



Appeal Decision

Site visit made on 20 October 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/F5540/W/21/3285305

Millennium House, 51 High Street, Feltham, TW13 4AB

- 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 Tim Hales c/o Penrice Hales Developments Ltd against the decision of London Borough of Hounslow.
 - The application Ref 00609/51/P8, dated 27 January 2021, was refused by notice dated 24 May 2021.
 - The development proposed is 1 new build detached residential property, built over three floors, with 2 bedrooms, a roof garden, front garden, undercroft parking and designed to match the adjacent building, Millennium House in terms of design style, details and materials. To be built in part of the carpark to the rear of Millennium House.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The banner heading identifies the site as Millennium House. More accurately the site is land to the rear of Millennium House. I have proceeded on the basis of the Council's description of the site.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, The Red Lion Inn and the extent to which it would preserve or enhance the character or appearance of the Feltham Green and Town Centre Conservation Area (CA).
 - The effect of the proposal on the living conditions of future occupants by way of external space;
 - Whether or not there would be an adverse effect on pedestrian and highway safety;
 - Whether or not the proposal would mitigate the effects of carbon emissions.

Reasons

Heritage Assets

4. The appeal site is located within the Feltham Green and Town Centre CA, with its main architecture and historic interest concentrated on what remains of the

- early village of Feltham, primarily the Green and the 19th Century properties that surround it. The village character is based on the church, the Green and associated soft landscaping. The arrival of the railway encouraged the expansion of the village forming the High Street with the Feltham Green and pond a contributing feature. The scale and density of development is such that an open rural character has been maintained, especially around the Green.
5. The appeal site is a modern development of broadly square proportions that sits along the High Street with dedicated rear parking accessed from Browell's Lane. A local academy school and the imposing Grade II listed building, formally the Red Lion Inn public house (PH), that sits on the corner of High Street and Browell's Lane bounds part of the site.
 6. The PH was constructed in the 18th century and is distinctive for its prominent corner location, set back from the junction of Browell's Lane and High Street and finished in brown brick with a clay-tiled hipped roof. Its main elevation faces towards the High Street. Its curtilage extends to the rear of the building and faces the Green, situated on the opposite side of Browell's Lane. The relative position of the building defines its functional significance as a village inn and thus contributes to its historical legibility.
 7. Turning to the proposal's effect upon the significance of the Grade II Listed public house, as the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 8. When considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, the protection of the heritage asset is given considerable importance.
 9. The proposed Millennium Lodge would be located within a corner of the car parking grounds of Millennium House. It would be of a scale and mass that would represent a subservient building to the main building. The use of matching finished materials, fenestration pattern and its broadly square shape would complement the aesthetics of Millennium House. It would thus relate closely to it both physically and in its finished appearance.
 10. The PH beer garden with landscaping wraps around part of the car parking area with its main elevation facing onto High Street. The appeal proposal would only be seen in longer range views across the beer garden. In its context of similar development, it would be clearly identified as part of a building to Millennium House, one more akin to an ancillary outbuilding. The design would complement Millennium House. There is no reason for me to come to the view that it would harmfully detract from the special architectural and historical significance of the listed building as the setting would thus be respected.
 11. The front of Millennium House is clearly seen from within the CA, especially from High Street where other modern buildings are present. The proposed new build would not be clearly perceptible in views from High Street due to the existing building, its position on site, boundary treatments and the landscape coverage. Any views that would be visible from the main road would represent a building of a discrete nature.

12. Neither would it be clearly discernible in views from the Green as it would be located some distance back into the site and absorbed into the main building. The leafy environment that forms an intrinsic part of the CA would be retained and provides broad shielding properties. It would not appear visually intrusive but instead appear as a fitting form of development that would preserve and enhance the character and appearance of the CA.
13. Therefore, to conclude on this main issue, the proposal would be in character with its immediate environment and would preserve and enhance the character and appearance of the CA. In addition, it would not harm the significance of the Grade II Listed Building. Therefore, the development would meet the wider character and context and design expectations of the Local Plan 2015-2030 Policies CC1 and CC2 and heritage protection aims of policy CC4 and that of the National Planning Policy Framework (the Framework).

Living conditions

14. The appellant advises that 72m² of external space would be provided for the future occupants utilizing both the roof garden and ground floor external space. There is nothing before me to suggest that the roof garden is not of an acceptable quality space for the future occupants.
15. However, the ground floor external space would be found close to the main entrance hall into the building and parking area, thus the garden in particular would be in a very exposed location to the comings and goings to and from Millennium House. A box hedge to its perimeter would not lead me to conclude this space would be seen as a private garden.
16. Its layout has been designed in separate parcels and its function as usable space would be limited, made more so by the position of refuse storage area and a door opening out onto the paved space. Even if it makes up the required quantity of external space to meet Council policy, as a combination, I am not convinced it would create acceptable living conditions for the future occupants.
17. Therefore, to conclude on this main issue, by virtue of the quality of the external space as a whole, the living conditions of the future occupants would not be adequately safeguarded. The proposal would therefore be contrary to Local Plan 2015-2030 Policy SC5 to ensure suitable external space, and the broad aims of the Framework to achieve well designed places.

Pedestrian and Highway safety

18. Vehicular access to the rear car parking area is solely from Browell's Lane from a lane between a residential building and the PH beer garden leading to two car parking areas for Millennium House and residential Kings House. Both car parks are separately laid out for vehicular parking and are a relatively substantial size.
19. I note the discrepancy between the Council's number of around fifteen car parking spaces and the Parking Impacts Appraisal submitted by the appellant concluding there are about nineteen spaces, as well as their Design and Access Statement that states there are approximately eighteen spaces. Nevertheless, I also note the Council's Transport Planner has no strong objections to the net loss of parking to accommodate the development per se.

20. However, more importantly is the functionality of the proposed undercroft bays due to structural supports and location of proposed plant equipment which the appellant suggests to be part internal, and the accessibility of some other external parking bays as a consequence of the proposal being located here. This would therefore render a number of car parking spaces impractical to use, thereby placing more demand on the useable parking spaces.
21. In addition, without a swept path specific to this development being presented to demonstrate that service vehicles can adequately turn within the site, I cannot be certain that highway safety would be safeguarded.
22. The local amenities, job opportunities, transport options and recreational activities are within walking distance of the appeal site. Occupants of both Millennium House and Kings House residential accommodations are more conveniently able to access these amenities as they both have front doors with direct pedestrian access leading towards the town centre.
23. Pedestrian visitors and occupants of the development on foot can only enter and exit the site from the shared vehicular access. Given there is no other dedicated pedestrian route to and from the main road, pedestrians would be in direct conflict with vehicles entering and exiting the site. This conflict would be made more severe as the visibility for vehicles exiting the site is poor.
24. Therefore, to conclude on this main issue, the proposed development would fail to acceptably safeguard pedestrian and vehicular safety, contrary to the broad transport and waste expectations of Local Plan 2015-2030 Policies EC2 and EQ7 and the London Plan Policy T2. It would also not meet the expectations of the National Planning Policy Framework to avoid unacceptable impact on highway safety.

Carbon emissions

25. The Council's policies embrace energy and carbon reductions with an emphasis on sustainability measures to deliver an energy efficient development. The Council's policy EQ1 seeks carbon emissions reductions to uphold the requirements set out in the London Plan 2021. I apply substantial weight to the thrust of this policy.
26. I note the appellant's efforts to meet local policies with the use of solar roof panels and an Air Source Heat Pump. The latter is intended to be located in the undercroft parking area. However, as vehicle parking for the dwelling is intended to be dedicated to this space, there are no details provided that it could be realistically sited here and is therefore in doubt.
27. I do not consider that at detailed design stage is sufficiently acceptable to explore carbon mitigation measures as planning conditions should only be imposed to comply with the tests set out in paragraph 56 of the Framework. This is a highly technical area and precise detail should be presented upfront for the avoidance of doubt. I note the Council would accept an off-site financial contribution to off-set carbon emissions. However, no mechanism has been forthcoming by the appellant.
28. Therefore, to conclude on this main issue, in the absence of a planning obligation, the development would fail to secure necessary contributions to the Council's Carbon Offset fund to mitigate this shortfall in emission reduction. The proposal would therefore be contrary to London Plan Policies SI2 and SI15,

Local Plan Policies EQ1 and EQ2 to reduce energy and carbon emissions and ensure sustainable design and construction. In addition, it would be contrary to the Planning Obligations and CIL Supplementary Planning Document and National Planning Policy Framework to manage climate change.

Other Matters

29. I am aware that the building would be constructed to adequately protect occupants from noise exposure and futureproofed for mobility needs with cycle parking included within its fabric. Sustainable construction measures would also be included. There are no issues raised by the Council with regards to sunlight and daylight levels the occupants would receive. Nor would it lead to an overlooking and a loss of privacy to adjacent occupants. One new dwelling to the housing stock of the Borough would arise, but only as a small contribution. Whilst these matters, taken in combination, and its other areas not in conflict between the parties have been afforded moderate weight, in my view they are not sufficient to outweigh the considerable planning harm identified on the main issues.

Planning Balance and Conclusion

30. I have come to the conclusion that the proposal would not lead to detrimental harm arising to designated heritage assets. Its effect upon carbon emissions is an area in contention between the parties and I find in favour of the Council on the matter. As a combination of this, and its adverse impact upon the living conditions of the future occupants and the effect upon highway and pedestrian safety, the proposal on balance, cannot be supported.
31. Therefore, to conclude, the proposal would thus lead to conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, the appeal should not succeed.

Alison Scott

INSPECTOR

