



Appeal Decision

Site visit made on 17 January 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 6th February 2024

Appeal Ref: APP/F5540/W/23/3324105
545A Chiswick High Road, London W4 3AY

- 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 Francis & Olive Paul Mirandah & Banumathi against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: P/2022/2702 (00248/545A/P1) dated 12 August 2022 was refused by notice dated 23 January 2023.
 - The development proposed is rear extension to basement flat to create an additional en-suite bedroom and bigger living/dining/kitchen space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellants or the Council on the revised Framework.

Main Issues

3. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the existing property and on the character and appearance of the Wellesley Road Conservation Area;
 - b) The effect of the proposal on the living conditions of neighbours with particular regard to outlook; and
 - c) Whether the proposal would create a satisfactory living environment for future residents, with particular regard to daylight and outlook.

Reasons

Issue a) Character and Appearance

4. The appeal property is a semi-basement flat in a semi-detached house, with the two upper floors providing separate residential accommodation. The appeal property together with the residential properties on either side is on the south

side of Chiswick High Road and opposite the Brentford Fountain Leisure Centre. There is a long rear garden which is at a higher level than the basement flat with steps leading up to it from the basement.

5. The existing flat is laid out as a 2 bedroom flat and the proposal would add an extension in excess of 9m to the rear to create a three bedroom flat.
6. Although the height is very modest in relation to the existing property, the length of the extension would be very long and would be almost as deep as the depth of the whole building. The length, even in the context of the long rear garden, would appear as an overly dominant and incongruous addition which would not respect the size and the proportions of the main dwelling.
7. I have taken into account the extensions at the neighbouring property at No 543, but these are different in form and proportions to the proposal before me. The extensions at 543 do not therefore persuade me to a different view in respect of the proposal before me.
8. The appeal site lies within the Wellesley Road Conservation Area. The significance of the Conservation Area is focussed on the high quality largely Victorian residential development on either side of Wellesley Road and extending as far as and fronting Chiswick High Road. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. Although at the rear of the property, the proposal would not respect the character and appearance of the dwelling and it is the form and appearance of the individual dwellings which contribute to the significance of the Conservation Area. The proposal, given the harm I have concluded to the character and appearance of the existing dwelling, would in turn harm the integrity of the Conservation Area; it would not preserve its character and appearance.
10. I therefore conclude that the proposal would not respect the character and appearance of the existing property and would not preserve the character and appearance of the Wellesley Road Conservation Area. This would conflict with Policies SC7, CC1, CC2 and CC4 of the Hounslow Local Plan (Local Plan) guidance in the Council's Supplementary Planning Document: Residential Extension Guidelines (SPD) and the Framework and in particular Sections 12 and 16, all of which seek a high quality of design which respects the local context and the significance of designated heritage assets.
11. Paragraph 208 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the harm to the designated heritage assets of the Conservation Area would, in my view, be less than substantial, I have not been directed to nor found any public benefits that would be sufficient to outweigh that harm.

Issue b) Neighbours' Living Conditions

12. The proposal would extend over 9 metres from the existing rear elevation but because of the basement level would have a height of only 1.45 m along the

shared boundary with No 547. Notwithstanding the length of the extension, given the limited height of the proposal along the boundary I do not consider that that it would have an enclosing or oppressive effect on the neighbours at No 547 or for the upper floors of 545 in terms of restricting their outlook. Furthermore, were no other matters of concern and planning permission were to be granted, the finishing materials for the flat roof of the extension could be the subject of a condition to soften its appearance.

13. No 543 to the east has extensions to the rear and given the arrangement of windows in that rear extension, I share the view of the Council that there would be no harm to the living conditions of these neighbours.
14. I am therefore satisfied that the living conditions of the adjoining neighbours would not be harmed. There would be no conflict with Policy D6 of the London Plan, Policies SC7 and CC2 of the Local Plan and the SPD and the Framework, with particular reference to paragraph 135 f), all of which, amongst other matters, seek to protect the amenities of existing and future occupants.

Issue c) Living Conditions for Occupants

15. The proposal would provide three bedrooms, one smaller bedroom at the front of the flat with a large bay window, and two larger, double bedrooms, each served by the introduction of a new, window facing onto the narrow side passageway.
16. I agree that the internal space taken as a whole and each of the two double bedrooms taken on their own would meet the space standards as set out under Policy D6 of the London Plan and the Council has raised no concern in this regard.
17. A key concern raised by the Council relates to the lack of adequate internal daylight to, as well as the outlook for these side facing bedrooms. There is no technical assessment before me in this respect and this matter has not been addressed by the Appellants in their appeal submission. The windows would face onto the narrow side passageway and the flank wall of the taller dwelling to the east at No 543.
18. From my site visit and the information before me, I agree with the Council that the proposed arrangement of the accommodation in relation to the new windows to serve the two larger bedrooms would result in a very dark interior to these rooms with limited natural light as well as poor outlook. This would not result in acceptable living conditions; the internal environment to these two habitable rooms would be very gloomy and oppressive given the limited availability of natural light and poor outlook.
19. I therefore conclude that the proposal would not create satisfactory living conditions for future occupants of the appeal property, with particular regard to internal light levels and poor outlook. This would conflict with Policy D6 of the London Plan, Policy CC2 of the Local Plan and the Framework, with particular reference to paragraph 135 f), all of which, amongst other matters, seek to protect the amenities of existing and future occupants.

Conclusion

20. I have found that the proposed rear extension would not harm the living conditions of neighbouring residents, but this finding does not outweigh the harm I have concluded under my other two main issues, namely it would not respect the character and appearance of the existing property and would not preserve the character and appearance of the Conservation Area, nor provide future occupants with satisfactory living conditions.
21. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR