



Appeal Decision

Site visit made on 30 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2024

Appeal Ref: APP/F5540/W/23/3325708

30 St Stephens Road, Hounslow TW3 2AY

- 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 Sam Rosenthal against the decision of the Council for the London Borough of Hounslow.
 - The application Ref 00992/30/P5, dated 13 July 2023, was refused by notice dated 30 May 2023.
 - The development proposed is alterations to a semi-detached and the addition of a new semi-detached containing two single family units on the adjacent plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.
3. As part of the appeal the appellant has submitted an amended drawing (number P-01) of the proposed first floor at No 30 St Stephens Road. The amended drawing reconfigures the internal arrangements at No 30, which included changes to the entrance of Flat 3 to ensure that the minimum internal space standards are adhered to. I have given due consideration to guidance in the 'Procedural Guide: Planning Appeals - England' (2023), and the 'Wheatcroft Principles' referred to in the guidance¹, which addressed the matter of amended plans being submitted with and appeal, along with other case law² in deciding whether to accept the revised plan.
4. I consider the proposal before me (should the amended drawing P-01 be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme³. As such I am satisfied that the revision does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the amended plan.

¹ Bernard Wheatcroft Ltd v SSE and Another (1982) 43 P. & C.R. 233.

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

³ Annex M of the Procedural Guide Appeals

Main Issues

5. The main issues are the effect of the proposal on the:

- Parking impacts;
- Sustainability objectives;
- Living conditions for future occupants with specific regard to accommodation standards; and
- Character and appearance of the St Stephens conservation area (SSCA) and the surrounding streetscene.

Reasons

Parking impacts

6. Policy T6.1 of The London Plan (LP), adopted March 2021 sets-out the applicable maximum parking provision by reference to the Transport for London Public Transport Accessibility Levels (PTAL), with the aim of encouraging greater use of non-car modes of transport in areas with higher PTAL. The appeal site has a moderate PTAL of 3 and is located within walking distance of Hounslow train station, thus benefitting from some sustainable transport measures. Nevertheless, given its location and to accord with the parking standards of the LP the proposal would require the provision of a maximum of 4.25 off-street parking spaces for the proposal as a whole.
7. The proposed development would not benefit from any off-street parking spaces and therefore would increase demand for parking on the street, where opportunities for on-street parking appear limited. At the time of my site visit I observed that many of the on-street parking spaces were occupied, and the surrounding area appeared heavily parked limiting available spaces. Furthermore, other than double-yellow lines on corners there are no parking restrictions such as controlled parking zones to restrict on-street parking.
8. I have no information from the appellants with regard to a parking stress survey, nor have I been presented with any details of a travel plan or alike, seeking to reduce reliance on the car and promoting more sustainable forms of transport. I acknowledge the appellant has indicated that the proposal would be a car-free development, however I have been presented with little evidence or a mechanism, such as a legal agreement, to secure the development as car-free which would be necessary to make the development acceptable in respect to parking. As such, there is little evidence before me, to clarify that there is availability of sufficient car parking spaces or that there are no particular pressures caused by existing uses or developments in the area.
9. Accordingly, the proposal fails to demonstrate that it would not result in adverse effects on the highway network, caused by the increased demand for parking on nearby roads. It would be contrary to Policy EC2 of the London Borough of Hounslow Local Plan 2015-2030 (HLP) which seeks to develop a sustainable transport network, through the promotion of active management of car parking and travel demand amongst other things.

Sustainability objectives

10. Policy SI2 of the LP sets out that new development should be net zero-carbon and achieve a target of a minimum on-site carbon reduction of at least 35% beyond Building Regulations. The policy further seeks to include a combination of energy efficiency and on-site carbon reduction measures, in accordance with the energy hierarchy. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through the delivery of CO2 reduction measures elsewhere through a contribution to the Council's carbon offset fund through a planning obligation. HLP Policy EQ1 also requires all planning applications for new dwellings to meet the carbon emission reduction requirements set out in the LP.
11. I have been presented with limited information in respect to whether the proposal would include measures to achieve a minimum of 35% on-site carbon reduction below the Building Regulations baseline, or whether it would include any means of renewable energy generation. Therefore, I cannot be confident that development could achieve on-site carbon reduction measures. Given this uncertainty, I am not satisfied that it would in this case, be appropriate to defer consideration of this matter to a planning condition.
12. Furthermore, even if I was to accept that on-site carbon reduction measures were unrealistic thus triggering the requirement for a carbon offset contribution in accordance with LP Policy SI2, I have not been provided with a signed planning obligation in this instance. As such, there is no mechanism by which to secure any payment. Therefore, I must conclude that the proposal would fail to include appropriate measures to mitigate the effects of the development on climate change.
13. The proposal would therefore conflict with the relevant provisions of LP Policy SI2 and HLP Policy EQ1 which seek to achieve acceptable carbon emission reduction requirements, and where it is unable to reduce on-site carbon emissions by specific levels, to make a carbon off-setting payment secured by a legal agreement.

Living conditions

14. The proposed alterations to No 30 St Stephens Road would provide three flats (1 x 1bed 1person unit; 1 x 2bed 3person unit and 1 x 2bed 4person unit). From the information before me the units would adhere to the Government's nationally described space standard, March 2015 (NDSS) with regard to the minimum internal space requirements for new dwellings. The NDSS does not provide a standard for external amenity space, however this is provided in a local context within LP Policy D6 and HLP Policy SC5 to ensure a high-quality of design.
15. The LP highlights that a minimum of 5m² private amenity space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant, although the LP also defers to the local development plan where higher standards are sought. HLP Policy SC5 seeks residential development (including conversions) to provide a combination of private outdoor space and communal open space for every flat. The proposal provides suitable private amenity space for Flat 2 and communal amenity space for Flats 1 and 3, however neither Flat 1 nor 3 have any private amenity space. Given the above requirements, there is insufficient access to external private amenity space for Flats 1 and 3, resulting in unsatisfactory living conditions for future occupants.

16. Therefore, the proposal would fail to provide satisfactory living conditions for future occupants, with specific regard to external private amenity space. The proposal would conflict with HLP Policy SC5 and LP Policy D6 which amongst other things requires developments to be of the highest quality design and meet the demands of everyday life for the intended occupants. It also requires development to provide private outdoor space that is of good quality and affords privacy and sets out the expected areas for both private and communal external space, which the proposal would fail to achieve.

Character and appearance

17. Given its location within the SSCA I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
18. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
19. The character of the SSCA is essentially made up of its good quality late Victorian detached and semi-detached villa-style residential properties on spacious plots, together with St Stephen's Church at the northern end of the SSCA. The houses display a wide range of architectural styles and features typical of the late nineteenth century. The appeal site forms part of St Stephen's Villas, one of the earliest developments in the SSCA. These properties are typical of the period and provide a cohesive nineteenth century appearance.
20. The approach to the planning of the St Stephen's estate meant that a number of gaps were deliberately left to be filled in over the succeeding years. The garages at the appeal site appears as one of these infill developments. However, the single storey garages are utilitarian in appearance and do not have any strong visual connection, nor any particular group value with the adjoining properties. Consequently, individually the garages do not have anything other than limited effect on the significance of the SSCA and their loss would have a neutral impact. Thus, there is scope for a development to be designed to optimise the capacity of the appeal site more intensively.
21. In respect to the current proposal, the pair of semi-detached properties at the front of the site would follow a similar building line to the other St Stephen's Villas, which adjoin the site, and would be of a layout representative of the existing domestic character and appearance of the area. The design and the use of similar materials provide a sensitive and respectful treatment within the SSCA. Furthermore, given the adequate degree of spacing around the proposal, this ensures that they would not appear cramped from the streetscene.
22. It is acknowledged that the rear of the proposal is chamfered to fit in with the plot shape and is longer than the acceptable rear projection as set out in guidance contained in the London Borough of Hounslow Residential Extension Guidelines Supplementary Planning Document (SPD), adopted December 2017.

However, the SPD also provides that single storey rear extensions should appear in scale and be subservient to the host dwelling.

23. The rear of the neighbouring properties have more modest elevations than those at the front and include incremental alterations and additions at the rear. This provides a varied character with differences in the scale of additions with a noticeable lack of coherence or symmetry. Nevertheless, there appears to be a regular pattern in terms of the depth of extensions. The scheme would replace an existing single storey outbuilding and the resulting depth of the proposal at the ground floor, would be akin to the rear building lines experienced along this section of St Stephen's Villas. Thus, the proposal at ground floor would appear subservient to the main building, in scale with the surrounding area and not cramped in this regard.
24. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area, nor would it harm the significance of the SSICA, thus preserving it. Consequently, the proposal would accord with HLP Policies CC1, CC2 and CC4 which amongst other things require high quality design that make a positive contribution to the character of the borough's places and seek to ensure that all new development conserve special qualities and heritage. It would also accord with the Framework which seeks to conserve and enhance the historic environment, ensuring new development is responsive to local history, culture and heritage.

Other Matters

25. The appellant draws my attention to the principle of the development being acceptable; the development optimising the potential of a previously developed site in providing an effective and efficient use; and not impacting on the living conditions of nearby residents. Nevertheless, none of these matters are in dispute, and it is the impacts of the proposed development on parking, sustainability and living conditions of future occupants that results in the above conclusions on the main issues.
26. I have also had regard to other benefits of the appeal scheme, in that the proposal would provide a mix of additional units with a suitable design. As such, I am in no doubt as to the positive value of these matters and I also recognise that the appeal proposal may well accord with various other development plan policies.

Conclusion

27. Overall, the proposed development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. The scheme also fails to accord with the requirements of the Framework. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR