



Appeal Decision

Site visit made on 4 April 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/F5540/W/22/3305265

339 Jersey Road, Hounslow, Isleworth TW7 5PJ

- 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 Tadeusz Jasina against the decision of London Borough of Hounslow.
 - The application Ref 00647/339/P5, dated 29 March 2022, was refused by notice dated 30 May 2022.
 - The development proposed is described as: 'Temporary change of use (for 2 years) part of rear garden with access from Wood Lane for parking (up to 10 Electric/hybrid cars) - renting.'
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The development has already been commenced and is reflected on the submitted drawings. Accordingly, for the purposes of my Decision, I have relied on the submitted drawings and the development as it appears at the appeal site.

Main Issues

3. The main issues are:
 - i) Whether the proposal would conserve or enhance the character and appearance of the Osterley Park Conservation Area ('CA');
 - ii) The effect of the proposal on the living conditions of neighbours;
 - iii) The effect of the proposal on highway safety.

Reasons

Character and appearance

4. This appeal relates to part of the rear garden of 339 Jersey Road, which has been converted to an enclosed vehicle parking area with a sliding gate providing access from Wood Lane. The appeal site also includes a detached outbuilding / garage. The site is located within the Osterley Park CA.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. Paragraph 195 of the National Planning Policy Framework ('the

Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

6. Based on the Osterley Park Conservation Area Appraisal October 2019 ('the Appraisal') the appeal site falls within the 'Parkside character area' of the Osterley Park CA. This is comprised of ribbon development of mostly large, individualistic two storey detached and semi-detached houses located on the southern edge of Osterley Park along Jersey Road. Most notably, these properties benefit from generous and verdant gardens.
7. Therefore, the appeal property which also formerly incorporated a generous rear garden, supported the character of the Osterley Park CA and its significance. In particular, the Appraisal, identifies the infilling of rear gardens and loss of trees as threats to the character of the Osterley Park CA.
8. Whilst the Council alleges that trees were removed at the appeal site, there is no evidence of this before me. Nevertheless, almost the entire appeal site is covered with gravel, which comprises a substantial part of the rear garden associated with 339 Jersey Road. This, along with the parking of vehicles which are for 'renting' introduces a large car park to this part of Jersey Road/Wood Lane, which undermines the open, verdant character of the area. Moreover, this does not reflect the character and appearance of the prevailing rear gardens for the area which are mainly landscaped amenity areas.
9. Even though the parking area is screened by boundary treatments, the requirement that conservation areas should be preserved or enhanced applies irrespective of whether development is visible or not. Therefore, and even though this impact would be temporary, the proposal would not preserve the character or appearance of the Osterley Park CA. As such, the proposal harms the significance of the Osterley Park CA.
10. The harm the proposal would cause to the significance of the Osterley Park CA would be less than substantial. Paragraph 202 of the Framework, states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The appellant advises that the use provides additional security to the rear garden of the property as unattended areas in the past have resulted in criminal activities such as rubbish tipping and other illegal activities. However, there is limited evidence to substantiate this and security can be addressed through other measures, for example the use of close circuit television. In any event, because the proposal is for a temporary period any such benefits would be limited.
12. Having special regard to the desirability of preserving or enhancing the character or appearance of the Osterley Park CA, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, these are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
13. For the above reasons, the proposal is contrary to Policy CC1 of the Hounslow Borough Local Plan (2015-2030) ('HLP') which seeks to promote and support

high quality urban design and architecture to create attractive, distinctive, and liveable places. Along with requiring development to maintain the character of an area and respond to any local architectural vernacular that contributes to an area's character.

14. Accordingly, I also find conflict with Policy CC4 of the HLP, the overall aim of which is to conserve and take opportunities to enhance the significance of the borough's heritage assets as a positive means of supporting an area's distinctive character and sense of history. Consequently, the proposal also conflicts with the similar aims of the Framework for conserving and enhancing the historic environment.

Living conditions

15. The appeal site is adjacent to the rear gardens of properties along Jersey Road. Also, immediately to the south of it, along Wood Lane is a detached dwelling, known as 190B Wood Lane. Even so, the appeal site is enclosed from these properties by existing boundary treatments and the outbuilding /garage.
16. Other than the site being occupied for up to 10 cars for 'renting' purposes, there is little information about how the use of the appeal site would operate.
17. Vehicle movements on a gravelled surface are likely to generate some noise. However, if the parking area is restricted to 10 vehicles by a planning condition, and given the constrained nature of the site, vehicle movements within this area are likely to be limited. Also, by their design electric and hybrid cars are less noisy and cause less air pollution relative to petrol and diesel engine cars.
18. Furthermore, the appeal site is adjacent to Wood Lane which carries local traffic and is also part of a bus route. Therefore, there is a degree of activity and noise associated with this. Against this background and for the above reasons, I do not consider that the proposal would result in any unacceptable noise and air pollution.
19. The dwelling at 190B incorporates an open frontage and windows which face Wood Lane. Consequently, pedestrians walking along Wood Lane have glimpsed views towards this property. As such, the use of the appeal site would not unacceptably compromise the privacy of the occupiers of this property, over and above the extant situation.
20. For the above reasons, the proposal would not harm the living conditions of neighbours. This, therefore, accords with Policy CC2 of the HLP, which along with other things seeks to safeguard amenity.

Highway safety

21. Wood Lane is a narrow road which incorporates a footpath on the same side as the appeal site. Because the footpath is only along one side of this part of the road, it has greater use, which includes students travelling to and from a nearby school. Although there is a dropped kerb, this only extends over part of the access. Also, the existing gates and pillars for the access are close to the pavement. As such, drivers leaving the access would be encroaching onto the pavement to achieve any degree of reasonable visibility. Such an arrangement is likely to compromise the safety of pedestrians using the pavement. Whilst a parking layout has been provided, in the absence of any swept path analysis, I

cannot be certain that vehicles would be able to access and leave the site in a forward gear.

22. I do not doubt that, in part, the appeal site and access have been used for vehicles and parking associated with the appeal property. Even so, there is nothing to suggest that this would have involved the parking of up to 10 vehicles for renting purposes. Also, there is limited evidence to substantiate the appellant's assertion that the cars parked within the appeal site are stationary for most of the time, being moved on an infrequent basis.
23. For the above reasons, it has not been clearly shown that the use of the appeal site and access in association with the proposal, would not adversely affect highway safety. As such, the proposal fails to accord with HLP Policy EC2, which along with other things requires that proposals demonstrate that adverse impacts on the transport network are avoided.

Conclusion

24. Although I have found that the proposal would not harm living conditions of neighbours, I have also found that this would harm the character and appearance of the Osterley Park CA and fails to demonstrate that there would not be any adverse impact on the transport network. For these reasons, and conflict with the development, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR