



Appeal Decision

Site visit made on 23 March 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/F5540/W/22/3307154

Land Adjacent 36 Kendall Road, Isleworth TW7 6RA

- 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 Stephen Clarke, STAD Property & Development Co Ltd against the decision of London Borough of Hounslow.
 - The application Ref 00652/ADJ36/P3, dated 11 February 2022, was refused by notice dated 25 March 2022.
 - The development proposed is demolition of existing vacant garage for the construction of a two storey new build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reason for refusal 3 states that the proposed development would not provide adequate access to the cycle parking provision. Following the submission of the appellant's Appeal Statement and further comments, both main parties agree that the access and location of the cycle store could be agreed via an appropriately worded planning condition. I have considered this and agree with their conclusion. An acceptable location for the cycle store could be agreed without affecting the other main issues and there were no objections from interested parties in relation to the location of the proposed cycle store.

Main Issues

3. I have established that the Council's concerns regarding cycle parking provision can be addressed by the imposition of a planning condition were the appeal to succeed, therefore the main issues of the appeal are:
 - the effect of the proposed development on the living conditions of residents of Nos. 159, 161 163, 165, 167 and 167a Linkfield Road, with respect to outlook;
 - whether the proposed development would provide acceptable living conditions for future occupiers with regard to external space; and
 - whether the proposed development would provide acceptable carbon reductions on site.

Reasons

Neighbouring resident's living conditions

4. The proposed dwelling would be sited to the rear of properties on Linkfield Road and would therefore affect the outlook from the rear of these properties. 167a Linkfield Road (No. 167a) is a first floor flat. Whilst No. 167a benefits from windows in its front elevation, there is a window to the rear of the property which serves an open plan kitchen/living room, which is the main living space of the apartment. 167 Linkfield Road (No. 167) is a ground floor flat and benefits from windows in the rear elevation, which would offer direct views of the side elevation of the proposed dwelling.
5. Although the outlook from the ground floor of 165 Linkfield Road (No. 165) is dominated by a large outbuilding in its rear garden, the proposed dwelling would affect the outlook from its first floor windows, including one in its outrigger which is not obscurely glazed. Similarly, large mature vegetation in the garden of 163 Linkfield Road (No. 163) would partially screen the proposed dwelling, but it would still be viewed above and to the side of the vegetation and would therefore affect the outlook enjoyed by its residents.
6. The proposed dwelling would be sited very close to the boundary with Nos. 163, 165, 167 and 167a and their rear windows, particularly those windows within the outrigger of Nos. 163 and 165 and all of those within the rear elevation of Nos. 167 and 167a. Whilst the design of the proposed dwelling has been amended from previously refused schemes to include a hipped roof and reduce the overall size, the siting of the proposed dwelling close to the boundary would still cause a sense of enclosure due to the presence of a two storey side elevation very close to the rear windows of the properties on Linkfield Road. Given the siting of the proposed dwelling and the direct views offered by the rear windows of neighbouring properties, the outlook enjoyed by the neighbouring residents would be harmfully affected by the proposed development.
7. The proposed dwelling would not extend as far into the appeal site as the boundary with 159 Linkfield Road (No. 159) and it would only extend slightly beyond the boundary with 161 Linkfield Road (No. 161). There would be no direct views of the proposed dwelling from rear windows of Nos. 159 and 161. The outlook from these properties would not be significantly different to the existing outlook, of the boundary wall, the side elevation of 36 Kendall Road (No. 36) and the rear gardens of properties on Kendall Road. The proposed dwelling would be in angled views from the rear windows and be seen alongside other residential development. As such, the outlook enjoyed by residents of Nos. 159 and 161 would not be harmfully affected by the proposed development.
8. I conclude that the appeal scheme would have a harmful effect on the living conditions of residents of some of the adjacent dwellings fronting Linkfield Road, with respect to outlook. It would therefore be contrary to policies CC1, CC2 and SC4 of the Local Plan 2015-2030, London Borough of Hounslow, Volume 1 (LP) which advise that the Council will recognise the context and varied character of the borough's places and apply design standards to ensure the delivery of high quality developments which will not compromise and have a positive impact on the amenity of existing and future residents. The appeal scheme is also contrary to paragraph 130 of the National Planning Policy

Framework (the Framework) which requires planning decisions to ensure that developments create places with a high standard of amenity for existing users.

9. The appellant contends that the Delegated Report advises that the appeal scheme is in accordance with LP policies CC2 and SC4; this is in respect to the character and appearance, only. Within reason for refusal 1 on the Decision Notice, it is explained that the appeal scheme is contrary to these policies with respect to living conditions and I agree with these findings for the reasons detailed above.

Future occupiers' living conditions

10. LP Policy SC5 requires houses with four habitable rooms to have 60sqm of usable external amenity space. The proposed development would include approximately a third of the external private space that is required by LP Policy SC5. Whilst it may be of a sufficient size to accommodate small scale domestic paraphernalia such as drying equipment or a small table, they would make the garden feel very cramped and the number of items would be restricted. It would therefore not be fit for purpose due to its size.
11. The appeal site is located close to St John's Garden, which could be utilised by future residents of the proposed dwelling as an outdoor recreational space. The presence of a large public open space nearby does somewhat compensate for the small rear garden. However, it would not overcome the harm caused by the significant under provision of private external space, given it could not be utilised in the same manner.
12. Although the rear external space would be similar in size to neighbouring properties, the limited nature of external space available to other residents does not justify permitting a development which provides insufficient external space.
13. The appellant has referred to an appeal (ref. APP/F5540/A/07/2044227) which was allowed for a similar type of development at 1 Mill Plat Avenue which had an under provision of external space. Whilst the Inspector concluded that the standard should not necessarily be applied in a prescriptive manner, especially where there are other material considerations; the Inspector determined that the shortfall in that case was modest. As such, that scheme is materially different to the appeal scheme. In any event, I have dealt with the appeal on the basis of the evidence before me and my own site observations.
14. I conclude that the appeal scheme would not provide acceptable living conditions for future occupiers with regard to external space. The appeal scheme is therefore contrary to LP Policies CC2 and SC5, which require development proposals to have a positive impact on the amenity of future residents and provide at least 60sqm of usable external amenity space. The appeal scheme is also contrary to Policy D6 of the London Plan, which requires developments to provide private outside space in line with local standards, and paragraph 130 of the Framework, which requires planning decisions to ensure that developments create places with a high standard of amenity for future users.

Carbon reduction

15. The appellant has submitted an Energy Efficiency Feasibility report as part of their appeal submissions; this report was not before the Council when it made

its decision. Notwithstanding, the Council has subsequently had chance to review the report and still maintains its objection with respect to the provision of acceptable carbon reductions on site.

16. London Plan Policy SI2 requires all major developments to be “net zero-carbon” which means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the identified energy hierarchy. Likewise, where it is clearly demonstrated that the zero carbon target cannot be achieved on site, for major developments, a contribution should be made to the borough’s carbon offset fund or achieved off-site in agreement with the Council. As the proposed development is a single house it is not major development and therefore it would not be required to meet this requirement, on or off-site, or make a contribution towards the borough’s carbon offset fund. As each aspect of Policy SI2 refers to either major development, proposals which are referable to the Mayor of London or the creation of local carbon offset funds, it does not weigh in favour or against the scheme.
17. LP Policy EQ1 requires all developments to meet the carbon emission reduction requirements set out in the London Plan. In the absence of evidence of carbon emission reduction requirements for minor development within the London Plan, I cannot conclude that the proposed development is contrary to the London Plan’s carbon emission reduction requirements.
18. LP Policy EQ1 also promotes opportunities to secure carbon reductions where development comes forward and encourages developments to incorporate renewable energy and low carbon technologies. The Energy Efficiency Feasibility report identifies that the proposed dwelling could achieve a significant reduction in carbon emissions. If the appeal was to be allowed an appropriately worded planning condition could be attached to the permission to require details of the carbon emission reduction measures to be submitted to and approved by the Council and retained thereafter. This would ensure measures to secure carbon reductions and to incorporate renewable energy and low carbon technologies could have been enforced, if the appeal was allowed.
19. I conclude that the proposed development would provide acceptable carbon reductions on site. The proposed development would therefore comply with LP Policy EQ2, which requires development proposals to incorporate established principles for sustainable design and construction, and LP Policy EQ1, for the reasons given above. The proposed development would also comply with London Plan Policy SI5, which advises development proposals should incorporate water saving and recycling measures, and paragraph 154 of the Framework, which indicates that new development should be planned for in ways that can help to reduce greenhouse gas emissions.

Other Matters

20. The principle of the development being accepted; the site not being located in a conservation area; the garage which would be demolished not being listed or a building of townscape merit; the design including height, scale, massing and materials being acceptable; the provision of sufficient internal space and acceptable waste storage and cycle parking; no concerns with a lack of privacy; the proposal not causing significant overshadowing; and the proposal not causing parking stress are all neutral factors.

21. The site being located in a highly accessible location with a Public Transport Accessibility Level rating of three; the provision of a three bedroom home to help meet the need for larger homes in Hounslow; the enhancement of the appearance of the site; and, the creation of additional on street parking are all benefits generated by the appeal scheme. However, the benefits do not outweigh the identified harm.
22. The appellant contends that the appeal scheme has addressed the reasons for refusal of the previously refused planning applications for similar development at the appeal site. Whilst the appeal scheme is acceptable in terms of its design, it would have a harmful effect on the living conditions of neighbouring residents and future residents of the property, for the reasons detailed above.
23. The approved developments at the rear of 189-199 Twickenham Road (ref. 01137/195-199/P4) and 146A St John's Road (ref. 00981/146A/P8) further establishes that the principle of the proposed development is acceptable. However, in the absence of further evidence I cannot comment on the effect those proposals had on neighbouring residents' and future occupier's living conditions. As such, similar conclusions cannot be drawn for the appeal scheme as the evidence is not directly comparable.

Conclusion

24. The proposed development would have a harmful effect on the living conditions of neighbouring residents and future occupiers of the proposed dwelling.
25. Within the representations made by interested parties, it has been contended that the proposed development would affect the outlook enjoyed by residents, where the protected characteristic of disability is relevant. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, the decision is consistent with the aims of the PSED and therefore further weight can be attributed to the findings.
26. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
27. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR