



Appeal Decision

Site visit made on 14 January 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/F5540/D/23/3323358

45 Merton Avenue London W4 1TA

- 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 Scott Hutchinson against the decision of The London Borough of Hounslow.
 - The application Ref: P/2023/0044 dated 4 January 2023 was refused by notice dated 8 March 2023.
 - The development proposed is Erection of single storey ground floor extension and a set back second storey extension to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of single storey ground floor extension and a set back second storey extension to the rear of the property at 45 Merton Avenue London W4 1TA in accordance with the terms of the application Ref: P/2023/0044 dated 4 January 2023 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 20722-2A and 20722-3;
 - 3) The works shall be carried out using facing materials to walls, roof and fenestration which match, in terms of colour, texture and appearance, those used on the original property.
 - 4) Prior to first occupation of the development hereby approved, part of the west-facing first floor window shall, in accordance with details previously submitted to and approved in writing by the local planning authority, shall be obscure-glazed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area and living conditions for users of the appeal site and neighbouring properties.

Reasons

3. The appeal site (No.45) is located in an area of substantial nineteenth-century two-storey terraced housing of consistent architectural quality, in which private amenity space is limited to small rear gardens or yards, provided with only nominal foregardens but within a pleasant street setting. The Council identify the location as an 'Area of Special Character' but provide no further comment as

to what that signifies to justify its suggestion of 'additional weight....to conserve'.

4. The rear of No.45 is set tightly against a steep rail embankment and intends a rear ground-floor extension up to the rear boundary and for part depth at first floor level such that No.45 would have outdoor amenity space similar to that of its immediate neighbours. Both neighbouring houses have a full depth, roughly half-width ground floor rear extensions at the shared boundaries and, in the case of No.50/52 Cleveland Avenue (No.52) a part-depth first floor extension.
5. What is proposed would not be inconsistent, in general terms as to scale and layout, with works to the rear of these adjacent properties. Further, the comments made at 5.5 of the officer report as to the design and size of rear facing fenestration do not reflect the unusual site circumstances of limited outlook over the upward sloping ground of the embankment. My observation on site directs that, in relation to the Council's comments about overlooking of No.43, it would only be necessary to obscure-glaze the lower parts of the west facing first floor window, due to the intervening single-storey extension to No.43 which largely screens its remaining yard area. This would still permit some view of a western sky.
6. Although the Council indicate the proposal would result in an 'unacceptable loss' of private amenity space, it is clear that this space is of poor quality in terms of outlook, access to daylight and sunlight due to its enclosed northern aspect. On balance, I consider the living conditions for occupiers of the appeal site would be improved by the provision of additional accommodation rather than harmed by the loss of part of a poor quality yard area.
7. Although the Council suggest the proposal would be harmful to the character and appearance of the house and the area, the result of the proposal would not be visible other than by users of the District Line fleetingly, and obliquely (if at all) from the rear parts of the adjoining houses. What is proposed seeks to provide additional accommodation for family use and, within the difficult constraints of the site and policy, does so in an appropriate and considered manner. Even if the proposal were considered harmful to the character of the house itself, from what can be seen of other properties that have a variety of rear alterations, little weight should be attached to that matter as the works would be imperceptible in any wider context. As to the 'special character' of the area, in the absence of any explanation by the Council, this would appear to rest in the consistent quality of the street to which the rear parts of No.45 makes no contribution.
8. Although the proposal presents a degree of conflict with policies and guidance relevant to the proposal, and such policies are important to protect amenity and protect character and appearance, as my reasoning sets out, I have not identified any planning harm would arise. I therefore conclude that the proposal would accord with policies SC7, CC1 and CC2 of the London Borough of Hounslow Local Plan (HLP) which, taken together, seek to maintain the character of areas through high quality design. Consequently, for the reasons given and taking all matters raised into account, the appeal succeeds subject to the usual timing and plans condition together with a materials condition to prevent the works being inappropriately obtrusive.

Andrew Boughton

INSPECTOR