



Appeal Decision

Site visit made on 20 June 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/F5540/W/22/3312981

46 Devonshire Road, Chiswick, Hounslow, London W4 2HD

- 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 Cervus Holdings Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00354/46/P3, dated 6 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is the erection of powder coated dogleg steel staircase to rear of building from ground to first floor.
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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 or appearance of the Chiswick High Road Conservation Area, and on the living conditions of the occupiers of 39 and 41 Annandale Road, with particular regard to privacy.

Reasons

Living conditions

3. Neither the Council's officer report nor decision notice identify which properties have the potential to be affected by the proposed development. However, during my site visit, I observed that the staircase would be located very close to the rear of No's. 39 and 41 Annandale Road. I am satisfied that no other properties would be affected.
4. No's. 39 and 41 have very small courtyard gardens to the rear which provide the only private outdoor spaces for those properties. It is likely that, when using the proposed staircase, the occupiers of the first floor accommodation in No. 46 would be able to directly overlook the entirety of those courtyards. The proposed staircase would be used for access, and given its limited size, could not be used to provide an outdoor seating area. However, No. 46 also only benefits from a very small amount of private outdoor space. It is therefore quite possible that occupiers would elect to stand or sit on the stairs for some time in order to have access to fresh air. While some degree of overlooking in dense urban areas is inevitable, if residents were to linger on the staircase in this way, it would clearly result in significant harm by substantially reducing the privacy of the occupiers of No's. 39 and 41.

5. As a result, I conclude that the proposed development would harm the living conditions of the occupiers of No's. 39 and 41 Annandale Road, with particular regard to privacy. It is therefore in conflict with Policies CC2 and SC7 of the London Borough of Hounslow Local Plan Volume 1, 2015 to 2030 (LP). Taken together, the relevant aspects of these policies seek to protect living conditions, including where residential alterations are proposed. It is also in conflict with Paragraph 130 of the National Planning Policy Framework (the Framework), which in part, has similar aims.

Character and appearance

6. The appeal site is located within the boundary of the Chiswick High Road Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The area is predominantly characterised by two and three storey terraced properties, often with retail or food premises on the ground floor and residential accommodation above. There are an abundance of street trees which provide the area with a relatively verdant feel. When considered as a whole, the general appearance of the buildings, and their use, contributes to the significance of the area as a historic town centre.
7. In urban areas, features such as steel external staircases are not in any way unusual, and indeed there are similar examples nearby. As a result, the proposed development would not appear incongruous or out of keeping with the surrounds. In addition, even though the staircase would be easily visible, it would be limited in height and bulk and would not be a dominant or intrusive feature in the street scene.
8. The proposal would therefore preserve the character and appearance of the Conservation Area, and its setting and significance would not be harmed, thus satisfying the requirements of the Act. For these reasons, I conclude that the development proposal is in conformity with LP Policies CC1, CC2, CC4 and SC7. Taken together, the relevant aspects of these policies seek to ensure that new development is of a good design, respects character and appearance and preserves designated heritage assets. It is also in accordance with the aims of Chapter 16 of the Framework which seeks to conserve and enhance the historic environment.

Other Matters

9. The proposed staircase would provide an alternative means of exiting the first floor flat in the event of an emergency. Given that there is already an access to the flat, I only afford this issue limited weight and it does not overcome the significant harm that I have identified.

Conclusion

10. I have found that the appeal proposal would cause harm in relation to living conditions. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have found no harm to character and appearance. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR