



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: 27th February 2024

Appeal Ref: APP/F5540/W/23/3323155

1-15 West Point Close, Ede Close, Hounslow, TW4 7AF

- 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 Hubooshi Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 01461/B/P2 dated 27 September 2022 was refused by notice dated 30 November 2022.
 - The development proposed is upward extension to create a further 5 apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2023. I have written to the Appellants and the Council to invite them to consider whether the revised Framework has any relevance to the appeal. The Appellant submitted representations in this regard, which I have taken into account.

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 local area;
 - b) whether the proposed development would create satisfactory living conditions for future residents, and
 - c) whether the proposed development would meet sustainability objectives, including with regard to maximising carbon savings, and, if required, a Carbon Offset Payment.

Reasons

Issue a) Character and Appearance

4. The appeal property is a part three and part four storey block of 15 flats on the east side of Wellington Road (A3063) just to the south of the junction with Bath Road (A3006). Vehicular access is from Ede Close off Bath Road. The surrounding area is predominantly residential including both two storey

- residential terraces and three and four storey blocks of flats. There is parking and amenity space on site.
5. The proposal would extend the existing fourth floor together with an additional fifth floor under a pitched roof, to create an additional five additional flats. The design approach would broadly replicate the existing form of the building, including the roof form. There is no issue with the principle of the proposed development in terms of providing additional residential units in a generally accessible location.
 6. The surrounding buildings are a mix of heights and the existing building is already taller than some of the surrounding development; I have been referred to a permitted development to the immediate north on the cleared and open site which is currently used for commercial purposes, that would also be five storeys in height. However, there is no information before me to confirm whether or not that development is likely to proceed as permitted.
 7. The proposal to follow the design approach of the existing building in terms of form, fenestration and approach to materials would ensure that the extension would relate well to the existing building and would not detract from its character and appearance. Were no other matters of concern, and planning permission were to be granted, the details of the materials could be the subject of a condition to ensure these matched those used on the existing building.
 8. Notwithstanding the proposal to add additional floors and therefore increase the overall height and massing of the building, I consider that there is adequate space around the building that it would not appear visually over dominant in the street scene. It would be readily assimilated into the varied pattern of development in the local area.
 9. I am therefore satisfied that the proposed development would respect both the character and appearance of the existing building as well as of the local area. There would be no conflict with Policies CC1 and CC2 of the Hounslow Local Plan, the Framework and in particular Section 12 as well as the National Design Guide, all of which seek for development to be of a high quality which respects the local context.

Issue b) Living Conditions

10. The proposal would introduce 5 additional flats, including 2 x 1 bed flats; 2 x 2 bed flats and 1 x 3 bed flat. No issue is raised with the proposed mix and I have no reason to take a different view.
11. Whether or not the London Plan space standards are met as set out under its Policy D6 is in part dependent on the number of persons the flat would accommodate. There is disagreement between the Appellant and the Council in this regard. Although I have no definitive dimensions of the proposed room sizes in this regard and no indicative room layouts have been provided, it appears to me from the layouts and size of the bedrooms that Flats 1 and 2 should be defined as 1b 1p flats, Flats 3 and 4 as 2b 4p flats and Flat 5 as a 3b 4p flat. On this basis the flats would meet the London Plan space standards under Policy D6.
12. I am not persuaded that the kitchen area to Flat 5 would be regarded as a habitable room, independent of the main living space. The Council has not

directed me to any evidence to support its contention in this regard. Whilst the kitchen area would not benefit from any direct light it would be part of the main living space which would be dual aspect.

13. The private and communal open space arrangements would be acceptable, reflecting the constraints of the site. Whilst north facing balconies may not be ideal, only one of the flats would be reliant on a balcony that would only be north facing, and it would benefit from the communal space as well.
14. I am therefore satisfied that the proposed development would secure appropriate living standards for all future residents. This would accord with Policy D6 of the London Plan, Policies CC2 and SC5 of the Hounslow Local Plan and the Framework, with particular reference to paragraph 135 f), all of which, amongst other things seek a high quality design which protects the amenities of existing and future occupiers.

Issue c) Sustainability and Carbon Offset Payments

15. The application was accompanied by an Energy Statement by C80 Solutions dated December 2021, which set out the manner in which the proposal could achieve a 36% reduction over the target emissions rate. The Appellant has also submitted a Unilateral Undertaking to make a payment of £7,694.00 by way of a carbon offset contribution.
16. I acknowledge that being an extension to an existing residential dwelling, with occupied flats, it would be challenging to achieve a zero carbon position. However, there are a number of concerns with the submitted Energy Report including references to the Southwark Local Plan and to Local Plan Policy SP4 which does not appear as a relevant policy in the list of policies referenced elsewhere by either the Appellant or the Council. In addition, and although the Appellant has confirmed that the Energy Report has adhered to SAP10 carbon factors, the references in the actual report are to SAP12. As a result, I am not satisfied that the submitted Energy Statement has set out a clear strategy for maximising carbon savings that would be policy compliant and which can be relied upon.
17. Furthermore, and although the Unilateral Undertaking has been signed, the main Undertaking (as opposed to the cover page) has not been dated. There are a number of other deficiencies in the submitted Undertaking, for example the Unilateral Undertaking is by Noorco Ltd and Athra Mahdi but the application is made by Hubooshi Limited and this relationship is not explained.
18. Furthermore, the application references in the Undertaking are to an earlier application rather than to the one the subject of this appeal. I cannot therefore rely on the Undertaking and cannot take it into account. The Appellant has offered to amend the Unilateral Undertaking during the appeal process but the appeal procedures are clear that an executed and certified copy of the appeal needs to be submitted in good time in the appeal process and I have not been made aware of any exceptional circumstances in this case. In addition, I consider that the calculations need to be agreed with the Council prior to completion of the Unilateral Undertaking.
19. I am not therefore satisfied that the information before me demonstrates that the proposal would meet the carbon reduction requirements including a Carbon

Offset Payment to meet the sustainability and carbon reduction requirements as set out under Policy S12 of the London Plan, Policies EQ1, EQ2 and IMP3 of the Hounslow Local Plan.

Other Considerations

20. The Appellant has contended that had the site not been within 3 km of an aerodrome, the development would have been permitted development. However, as permitted development rights do not apply, no weight can be applied to this argument. I have considered this on its planning merits as I am required to do.
21. Reference has also been made to an earlier scheme that was also refused planning permission. However, my consideration is specific to the proposed scheme before me.

Planning Balance and Conclusion

22. Paragraphs 8 and 11 of the Framework make it clear that there is a presumption in favour of sustainable development which has three dimensions; economic, social and environmental. The proposed scheme would provide additional housing in a generally sustainable location which would bring with it economic and social benefits. I have also found that the proposal would respect the character and appearance of the existing building and of the local area and would provide satisfactory living conditions for future occupiers.
23. However, the proposals have not demonstrated that it would be policy compliant in respect of sustainability and carbon savings. The harm I have concluded would be significant and the environmental role of sustainable development would not be achieved. The conflict with the development plan is not outweighed by other considerations including the Framework.
24. 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