

Appeal Decision

Site visit made on 17 January 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/F5540/D/23/3332360
115B Kingsley Road, Hounslow TW3 4AJ

- 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 Mrs A Aisha against the decision of the London Borough of Hounslow.
 - The application, Ref. 00667/115B/P1, dated 18 July 2023 was refused by notice dated 19 September 2023.
 - The development proposed is a roof extension: flat roof to pitched roof with side dormers.
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension: flat roof to pitched roof with side dormers at 115B Kingsley Road, Hounslow TW3 4AJ in accordance with the terms of the application, Ref. 00667/115B/P1, dated 18 July 2023 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. Series PL1/SM/1947: Plan Nos. 00 Rev. A; 01; 02 & 03;
 - 3) Prior to the first use of the first floor living accommodation the window in the north east elevation facing the service lane adjoining No. 2 Taunton Avenue shall be obscure glazed and thereafter permanently remain in that form;
 - 4) The roof extension hereby approved for first floor accommodation shall not be used other than as a single dwelling in conjunction with the existing ground floor.

Main Issues

2. The main issues are (i) the principle of the development; (ii) the effect of the proposal on the character and appearance of the area, and (iii) the effect on the living conditions for future occupiers in terms of the suitability of internal and external space and for neighbours as regards outlook, privacy and light.
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Reasons

Issue (i): Principle of the Development

3. On this issue, the Council refers to Policy SC1 of the Housing Local Plan (Housing Growth) which whilst seeking to maximise the supply of housing in the Borough also holds a presumption against the development of self-contained homes within the curtilage of existing dwellings where the proposal would be in conflict with other policies.
4. However, in this case and that of adjacent properties along this part of Kingsley Road the curtilages are of buildings with a ground floor commercial use and residential accommodation at first floor. Furthermore, the dwelling is already on the site with a lawful development certificate as a self-contained dwelling independent of No. 115A the original frontage building.
5. Accordingly, the appeal application is for householder development in the form of an extension to the existing studio flat and it is this 'matter of fact' that not only negates the Council's opposition to the principle of the development but is also material in my consideration of the other reasons for refusal.
6. Furthermore, the Council's rejection of the principle of residential development can reasonably be challenged on the basis that permission was granted at the rear of No. 105 Kingsley Road for a self-contained residential use. I was able to see this building at close quarters at my visit and observed the similarity of context to the appeal building and its two-storey height. Although not mentioned in the officer's report, the grounds of appeal refer to a recent residential consent involving a change of use from a bakery.

Issue (ii): Character and Appearance

7. The Council considers that the addition of the first floor onto the existing ground floor footprint would harm the character and appearance of the site and its surroundings. However, whilst the outbuildings to the rear of Kingsley Road are for the most part single storey, there is an absence of any semblance of 'design', with a very poor standard of construction and condition and many examples of dilapidation.
8. Together with litter, poor quality surfacing, random storage and parking, the environmental quality of the area is particularly poor. In all these respects the existing appeal building and its immediate surroundings to the rear of No. 115A are the exact opposite. In short, there is no 'character and appearance' in the normal meaning of that planning issue to be safeguarded to either side of the appeal site.
9. Although the design of the roof extension is functional rather than aesthetically pleasing, its visual impact would be less than that of the over-sized dormer roof extensions to a number of the surrounding properties. On balance, I consider that the further investment in the form of an additional storey to the existing dwelling is beneficial rather than harmful to the area.

Living Conditions

10. In terms of the existing and future occupiers, the proposed increase in floorspace from 25.4sqm to 44.5sqm will change a cramped studio flat to

reasonably sized accommodation more in line with the Nationally Described Space Standards ('NDSS'). The benefit of this increase in floorspace easily outweighs the restricted headroom near the walls of the first floor bedroom and en-suite. An inability to fully meet the NDSS is preferable to continued occupation of a studio flat much further below that requirement. The provision of external amenity space is a further benefit of the proposed development and if the existing condition of the site is indicative this is likely to be of good quality rather than a token area.

11. As regards the overlooking of neighbouring properties, the curtilages are not the 'gardens' mentioned in the officer's report, but yards and storage areas associated with the ground floor commercial uses. I have already referred to the poor standard of the surroundings which are in marked contrast to gardens with sufficient amenity to enable occupiers to sit outside, even assuming the first floor residents in the terrace of buildings have access to them.
12. In the event, the areas to the rear are already overlooked by the windows of the dormer roof extensions at Nos. 109, 111 & 115 Kingsley Road and Nos. 1 & 2 Taunton Avenue. Nor am I convinced that the relatively modest size of the roof extension would have any material effect on the outlook and light available to the rear windows of the existing neighbouring dwellings. In this and other regards I note that no objections to the appeal scheme have been made.

Conclusions and Conditions

13. Overall, whilst not in any way endorsing a development pattern of two storey residential outbuildings within the curtilages of existing properties, the particular circumstances of the appeal clearly indicate that it should be allowed. There would be no harmful conflict with Policies SC1, SC7, CC1 & CC2 of the Hounslow Local Plan or with Government policy in the National Planning Policy Framework 2023.
14. A condition requiring the development to be carried out in accordance with the approved plans is needed for certainty and is in the interests of proper planning. An obscure glazing condition will safeguard the privacy of the occupiers of No. 2 Taunton Avenue. Finally, a condition is needed to ensure that the additional floorspace will be to the benefit of the existing studio flat rather than used for a sub-division into two such units of accommodation.

Martin Andrews

INSPECTOR