



Appeal Decision

Site visit made on 8 August 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2023

Appeal Ref: APP/F5540/W/23/3317176

153A Sutton Lane, Hounslow, TW3 4JW

- 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 H Kang (Roseband Developments Ltd) against the decision of the London Borough of Hounslow.
 - The application Ref. 01095/153A/P12, dated the 30 May 2022, was refused by notice dated the 26 August 2022.
 - The application is for demolition of existing bungalow, erection of 2 no. bungalows, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) whether the proposed development secures a high quality design and its effect on the character and appearance of the area; (b) whether the proposal secures a good standard of accommodation and amenity space for future occupiers; (c) whether the proposal would have an acceptable impact on highway safety; and (d) whether the proposal includes appropriate provision to reduce on site carbon emissions.

Reasons

Character and appearance

3. The appeal site is located on the eastern side of a long private lane that is gated at its northern end close to its junction onto Sutton Lane. The appeal site comprises an elongated single storey bungalow with areas of paving and hardstanding to the east and south of the host property. Further south is 153B Sutton Lane (No.153B) a detached single storey bungalow with a combined garden and parking area to the front that separates it from the common boundary with the appeal site. The surrounding area comprises largely semi-detached two storey properties that vary in terms of their form, style, age and pallet of materials.
4. Whilst the rear of the host property abuts the private lane, pedestrian and vehicular access is currently obtained from a short private lane to the north, which again leads onto Sutton Lane. This access is not being retained within the appeal scheme and I note that this land is also excluded from the application red line. Within this context, the appeal proposal involves the demolition of the existing property and construction of two detached single

storey bungalows, with both pedestrian and vehicular access obtained from the long private lane that lies to the west of the host property.

5. The Council have indicated that they have no, in principle, objection to the redevelopment of the site for residential use, which is a finding that I concur with. I also agree that the redevelopment of the site could secure an improved and active frontage onto the lane given that the host property effectively turns its back on the lane and is largely screened from it by a high timber fence. Even so, I am not convinced, for the reasons given below, that the appeal proposal is of the high quality of design and layout required to secure these improvements or to comply with the relevant development plan policies.
6. The design of both new units is, in my view, simple and bland, with the alleged active frontage onto the lane simply comprising two sets of windows that would serve bedrooms 1 and 2 to each unit. The front doors of the units would face inwards and towards each other and these elevations, as with the others, are devoid of any detailing or features that would add interest and quality to the design. Overall, the proposed design fails to take on board the opportunities to improve the local townscape or to maintain and enhance the character and appearance of the area.
7. The poor quality of the design is accentuated by the rigid and formal layout of the proposed units, which fail to respond to the constraints of the site or to the opportunities to bring forward a high quality imaginative layout that would enhance this part of the lane. The layout appears cramped and contrived and the result would be a development that does not sit comfortably on the appeal site. Leaving aside the character of the surrounding area, this is a location that could, in my view, successfully accommodate a more modern innovative design and layout.
8. I accept that the appeal site is located on a private lane and that it is largely hidden from public views, but that does not justify a proposal of such poor quality design and layout. Moreover, the appeal site remains highly visible to surrounding neighbours and to those using the lane. I do accept the benefits of replacing the existing bungalow, which is of no merit or value. However, the scheme before me does not secure the high quality of design that I would expect and which the development plan policies seek to secure in locations, such as this, where the existing townscape is poor. Whilst I note that the Appellant refers to the benefit of tidying up the poor condition of the site, this is a matter that is entirely within the control of the Appellant.
9. Accordingly, I find that the appeal proposal would represent a poor quality of design and layout resulting in harm to the character and appearance of the area contrary to policies CC1, CC2, SC1 and SC4 of the Hounslow Local Plan 2015 – 2030 Volume 1 (September 2015) (HLP), policies D4 and D6 of The London Plan (March 2021) (TLP) and paragraphs 130 and 134 of the National Planning Policy Framework (July 2021) (Framework). These seek, amongst other requirements, to ensure that new development: promotes and delivers a high quality design that is visually attractive as a result of good architecture; takes on the opportunities to enhance the areas special qualities and character whilst not preventing or discouraging innovation or change; and in seeking to maximise the supply of housing and make more efficient use of land balances these aims with the need for the design of small sites to be of a high quality that reflects and responds to local context.

Standard of accommodation – future occupiers

10. Although the new units would meet the floorspace requirements of the National Housing Space Standards (2015), I concur with the Council that there are a number of deficiencies in the submitted layout. These include: the poor light, outlook and privacy of the new units due to the proximity and constraints imposed by the siting of the new bedroom windows facing the private lane and other new windows close to the common boundaries; the small size and poor quality of the proposed rear amenity space; and the poor building relationship of the new units as a result of being sited hard up and side-on against the lane with no form of separation or transition to the lane.
11. The Appellant contends that there is no public access to the Lane and that footfall from existing users is low and as such the relationship of the proposed units and accommodation to the lane is acceptable. For the above reasons, I do not agree. Moreover, in terms of footfall, as well as that generated by No. 153B, including its visitors, service providers and deliveries, there is also the potential for a reasonable level of footfall to be generated by the occupiers of 123 – 141 Sutton Lane (odd) as the lane provides access to their rear gardens and garages.
12. I accept that both new units would include dedicated amenity space, but the level of provision and its layout is, in my view, very poor. It's unclear from the proposed site plan what, if any, form of boundary enclosures would be included within the scheme. It would appear unlikely that any form of enclosure could be incorporated within the paved areas given the position of the proposed parking space for House 1, the need to provide appropriate visibility splays to this space and separate pedestrian access to each unit. As such and contrary to the Appellant's views, none of the paved areas or the areas around the proposed refuse/cycle storage would, in my view, provide usable, functional, private or secure amenity space. This leaves only the areas at the rear that are annotated as 'amenity space' on the proposed site plan. Whilst I accept that these areas could be made private and secure, both spaces are small and shallow and are further constrained by their close proximity to the rear gardens of the properties in Willow Gardens, whose boundaries comprise a mixture of high fencing and landscaping.
13. I am not convinced, therefore, that the proposed rear 'amenity space' would be usable, functional or of the high quality required to serve the new units, which, with 2 bedrooms, would be suitable for a small family. Notwithstanding the standards in TLP, I also agree with the Council that the size of the 'amenity space' would fall below the minimum benchmark for units with 3 habitable rooms set out in policy SC5 and figure SC5.2 of the HLP.
14. Accordingly, I find that the quality and standard of proposed accommodation and amenity space would be poor and contrary to the aims and objectives of policy D6 of TLP, policies CC2 and SC5 of the HLP and the corresponding policies of the Framework. These policies seek to ensure, amongst other requirements, that new development secures: a high quality and standard of accommodation; a positive impact on the amenities of future occupiers; and an improvement in the quality and design of housing through minimum amenity space provision that is of high quality, usable, functional, private and secure.

Highway safety

15. The Council contend that the proposed parking space for House 2 would be unsuitably located and that in view of this the proposal fails to demonstrate that it would not have an unacceptable impact on local highway conditions.
16. Whilst I accept that the private lane is wide enough to accommodate a car, it is not wide enough to allow cars to pass. There would also be a limited amount of space for pedestrians and cyclists to pass vehicles coming in either direction. Although the Council have not raised an issue with the proposed parking space to serve House 1, there also appears to be insufficient space to allow a vehicle to access and exit this space in forward gear and no visibility splays for this space are shown on the submitted plans.
17. Turning to the proposed parking space for House 2, this would be located at the southernmost end of the lane. As such, the space would be located some distance from House 2 and would not be visible from that property or benefit from natural surveillance. The submitted plans do not show any room for manoeuvring or turning, and vehicles would either have to reverse into or out of the space. In either case, this would involve reversing the length of the private lane to or from its gated access. This layout would, in my view, be of very poor quality and substandard, with the potential for conflicts to arise with vehicles, pedestrians and cyclists using the lane. The latter would be accentuated by the fact that the lane is not lit, is unmade and overgrown in parts. Whilst I accept that the lane could be cleared, there appear to be no proposals for new lighting or for the resurfacing of the lane.
18. The Appellant suggests that vehicles could reverse at low speeds, but that cannot be controlled and would not mitigate for what is clearly a substandard and inappropriate parking layout. Indeed, this parking layout appears to add to my earlier findings that the proposed layout is contrived, cramped and of poor quality. Reference is also made to the option of using the proposed parking space for House 1 to turnaround, but that cannot be relied on and the fact it is being suggested is a further indication of the substandard nature and poor quality of the proposed layout. The Appellant further contends that this arrangement is not dissimilar to the current vehicular access to the appeal site. I do not agree. Whilst the existing access may be substandard, it cannot provide any justification for accepting a similar substandard access as part of a new development. Even so, as I observed on site, the private lane leading to the existing access is much shorter than proposed and appears to be shared with only a few adjoining occupiers.
19. I note that the Council have also referred to the impact of the proposed car parking space for House 2 on the ability to access the existing rear gardens and garages to the properties to the west. I agree that that issue has not been addressed and remains outstanding, and could potentially further compromise highway safety and the ability to provide parking on this part of the lane.
20. Accordingly, I find that the appeal proposal would fail to comply with the aims and objectives of policy EC2 of the HLP and paragraphs 110 b) and 112 c) of the Framework, which require applications for development to ensure that safe and suitable access to the site can be achieved for all users and that the scope for conflicts between vehicles, pedestrians and cyclists is minimised.

Carbon emissions

21. The Council has provided a list of conditions that they would seek to impose in the event that planning permission was granted. This list includes condition 7 which relates to the submission and approval of an Energy Strategy and also condition 8, which requires an agreement to contribute to the Council's Carbon Offset Fund.
22. Had I been minded to allow the appeal then I am satisfied that the inclusion of these conditions would have addressed the Council's objections as set out in reason for refusal 4, and would, at the same time, have ensured compliance with the relevant policies of the development plan and Framework.
23. For the above reasons, I have not considered this issue further.

Planning balance and conclusions

24. I accept that the appeal proposal would boost housing supply in a sustainable and accessible location, make more effective use of brownfield land, as well as generating short term employment during construction, benefits that are supported by other policies in the development plan and Framework. However, the proposal would secure only one new dwelling and its contribution to future housing provision would, therefore, be small. The proposal is also for private market housing and would not address any identified local affordable needs. The Council have also confirmed that they are able to demonstrate a 5-year supply of housing land, which has not been challenged.
25. As I have found, the proposal represents a poor quality design and layout that would be harmful to the character and appearance of the area, the standard of accommodation and amenity space would be poor and would fail to meet the requirements of the relevant development plan policies and the proposed parking layout would have an unacceptable impact on local highway conditions.
26. In view of this, the benefits that would accrue from the appeal proposal would not be sufficient, either individually or cumulatively, to outweigh the significant harm that I have identified and the clear conflict with the Framework and development plan, when read as a whole.
27. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR