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# Appeal Decision

Site visit made on 23 February 2023

**by S Lo LLB M.SRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2023**

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**Appeal Ref: APP/F5540/W/22/3303998**

**49-53 Bath Road, Hounslow TW3 3BN**

- 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 P Fanning (Fanning Limited) against the decision of London Borough of Hounslow.
  - The application Ref 00083/49-53/P2, dated 19 October 2021, was refused by notice dated 4 February 2022.
  - The development proposed is the erection of a detached single-storey building for use as a care home for people with learning difficulties and special needs (Class C2).
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single-storey building for use as a care home for people with learning difficulties and special needs (Class C2) at 49-53 Bath Road, Hounslow TW3 3BN in accordance with the terms of the application, Ref 00083/49-53/P2, dated 19 October 2021, and subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - i) Whether there is an identified local need for this type of specialist housing;
  - ii) the effect of the proposal upon the character and appearance of the surrounding area; and
  - iii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise.

## Reasons

### *Need for specialist housing*

3. The proposed development is a new building located in the garden area of a care home for people with learning difficulties and special needs. The care home was under construction at the time of my site visit and the submitted evidence indicates that it would provide support facilities for residents of the appeal proposal. As such, the proposed development would be ancillary to the use of the appeal site as a whole.
4. Policy SC8 of The Hounslow Local Plan (2015) (LP) states that it will support the provision of purpose-built supported housing to meet specialist housing needs where the proposed accommodation will meet identified local need, for

example, for people with learning disabilities or support needs. It is expected that development proposals will be developed in partnership with council and/or health partners.

5. The approved care home development was granted permission based on identified need of that type of accommodation within the borough. The response of the Joint Commissioning Group (JCG) for that scheme stated that there was no need for any additional capacity above the 7 beds. The proposed development would provide additional housing for 3 persons with learning difficulties and special needs. There is no evidence before me that the JCG has been consulted in relation to this appeal proposal. The related consent for the care home (00083/49-53/P1) was determined on 21 July 2020. As such, a significant period of time has passed, and it seems likely to me that the need for specialist housing has altered since then. The JCG's previous response therefore does not provide a clear indication of the current need for the development.
6. The submitted Hounslow Market Position Statement - 2022/23 (Draft 04.07.22) indicates that additional accommodation will be required to accommodate a growing number of people aged 65 and over with learning difficulties. Furthermore, in relation to the care market in Hounslow, the section on capacity states that there are insufficient care home beds in the borough for adults with mental health needs and that there will be an increase in demand for supported living accommodation. This increase is projected to be 80 beds by 2025. It is therefore clear that there is a demonstrable need for the type of housing which the proposed development would provide. Although the document is in draft form, it nevertheless demonstrates the best evidence before me, and no documentation has been submitted which indicates that the identified need has been or will be met by other developments.
7. The correspondence in appendix 2 of the appellant's statement of case does not indicate that the appellant has had any meaningful discussions with the relevant department(s) in the Council and/or health partners. While the application may have been delayed, there is no clear reason as to why the proposal was not developed in partnership with them. Although the proposed development may not therefore be able to meet all expectations in LP Policy CS8 regarding partnership, this does not mean that conflict will occur given that it is a permissive rather than restrictive policy. As such, any compliance with the principles of that policy can be taken to be a positive.
8. The available evidence indicates that there is a local need for the proposed development. In reaching this judgement, I am aware that an appeal for a separate care home for people with learning difficulties and special needs was allowed elsewhere in Hounslow, on Alexandra Gardens. However, a significant period of time has passed since that decision and the information before me indicates that there remains a need for this type of specialist housing.
9. For the reasons given, I conclude that there is an identified local need for the proposed development. Accordingly, it would comply with LP Policy SC8.

#### *Character and Appearance*

10. The appeal site is located in a residential area with a diverse range of housing styles and sizes. The site is surrounded by terraced and semi-detached houses, flats and some detached properties with large rear gardens. Many of these

have been extended or developed in various ways, with rear extensions being relatively common for those properties with larger gardens. Additionally, there is a mixture of modern and older building designs in the area. The site is also adjacent to the parking area of a small hotel. As such, the area has a varied character and appearance.

11. With a single storey, the mass of the proposed development would be relatively limited. Although it would be larger than the other outbuildings in the area, its overall scale would not be at odds with existing development in the locality. Whilst there are a number of properties along Bath Road which benefit from long, open gardens, which is reflected in the current design of the appeal site, this garden design is not predominant and where they do exist, many contain outbuildings. Additionally, a reasonable garden area would be retained between the proposed development and the related consent. As such, the appeal proposal would not read as unacceptably intensive.
12. The presence of existing built form means that the proposed development would not be particularly visible in public views, including from Bath Road. While it would be visible from some adjacent properties, the limited height of the building would sufficiently reduce its visibility, such that it would not appear visually intrusive.
13. In conclusion, the appeal scheme would not harm the character and appearance of the surrounding area. Accordingly, it would comply with LP Policies CC1 and CC2 which require development to sensitively respond to a character's area and respond meaningfully to the site.

*Living conditions for occupiers of neighbouring properties*

14. Although the appeal proposal would lead to an increase in noise, including from an increase in comings and goings on the site, the change would be unlikely to be significant for this area given its high level of background noise and activity due to the prevalence of road traffic, commercial properties (such as the hotel) and the concentration of residential properties. As such, although the change would likely be perceptible, it would not reach a threshold where a significant impact would occur.
15. In reaching this view, I have considered the Council's comments regarding over-intensification, specifically in the context of the three domestic properties which previously occupied the site. I also recognise that the location of the proposed development is important, as future occupiers of the proposed development would be occupying the space previously used as a garden. Nonetheless, due to the prevalence of outbuildings in the area and that access for occupiers would be restricted to foot traffic, the additional noise generated by occupiers of the proposed development is unlikely to result in a significant change which would unacceptably harm the living conditions of neighbouring occupiers in relation to noise.
16. In conclusion, the appeal scheme would not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise. Accordingly, it would not result in significant noise issues, in compliance with LP Policy CC2.

## **Other Matters**

17. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as: whether the proposed development is an outbuilding; whether the use of the property may change; where visitors would be parking; where nursing staff would live; and the access to the proposed development. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters or could otherwise not be adequately mitigated via the use of conditions. Consequently, they do not lead me to a different overall conclusion than to allow the appeal.

## **Conditions**

18. The Council has suggested a number of conditions in the event this appeal is successful, and these have been considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
19. In addition to the standard time limit, condition 2 is necessary to provide certainty. Condition 3 is required because an alternative use within the same use class may involve different issues which would need consideration in their own right. In addition, I have imposed condition 4 to ensure that the units in the proposed development are not overcrowded. Condition 5 is necessary to ensure highway safety, notwithstanding that I have removed the clause which required compliance with all necessary traffic orders and permissions, because it duplicated existing legal requirements. As such, this clause was not necessary. Condition 6 is necessary to ensure that the appearance of the site remains satisfactory. Condition 7 is necessary to minimise carbon dioxide emissions. Condition 8 is necessary to ensure that waste provision remains adequate. Condition 9 is necessary to conserve water supplies. Condition 10 is necessary to ensure that materials are sustainably sourced. Condition 11 is necessary to support sustainable transport objectives.
20. Regarding the Council's suggested conditions, the condition regarding the car park and servicing management plan is not necessary. This is because the matters in this suggested condition have already been dealt with in the planning permission for the main care home building and the proposed development, being ancillary to the main care home, would be unlikely to significantly increase the parking or servicing requirements of the appeal site. The condition regarding additional windows is not necessary due to the single storey height of the development. The condition regarding materials is not sufficiently precise as there is no existing building which can be used as a reference. Such a condition is also not necessary because the submitted plans include sufficient detail on external materials. The condition regarding resident's parking permits is not necessary as there is insufficient evidence that the development would harm highway safety or sustainable transport objectives without the condition being imposed.
21. Additionally, the Council's officer report recommends that a condition be imposed to ensure that windows are obscurely glazed in relation to neighbours' living conditions. However, given the distance between the proposed development and neighbouring properties, the limited height of the single-

storey development and the screening from the boundary fencing, the potential for overlooking would be clearly limited. Accordingly, this condition is not necessary.

### **Conclusion**

22. For the above reasons, taking into account all other matters, it is concluded that this appeal should succeed subject to conditions.

*S Lo*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (unnumbered, Rev C1); Existing Block Plan (Drawing No 2673-RDJWL-XX-XX-DR-A-0016, Rev C1); Proposed Block Plan (Rear Units) (Drawing No 2673-RDJWL-XX-XX-DR-A-0018, Rev C1); Proposed Floor Plans & Site Layout – Flats (Drawing No 2673-RDJWL-XX-XX-DR-A-0025, Rev C1); Proposed Fire Strategy Site Plan (Drawing No 2673-RDJWL-02-XX-DR-A-0105, Rev P1); and Proposed Elevations and Roof Plan (Drawing No 2673-RDJWL-02-ZZ-DR-A-0031, Rev C1).
3. The premises shall be used for C2 (care home) use and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4. The occupation of each unit within the development hereby approved shall be limited to one individual.
5. No development shall take place until a Construction Logistics Plan (CLP), written in accordance with relevant TfL guidance, has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include:  
(a) a site plan (showing the elements set out below); (b) confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with Hounslow Highways and a commitment to repair any damage caused; (c) provision for the parking of vehicles of site operatives and visitors; (d) provisions for loading, unloading and storage of plant and materials within the site; (e) details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements; (f) details of vehicle routing from the site to the wider strategic road network; (g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (h) provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the Council; (i) a scheme for recycling/disposing of waste resulting from demolition and construction works; (j) measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access; (k) commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts; (l) avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway; (m) details of the construction programme and a schedule of traffic movements; (n) the use of operators that are members of TfL's Freight Operator Recognition Scheme (FORS) and are FORS Silver accredited or better. The approved CLP shall be adhered to throughout the construction period for the development.
6. Notwithstanding any details included in the submitted plans, prior to above ground works, details of both hard and soft landscape works shall be

submitted to and approved in writing by the local planning authority. These details shall include: (a) means of enclosure/boundary treatments (b) other vehicle and pedestrian access and circulation areas; (c) hard surfacing materials; and (d) planting plans and schedules of plants, noting species, plant sizes and proposed numbers and densities where appropriate. The landscaping works shall comply with the requirements specified in BS 3936 (1992) 'Specification of Nursery Stock Part 1 Trees and Shrubs', and in BS 4428 (1989) 'Recommendations for General Landscape Operations.' All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or shrubs planted (including any such replacements) which die within five years from the date of planting shall be replaced in the next planting season with the same species, and of comparable maturity.

7. Prior to occupation of the development hereby approved, evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed in accordance with the approved Energy Statement (by thermenergy dated 27 October 2021).
8. Prior to occupation of the development hereby approved, full details of the arrangements for storage of refuse and recyclable materials (including a means of enclosure for the area concerned, where necessary) shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to occupation and retained for the duration of the development.
9. Prior to occupation of the development hereby approved, evidence (e.g. schedule of fittings and manufacturers literature) shall be submitted to and approved in writing by the Local Planning Authority showing that the development has achieved an internal water use of 105 Litres per person per day or less.
10. Prior to occupation of the development hereby approved, evidence (e.g. photographs and copies of delivery notes, invoices or installation contracts) shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development meets the following criteria: • At least three of the key elements of the building envelope (external walls, windows roof, upper floor slabs, internal walls, floor finishes/coverings) achieve a rating of A+ to D in the Building Research Establishment (BRE) The Green Guide of specification. • At least 50% of timber and timber products have been sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) scheme. • No construction or insulation materials have been used which will release toxins into the internal and external environment, including those that deplete stratospheric ozone.
11. Prior to occupation of the development hereby approved, full details (including manufacturers' specifications as relevant) of secure covered cycle parking facilities (for not less than 3 bicycles) for the occupants of, and visitors to, the development shall be submitted to and approved in writing by

the Local Planning Authority. The approved facilities shall conform to current guidance such as the TfL London Cycling Design Standards in design and layout and be fully implemented and be made available for use before the first occupation of the development and thereafter retained for use at all times without obstruction.