



Appeal Decision

Site visit made on 19 June 2023

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/F5540/W/22/3311736

Rear of 68 Park Road, Chiswick, London W4 3HL

- 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 Ms Claire Dass against the decision of London Borough of Hounslow.
 - The application Ref 01255/R/068/P1, dated 11 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is described as 'Demolition of double garage and the erection of one bedroom self-build house with roof mounted solar panels and associated car parking'.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of double garage and the erection of one bedroom self-build house with roof mounted solar panels and associated car parking at the rear of 68 Park Road, Chiswick, London W4 3HL in accordance with the terms of the application, Ref 01255/R/068/P1, dated 11 March 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted an Energy Statement as part of the appeal. Given that the Council has had the opportunity to comment on this, no injustice would occur if the appeal were determined based on this information. Accordingly, I have had regard to the Energy Statement when reaching my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including whether the proposed development would preserve or enhance the character and appearance of the Chiswick House Conservation Area;
 - whether the proposed development would provide satisfactory living conditions for the future occupiers having specific regard to external amenity space;
 - whether the proposal would include appropriate measures to meet carbon reduction and sustainable construction objectives; and

- whether the proposal would encourage travel choices to meet the Council's sustainable transport objectives.

Reasons

Character and appearance

4. The appeal site, which previously formed part of the rear garden of 68 Park Road, comprises a pitched roof double garage and gravel parking area. The proposal seeks to replace the existing garage with a 2 storey one bedroom dwelling. The immediately surrounding area is predominantly residential in character including semi-detached and detached properties of a range of sizes and styles, including Edwardian, Art Deco and Arts and Crafts architecture. Mature street trees and planted frontages contribute to the pleasant verdant character of the area.
5. The site lies within the Chiswick House Conservation Area (the CA). The significance of the CA is derived from the architectural and historic interest of Chiswick House and its landscaped grounds, and the surrounding streets made up of late nineteenth and early twentieth century residential development, which is of a high quality design and responds to the house and gardens.
6. Whilst the appeal proposal would be of a contemporary style, the design of the dwelling would include references to the local vernacular. Specifically, elements such as the flat roof and curved corner, a double height bay window, porch detail, and fenestration with a vertical emphasis, as well as windows of a greater height at ground floor level, would echo properties in the surrounding streets. The external materials, which would comprise Yellow London Stock facing brickwork and white render would also reflect the residential properties nearby.
7. Consequently, despite the overall height and modest scale of the proposed dwelling, it would not detract from the distinctiveness of the area or be out of keeping with the local building styles. Moreover, notwithstanding the plot size and proximity of the proposed dwelling to the site boundaries, its siting in relation to the dwellings on neighbouring plots, would maintain a sense of separation and spaciousness between the buildings.
8. For the forgoing reasons I conclude that the proposal would be sympathetic to the established character and appearance of the area and would preserve or enhance the character and appearance of the CA. It would therefore accord with the combined high quality design aims of Policies CC1, CC2 and CC4 of the London Borough of Hounslow Local Plan 2015-2030 (HLP). These policies seek to ensure that new development conserves the borough's special qualities and significance of heritage assets, expects development to respond to an area's character and promotes and supports contemporary architecture that's rooted in local context. It would also reflect the aims and objectives of the National Planning Policy Framework (the Framework) to achieve well designed places and in respect of conserving and enhancing the historic environment.

Living conditions of future occupiers

9. Future occupiers of the proposed one-bedroom dwelling, which would have 2 habitable rooms, would be provided with private rear amenity space measuring 9 m². Policy SC5 of the HLP does not include a minimum requirement for useable amenity space for houses with less than 3 habitable rooms. Whilst

Policy SC5 sets out a minimum requirement of 5m² of private outdoor space plus communal external space for flats and other forms of development, this would not apply to the appeal proposal.

10. Policy D6 of the London Plan (LP) sets out that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5m² of private outdoor space, with a minimum depth and width of 1.5m should be provided for 1-2 person dwellings. The proposal would meet this requirement, with the space available large enough to enable future occupiers to carry out the usual outdoor activities associated with a dwelling, such as the drying of clothes or the siting of a table and chairs. In addition, the site lies a short distance from the public open space at Chiswick House Gardens, which may meet some recreational needs of future occupants of the dwelling.
11. I therefore find that, for the foregoing reasons, the development would provide satisfactory living conditions for future occupiers with regards to the quantity of external amenity space. In that regard it would accord with HLP Policy SC5 which among other things, seeks the provision of private external space that is usable and affords privacy and security, as well as the aims of LP Policy D6.

Energy and carbon reduction measures

12. Policy EQ1 of the HLP seeks to minimise the demand for energy and promote renewable and low carbon technologies. It includes an expectation that all development proposals should meet the carbon emission reduction requirements set out in the LP. HLP Policy EQ2 expects development to incorporate established principles for sustainable design and construction as set out in the LP. The Council's delegated report indicates that Policy SI2 of the LP requires that development should be net zero-carbon and achieve a target of a minimum on-site carbon reduction of at least 35% beyond Building Regulations in accordance with the energy hierarchy.
13. The Design and Access Statement sets out a fabric first approach, to be combined with an air source heat pump and photovoltaic panels. In addition, the Energy Statement confirms that the LP target can be met, and I see no reason why compliance with the Statement could not be secured with a planning condition.
14. In light of this, I conclude that the proposal would include appropriate measures to meet carbon reduction and sustainable construction objectives. In that regard it would accord with Policies EQ1 and EQ2 of the HLP and Policy SI2 of the LP.
15. The third refusal reason also refers to conflict with LP Policy SI3, however it has not been shown why any conflict with this policy would arise and, therefore, I give it limited weight.

Sustainable transport objectives

16. The proposed dwelling would utilise the existing vehicular access to the site from Chesterfield Road. Whilst visibility at the existing access may fall short of the requirements set out in the Council's Residential Crossovers and Off-Street Parking Policy adopted October 2016, given that the guidance relates to proposed crossovers and the vehicular access in the case of the appeal scheme is in situ, I therefore attribute limited weight to any technical conflict there may be with this guidance. Moreover, the existing access is from a straight stretch

of road with a 20mph speed limit, with a verge and footpath between it and the edge of the carriageway. It relates to an existing access, and I have not been presented with any evidence to suggest it is particularly hazardous that it would discourage walking or cycling.

17. For the foregoing reasons, the proposal would comply with the Council's sustainable transport objectives including HLP Policy EC2 in so far as it seeks to secure a more sustainable local travel network that maximises opportunities for walking, cycling and using public transport.

Other Matters

18. Interested parties have raised concerns regarding the effect of the proposed development on the living conditions of occupiers of neighbouring properties, having regard to light, outlook, sense of enclosure and privacy. I note that the Council has not raised concerns regarding these matters, and notwithstanding the difference in levels, given the scale, siting and design of the proposed dwelling, I have no reason to disagree. Moreover, the Council indicates that the proposal would accord with the Technical housing standards- nationally described space standard (March 2015) with regards to gross internal floor area.
19. Furthermore, I have not been presented with any substantive evidence that the development would give rise to noise pollution or affect the root protection areas of nearby trees. Concern has also been raised regarding the potential effect construction work at the appeal property, in close proximity to the site boundaries, would have on the neighbouring properties. Understandable though these concerns are, any damage caused to property during construction would be a private matter between the parties involved.
20. My attention has been drawn to an appeal decision at land adjacent to 77 Grove Park Road¹ which it is suggested is similar to the appeal proposal in that it relates to the erection of a new dwelling to replace a garage in a conservation area. However, I do not have full details in respect of the proposal so I cannot be sure of the circumstances of the case or that the effect on the character and appearance of that specific conservation area, would be directly comparable. As such the weight to be attached to this is limited.

Conditions

21. I have imposed the standard condition limiting the period within which the development must commence, as well as a condition specifying the relevant plans, in order to provide certainty. A condition to require the construction of the development using the external materials specified in the appeal submissions is necessary, in order to preserve the character and appearance of the area.
22. Conditions relating to storage for waste and recycling and cycle storage are necessary to ensure adequate provision, to support use of sustainable travel modes, and in the interests of the character and appearance of the area.
23. A condition to ensure the development is carried out in conformity with the submitted Energy Strategy is necessary in accordance with my findings in relation to the third main issue. Finally, I have attached a condition to require

¹ APP/F5540/W/18/3213668

that the development is carried out in accordance with the Flood Risk Assessment, which is necessary to ensure the proposal would not increase flood risk.

Conclusion

24. For the reasons set out above, having regard to the development plan as a whole, and all other relevant material considerations, the appeal is allowed, subject to conditions.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1138/P01, 1138-P03, 1138-P05, 1138-P06, 1138-P07, 1138-P08, 1138-P09, 1138-P10, 1138-P11, 1138-P12, 1138-P13 and 1138-P14.
- 3) The development hereby approved shall be constructed using the external materials specified on the planning application form and associated drawings and shall be permanently retained as such thereafter.
- 4) The development hereby permitted shall not be first occupied until details of the arrangements for secure, sheltered, easily accessible, and conveniently located cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the approved details before the development is first occupied, and thereafter permanently retained.
- 5) The development hereby permitted shall not be first occupied until details of arrangements for storage of waste and recycled materials have been submitted to and approved in writing by the Local Planning Authority. The arrangements for storage shall be installed in accordance with the details approved before the development is first occupied, and thereafter permanently retained.
- 6) The development hereby approved shall be carried out in accordance with the Energy Statement by NRG Consulting dated November 2022. The measures set out therein shall be provided prior to the occupation of the dwelling hereby permitted and thereafter permanently retained and maintained as such.
- 7) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Thomas Ruddy RIBA dated February 2022.

******* end of conditions *******