



Appeal Decision

Site visit made on 7 March 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/F5540/W/22/3300939

281 Jersey Road, Isleworth TW7 4RF

- 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 Paramjit Singh Bains against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00647/281-285/P1, dated 6 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is to demolish existing garage and outbuilding to build new two - bedroom detached chalet bungalow with habitable basement in the rear garden of no's 281 and 285 Jersey Road with associated landscaping, vehicular parking, cycle and bin storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Osterley Park Conservation Area (OPCA) and the effect of the proposed development on trees;
 - whether the proposed development would mitigate the effects of carbon emissions; and
 - whether the location of the proposed development would be suitable, having regard to development plan policies for housing growth.

Reasons

Character and appearance

3. As the appeal site is located within the OPCA I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The OPCA comprises an extensive area, principally centred around the large open space of Osterley Park (the Park), including the Grade I listed Osterley House (the House) and estate. The significance of the OPCA is derived from the rural setting of the landscaped grounds of the Park, combined with the architectural and historical interest of the House itself. The predominately residential areas immediately surrounding the Park, including the appeal site, retain the architectural features, quality of materials and design which reflect the suburban character of their time. The

low-density dwellings with long gardens in this area, combined with the prevalence of substantial trees and wooded areas, particularly along the railway embankment, provide an open and verdant character.

4. The appeal site comprises part of the rear garden and garages associated with 281 Jersey Road (No 281) and 285 Jersey Road (No 285), adjacent to Ridgeway Road North. Given the use of materials, their condition and their disparate relationship to the road, the existing garages make little positive contribution to the street scene. However, due to their small scale and low height, views of the wooded areas along the adjacent railway embankment and across the rear gardens of adjoining properties are possible from the highway. Consequently, the appeal site maintains the open and verdant character of the OPCA.
5. The proposed development comprises a self-contained two-bedroom dwelling which would be significantly higher than the existing garages and sited marginally closer to the road frontage. Due to its height, bulk and proximity to the road, it would reduce the open character of the immediate surroundings. In addition, the proposed garden area would be significantly smaller than those nearby and the size of the gardens associated with No 281 and No 285 would be reduced. The proposed dwelling would jar in its local context and detract from the rear garden land. It would be a notably intrusive feature in the street scene which would harm the open, spacious and mature garden environment.
6. The proposed front dormer feature would span most of the width of the roof, incorporating the three windows on the upper floor on this elevation. Whilst I observed some dormer windows on properties in the surrounding area, including the OPCA, the majority of these were on rear elevations or smaller in scale and, as a result, subservient to their host property. Given the size and scale of the proposed dormer and its proximity to the road, it would be an incongruous feature in the street scene.
7. Although elements of the proposed dwelling, including the bay window, would be similar to the architectural features evident elsewhere in the surrounding area, the offset fenestration arrangement and the differing sizes of the proposed windows would be discordant in comparison. Therefore, irrespective of the use of materials matching those found within the surrounding built form, the overall design of the proposed dwelling would not be reflective of the architectural features commonplace in the surrounding area. As a result, the proposed development would not preserve the character or appearance of the OPCA.
8. The appeal scheme includes the proposed removal of two deciduous trees currently located within the garden area of No 281. As observed during my site visit, these trees are mature and substantial in size and are readily visible within the street scene and from the rear gardens of nearby properties. Although the trees are not protected by a Tree Preservation Order, they benefit from the protection afforded by being in the OPCA. Due to their stature and contribution to the verdant character of the area when in leaf, the trees make a positive contribution to the OPCA.
9. Based on the evidence before me, I have no reason to conclude that the removal of trees is necessary other than to facilitate the proposed development. Their removal would result in a reduction in important tree cover, a feature of the OPCA and their loss would fail to preserve the character or

appearance of the OPCA. While replacement trees could be required by condition new planting would take time to establish into features of a similar significance in the street scene. Additionally, they would not be an acceptable replacement for existing mature and apparently healthy trees. Measures to protect the trees that are to be retained could be required by condition. Nevertheless, overall, the proposed development would not preserve the character or appearance of the OPCA.

10. In the terms of the National Planning Policy Framework (the Framework), the proposed development would result in less than substantial harm to the significance of the designated heritage asset. As advised by paragraph 202 of the Framework, less than substantial harm should be weighed against the public benefits of the development.
11. The appeal scheme would contribute to the local housing supply and mix, aligning with the Framework's aim to increase the supply of housing in an area the Council considers to be a suitable location in principle. Further, the removal of the garages would provide a visual improvement to the street scene and have a positive impact on the OPCA. However, the economic and social benefits from the constriction and occupation of a single dwelling would be small and, given the size of the site, any environmental benefits from new planting and energy efficiencies would be modest. However, these moderate benefits would not outweigh the great weight to be given to the harm to the heritage assets and the proposed development would conflict with the Framework.
12. I conclude that the proposed development would not preserve or enhance the character or appearance of the OPCA and would result in the unacceptable loss of trees. It would conflict with Policy HC1 of the London Plan and policies CC1 and CC4 of the London Borough of Hounslow Local Plan 2015-2030 (the Local Plan). These policies, amongst other aspects, require development to conserve and take opportunities to enhance the varied character of the Borough and the significance of its heritage assets.
13. Whilst the Council refer to conflict with equivalent policies of the London Plan 2021 (the London Plan), these are not explicitly identified in the reason for refusal. However, the Officer Report includes a reference to Policy HC1 in the list of relevant London Plan policies.

Carbon emissions

14. Policy EQ1 of the Local Plan requires all developments to meet the carbon emission reduction targets set out in the London Plan. These are stipulated in Policy SI2 of the London Plan which requires, for residential development, a minimum of 10% improvement beyond Building Regulations from on-site energy efficiency measures alone.
15. A revised Energy Statement¹ has been submitted as part of the appeal documentation. This demonstrates that the proposed dwelling would be able to achieve a 6.17% reduction in energy demand. This reduction is below the 10% improvement required to mitigate the carbon emissions arising from the proposed development. Therefore, the proposed dwelling would not achieve acceptable mitigation of the effect of carbon emissions and would be contrary to Policy SI2 of the London Plan and Policy EQ1 of the Local Plan in this regard.

¹ Prepared by Fenton Energy, dated January 2022

Location of development

16. Policy SC1 of the Local Plan sets out the overarching strategy for the supply of housing in the Borough. Of the principles set out in Policy SC1, the following is relevant to the appeal site: (g) maintaining a presumption against development of self-contained residential units within the curtilage of existing dwellings where the proposal would be in conflict with other policies in this plan.
17. The main parties do not dispute that the proposed development would result in a self-contained residential unit, located to the rear of No 281 and No 285. I have found that the proposed development would conflict with other policies within the Local Plan. Consequently, the location of the proposed development would not be suitable, having regard to development plan policies for housing growth and would be contrary to Policy SC1.

Other Matters

18. My attention has been drawn to other developments within the surrounding area, including 65 Sutton Road and 121 Jersey Road as examples of self-contained dwellings permitted within the curtilage of existing dwellings. Notwithstanding the limited information before me regarding the carbon emissions reduction achieved by these developments, as neither example is located within the OPCA, they represent materially different circumstances to the appeal scheme.
19. Whilst the pre-application discussions with the Council concluded that the principle of residential development on the site would be considered acceptable, the assessment stipulates that this is subject to "all other planning considerations". Such considerations, amongst other things, include matters relating to character and appearance, and carbon emissions. Overall, the Council's assessment was consistent with their subsequent decision.
20. The evidence before me is that the Council can demonstrate a five-year housing land supply and there is no reason for me to conclude that relevant development plan policies are out-of-date. Regardless of this, even if the Council were unable to demonstrate a five-year supply of housing and paragraph 11d) of the Framework were engaged, for the reasons I have set out the application of Framework policies protecting heritage assets provide a clear reason for refusing the proposed development.

Conclusion

21. For the reasons above, I conclude that the proposed development is contrary to the development plan as a whole and material considerations do not indicate that the proposed development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR