



Appeal Decision

Site visit made on 14 July 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/F5540/W/23/3316914

Rear of 30a Chiswick High Road, Chiswick, London W4 1TE

- 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 Tom Ainsleigh Jones of Parsons Green Land Ltd against the decision of London Borough of Hounslow.
 - The application Ref P/2022/2443, dated 26 July 2022, was refused by notice dated 18 October 2022.
 - The development proposed is Change of use from Retail (Use Class E) to Dwellinghouses (Use Class C3) in connection with the creation of 1 x studio apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has drawn my attention to Policy SC6 of the Local Plan 2015-2030 (Local Plan). However, this policy is not referred to in the reason for refusal or in the Delegated Report. Therefore, for clarity, I have determined the appeal based on the policies the Council have cited in the reason for refusal.

Main Issues

3. The main issues are whether the proposal would provide satisfactory living conditions for future occupants, in regard to outlook, external amenity space and access and the effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

4. The appeal proposal relates to a ground floor, flat roofed, single storey building. It is situated to the rear of a retail unit which fronts Chiswick High Road, Nos 30-34. There is a small servicing yard situated to the front of the appeal building, which is enclosed with a 2m fence either side.
5. The back of Chiswick High Road, including the appeal site, is served by a private access road which runs off Prebend Gardens. It serves the rear of the commercial premises along Chiswick High Road, as well as the handful of existing residential units within the Chiswick High Road buildings. There is a high brick wall with some overgrown vegetation on the northern side of the access, which is positioned directly opposite the appeal site.
6. I acknowledge that there is no statutory definition of 'outlook' and that 2 new windows would be inserted into the rear elevation, which along with the

existing door, would be 'transparent and openable'. However, these are the only openings that would serve the studio flat. Due to the single aspect of the studio flat, looking directly towards the access track and the high boundary wall, it is considered that future occupants of the proposal would have a restricted outlook and a sense of enclosure. This would be harmful to the living conditions of the future occupiers of the proposal.

7. The outlook would be comparable with similar residential units nearby, including the recently approved development to the rear of 34 Chiswick High Road¹. However, no further details have been provided. Nevertheless, the fact that residential units with a similar outlook either exist or have been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would have a restricted outlook for the reasons set out above.
8. The size of the amenity space at 16sqm would exceed the minimum required by Policy SC5 of the Local Plan. However, in order to ensure adequate privacy from the access track, the amenity space would have to be enclosed by a suitable boundary treatment, which the only windows serving the proposal would look out towards, in close proximity. Furthermore, the access track and surrounding area is used for the servicing of the commercial uses to the front. These factors would result in a highly oppressive and poor quality environment. Therefore, whilst adequate privacy could be achieved, this would be to the detriment of the quality of the space. Consequently, the quality of the external amenity space proposed would be unacceptable.
9. Regarding the access to the proposal, the existing accessway serves the existing residential units which are adjacent, including those on the upper floors which are accessed via existing stairways. Whilst I appreciate that the access may not be ideal, I am not convinced that it would necessarily be unsafe and thus unacceptable. The access runs from Prebend Gardens, which is a typical residential street with pavements and streetlighting. It would only be a short distance along the existing accessway to the rear of Chiswick High Road to reach the proposal, which would be overlooked by the surrounding residential units within the upper floors of the building. I am satisfied that the proposed access arrangement would be acceptable and would not be harmful to the living conditions of the future occupants.
10. I note that the appellant would be willing to accept conditions in relation to the windows, doors and boundary treatments to ensure that the outlook and amenity space would be favourable. However, I have not been provided with any suggested wording of such conditions. Nevertheless, I am not satisfied that any conditions would be sufficient to mitigate the harm identified above.
11. Therefore, whilst I am satisfied that the access to the proposal would be acceptable, the proposal would fail to provide satisfactory living conditions for future occupants, in regard to outlook and external amenity space. The proposal would be contrary to Policy SC5 of the Local Plan which requires developments to be of the highest quality internally and externally and meet the demands of everyday life for the intended occupants. It also requires development to provide private outdoor space that is of good quality and affords privacy.

¹ Application Ref P/2019/4049 - Demolition of the existing single storey building to the rear of 34 Chiswick High Road and the construction of two, two-bedroom two-storey mews-type houses.

12. It would also conflict with London Plan Policy D6 which states that housing development should be of high quality design and to provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. It would also conflict with paragraph 130 (f) of the National Planning Policy Framework 2021 (the Framework), which states that development should have a high standard of amenity for future users.
13. The reason for refusal also cites conflict with the Nationally Described Space Standards (NDSS). However, it is noted that the Council acknowledge that the proposal would meet the NDSS with regards to a studio unit. Therefore, any alleged conflict with the NDSS would not be determinative in these circumstances.

Character and Appearance

14. The proposal is in an area where it is common for residential units to be situated either in the upper floors of the buildings along Chiswick High Road or at the rear. This includes the recent planning consent granted to the rear of No 34. My site visit confirmed that these form part of the established character of the area.
15. The proposal would involve minor alterations to an existing single storey building. The creation of a residential unit in this location would be in keeping with the prevailing character of the area and would not be incongruous.
16. Consequently, I am satisfied that the proposal would not harm the character and appearance of the area. It would be in accordance with Policies CC1 and CC2 of the Local Plan which, in combination, seek to ensure that development complements the character of the area through high quality urban design and securing development that sensitively responds to an area's character.

Other Matters

17. I note the lack of objections from any consultees and local residents. I also note the Council raised no objections to the proposal on the grounds of living conditions of the occupants of neighbouring properties, transport, flood risk and fire safety. However, these matters do not alter or outweigh the harm I have identified above.

Conclusion

18. In conclusion, although acceptable in some regards, I have identified that there would be conflict with the development plan as a whole, as the proposal would not provide satisfactory living conditions for future occupants, in regard to outlook and external amenity space. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR