facing the street. The opposite side of the road is characterised by terraces of houses with rectangular front bay windows and projecting parapet walls at roof level. This gives this part of the street a regimented appearance notwithstanding the fact that a number of frontages have been painted and there is a wide variety of front boundary treatment.
7. The side of the road within which the appeal site is located has a much less homogeneous appearance and there are short runs of terraces, semi-detached houses and houses with front facing gables. The Red Lion Pub, which is locally listed, adds to the variation on this side of the street. Its steeply sloping roof, large dormer windows, canopy and tiling result in it being a dominant feature in the street scene, commensurate with its status as the only non-residential use.
8. The proposed house which is to be constructed between the existing house (No.90) and the boundary with the pub would be a two storey building with a basement. The structure would be set back behind the building line of No. 90, and it would be visually linked to No. 90 and the boundary wall by elements of the building which provide separate access to No. 90 and the new dwelling. These points are positive aspects of the design which would assist in the new building complementing the street scene.
9. However, the ground floor element of the building aligns with the eaves of the public house and the first floor element is significantly higher than the eaves of No. 90. This would result in the proportions of the front elevation being at odds with those of No.90 and it would appear out of scale with No.90 when viewed perpendicular from the street.
10. While not overtly shown on the plans the zinc rear element which would wrap around the first floor would increase the massing of the first floor element, although to a limited extent given the setback. Furthermore, although the heads of the windows in the front elevation of the new building would be aligned with those in No. 90, the design of the proposed windows would not reflect the size and style of windows in the nearby houses. Similarly, the full height slit window in the zinc element would introduce a further style of glazing to the building. These differences would add to the lack of harmony between No. 90 and the new building and would have a harmful effect on the street scene.
11. I have given consideration as to whether the principle of a design solution which is in contrast to the other buildings in the street is an appropriate one in principle. In my view it is, but the dominant effect of the Red Lion Pub must be maintained. By virtue of its proportions and design the new building would visually compete with the public house as opposed to sitting alongside it in a harmonious relationship. However, I disagree with the Council's view that the design would be improved by reference to the pub's glazed or hung tiles. This would undermine the distinction between the design of the public house and

the domestic architecture of the surrounding area which is important to its status as a locally listed building and the contribution which it makes to the street scene.

12. The appellant refers to a site at 27 Leighton Road, London (the Leighton Road scheme) and draws comparisons with it in terms of design concept and materials to the appeal scheme. However, there is limited information before me regarding the details of this scheme or its relationship with the street scene. Consequently, I do not find the Leighton Road scheme to be directly comparable and the limited weight which I attach to the similarities do not outweigh the harm which I have found in respect of the appeal scheme.
13. I conclude that the proposed dwelling would have a harmful effect on the character and appearance of the surrounding area including the effect on the setting of a locally listed building, which is a heritage asset. The development is therefore contrary to Policies D4 and D6 of the London Plan 2021 and Policies CC1, CC2, CC4 and SC4 of the London Borough of Hounslow Local Plan 2015-2030 Volume One (the Local Plan). These policies seek to ensure that new development conserves local character and responds sensitively to it, including by reference to the Urban Context and Character Study and that development proposals have regard to locally listed buildings.
14. For the same reasons the development fails to accord with the National Planning Policy Framework which seeks to achieve well designed places.

Living conditions of future occupiers

15. The Council's reasons for refusal reflect its concerns regarding the outlook from the bedrooms in the basement and inadequacies in external amenity space. In its statement the Council refers to concerns regarding the effect of loss of light to the existing house at 90 Linkfield Road. Whilst this is not articulated in the third reason for refusal, in the broad sense this reason for refusal refers to the standard of accommodation for future occupiers. In this case the application site includes the existing house No. 90 and the land which currently forms its garden/garage. For that reason, any impact on No. 90 in terms of loss of light is a relevant consideration for this appeal.

Basement bedrooms

16. In its statement the Council confirmed that in the light of the revised plans submitted by the appellant, its concerns regarding the outlook from the basement bedrooms has been overcome. However, the Council remains concerned about location of these bedrooms in terms of flood risk and means of escape.
17. The Council refers to Section 4.7 of its Residential Extension Guidelines Supplementary Planning Document A Guide for Householders (2017) (the Residential Extensions SPD), which it says precludes the provision of sleeping accommodation at basement level. Clearly, the proposed development does not accord with this guidance. The appellant argues that the appeal site is in Flood Zone 1 and there is no evidence of risk from surface water, groundwater or sewer flooding. The Residential Extensions SPD accepts that this is a valid consideration in terms of the potential for flooding, but the Council has provided no information to counter the appellant's view that the risk of flooding is low.

18. In relation to means of escape, the appellant contends that an upward means of escape is provided. However, if the occupiers of the dwelling were unable to access the upper floors, their only means of escape would be via the lightwells. To that extent it has not been demonstrated how the development would accord with the Residential Extensions SPD.

External amenity space

19. Policy SC5 of the Local Plan sets out that useable amenity space should be provided at no less than 60 sqm and 75 sqm in respect of houses with four, or five or more habitable rooms respectively. The Council sets out this provision is not made in respect of either the existing house, No. 90, nor the proposed house. However, the appellant argues that if the front gardens and lightwells are included, then the requirement is achieved in respect of No. 90, and the shortfall in the case of the new house is not significant. Furthermore, the appellant points to the similarity with garden sizes elsewhere on Linkfield Road.
20. Linkfield Road appears to be a quiet residential street and in this context front gardens could be regarded as useable external amenity space. To that extent I find the retained external amenity space which would be associated with No. 90 to be adequate.
21. However, turning to the external spaces which would be available to the occupiers of the new house, the combined area of the front garden, two lightwells and the rear garden do not achieve the baseline standards in Policy SC5. Furthermore, the siting of the front lightwell in the front garden reduces the useability of that space. There is no evidence of planting plans or similar information before me to suggest that the lightwells would be high quality useable spaces themselves.
22. As a result of these limitations in terms of the usability of the amenity areas, the front garden and lightwells should be excluded from the external space calculations in respect of the proposed house. Consequently, the provision of external amenity space for the proposed house would fall significantly below the standard set out in Policy SC5.

Daylight/sunlight

23. The new house would share its boundary with the existing house, No. 90. The Council is concerned about the level of light which would reach a window serving the dining room in the side elevation of the existing house. The appellant accepts that there will be an adverse impact on this respect. However, he argues that an extension and reconfiguring of No. 90 would overcome the harm.
24. The Council has considered an application for an extension to No.90 and confirmed that Prior Approval is not required for that development (the Prior Approval Scheme). Furthermore, the Council agree that this extension if carried out would overcome its concerns.
25. On the basis of the plans and my findings at the site visit, I concur with the Council's view that the new house would cause loss of light to the side window in No. 90, but that an extension and re-configuration of the internal space would overcome this harm. The appellant considers that a planning condition could be attached to any consent for the appeal scheme to require the Prior Approval Scheme to be carried out. Unlike the Council I consider that such a

condition would meet the tests because the application site includes No. 90 and is controlled by the appellant. To that extent the Prior Approval Scheme is enforceable.

26. However, I disagree with the appellant that the trigger for the completion of the Prior Approval Scheme should be the occupation of the new dwelling. This is because during construction the new house would progressively reduce the light received to the side window. In the event that I were to impose such a condition, the trigger would need to be prior to the commencement of above ground works to address this issue.

Conclusion (Living conditions of future occupiers)

27. Drawing all of the above strands together, I find that whilst the revised plans submitted by the appellant as part of his appeal submissions ensure that a satisfactory outlook can be provided and that flood risk has not been demonstrated, in all other respects the development would not provide satisfactory living conditions for future occupiers of the site, including of No.90. Although a condition could be imposed to address the issue of loss of light to No. 90, other harms arising from the lack of detail in relation to means of escape and insufficient external amenity space would remain.
28. I conclude that the proposed development would not provide satisfactory living conditions for future occupiers. The development is therefore contrary to Policy D6 of the London Plan and Policy SC5 of the Local Plan. These policies seek to promote well designed liveable spaces and to ensure the provision of suitable external space.
29. For the same reasons the development fails to accord with the National Planning Policy Framework which seeks to achieve well designed places.

Sustainability and carbon reduction

30. Initially the Council was concerned about water usage associated with the development, but it has accepted that this matter could be addressed by planning condition. To that extent, subject to a condition, the development accords with Policy S15 of the London Plan.
31. The Council retains its view that it has not been shown that the development would be fully carbon neutral through a combination of the use of renewable energy on site and a payment to its Carbon Offset Fund.
32. Policy EQ1 of the Local Plan requires all new development to meet carbon emission reduction requirements set out in the London Plan. Policy S12 of the London Plan 2021, which is referenced by the Council requires a minimum 10% on-site reduction beyond Building Regulations. There is no particular reference to the methodology for making assessments in those policies.
33. The dispute between the parties is in relation to the calculations used in the submissions by the appellant. The appellant says that even if he used the methodology required by the Council his conclusion that a contribution to the Carbon Offset Fund is not required would stand. However, he has not substantiated this point.
34. The Council has suggested that a condition could be imposed to require the submission of a finalised Energy Strategy and its implementation. The Council

considers that this may result in a requirement for the Carbon Offset Payment for which a formal agreement would be needed. A further condition has been suggested in respect of an agreement, including the specification of a sum of money. The appellant does not consider that these conditions are necessary or reasonable.

35. It would be unreasonable to impose a condition requiring the submission of a finalised Energy Statement given that such a statement has been provided. A condition could be worded to require an amended statement to comply with the methodology referred to by the Council. However, the outcome of such an exercise is unclear and may or may not result in the need for an agreement to be entered into with the Council. Therefore, such a condition would not pass the test of being precise or reasonable.
36. Drawing all of these points together it has not been shown that the development would deliver an acceptable level of sustainability and carbon reduction. Consequently, it would not accord with Policy EQ1 of the Local Plan or Policy S12 of the London Plan 2021.

Housing Growth

37. Policy SC1 of the Local Plan establishes a presumption against the development of self-contained residential units within the curtilage of existing dwellings where the proposal would be in conflict with other policies in the Local Plan. It follows that as I have found conflict with Local Plan policies then the development would be contrary to Policy SC1 of the Local Plan.

Other Matters

38. The appellant argues that the development will bring public benefits in the form of the supply of homes, making best use of previously developed land and economic benefits and that it would be energy efficient, sustainable development. Whilst these are all points in favour of the principle of an additional dwelling, there is no evidence to show that these benefits will only arise in respect of this particular development. An alternative design has the potential to deliver the same benefits without the harmful effects on the character and appearance of the surrounding area, including the heritage asset, and the living conditions of future occupiers.
39. I conclude that the material considerations in this case do not lead me to a different conclusion from that indicated by the Development Plan.

Conclusion

40. For the reasons given above, I conclude that the appeal should not succeed.

Sarah Dyer

Inspector