



Appeal Decision

Site visit made on 13 December 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023

Appeal Ref: APP/F5540/W/22/3294190

126 Barrowgate Road, Chiswick, London W4 4QP

- 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 Trailbeat Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00079/126/P3, dated 25 June 2021, was refused by notice dated 30 September 2021.
 - The development proposed is demolition of detached garage, replacement two storey side extension and single storey rear extension, associated with the subdivision of the ground floor to form three residential units, hard and soft landscaping to front and rear, cycle and waste storage and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of detached garage, replacement two storey side extension and single storey rear extension, associated with the subdivision of the ground floor to form three residential units, hard and soft landscaping to front and rear, cycle and waste storage and associated works at 126 Barrowgate Road, Chiswick, London W4 4QP in accordance with the terms of the application Ref 00079/126/P3 dated 25 June 2021 subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the host building and Turnham Green Conservation Area ('the CA');
 - ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to outlook and privacy; and
 - iii) whether or not the proposal would make adequate provision to reduce energy use and carbon emissions.

Reasons

Character and Appearance

3. The Turnham Green Conservation Area Appraisal 2021 ('the CAA') highlights that the CA derives much of its significance from the origins of the Green as part of a much larger common on which the English Civil War Battle of Turnham Green took place; its formative role in the development of Chiswick as a whole; and the high quality of many of the surrounding buildings as well as of the residential areas to the south and west of the Green. The CAA refers to the Devonhurst character area which includes Barrowgate Road as an example of

'well-mannered diversity in style and detail creating a harmonious whole'.

Barrowgate Road itself is noted by the CAA as the most varied of the streets in the area, featuring housing in a wide range of sizes and styles dating from the 1880s to the post-war period. Notwithstanding the variety in the form, scale and appearance of the buildings, I saw that their positioning on fairly strong building lines fronting the street creates a sense of rhythm and enclosure.

Together with the mature trees that line the street, this provides for attractive vistas along Barrowgate Road.

4. The appeal site includes a detached building which is occupied as flats. Although of different design to neighbouring buildings, its traditional external materials, prominent chimneys and gables including one that is half-timbered reflect elements typical of many buildings within the CA. As a result, the building adds to the diversity of the street scene, and I agree with its identification within the CAA as a building that makes a positive contribution to the CA. There is also a detached garage to the side of the building. The garage is not identified as a positive contributor within the CAA. Such buildings are not typical along Barrowgate Road nearby, although the modest scale and simple design of the garage mean that it is an unassuming feature, and while it is appreciated as clearly subordinate to the host building, I find that it makes a neutral contribution to the character, appearance and significance of the CA.
5. The proposal includes an extension to the rear of the appeal building. This would not be significantly deeper than other extensions nearby, including to the adjacent building at 124 Barrowgate Road, and the Council indicates that its size would be acceptable in line with the Residential Extension Guidelines Supplementary Planning Document 2017 ('the SPG'). It would not be readily visible from the street scene, and based on my observations at my visit and the evidence before me, I am satisfied that it would not detract from the character or the appearance of the host building or CA.
6. Given that I have found that it makes a neutral contribution to the CA, I am also satisfied that the demolition of the garage would in itself be acceptable. The side extension that is proposed in its place would be of greater height and overall scale. However, it would be set back appreciably from the front elevation, of lesser depth and less than half of the width of the host building. The ridgeline of the extension roof would be of similar height to the eaves of the host building, but it would be much lower than the main roof ridges, and of considerably smaller overall bulk and mass than the main roof. In my judgement, the extension would not be excessive in size. I find that it would be appreciated as a clearly subordinate and subservient addition, and that the original proportions of the host building would remain readable and the prominent feature on the site.
7. The pitched roof over the extension and brick finish to the ground floor level would be in keeping with the host building, and its design would generally reflect the overall proportions and Edwardian style of the property. The glazing design and plainer detailing to the extension would give it a more contemporary appearance. Subject though to the use of sympathetic materials to complement the host building, I do not consider this would necessarily be awkward or discordant. Instead, and taken in combination with the design including garage doors to the ground floor, I find that it would help to reinforce the impression of the extension as a subordinate addition to the host building, and I can see no firm reason that it would not be possible to secure full details of the external materials by way of a planning condition to ensure a sympathetic relationship.

8. Moreover, the proposal would increase spacing to the boundary with 128 Barrowgate Road. Despite the increase in overall mass and bulk of the development, I find as a result that the host building would still be appreciated as a detached villa, and the development would not harmfully reduce the sense of openness between properties which the CAA identifies as a threat.
9. For these reasons, I am satisfied that the proposal would be a sympathetic addition that would not dominate in terms of its bulk, scale or design nor appear incongruous. Instead, it would maintain the diversity of this part of the street scene and assimilate well with its surroundings.
10. In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character and the appearance of the CA. However, for the reasons given above, I find that the proposal would not harmfully erode the contribution that the site makes to the CA. The character and the appearance of the CA would be preserved, and I find that its significance would not be diminished by the development.
11. I therefore conclude on this main issue that the proposal would not harm the character or the appearance of the host building or the Turnham Green CA. Accordingly, I find no conflict with Policies CC1, CC2, CC4 or SC7 of the Local Plan 2015. Together and amongst other things, these policies broadly require high quality design and architecture, extensions that complement the host building and harmonise with their surroundings, and development that conserves and enhances local character and the significance of heritage assets. For the same reasons, the proposal would accord with objectives in the SPG seeking a high standard of design that preserves or enhances local character and CAs; and with requirements in the National Planning Policy Framework ('the Framework') seeking development that is sympathetic to local character and that conserves and enhances heritage assets and their significance.

Living Conditions

12. The Council's reason for refusal includes reference to daylight for prospective occupants of the development, but this is not explained further within its evidence. Indeed, its report on the application notes that the daylight and sunlight assessment submitted with the application demonstrated that the dwellings would have good access to daylight and sunlight. I have no firm reason to conclude differently, and I am satisfied that there would be acceptable daylight for future occupiers of the development.
13. Glazing serving the larger bedroom of Unit 2 would face towards fencing along part of the garden for Unit 1 at a distance of around 2.5m. This relationship would enclose views somewhat, and would restrict outlook for future occupiers of the room, although there would be some open aspect and upward views towards the sky above the top of the fence. There would be greater separation of around 5m between glazing to the smaller bedroom of Unit 2 and the rear bedroom to Unit 3 and fencing on the boundary with 124 Barrowgate Road, but the two-storey part of No 124 beyond would significantly enclose outward views. In addition, the lower two panes of each of these bedroom windows is indicated to be frosted glass which would further limit outlook for occupiers.
14. The glazing serving the rear bedroom of Unit 3 would also be positioned adjacent to the bottom of the steps up to the entrance of the existing first-floor

flat. Given the elevation provided by the steps, occupiers and visitors to the first-floor flat would have potential views through the clear pane at the top of the window into the bedroom which I find would be intrusive. The appellant has suggested that a condition could require obscured glazing to the window. This would prevent views into the bedroom, and I am satisfied having regard to the relatively low level of movements that would be likely since the steps serve only a single flat that it could ensure suitable privacy. However, the use of obscure glazing to the full height of the window would further limit outward views so that the bedroom would effectively have no outlook. Given these factors, outlook for occupiers of the larger bedroom to Unit 2, the smaller bedroom to Unit 2 and the rear bedroom to Unit 3 would respectively be poor, very poor, and absent.

15. Nevertheless, all of the bedrooms are of reasonable size, and would receive natural light so that I find they would not feel unduly confined. In addition, the main living/dining rooms for both Units 2 and 3 and the second bedroom to Unit 3 would have good outlook to either the front or the rear of the building. The flats would each also exceed minimum internal space standards overall, and would benefit from external amenity space in excess of requirements. These factors would compensate to some degree for the lack of outlook to some bedrooms, and overall I consider that the dwellings would offer a reasonable standard of accommodation to future occupiers.
16. Given the limited outlook, I conclude that there would be some conflict with Policies CC2 and SC6 of the Local Plan which include requirements for adequate outlook and a good standard of living conditions and amenity for future occupiers in terms of privacy, daylight and outlook, as well as similar objectives within the London Plan Housing Supplementary Planning Guidance 2016. In addition, the standard of amenity for future occupiers would not be 'high' as sought by the Framework. Subject to a condition though, there would be adequate privacy, and I find having regard to the particular circumstances of the proposal that the resulting effect on overall living conditions for occupiers of Units 2 and 3 would be modest. On balance, I consider that the dwellings would offer a suitable standard of amenity for future occupiers.

Energy Use and Carbon Emissions

17. Policy EQ1 of the Local Plan seeks to minimise demand for energy and promote renewable and low carbon technologies, and includes a requirement for all developments to meet carbon emission reduction requirements set out in the London Plan. Policy SI 2 of the London Plan 2021 seeks major development to be net zero-carbon and to achieve a minimum on-site reduction of at least 35% beyond Building Regulations. However, and irrespective of the Council having declared a climate emergency, the appeal proposal is not a major development, and I am not therefore persuaded that these requirements would be applicable here. Nevertheless, Policy SI2 does outline that residential development should achieve a reduction of 10% beyond Building Regulations through energy efficiency measures.
18. The application was accompanied by an Energy and Sustainability Overview report which indicates that Unit 1 would achieve a 2.83% improvement over the Building Regulations Target Emission Rate. The appellant's appeal statement suggests at paragraph 9.15 that energy efficiency criteria would be met, but indicates elsewhere that the betterment of target energy efficiency ratio would

be 5.26%, and I consider it unclear whether or not a 10% reduction beyond Building Regulations through energy efficiency measures would be achieved. In addition, calculations have not been provided for Units 2 or 3. These dwellings would be largely formed through the conversion of the existing building, but I have not been directed to policy or guidance clearly outlining that Policy SI 2 of the London Plan and Policy EQ1 of the Local Plan would not apply to refurbishment or conversion proposals.

19. That said, I see no reason that it would not be possible to seek further details of energy efficiency measures by way of an appropriately worded planning condition. In addition, the appellant has proposed that residual carbon emissions from the development would be offset through a carbon offsetting financial contribution, and has submitted a planning obligation by way of a Unilateral Undertaking dated 30 September 2022 ('the UU') intended to secure this. The Council was afforded the opportunity to comment on the UU, albeit that it has not done so, and I have no firm reason to find that the UU would not be effective.
20. I appreciate that the London Plan explains that the priority is to minimise energy demand, and then address how energy will be supplied and renewable technologies incorporated. Nevertheless, the appellant notes that retaining a high proportion of the existing building material would reduce the embodied carbon of the development, reducing whole-life carbon emissions. The nature and small scale of the development and relationship between the dwellings on the site and neighbouring properties would also be likely to limit opportunities to minimise carbon emissions on site.
21. In the circumstances and having regard to the evidence before me, I consider that it would in this case be appropriate for the proposal to reduce carbon emissions through the carbon offsetting contribution. On this basis, I find that the obligation within the UU would be necessary to make the development acceptable in planning terms. It would also be directly related to the development and fairly and reasonably related in scale and kind to the development. The obligation would therefore meet the tests set out at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) which are reflected within the Framework, and I have taken it into account.
22. For these reasons, and subject to a condition and the UU, I conclude that the proposal would make adequate provision to reduce energy use and carbon emissions in accordance with the objectives of Policy EQ1 of the Local Plan and Policy SI 2 of the London Plan. It would also accord with similar objectives within the Framework seeking to reduce greenhouse gas emissions.

Other Matters

23. The development would not extend significantly deeper than 124 Barrowgate Road, and the deepest part of the extension would be set well in from the boundary with 128 Barrowgate Road. Having regard to the scale of the development and its relationship with neighbouring dwellings, I am satisfied that it would not cause a harmful loss of light or outlook, and it would not be unacceptably dominant. I am also satisfied that there would be no harmful loss of privacy for neighbouring occupiers given that no additional windows are proposed to the sides of the building at first floor level, and that boundary treatment would prevent overlooking from ground floor level glazing. The site would remain in residential use, and I do not consider that the increase of

2 additional dwellings would result in significant noise or disturbance so as to meaningfully impact on the living conditions of nearby occupiers. Any disruption during construction would be short term and would not justify withholding permission. Should there be a requirement for party wall agreements, this would be a matter between the relevant parties.

24. The Council and Mayor of London collect Community Infrastructure Levy contributions towards local infrastructure, and there is no firm evidence before me to show that the proposal would place undue strain on local infrastructure or utility services including drainage. I am also satisfied that suitable and sympathetic provision for the storage of refuse and recycling could be accommodated within the site, with details secured by a planning condition.
25. The proposal would result in a total of 4 flats on the site. There would be parking for 2 vehicles to the front of the building, and therefore not all flats would have off-street parking. However, there were a large number of parking spaces available on-street in the vicinity of the site at the time of my visit, and while I appreciate that this was only a snapshot, I have not been provided with clear evidence of existing parking stress that would be harmfully exacerbated by the proposal. The Council and highway authority are satisfied that provision for parking would be acceptable, and I can see no firm reason to take a different view.
26. I have taken into account representations by interested parties. However, I am satisfied that none of the other matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and they do not alter my findings on the main issues.

Planning Balance

27. I have found that the proposal would not harm the character or appearance of the host building or the Turnham Green CA, and that it would make adequate provision to reduce energy use and carbon emissions. Outlook for some bedrooms would be inadequate, resulting in conflict with Policies CC2 and SC6 of the Local Plan. However, I have found given the quality of the overall accommodation that the resulting effect on living conditions for occupiers overall would be modest, and that on balance, the dwellings would offer a suitable standard of amenity for future occupiers.
28. In addition, the Framework seeks to significantly boost the supply of housing to meet needs, and advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The proposal would make effective use of a previously developed site to deliver a net gain of 2 dwellings within a moderately accessible location. I accept that the contribution would be limited given the small scale of the development. Even so, I give these matters significant weight in the context of the advice within the Framework, and find that the conflict with Policies CC2 and SC6 of the Local Plan and the lack of outlook for some bedrooms of Units 2 and 3 would in this instance be outweighed by the benefits of the proposal.
29. Accordingly, there are material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

30. I have considered suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity.
31. In addition to the standard time limit, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty, and a condition to require further details of the proposed external materials is necessary in the interests of the character and appearance of the area.
32. Given the UU, a condition to require a contribution to the Council's carbon offset fund is not necessary. I have however attached a condition to secure further details of energy efficiency measures as part of the development in light of my findings on the third main issue, and the appellant was able to comment on the wording of this condition. I have also attached a condition relating to internal water consumption which is necessary to minimise use of natural resources and to accord with the requirements of the development plan.
33. In the interests of highway safety and to ensure suitable access, I have attached a condition to require provision of visibility splays, as well as a condition referred to within the Council's report on the application to require that alterations to the vehicular access are carried out before the development is occupied. Conditions relating to storage for waste and recycling, cycle storage and electric vehicle charging are necessary to ensure adequate provision, to support use of sustainable travel modes, and in the interests of the character and appearance of the area. The conditions would require that provision was made in accordance with the approved details, and in the absence of compelling evidence to explain why photographic evidence of the installed electric vehicle charging points would be required, I am not persuaded this would be necessary or reasonable. I have therefore omitted this requirement.
34. A condition to require use of obscure glazing is necessary to safeguard the living conditions of future and neighbouring occupiers. While I have noted the wording of the condition attached by the Council to permission granted under application ref 00079/126/P4 referred to by the appellant, this would not restrict opening, and it seems to me that its wording could leave some ambiguity over the degree of obscuration. I have therefore required that details of the windows are submitted to ensure that the condition would be effective and suitably precise. Finally, I have attached a condition referred to within the Council's report to require that the development is carried out in accordance with the Flood Risk Assessment which is necessary to ensure that flood risk would not be increased.
35. The Council's Regulatory Services consultee suggested a condition relating to external plant noise, but no external plant is indicated as part of the development and therefore I do not consider this would be necessary. In addition, I have not imposed a condition relating to construction working hours as this would be subject to control under other legislation.

Conclusion

36. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: A0200, A2002, P0300, P0301 rev A, P0600, P0601, P0602, P0700, P0701, P0702, P0703, P0801, P1400, P1402, P1500, P1501, P1502, P1503 (Demolition West Elevation), P1503 (Proposed West Elevation), P1601, P2000, P2001, P2100, P2101 (Proposed East Elevation), P2101 (Proposed South Elevation) and P2201.
- 3) No development above proposed ground level shall take place until full details of the materials to be used in the construction of all external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development above proposed ground level shall take place until details of energy efficiency measures to be incorporated into the development and demonstrating the effect of these measures on overall energy use for each dwelling relative to Building Regulations requirements have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be first occupied until a splay of 2.4m x 2.4m has been provided on the west side of the access from Barrowgate Road, the depth measured from the back of the footway and the widths outwards from the edges of the access, and no fence, wall or other obstruction to visibility exceeding 0.6m in height above the surface of the adjoining highway shall be erected or allowed to grow within the areas of these splays on land within the site.
- 6) The development hereby permitted shall not be first occupied until the vehicular access from Barrowgate Road has been provided in accordance with the approved plans.
- 7) The development hereby permitted shall not be first occupied until details of arrangements for storage of waste and recycled materials have been submitted to and approved in writing by the Local Planning Authority. The arrangements for storage shall be installed in accordance with the details approved before the development is first occupied, and thereafter permanently retained.
- 8) The development hereby permitted shall not be first occupied until details of the arrangements for secure, sheltered, easily accessible, and conveniently located cycle storage facilities for at least five cycles have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the approved details before the development is first occupied, and thereafter permanently retained.

- 9) The development hereby permitted shall not be first occupied until full details of Electric Vehicle Charging Points, capable of a minimum output of 7.2kW, have been submitted to and approved in writing by the Local Planning Authority. The details shall include manufacturer's specifications, and the number of spaces provided with active and passive capabilities shall comply with the London Plan standards. The charging points shall be installed in accordance with the approved details before the development is first occupied, and thereafter permanently retained.
- 10) The development hereby permitted shall not be first occupied until the windows to the side of the building facing 124 Barrowgate Road serving bedrooms have been fitted with obscured glazing and designed to open only in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be retained in accordance with the approved details.
- 11) The development hereby permitted shall not be first occupied until measures are in place to ensure that internal mains water consumption does not exceed 105 litres/person/day. The measures shall thereafter be permanently retained.
- 12) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment prepared by Spillways (ref 1404-FRA-210622 F4 dated 22 June 2021).

End of Schedule