



Appeal Decision

Site visit made on 24 October 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2023

Appeal Ref: APP/F5540/W/23/3321826

73 Lampton Road, Hounslow TW3 4DH

- 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 Roy Daddar against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00676/73/P5, dated 26 August 2022, was refused by notice dated 11 November 2022.
 - The development proposed is erection of a building comprising of nine residential units following demolition of existing buildings. Incorporating refuse storage and secure cycle parking storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of future occupiers, having particular regard to private outdoor amenity space, and
 - whether the proposed development would secure an appropriate contribution towards minimising carbon emissions.

Reasons

Living conditions

3. The appeal property lies within a predominantly residential area with a mix of housing types including flatted developments. The proposal would replace a detached building with a building incorporating nine self-contained flats.
4. Policy SC5 of the Hounslow Local Plan Volume One 2015-2030 (HLP) outlines that the Council will grant planning permission for residential development including self-contained flats provided that, amongst other things, that there is a minimum of 5sqm of private outdoor amenity space provided for each 1-2 person dwelling and an extra 1sqm for each additional occupant. In addition, communal external space should be provided for each flat dependent upon the number of habitable rooms. Policy D6 of the London Plan 2021(LP) and guidance in the Housing Design Standards London Plan Guidance 2023 require the same amount of private amenity space per person as the HLP.
5. Both parties agree that the proposal would require approximately 235sqm of communal outdoor space in addition to the private space required for each flat.

6. Whilst there is adequate communal outdoor amenity space provided, only Flat 3 would have access to any private amenity space. I saw the proximity of the local park, which is within walking distance of the proposal. However, this does not provide private space for the occupiers for activities such as drying washing and immediate access to outdoor areas which are important and necessary.
7. The appellant argues that the quantum of outdoor space provided by the appeal scheme is similar to that deemed acceptable in the previous approval on the site, for a similar nine flat building which was approved in 2018. However, since then relevant development plan policies have changed with the adoption of the latest London Plan and associated guidance which aim to improve the quality of housing development in the area and to which I attach significant weight.
8. I conclude that the proposal would result in inadequate living conditions for future occupiers, with particular regard to private outdoor amenity space. It would conflict with Policy SC5 of the HLP which amongst other matters seeks to ensure that new housing development contributes to improving the quality of housing in the borough. Although not mentioned in the reason for refusal the proposal would also conflict with Policy D6 of the LP, which has been brought to my attention, and the National Planning Policy Framework which have similar aims.

Carbon offset

9. An energy statement calculating the carbon offset contribution was submitted with the application and both parties agree that the proposal would require a carbon offset payment of £11,077.
10. Despite this, no planning obligation was included within the evidence before me and therefore I cannot be certain that there is an appropriate mechanism to ensure that the development would secure the necessary contributions to make the scheme acceptable in planning terms. Planning conditions are not a suitable or enforceable mechanism in which to do so.
11. I conclude that the proposal does not secure an appropriate contribution towards minimising carbon emissions. It would therefore conflict with Policy IMP3 of the HLP which amongst other matters seeks to ensure that development proposals mitigate the impacts of development through a section 106 agreement.

Other Matters

12. The appellant has brought to my attention the recent flat developments adjacent to the appeal site which do not have private amenity space or balconies. I have very limited evidence before me relating to these proposals and cannot therefore be certain of the development plan policies at the time they were approved or whether there were other material planning considerations. In any event I have determined the appeal on the site specific circumstances of the case.
13. I note the appellant's concerns regarding the Council's handling of the application to discharge conditions relating to the previous approval. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

Planning Balance

14. The proposed development would create additional dwellings adding to the Council's housing stock in accordance with some other policies contained within the HLP which have been brought to my attention and supporting the Government's objective of boosting the supply of homes.
15. However, the appeal proposal would result in inadequate living conditions for future occupiers and fail to provide for carbon offsetting. In this case, the harm that would result would outweigh the benefits arising from the proposed development.

Conclusion

16. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR