



Appeal Decision

Site visit made on 24 January 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2023

Appeal Ref: APP/F5540/W/22/3306231

Watchfield Court, Aintree Lodge, Chiswick, Hounslow, London W4 4JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Dr and Mrs A and S Raffel against the Council of the London Borough of Hounslow.
- The application Ref P/2022/1574, is dated 13 May 2022.
- The development proposed is replacement dwelling together with amenity and parking.

Decision

1. The appeal is dismissed and planning permission for a replacement dwelling together with amenity and parking is refused.

Application for costs

2. An application for costs was made by Mr and Mrs A and S Raffel against the Council of the London Borough of Hounslow (the Council). This application is subject of a separate decision.

Preliminary Matters

3. The description of development in the banner has been altered to remove the repetition of the word parking.
4. The appeal form indicates that the appeal is made on the basis that the Council failed to give notice of its decision within the appropriate period. Although a decision notice (DN) has been provided by the Council, it is dated after the date that the appeal was made. The appeal is therefore progressed on the basis of the Council's failure to determine the application within the prescribed period of a decision on an application for planning permission.
5. The appellant indicates that Aintree Lodge was identified as a non-designated heritage asset during the pre-application process. Within the submitted Heritage Statement, Watchfield Court, 7&9 Burlington Gardens and 11&13 Burlington Gardens are indicated as being positive buildings which are not on the Council's Local List. Within the Government's planning guidance on the historic environment¹ it is indicated that there are a number of ways that non-designated heritage assets may be identified, including as part of the decision-making process on planning applications. Even if Watchfield Court was indicated to be a non-designated heritage asset by the planning officer

¹ Paragraph: 040 Reference ID: 18A-040-20190723

providing advice at pre-application stage, such advice does not constitute part of the Council's decision-making process.

6. Within comments made by the Council's Conservation Officer during the consideration of the application subject of this appeal, no reference was made to any of the buildings previously identified being non-designated heritage assets. Nor have these buildings been identified as such within the Council's delegated report or putative reasons for refusal. Therefore, and on the evidence before me, I am unable to conclude that the buildings at Aintree Lodge, Watchfield Court, 7&9 Burlington Gardens and 11&13 Burlington Gardens, currently constitute non-designated heritage assets.

Main Issues

7. The DN indicates that the Council would have refused the planning application and provides putative reasons for its refusal. The delegated officer report expands upon the Council's reasoning.
8. The main issues are the effect of the development on;
 - the character and appearance of the area and the Turnham Green Conservation Area (CA);
 - the living conditions of future occupiers with particular regard to noise and activity levels; and
 - whether the development would comply with the development plan strategy in respect of carbon reduction and sustainability.

Reasons

Character and appearance

9. The appeal site is within the Turnham Green Conservation Area (CA). As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
10. The significance of the CA, lies in part, by the presence of imposing and attractive brick-built mansion blocks, which are formally laid out and which have a strong rhythm and uniformity to their windows and design detailing. The CA Appraisal advises that the CA's special architectural and historic interest derives partly from the high quality of the residential areas to the south and west.
11. The appeal site is located within the grounds of the large apartment complex known as the Watchfield Estate (the estate). The tall and grand mansion blocks, their associated formal gardens and estate roads occupy the majority of the estate. To the periphery, are located a collection of single-storey garages which are ancillary to the residential apartments, and the modest residential property known as Aintree Lodge (the Lodge). In common with the mansion buildings, the garages and the Lodge are brick built. They are also of a similar colour palette to the mansion buildings. Due to their scale, height and simple design detailing, they are subservient to the mansion buildings and are not prominent within the estate. Although of a modest scale, from the evidence before me, and based on my observations on site, I find that the Lodge contributes positively to the character and appearance of the area.
12. Given the range of heights of development within the area, the introduction of a 2-storey dwelling on the appeal site would not necessarily be harmful.

However, the external materials that would be used in its construction are unlike others commonly found within the area. The proposed dwellinghouse would have an irregularly shaped footprint; a massing unlike that of other buildings within the area; and a lack of uniformity in its design features, particularly so in terms of its wide range of sizes and positioning of windows and other openings. When considering the effect of these details in combination, the resulting development would be incongruous with the prevailing patterns and forms of development within the area, and which contribute positively to the significance of the CA.

13. Although the scheme would not be visually prominent from public vantages outside of the estate, and the dwelling would obstruct and interrupt views of the garages beyond, these considerations do not lead me away from my overall finding of harm in respect of character and appearance.
14. For the reasons provided above, I conclude that the proposal would be harmful to the character and appearance of the area, and of the Turnham Green CA and its significance as a designated heritage asset. The CA's character or appearance would be neither preserved or enhanced, in conflict with the statutory test set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, there would be conflict with policies CC1, CC2 and CC4 of the Local Plan, and policies D3, D5 and HC1 of the London Plan – The Spatial Development Strategy For Greater London – 2021 (the London Plan). Amongst other things these policies seek to ensure that development is of a high standard of design and quality which respects and enhances heritage assets and conserves their significance.
15. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting, and that this should have a clear and convincing justification. Whilst in this case I have found the harm to be less than substantial, the harm must nevertheless be given considerable importance and weight, and should be weighed against the public benefits of the proposal, in accordance with paragraph 202 of the Framework.
16. There would be short term economic benefits associated with the construction. In the longer term, the provision of a home office may reduce the need for work related travel, which would have an environmental benefit. As would the replacement of an inefficient and poorly insulated house by one which includes measures designed to reduce energy requirements, and to generate energy. However, being only a single dwelling, the public benefits of the proposal would be small. The limited public benefits identified are not in this case sufficient to outweigh the harm that I have identified to the significance of the designated heritage asset. Accordingly, as well as the development plan policies cited above, the proposal would conflict with the conserving and enhancing the historic environment aims of the Framework.

Carbon reduction/sustainability objectives

17. An objective of policy EQ1 of the Local Plan is to minimise the demand for energy and promote renewable and low carbon technologies. The policy

requires development to meet the carbon emission reduction requirements set out in the London Plan.

18. Policy EQ2 of the Local Plan seeks to ensure that development proposals incorporate established principles for sustainable design and construction. It also requires development to meet specified minimum design and construction targets as indicated within table EQ2.1. The minimum target for new build residential accommodation outlined within table EQ2.1 are the standards for sustainable design and construction set out within the London Plan, including any of the 'optional' Building Regulations requirements it adopts.
19. The objective of Policy SI 2 of the London Plan is to minimise greenhouse gas emissions. It requires residential development proposals for minor residential development proposals to achieve a minimum 10% reduction in energy demand beyond that set out within Building Regulations, through energy efficiency measures. Furthermore, where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, the policy requires that any shortfall should be provided by either a contribution to the borough's carbon offset fund, or to an alternative off-site scheme, provided that an alternative proposal is identified and delivery is certain.
20. The proposed development includes many measures designed to reduce energy requirements through both its construction and subsequent use, and to reduce its carbon footprint. However, insufficient information has been provided to enable me to conclude that these measures would result in the demand for energy being at least 10% less than that which would be required by Building Regulations. Also, it has not been demonstrated that the scheme could achieve the zero-carbon target, or, in the event that it cannot be, what the requirements for off-site mitigation would be.
21. Notwithstanding the Council's stance that a condition would be necessary to ensure that the development would meet carbon reduction targets, I have considered whether otherwise unacceptable development could be made acceptable by the imposition of conditions. In doing so, I have had regard to paragraph 55 of the Framework and relevant advice provided within the Government's Planning Practice Guidance² (NPPG).
22. I have not been provided with suggested condition wording. Nor have I been provided with a completed planning obligation within which the appellant agrees to make a payment to the borough's carbon offset fund, or details of an alternative off-site proposal which I can be certain would be delivered.
23. On this basis, and on the evidence before me in respect of this main issue, I cannot conclude that conditions could make the development acceptable.
24. For the reasons given above, I am unable to conclude that the proposed development would conform to the development plan strategy in respect of carbon reduction and sustainability. It would therefore conflict with the parts of policies EQ1 and EQ2 of the Local Plan and SI 2 of the London Plan, where they seek to ensure that development minimises greenhouse gas emissions and the demand for energy, and that it would meet a zero-carbon target.

² Paragraph: 001 Reference ID: 21a-001-20140306

Living conditions

25. The appeal site is effectively a small island surrounded by internal estate roads, and banks of garaging which appear to be in a good state of repair. There are no through roads or pathways providing access in to or out of the estate through the blocks of garaging, and as such access to the garaging could reasonably be expected to be limited to those who utilise the small individual garages. Although a snap-shot in time, during my mid-morning and mid-week site visit, I did not observe any comings or goings associated with the garages or the land they are located upon. Both the appeal site and the land immediately around it, were found to have a sense of peace and relative tranquillity. No substantive evidence has been presented demonstrating that the car parking area is in any way unsafe.
26. A dwellinghouse already occupies the site. As such, and even if it wasn't originally designed to be a dwellinghouse, the residential use of the appeal site has already been established. From the evidence, I have no reason to find that the development would cause any increase in the noise or activity levels resulting from the use of the neighbouring garage and estate roads. The proposed dwelling is larger than that it is to replace, and may potentially have a higher level of occupation. However, no cogent evidence has been presented from which I can conclude that any intensification of use of the property would cause unacceptable harm to the future occupiers of the house in respect of noise or activity levels.
27. For the reasons given above, I therefore conclude that the proposed development would provide adequate living conditions for future occupiers of the proposed dwelling, with particular regard to noise and activity levels. In this respect, it would comply with the objectives of policies CC2 and SC5 of the Local Plan, and policies D3 and D4 of the London Plan, where they require development to deliver good design, creating safe and secure environments and delivering appropriate amenity, and which creates liveable places which meet the demands of everyday life for the occupants. It would also comply with the part of paragraph 130 of the Framework which requires development to create places with a high standard of amenity for future users.

Other matters

28. In addition to the public benefits previously identified, the development would provide an adaptable fabric first home, in a location with good public transport provision, and within reasonable walking distance of a range of local facilities. Furthermore, the provision of on-site car parking may reduce the demand for off-site car parking. However, being just one dwelling, the weight that can be attributed to these benefits is limited.
29. I have found that the development would provide adequate living conditions for future occupiers of the proposed dwelling with particular regard to noise and activity levels. However, the absence of harm related to this matter does not justify a different conclusion being reached regarding the acceptability of the development.

Conclusion

30. The proposed development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in

combination, that outweigh the identified harm and associated development plan conflict.

31. For the reasons given above, I conclude that this appeal should be dismissed.

V Simpson

INSPECTOR