
Appeal Decision

Site visit made on 25 May 2023

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/F5540/W/23/3315349

3-4 Gilbert Street, Hounslow TW3 1QS

- 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 Anthony Varghese, Last Minutes Healthcare Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00479/3/P9, dated 27 July 2022, was refused by notice dated 3 November 2022.
 - The development proposed is the erection of a four storey mixed use building containing office space on the ground floor and large House of Multiple Occupation (13 rooms) on the upper floors with balconies following the demolition of the existing building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development of application ref: 00479/3/P9 from that shown on the application form to that shown in the banner heading above. The amended description more adequately reflects the development proposed.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - Whether the proposed development would result in an unacceptable loss of office space within a Key Existing Office Location.
 - The effect of the proposed development on the living conditions of the occupants of nearby properties with particular regard to loss of daylight, outlook, disturbance and privacy.
 - The effect on the living conditions of the occupants of the proposed development with particular regard to the amount of useable community space.
 - Whether adequate provision is made for cycle parking.

Reasons

Character and appearance

4. The appeal site comprises a predominantly rectangular shaped plot, perforated by an existing electrical sub-station, located at the junction of Gilbert Street and Hanworth Road and lying within Hounslow Town Centre. Intervening development to the north separates the site from High Street. The site is currently occupied by a two storey 'L' shaped building with associated hardstanding. A single and two-storey property is located on the eastern side of Gilbert Street with relatively unsightly elevations of a Bank located to the west of the appeal site.
5. The surrounding area comprises a relatively ad-hoc mix of uses and building styles. Properties in the proximity of High Street are predominantly in retail and commercial use with some residential uses on the upper floors. The south side of Hanworth Road predominantly comprises of hardstanding areas used for car parking and two storey terraced properties used for residential and commercial uses. Property frontages on High Street are predominantly three to five storeys with the rears stepping down in height to two and one storeys towards Hanworth Road. Overall, other than the stepped down building heights, I consider that the surrounding area displays little cohesion and design quality.
6. There is relatively modern five storey development located to the east of the appeal site at the junction of Hanworth Road with High Street and along Hanworth Road to the west. However, the area in the immediate vicinity of the appeal site that fronts Hanworth Road comprises properties of predominantly one and two storeys.
7. The proposed development would involve the demolition of the existing buildings and the construction of a relatively regular shaped four storey rectangular building that would occupy most of the existing plot. It would provide office and service space at the ground floor with the frontage wrapped around Hanworth Road and Gilbert Street. The upper floors would be used as a House of Multiple Occupation (HMO) providing 13 accommodation units. The second and third floors on the southern and eastern elevation, fronting Hanworth Road and Gilbert Street respectively, would be slightly stepped back from the floors below to provide balconies.
8. The height and massing of the four-storey block would be considerably greater than the surrounding buildings. This would have the effect of drawing the eye in views along Hanworth Road. Whilst there are large buildings in the locality, these predominantly form 'corner development' on junctions, where higher development appears to integrate with the surroundings, or are located to the west of the appeal site and at a distance beyond its immediate visual context. As such, the proposed building would appear as an unacceptably prominent and dominant feature in this part of the street that would fail to respect the local context.
9. Furthermore, there is a clear street hierarchy in this part of Hounslow with buildings progressively stepping down in height from High Street towards Hanworth Road. This contributes to the distinctive local character in the vicinity of the appeal site. The proposed development, in failing to respond to the stepped down hierarchy, would not respect the local context. As such, it

would be at odds with this local character. This would be particularly noticeable in views along Gilbert Street where the proposed building would appear as a dominant structure in relation to the existing stepped down nature and lower buildings to the north and east of the appeal site. Gilbert Street is relatively narrow and appears to be a well-used pedestrian link between Hanworth Road and High Street. As such, I share the Council's concern that the height and mass of the building in such close proximity to this street would have an overbearing effect on pedestrian users.

10. Taking the above matters into consideration, I conclude that the proposed development, due to its scale, mass and height, would appear at odds with its surrounding context and thus have an unacceptable adverse effect on the character and appearance of the surrounding area. Consequently, the proposal would be contrary to the provisions of Policies CC1, CC2 and SC4 of the London Borough of Hounslow Local Plan 2015-2030 (the Local Plan) and Policies D3, D4 and D8 of the London Plan (2021). These policies, amongst other things, require new development to be of a good design that respects local character and context and has due regard to the street hierarchy, building types, form and proportions and ensures that there is a mutually supportive relationship between the space surrounding buildings and their uses.

Office Space

11. The site is located within the boundary of Hounslow Town Centre which is designated as a Key Office Location in the Local Plan. Policy ED2 seeks to maintain the borough's employment land supply and requires that development proposals that would result in the loss of such land are required to be accompanied by several information sources. These include evidence of active marketing of the site for employment uses for a period of at least two years; an assessment demonstrating that the introduction of non-employment uses is necessary to achieve sufficient viability to deliver a development scheme; and evidence that surrounding employment uses/sites will not be undermined.
12. The Council indicates that the current use of the site is commercial with residential at the first floor. Planning permission was granted in 1985 for the continued use of No. 3 as an Accountant's Office and No. 4 as an Office for a minicab business (Ref: 00479/3-4/P6). However, the Council suggest that no permission has been granted for residential use on the site.
13. The proposed development would provide for approximately 44.8m² of office space at ground floor level. There is some dispute between the parties regarding the existing area of office floor space. The Council suggest that the proposal would result in a loss of approximately 21m² from the existing area. The Appellant suggests that the existing footprint was 54m² which would result in a loss of approximately 10m². Irrespective of this dispute, the evidence of both parties suggest that the proposed development would result in a net loss of office space, albeit not of a significantly large area.
14. The proposal seeks to provide an element of office space at ground level. However, the objectives of Policy ED2, in seeking to maintain the borough's employment land and the policy requirements to be satisfied in circumstances where a loss would occur, are quite clear.
15. I recognise the Appellant's contention that the Council may not have asked for marketing evidence to support the determination of the application. However,

it is reasonably expected that applicant's seeking planning permission for development of this scale and nature would have an awareness of the relevant planning policy criteria that such proposals would need to satisfy.

16. In this case, I have no evidence of any marketing assessment, no viability evidence to demonstrate that non-employment uses are necessary to deliver the scheme to achieve sufficient viability and no evidence to demonstrate that the surrounding employment uses/sites will not be undermined. Consequently, the proposed development would be contrary to Policy ED2 of the Local Plan.

Living conditions – neighbours

17. The Council suggests that there would be a separation distance of less than 5m between the proposed development and the first-floor level of the rear of No. 121 High Street which is identified as being in residential use and having windows to habitable rooms that face towards the proposed development. Whilst these windows were difficult to see at my site visit, due to the proximity of other existing buildings and the height of the existing flat ground floor structure at the rear of No. 121, I have no evidence to suggest that they do not exist and a slight glimpse of one such window could be obtained from Hanworth Road.
18. I accept the findings of the Daylight and Sunlight Report that was submitted with the planning application and was undertaken in accordance with the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2011. This concludes that "regarding the surrounding properties the proposed development meets the BRE guidelines for daylight and sunlight".
19. The existing outlook from the relevant windows of No. 121 is towards and over the first floor of the current buildings on the appeal site. Owing to the relatively low nature of these buildings, the current outlook does likely enable wider views to the south to be attainable. Whilst the windows at No. 121 would likely receive adequate daylight and sunlight on completion of the proposed development, the outlook from them would be severely compromised by the proximity of the proposed four storey structure.
20. In such views from these windows the scale, mass and height of the proposed development would unacceptably appear as an oppressive and overbearing structure that would introduce a sense of enclosure. Although the Council indicates that no habitable windows in the proposed development would directly overlook those at No. 121, this does not alter my view that the proposal would unacceptably harm the living conditions of the occupants of this adjacent property. As such, it would be contrary to Policy CC2 of the Local Plan and Policies D3 and D6 of the London Plan. These policies, amongst other things, require development proposals to minimise overbearingness and overshadowing to adjacent dwellings and deliver appropriate outlook, privacy and amenity.
21. The Council has also referred to a planning application received for development at Nos 115-119 High Street (Ref: 00610/115-119/P15) which is located directly opposite the appeal site. The Council argues that there would be a separation distance of 5m between both developments were they to be granted permission. However, I have no details of the adjacent proposed development nor any evidence to suggest whether planning permission has

been granted or refused. In any event, I am obliged to determine this appeal on the basis of the evidence before me and I attach no weight to the speculative nature of future development proposals in the vicinity of the appeal site.

22. The supporting text to Policy SC10 of the Local Plan recognises that the creation of larger Housing in Multiple Occupation for 6 occupiers or more are of a scale that can bring about material change and impacts on the surrounding area. The policy itself requires that development proposals for Housing in Multiple Occupation should demonstrate that there will be no serious harmful cumulative impact on the character and residential amenity of the surrounding area. In addition, the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (SPD) also advises that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the amenity of residents/tenants of the HMO, neighbours or the overall residential amenity of the area. The SPD requires the submission of a management statement setting out how the property will be managed to address such concerns.
23. In my experience, properly managed HMO's can be provided in a manner which ensures that there would be no material harm to the living conditions of nearby residents, and I have no reasons to suggest that this would not be the case in this proposal. However, the requirements of Policy SC10 and the SPD are clear in that evidence needs to be submitted in the form of a management statement to demonstrate how such concerns can be addressed. I have no evidence before me of a management plan or any other information that would specifically address the requirements of the policy and SPD.
24. As previously mentioned above, I recognise that the request for a HMO Management Plan may not have been requested by the Council in pre-application discussions. However, this is a matter that I cannot take into account in my consideration of the planning merits of the proposed development.
25. Taking the above factors into account, I consider that the proposed development would result in a loss of outlook and introduce a sense of enclosure, as a consequence of its overbearing nature, for the occupants of No. 121 High Street. This would cause an adverse and unacceptable effect on the living conditions of the occupants of that property. In addition, I have no evidence of any management plan to demonstrate that the proposal would be managed in a manner that would not give rise to harm to the living conditions of nearby residents. Consequently, the proposal would be contrary to Policies CC2 and SC10 of the Local Plan and Policies D3 and D6 of the London Plan.

Living conditions - occupants

26. The adopted Houses in Multiple Occupation SPD sets out that HMO's will be expected to provide sufficient useable outdoor amenity space for the number of occupants and that the outdoor amenity space should comply with Local Plan Policy SC5 (Ensuring Suitable Internal and External Space). This policy sets out minimum areas necessary for private and communal external space which can be provided in the form of usable balconies, roof terraces or private garden space. Policy D6 of the London Plan requires balconies to achieve a minimum depth and width of 1.5m.

27. The submitted plans suggest that private balconies would only be provided to units on the second floor and third floors on the south and east elevations. The communal space over the sub-station would be provided in the form of an area of 11m² on the first, second and third floors providing a total of 33m².
28. The Council suggests that none of the proposed balconies would achieve a minimum width of 1.5m. In this regard, I have interpreted the Council's concern to relate to the depth of the balcony, measured from the built façade of the building to the edge of the balcony. In addition, the Council contends that no information has been provided to demonstrate that the proposed communal amenity space on each floor above the electrical substation would receive adequate daylight and sunlight.
29. I have no detailed evidence from either party to demonstrate the conclusive extent to which the private and communal outdoor space would meet the requirements of Policy SC5. However, I have no contrary evidence either to suggest that the Council's contention that the proposed 33m² of communal space would be insufficient or that the balcony depths would not meet the required 1.5m.
30. The Appellant suggests that the 'study analysis of the daylight and sunlight' demonstrates that the communal amenity space would benefit from adequate daylight during the daytime, and sunlight in the evening, as it faces southwest. However, the Council contends that this proposed amenity space on the western side of the building was added as an amendment to the submitted plans during the consideration of the application. Consequently, it was not considered as part of the Daylight and Sunlight Report.
31. The close-knit nature of the surrounding existing development in this part of Hounslow suggests that any outdoor communal area, other than that which could be positioned on the southern elevation of the proposed development, would experience some reductions in daylight and sunlight of varying extent. Whilst I acknowledge the Council's concerns, I do not consider that there is any compelling evidence to suggest that the amount of daylight and sunlight that would be received at the proposed communal areas would be of such a reduced extent to materially compromise their use.
32. Although to some extent I have scant evidence on this main matter, on the basis of what I have before me, I am satisfied that the amount of communal space and balcony depths proposed to be provided would not accord with the requirements of Policies SC5 and SC10 of the Local Plan and Policy D6 of the London Plan respectively. Consequently, I consider that the proposed development would have an unacceptable detrimental effect on the living conditions of the future occupants.

Cycle parking

33. The proposed development would make provision for 16 vertical cycle stands located on the ground floor for the residential use. These would be accessed off Gilbert Street. In addition, 2 vertical cycle stands would also be provided on the ground floor for the commercial use and accessed off Hanworth Road.

34. The Council suggests that the provision of vertical cycle stands would not be appropriate as the WestTRANS Cycle Parking Guidance¹ requires the provision of either 'Sheffield' or 'two tier stands'. The introductory text of this document suggest that the guidance is intended to be used as supplementary planning guidance (SPG) for the planning and development process to deliver appropriate cycle parking for developments. The guidance indicates that Sheffield stands and two tier stands are the preferred options as they are the most practical and that vertical stands and wheel racks are generally not acceptable. However, I have no evidence to indicate whether this document has been formally adopted as SPG by the Council.
35. Policy T5 of the London Plan requires development proposals to make provision for appropriate levels of cycle parking which should be fit for purpose, secure and well-located. It further states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards produced by Transport for London. Although the design standards provide recommended cycle parking space requirements (based on bays of multiple Sheffield stands and two tier stands) it recognises that "there are many other products on the market, particularly those that private owners may consider within their property, and space requirements will need to be calculated based on the characteristics of each type".
36. Although I have no evidence of the floor area of the proposed cycle parking areas, the Council suggest that the proposed areas would be insufficient in size to accommodate Sheffield or two tier stands and that much larger cycle store areas would be necessary which would impact on the layout of the ground floor. In addition, the Council suggests that the entrance to the cycle stores would not meet a 1.2 metre width requirement as prescribed in the WestTRANS Cycle Parking Guidance.
37. Notwithstanding whether or not the WestTRANS Cycle Parking Guidance is adopted, it is clear that it is used by the Council as a benchmark to assess compliance with Policy T5 of the London Plan. Furthermore, Policy T5 itself makes specific reference to the use of the London Cycling Design Standards in the consideration of the design and layout of cycle parking areas and which prescribes recommended space requirements.
38. I have no other contrary evidence to suggest that the floor area proposed to be allocated for cycle parking would be of sufficient size that would be fit for purpose in accordance with the relevant guidance supporting Policy T5 or that alternatives to vertical parking could be implemented. Furthermore, I have no evidence to indicate whether the access door widths to the proposed cycle store areas would meet the required minimum 1.2 metre width.
39. In the absence of any other information to the contrary, the evidence provided in this case suggests that the proposed development would not make adequate provision for cycle storage. Therefore, it would not accord with the provisions of Policy T5 of the London Plan.

Other matters

40. I recognise the frustrations that the Appellant has identified in attempts to constructively apply the advice provided by the Council during its consideration

¹ West London Cycle Parking Guidance A practical guide to cycle parking solutions for developers and planners 2017

of the application. However, this is not a matter that I can take into account in the consideration of the planning merits of the proposed development. I am obliged to consider this appeal on the basis of the plans and supporting information before me. The fact that the Council may have suggested that a four-storey block may have been acceptable has no bearing on my determination of this appeal. Consequently, I have attached no weight to the evidence of the discussions with the Council provided by the Appellant.

Conclusion

41. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR