



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: 10 August 2023

Appeal Ref: APP/F5540/W/22/3313089

118 Bath Road, Hounslow TW3 3EH

- 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 White on behalf of Continuum Urban Planning Ltd against the decision of the London Borough of Hounslow.
 - The application Ref 00083/118/P5, dated 13 March 2022, was refused by notice dated 22 September 2022.
 - The development proposed is described as 'Erection of a two storey side (with basement), first floor rear, single storey side/rear extensions and conversion of property into five self-contained flats with associated cycle/refuse storage and boundary wall alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of 118 Bath Road (No 118) and its significance as a non-designated heritage asset (NDHA) and the character and appearance of the area;
 - whether the development would provide acceptable living conditions for future occupiers having regard to the location and access to the private amenity space, and the occupiers of Unit 1 having regard to outlook and daylight;
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties having regard to overlooking of rear gardens from the balcony of Unit 2;
 - whether the proposal would include appropriate provision for the parking of bicycles in order to encourage sustainable travel choices; and
 - the effect of the proposed development on flood risk.

Reasons

Character and appearance

3. The appeal site occupies a prominent corner plot in a predominately residential area which comprises of dwellings of an eclectic mix of sizes, ages and architectural styles. The existing property at 118 Bath Road comprises a 2 storey semi-detached dwelling, with accommodation in the basement and roofspace. The dwelling forms part of a group of 6 locally listed buildings including numbers 108 to 118 Bath Road. They form a row of early Victorian semi-detached houses of the same design and set back the same distance from the highway to the front. The age and architectural detailing of the dwelling, in particular the fenestration, together with the fact that it forms part of a group contribute to its significance as a NDHA.
4. The plot is irregular in shape and therefore wider in part than others in the row, with a triangular shaped side garden area. Due to the siting and orientation of No 118, the side elevation of the dwelling fronts Strafford Road, where there is a vehicular access from the side boundary to the property to a parking space and detached garage.
5. The form of the main roof to No 118 has been altered from a hipped roof to a gable and various extensions and alterations have taken place to the rear elevations of the properties. Nevertheless, the front elevations of the buildings in the group otherwise remain free from significant alterations. Consequently, despite the works to the roof at No 118, there is a sense of consistency in the appearance of the buildings.
6. The appeal proposal seeks to extend and convert the existing property to form 5 residential units including 2 two bedroom units and 3 one bedroom units, including the subdivision of the outdoor space to provide a separate garden area to serve each property.
7. Due to the position of the existing building in relation to the neighbouring property to the side at Amity, the proposed side extension would not give rise to a terracing effect. Moreover, in views from Strafford Road the main bulk of the 2 storey element of the extension would be seen in the foreground of the side gable of the main building, with the lower single storey element replicating the similar rear extensions to the dwellings in the row. However, whilst the 2 storey side extension would be narrower than the existing front elevation of the dwelling and would incorporate a set back from the front extension and a lower ridge height, it would nevertheless appear as a significant addition to the side of the property when viewed from Bath Road.
8. The Council's Residential Extension Guidelines Supplementary Planning Document, adopted December 2017 (SPD) advises that the design of an extension should reflect the design and style of the main roof of the house. Whilst this may be appropriate in some cases, in this instance, the unbalancing effect on the existing pair of semis caused by the loss of the hipped roof would be further accentuated by the design of the extension which would replicate the existing unsympathetic gable.
9. Consequently, as a result of the scale and siting of the side extension it would be an anomalous feature in the immediate street scene of Bath Road and would

diminish the symmetry of the pair of semi-detached properties and detract from the appearance of the group.

10. For the reasons given the proposed 2 storey side extension would be detrimental to the character and appearance and historic interest of the NDHA. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. However, the harm to the significance of the NDHA is less than substantial in the Framework's terms, as it primarily relates to the front elevation of the building and therefore the effect is localised.
11. The use of sympathetic materials and fenestration of an appropriate design and proportions to the most prominent elevations, including the introduction of openings to the side elevation of the building, would not overcome the harm I have identified. Due to the traditional design of the existing garage, with a shallow pitched roof, and its subservient scale in relation to the main dwelling, it does not appear as anomalous feature in the street scene. As such, its removal as part of the scheme, would not represent a benefit that would weigh in favour of the proposals. Moreover, whilst the enclosure of the forecourt and provision of soft landscaping may offer benefits in terms of the setting of the host building and the character and appearance of the area, when taken together, these would be of limited weight.
12. Furthermore, whilst I acknowledge the appellant's suggestion that balance could be restored to the pair of semis through the construction of similar gable roof alteration at the adjoining property, I must assess the appeal proposal on its own merits based on the information before me.
13. My attention is drawn to an earlier planning permission for a single storey side extension to the property. However, the appeal submissions indicate that this was granted in a different policy context and is no longer extant. In addition, given that the scale and design of the extension differs significantly from the appeal proposal, this is of limited weight in the determination of the appeal.
14. I therefore conclude that the proposal would fail to preserve the character and appearance of the NDHA and would harm the character and appearance of the area. In that regard it would conflict with Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan 2015-2030 (HLP). These policies seek development of a high quality that responds sensitively and creatively to the character of an area; complements the existing building; harmonises with adjoining properties and maintains the character of the general street scene; and conserves and enhances heritage assets and their settings. It would also fail to accord with the aims and objectives of the National Planning Policy Framework (the Framework) in respect of good design and specifically the historic environment.

Living conditions of future occupiers

15. Policy SC5 of the HLP sets out a requirement for the provision of private external space that is useable and affords privacy, and that the useability of the external open space creates sufficiently high living conditions. Family sized units are expected to have direct and easy access to a good size private garden, however units 2, 3 and 5 are one or 2 person units and are therefore unlikely to be occupied by families.

16. Unit 4 would have direct access to its associated amenity space. Unit 1 would have direct access to a courtyard area. However, the space would be small and highly contained by brick walls. As such, this would not make a meaningful contribution to the provision of outdoor space to serve Unit 1.
17. There is no dispute between the parties regarding the size of the outdoor space to serve the units. In the case of units 1, 2 and 3 the main private garden areas would not only be detached from but located some considerable distance from the units they would serve. Furthermore, whilst pedestrian access could be achieved without leaving the wider site, it would be via a contrived narrow passageway between boundary treatments. The provision of gates would offer a degree of security, however, given the enclosed nature and length of these passageways they would be an unwelcoming and impractical environment which would be difficult to navigate with washing, small children, or garden equipment. As such, the layout of the external space to serve these units, and in particular the indirect access because of the layout and siting, the external spaces to serve Units 1, 2 and 3 would diminish the practical useability of these areas.
18. The rear window opening in Unit 1 serves a bedroom. I note the appellant's contention that it is a secondary, single bedroom, primarily used for sleeping, however, it is nevertheless a habitable room and the relevant assessments regarding living conditions, specifically daylight and outlook apply. Whilst south facing, the outlook from the window is towards a courtyard area which is modest in size and contained by built form. Consequently, the window would have a severely restricted outlook and limited amount of daylight. Therefore, in the absence of any clear evidence that the window would comply with the BRE standards, it has not been adequately demonstrated that the proposal would provide adequate living conditions for the future occupiers of Unit 1.
19. The appeal submissions indicate that the master bedroom to Unit 1 would meet daylight standards, and this is not disputed by the parties. Whilst I note the appellant's suggestion that given that the window serving bedroom 2 is south facing it would be better served by daylight than the window serving the basement, which would be north facing, the exact circumstances of each window are not directly comparable in that levels of daylight to bedroom 2 can be determined on this basis.
20. For these reasons the development would fail to provide acceptable living conditions for future occupiers having regard to the location and access to the private amenity space, and the occupiers of Unit 1 having regard to outlook and daylight. Accordingly, it would conflict with HLP Policy SC5. It would also fail to accord with Policy SC7 of the HLP in so far as it requires development to minimise harm and to avoid unacceptable loss of daylight and outlook to future occupants through high quality design.

Living conditions of neighbouring properties

21. The proposed first floor rear balcony, which the submitted drawings show would be enclosed by a balustrade, would project beyond the rear elevation of the adjoining residential property at 116 Bath Road, in close proximity to the shared side boundary between the properties. The site is in an urban setting where a degree of overlooking of rear garden areas is commonplace. However, whilst a view from an existing window may be possible, it is less likely to be one that is lingered over than that from a balcony. The proposed first floor

balcony would be likely to be used for extended periods, given the size and ease of access from Unit 2, and would therefore have a tendency to give a much more pronounced feeling of unwelcome and intrusive surveillance of the adjoining neighbouring rear gardens.

22. I note the appellant's suggestion that the rear balcony could be suitably screened to the sides up to a height of 1.7m, with details to be secured via a planning condition. However, even if such an approach was acceptable having regard to overlooking, there is no certainty of the suitability of this approach without compromise to the local built environment. In any case the appeal process should not be used to evolve a scheme in the interests of not prejudicing the ability of main or other parties to make comment. I have therefore determined this appeal on its individual planning merits on the basis of the appeal proposal before me.
23. For the forgoing reasons I find that the proposed first floor rear balcony would give rise to an unacceptable degree of overlooking of the neighbouring rear gardens and would consequently harm the living conditions of the occupiers of neighbouring properties having regard to loss of privacy. Accordingly, the proposed development would be contrary to the combined aims of HLP Policies CC2 and SC7 in so far as they seek to ensure that developments do not harm the amenity of neighbouring residents. It would also fail to accord with advice in the SPD which sets out that extensions and alterations should not result in any substantial loss of privacy to neighbours' dwellings and gardens.

Cycle parking

24. Policy EC2 of the HLP seeks to secure a more sustainable travel network that maximises opportunities for walking, cycling and public transport and requires developments to incorporate design measures and facilities to promote cycling. London Plan (LP) Policy T5 sets out that development should help remove barriers to cycling and create a healthy environment in which people choose to cycle, including through the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.
25. The proposal would include cycle stores within the outdoor spaces to serve each unit, where there would be space to meet the relevant standards in terms of the number of spaces. Moreover, there is no dispute between the parties regarding the distance between the cycle stores and the residential units.
26. To ensure that cyclists can get to and from any cycle parking easily, the West London Cycle Parking Guidance adopted 2017 sets out standards, including that all gateways and corridors used to gain access to cycle parking must be at least 1.2m wide. Access to the proposed cycle stores would fall below this requirement which would make it difficult for cyclists to walk their bikes to the cycle stores or pass one another in these spaces. Consequently, the practical constraints relating to accessibility would be likely to discourage the use of the facilities. As such, there is no compelling evidence before me to demonstrate that the cycle storage facilities would be well located with regards to accessibility.
27. I note the appellants suggestion that, given the outdoor space provision exceeds the space requirements the final layout of the site could be secured by a planning condition to secure an appropriate access route. However, I have

not been provided with details of the proposed arrangements, to demonstrate that they would overcome the problem without causing other effects.

28. I conclude therefore that the proposal would fail to make appropriate provision for the parking of bicycles, in order to encourage sustainable travel choices. It would therefore conflict with Policy EC2 of the HLP and LP Policy T5.

Flood risk

29. The appeal submissions indicate that the risk of flooding to the basement, including surface water flooding, is low to very low. I have not been presented with any substantive evidence to demonstrate otherwise. Moreover, the bedroom at lower ground floor level in Unit 1 forms part of the existing building which could be used as habitable accommodation irrespective of the outcome of the appeal. In light of these considerations, I find that the proposal would not give rise to any additional risk of flooding.
30. The Council's refusal reason relating to this issue alleges harm to the living conditions of future occupiers of the development. With regards to conflict with the development plan, it refers to HLP Policy SC5, however this policy does not include reference to flood risk as a determining factor in the provision of suitable internal and external space in new residential developments.
31. Accordingly, in the absence of any clear evidence of flood risk and any subsequent conflict with the development plan in that regard, I conclude that the proposed development would not have an adverse effect in terms of flood risk.

Other Matters

32. The proposal would provide additional dwellings which would contribute to the Council's housing supply targets in an existing built-up area and a location which benefits from accessibility to services and public transport links. It would attract support from Policy H2 of the London Plan in this regard.
33. The development would provide appropriate internal space standards and would not result in any harmful loss of light or outlook to the occupiers of neighbouring properties. However, these are ordinary requirements for new development, and they do not represent a positive benefit that weighs in favour of the development. Concern expressed regarding the Council's pre-application advice is not determinative in the appeal.

Conclusion

34. The development would not give rise to harm in respect of flood risk, which is a neutral matter in the planning balance. However, I have found that there would be harm to the character and appearance of the host dwelling and the area. The development would also fail to provide acceptable living conditions for future occupiers, would harm the living conditions of occupiers of neighbouring properties and would not include suitable arrangements to encourage cycling. Therefore, the proposal would conflict with the development plan taken as a whole. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

E Worley INSPECTOR