



Appeal Decision

Site visit made on 13 June 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2023

Appeal Ref: APP/F5540/W/22/3311873

Land to the rear of 2 Thorney Hedge Road, Chiswick W4 5SD

- 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 Richard Buss against the decision of the London Borough of Hounslow.
 - The application Ref 01121/R/O2/P6, dated 31 May 2022, was refused by notice dated 2 September 2022.
 - The development proposed is a single storey, one bedroom home and associated bicycle and bin storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the planning application form. However, I have removed the superfluous words that are not acts of development.

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 Thorney Hedge Conservation Area;
 - whether the development would provide acceptable living conditions for future occupiers having regard to outlook and noise; and
 - whether the proposal would include appropriate measures to meet carbon reduction and sustainable construction objectives.

Reasons

Character and appearance

4. The appeal site is an 'L' shaped parcel of land which was previously the rear garden to 2 Thorney Hedge Road (No 2), a semi-detached property which comprises 4 flats. The surrounding area is predominantly residential in character, however the site is located at the end of Thorney Hedge Road, where it adjoins a large commercial building and its car park. The proposed

- development is a single-storey one bedroom part submerged dwelling, access would be via a shared pedestrian access to the side of No 2.
5. The site is within the Thorney Hedge Conservation Area (the CA). The significance of the CA is derived from its historical street layout and the special architectural detailing and historic interest of the buildings which make up the Victorian suburban townscape. The semi-detached and terraced dwellings along Thorney Edge Road are arranged in a linear form of frontage development with similar sized rectangular rear gardens. This regular pattern of development creates a pleasant sense of uniformity, including spaciousness to the rear of the dwellings, which contributes to the significance of the CA.
 6. Due to the siting of the proposed dwelling, to the rear of the existing properties in the row, and its modest scale, including limited height above ground level it would not be readily visible or appear unduly dominant from surrounding vantage points. Consequently, it would not have a significant effect on the appearance of the surrounding area or the CA as seen from public vantage points.
 7. Notwithstanding this, the introduction of a new residential unit as proposed would nevertheless encroach into the otherwise open space to the rear of No 2. This would diminish the sense of spaciousness to the rear of the property. Moreover, the development would be an anomalous feature that would be at odds with the established layout of the surrounding built form and would undermine the coherent pattern of the residential development in the vicinity.
 8. Despite the provision of outdoor amenity space between the rear of No 2 and the proposed dwelling and the design and appearance of the proposed building, which may have a likeness in terms of external materials to a garden building, this would not overcome the harm I have identified above with regards to the integrity of the layout of the surrounding development.
 9. For the forgoing reasons, I conclude that the proposal would harm the character of the area and would fail to preserve or enhance the character of the CA and undermine its significance as a designated heritage asset. Given the relatively localised impact, the proposal would cause less than substantial harm to the significance of the CA, but nevertheless this harm is of considerable importance and weight. Paragraph 202 of the Framework indicates that the less than substantial harm to the heritage asset should be weighed against the public benefits of the proposal. While public benefits would arise in terms of the delivery of a market housing unit, the contribution of one unit to housing supply in the borough would be limited.
 10. The proposal would therefore fail to adhere to Policies D3 and HC1 of the London Plan 2021 (LP). These policies require development to respond to the existing character of a place and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character and where development proposals affect heritage assets, they should conserve their significance.
 11. It would also conflict with the combined aims of Policies CC1, CC2 and CC4 of the London Borough of Hounslow Local Plan 2015-2030 (HLP) in so far as they require new development to respond to an area's character and to conserve heritage assets. It would also fail to accord with the aims and objectives of the

National Planning Policy Framework (the Framework) in respect of the historic environment.

12. The Council's refusal reason alleges conflict with LP Policy D5 relating to inclusive design, but there is no substantive evidence as to how such conflict would arise.

Living conditions of future occupiers

13. The proposed bedroom and living space would be served by windows that would face from opposite sides, a subterranean courtyard which would be open to the sky. The courtyard would be modest in size and so the bedroom window would be close to the opposite window, with a separation distance of only 1.3m. As such, the outlook from the windows would be restricted. Whilst the living/dining/kitchen area would also have an outlook towards the garden area, the bedroom window would be the sole opening serving this room. The limited sight of the sky from the bedroom window towards the courtyard, that would be limited in size and below ground level, would therefore make the bedroom feel enclosed.
14. The Inspector in the previous appeal decision on the site¹ raised similar concerns with the proposed accommodation in relation to the outlook from windows facing a courtyard which were 2.2m apart. I understand that the scheme has since been revised and the accommodation reduced in scale. Nevertheless, due to the arrangement as now proposed the outlook from the bedroom would be severely restricted.
15. I note the appellant's suggestion that the 5m² courtyard, which the appeal submissions indicate is the equivalent size to a policy compliant private amenity space for a new 1-2 person flat in Hounslow, would be of adequate size to allow for a satisfactory outlook for a bedroom. However, whilst the quantum of space may be acceptable, when assessed against the outdoor space standards, for the reasons set out above the courtyard would not provide adequate level of outlook in this instance. Moreover, it has not been shown why the bedroom, as a habitable room, should not enjoy a good level of outlook.
16. The dwelling would be sited close to the private car park which belongs to the adjoining office building. This would give rise to a degree of activity and associated noise in connection with the use of the car park, including vehicular movements and car doors. Whilst the car park may be in use 24 hours a day, the appellant's Noise Impact Assessment Report, which assessed daytime and evening levels, confirms that subject to suitable mitigation measures, the proposed dwelling would provide an acceptable environment for future residents having regard to internal noise levels. This could be secured via a suitable planning condition. I have not been presented with any substantive evidence to the contrary. I find therefore that the proposal would provide satisfactory living conditions for future occupiers with regard to noise.
17. Nevertheless, the proposal would fail to provide satisfactory living conditions for the future occupiers of the proposed dwelling, having regard to outlook. In that regard it would conflict with LP Policy D3 which requires new developments to, among other things, deliver appropriate outlook, HLP Policy CC2 which seeks high quality urban design, including an expectation that

¹ APP/F5540/W/20/3260265

development should provide adequate outlook and minimise overbearingness and HLP Policy SC5 in so far as it requires developments to be of the highest quality internally. The proposal would also conflict with paragraph 130 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for future users.

18. The Council's second refusal reason also refers to LP Policy D4, however this policy focuses principally upon processes which assist in ensuring the delivery of design quality and is therefore not determinative in the appeal having regard to the specific harm I have identified.

Energy Strategy

19. 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 highlight 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.
20. The appellant's Energy Statement indicates that this target can be met through a combination of sustainable design and construction to increase the thermal performance of the building fabric and low and zero carbon energy technology. Whilst specific technical details are not provided, there is no reason why these could be secured through a suitable planning condition.
21. I therefore conclude that the proposal would include appropriate measures to meet carbon reduction and sustainable construction objectives, in accordance with LP Policy SI2 and Policies EQ1 and EQ2 of the HLP.

Other Matters

22. The proposal would have a positive effect on the area's housing supply in terms of the delivery of an additional residential unit on disused land and would be in an accessible location close to nearby local services. Delivery of housing is a key objective of the HLP, the Framework also seeks to boost significantly the supply of housing. It would also offer economic benefits during the construction phase and beyond. However, the benefits associated with a single unit would be modest.
23. The fact that the proposal would meet the Technical housing standards – nationally described space standard (March 2015) and would not harm the living conditions of the neighbouring properties are ordinary requirements for new development, and they do not represent a positive benefit that weighs in favour of the development.
24. While the current condition of the site may not make a positive contribution to the character and appearance of the area, I have found that the proposal would cause lasting demonstrable harm in terms of the character of the area and the CA and would fail to provide adequate living conditions for future occupiers.

25. My attention is drawn to a recent appeal decision for the construction of a dwelling at land to rear of 2 and 2a Kidbrooke Park Road, Kidbrooke² which it is suggested is similar to the appeal proposal in that the site is in a conservation area with a similar development pattern to Thorney Hedge Road. I note that the Inspector concluded in that case that the development could be inserted into the current pattern of development without unduly compromising that pattern.
26. However, the scheme differs from the appeal proposal in terms of site context, including that there are a number of residential properties set behind frontage dwellings in the immediate vicinity of the site. Therefore, from the evidence before me, it does not appear to be directly comparable given that the circumstances are different. As such the weight to be attached to this is limited, and in any event, I have considered this appeal on its own merits considering the evidence before me.
27. I have had regard to other matters raised including difficulties of access for construction and upon completion; light pollution; noise and disturbance and security. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.
28. I understand the appeal proposal is a resubmission, taking into account issues previously raised by the Council and the previous appeal decision. However, I can only assess the current proposal based on the information before me and for the reasons given above, despite the changes, the proposal is not acceptable.

Conclusion

29. The proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR

² APP/E5330/W/22/3292125