



Appeal Decision

Site visit made on 3 January 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/F5540/W/22/3301097

51 Chertsey Road, Feltham TW13 4RJ

- 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 Sukhvinder Singh Dhaliwal against the decision of London Borough of Hounslow.
 - The application Ref 00242/51/P1, dated 10 January 2022, was refused by notice dated 5 April 2022.
 - The development proposed is for the demolition of attached garage and construction of a 2 bed detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupants of neighbouring dwellings, having regard to outlook, daylight and sunlight and private outdoor space.
 - whether the proposal would provide suitable parking, and
 - whether the proposal would satisfy requirements for carbon offsetting, with reference to development plan policies.

Reasons

Character and Appearance

3. The host dwelling is located on a corner plot, fronting the Chertsey Road, near the junction with Ellington Road. To the side of the dwelling is a garage which is sited on part of the host garden. Chertsey Road comprises a mix of short terraces, and semi-detached dwellings, punctuated by L-shaped pair dwellings at the street corners which provide a degree of symmetry in the street.
4. In addition, the gaps between the upper floors of these dwellings gives a sense of spaciousness in this residential area. The row of properties, which includes No 51, fronts a busy road, but beyond this are paddocks which also contribute to a sense of spaciousness in the vicinity of the appeal site.
5. The proposal would replace the existing single storey, flat roofed garage with a two-storey, detached dwelling.

6. The new dwelling would have a small gap at the shared boundary with No 51. The existing gap with No 53 would also be retained. However, as a two-storey structure, the new dwelling would substantially fill the existing gap at the upper floor level. Although the mass of the dwelling would be similar to surrounding properties, this type of dwelling would be at odds with the type of properties that characterise this area which are generally semi-detached or terraced. In addition, even taking account of design details that reflect surrounding properties, including fenestration and materials to match, the proposed development would appear cramped in comparison to the relatively spacious pattern of development which would surround it.
7. In these regards, the new dwelling would fail to harmonise with the street scene. Moreover, the incongruously, cramped form would unbalance the existing symmetry of built form evident on this prominent corner plot fronting this part of Chertsey Road. This harmful disruption to the existing rhythm of development in the area would also significantly erode the sense of space which is a positive feature in this prominent location.
8. For the reasons given above, the proposal would be incongruous with the immediate built form and would harm the character and appearance of the area. Consequently, the proposal would be contrary to Policies CC1 and CC2 of the London Borough of Hounslow Local Plan (Local Plan). These collectively promote and support high quality design, and seek, amongst other things, to secure development that sensitively and creatively responds to an area's character. The proposal would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks well-designed places.

Living Conditions

Outlook

9. The rear garden space of No 105 Ellington Road is bounded by the two-storey rear elevation of No 51 and a tall boundary wall to the rear. As such this garden space is largely enclosed, with limited views of the sky above the rear fence.
10. The existing outlook from the rear upper floor of No 105 is of the rear of neighbouring properties and their rear gardens. This includes the rear of the attached No 51. However, although that dwelling is perpendicular to the rear of No 105, the single storey garage currently at the appeal site, provides a gap such that the outlook from windows serving first floor habitable rooms of No 105 have a sense of spaciousness, with views of the Chertsey Road and the paddocks beyond.
11. The proposed new dwelling would replace a flat roofed single storey structure at the appeal site. In replacing this low profile structure with a two storey dwelling, the gap to the west, which currently contributes to a sense of space above the boundary fence at No 105's rear garden, would be substantially filled by the new mass, with only small gaps retained between Nos 51 and 53. The new dwelling would significantly block existing views of the sky above the boundary fence to the west, and in turn, this would significantly erode the space currently experienced at this aspect of No 105. This harmful loss of relatively undeveloped space above the rear boundary wall would be noticeable to the occupants of No 105, and they would experience an increased sense of

enclosure when in this private garden space. This would make this outdoor space significantly less pleasant for its occupants to use and sit in.

12. Also, filling this gap with built form would result in the outlook from the first-floor rear windows at No 105 to the west being dominated by a concentration of rear elevations of dwellings fronting the Chertsey Road. By closing this important existing gap, the outlook from these upper rear windows of No 105, which serve habitable rooms, would be appear significantly less spacious than currently. In turn the occupants of that dwelling would experience a considerably greater sense of enclosure than they currently experience when using these rooms and looking from these windows.

Light

13. The new dwelling would roughly align with Nos 51 and 53 and therefore it would not likely restrict daylight reaching the rear of No 105 throughout the day. However, while noting a daylight/sunlight assessment has not been provided, images submitted show that this gap in the built form, above the existing garage, allows sunlight to reach the rear upper floor of No 105 in the latter part of the day.
14. The proposed significantly taller structure at this location would not only result in a harmful sense of enclosure, but on sunny days it would also significantly restrict sunlight from reaching the rear upper floor windows of No 105 in the late afternoon. This noticeable change would make the habitable rooms that these windows serve significantly less pleasant for the occupants of this dwelling to use. A condition requiring a daylight/sunlight assessment would not overcome this harm to the living conditions of the neighbouring residents which would result from this proposal.

Outdoor Space

15. The proposal would have a harmful enclosing effect on the private outside space at No 105 but it would not alter the size of that space. This would not be the case for No 51. This existing dwelling's modestly sized rear garden would be sub-divided to provide a rear garden for the new dwelling. Only a small portion of the existing garden would be retained for the occupants of No 51 and this would only be accessible via a narrow alley.
16. The evidence before me indicates some dispute between the main parties as to the size of the proposed private garden for No 51. That aside, the submitted plans show, excluding the alley, the small rectangle of private garden for No 51 would be smaller than that proposed for the new dwelling. As a result of this scheme, occupants of No 51 would no longer have direct access to their private garden. Moreover, the substantially reduced space at the end of the alley would considerably limit the activities that could be carried out in it.
17. No 51 is a family sized dwelling, but this considerably reduced outdoor space would not be of a sufficient size to accommodate the range of activities that a family would reasonably expect to do in a private garden, such as sit, play and dry laundry. In this respect, the proposal would not provide a good size private garden with direct and easy access to this existing family sized unit. In terms of size, shape and layout, the proposed garden for No 51 would not be a useable private external space for occupants of this dwelling.

18. I note the outdoor space to the front of No 51. However, this space is adjacent to the public realm and bound by low walls such that it does not provide the degree of privacy that the occupants of No 51 should expect from outdoor space to the rear of the property.
19. Although not raised as a main issue, and as such this matter is not determinative, the appellant disputes the Council's comments regarding the proposed private garden for the new dwelling. The evidence suggests that the proposed garden would be close to 50 sqm.
20. Having regard to the benchmark for external space, as referenced in Policy SC5 of the Local Plan, the new dwelling's private garden would fall short of the standard advised for a dwelling with five habitable rooms. Nevertheless, the plans show that the proposed garden would not be substantially smaller than that at No 105. It would have a similar layout to surrounding gardens and would flow directly from the rear elevation of the new dwelling. Also, its relatively regular shape would provide a useable outdoor space for future occupants of the new dwelling to sit in and carryout a range of activities. As outlined above this would not be the case in respect to the garden space for No 51.
21. Overall, I find that the proposal would have a harmful effect on the living conditions of the occupants of neighbouring dwellings, having regard to outlook daylight and sunlight and private outdoor space. In these respects, it would be contrary to Policies CC2, SC1 and SC5 of the Local Plan. These collectively require proposals have a positive impact on the amenity of current and future residents, and in respect to outdoor space, seek the provision of private space that is useable, and for family sized units there should be direct and easy access to a good size private garden.

Parking

22. Policy T6.1 of the London Plan states that new residential development should not exceed the maximum parking standards. In this location, the maximum parking provision is 1.5 spaces. The submitted plans show a parking space to the front of the new dwelling and space that would allow direct pedestrian access to the front of this dwelling. In this regard the proposal would not exceed the adopted parking standards.
23. The submitted plans also show two off-street parking spaces accessed from Ellington Road, which would serve No 51. But this space, which is already in place, appears a similar size to the proposed parking space for the new dwelling. In any event this existing parking space relates to an existing dwelling. Moreover, the proposal would result in the loss of the garage at No 51, which would reduce the off-street parking provision for this existing dwelling.
24. I saw that No 51 also has a separate straight, pedestrian path, of a reasonable width, from Chertsey Road to the front of this dwelling. This is in addition to the gated pedestrian access to the front of No 51 from the parking space on Ellington Road.
25. I note comments about the parking pressure in the area and the yellow lines near the appeal property. But I also observed that dwellings in this area generally have some off-street parking provision and that there is additional

on-street space outside these yellow lines that are sufficiently separated from junctions such that they provide safe and convenient parking for residents and visitors in this area. Taking account of these factors the proposal would not lead to unacceptable pressure on safe parking in this area.

26. Therefore, I find that the proposal would provide suitable parking. In this regard it would be consistent with Policy EC2 of the Local Plan and Policies T5 and T6.1 of the London Plan. These collectively state, amongst other matters, that development should provide an appropriate maximum number of parking spaces consistent with the standards in the London Plan. It would also accord with the requirements set out in the London Borough of Hounslow Residential Crossovers and Off-Street Parking Policy document relevant to this matter.

Carbon offsetting

27. Policy S1 2 of the London Plan states that major development should be net zero carbon. As a minor development this requirement is not applicable in this case.
28. In light of this, the evidence before me has not demonstrated that a planning agreement in respect to this matter would be required in this case. For the reason set out above I find that the proposal would satisfy requirements for carbon offsetting, with reference to development plan policies.
29. Consequently, in respect of carbon offsetting the proposal would not conflict with Policy S1 2 of the London Plan and Policies EQ1 and IMP1 of the Local Plan. It would also not be contrary to guidance set out in the Planning Obligations and Community Infrastructure Levy Supplementary Planning Document in respect to this issue.

Other Matters

30. The appellant has brought to my attention that the proposal would be energy efficient, would be built on previously developed land and would include secure cycle parking spaces. The appellant also contends that the scheme could be made acceptable through the imposition of relevant conditions, including the provision of landscaping.
31. I also acknowledge that Policy SC1 of the Local Plan seeks to maximise the supply of houses in the borough to meet housing need and that there would be some limited benefits associated with the provision of one new dwelling such as the use of a small infill site that would attract a Community Infrastructure Levy payment.
32. However, the Glossary of the Framework, in defining previously developed land, excludes land in built up areas such as residential gardens. Therefore, this matter is not relevant in this case. Moreover, Policy SC1 also requires, in respect to small infill sites, that the design responds to the local context and character. I have found this would not be the case with this proposal. Furthermore, even if conditions were imposed, the limited benefits identified do not overcome the harm I have found above.

Conclusion

33. Whilst I have found in favour of the appellant on the third and fourth issues, this does not justify the harm identified on the first and second main issues. The proposed development would conflict with the adopted development plan in respect to character and appearance and living conditions, and there are no material considerations indicating a decision otherwise than in accordance with it. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

A J Sutton

INSPECTOR