



Appeal Decision

Site visit made on 29 January 2024

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/F5540/W/23/3323037

891 Great West Road, Hounslow, Isleworth TW7 5PD

- 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 Howarth Homes against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/891/P6, dated 6 June 2022, was refused by notice dated 15 December 2022.
 - The development proposed is erection of 2 residential blocks to provide 51 residential units with associated works including repair/restoration of locally listed building following partial demolition of existing buildings and retention/restoration of rear historic wall.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Council of the London Borough of Hounslow against Howarth Homes. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - Whether or not the loss of employment land is justified;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of existing occupiers at Warkworth Gardens and 1 and 3 Hexham Gardens with specific reference to sunlight, daylight and outlook;
 - The effect of the proposal on the living conditions of future occupiers with specific reference to layout; outlook; amenity space; daylight and sunlight; and noise and air pollution; and
 - The effect of the proposal on highway and pedestrian safety.

Reasons

Employment land

4. The appeal site is situated on the south side of Great West Road, west of the junction with Syon Lane. The site comprises an Art Deco office fronting the road and a warehouse building to the rear occupied by a clothing company.

5. The site is situated within the Great West Corridor (GWC) Opportunity Area as designated by Policy SD1 of the London Plan (March 2021). Policy ED2 of the Council's Local Plan (2015-2030) expects development applications to include certain information where the loss of B1a, B1b, B1c, B2 or B8 or similar employment use is proposed. Preference will be given to the provision of new employment uses, followed by a mix of employment and non-employment uses. Proposals for non-employment uses will only be considered once the retention of employment uses has been shown to be viable; and evidence that surrounding employment uses/sites will not be undermined.
6. The current site contains 182.8m² of office space; 1,122.1m² of warehouse floorspace and 55.5m² of garage space equating to 1,360m² of employment generating uses. The application proposes a total of 130m² of office floorspace representing a loss of 1,229.6m² of employment generating floorspace.
7. Criterion e.i of Policy ED2 of the Local Plan requires evidence that the site has been actively marketed for employment uses for a period of at least one year (outside of Key Office Locations). In response, the appellant submitted a Market Demand Report (the Report) (2022) with the application. The Report summarises the marketing which has taken place, including: the circulation of the property particulars to a client database; information circulated to selected commercial agents who may have been retained to advise occupiers to seek and identify this type of property in the area; and information was registered on Rightmove and on the marketer's website for a period of 13 months. According to the Report, the only enquiries received related to residential development; no offers were received in respect of the existing property for employment uses. No suitable enquiries were received for a design and build commercial scheme on the site either.
8. Whilst the Report summarises the marketing which has taken place there is no detailed evidence to support this such as email circulation lists; how clients were selected; when circulation lists were sent; how many times particulars were circulated; and copies of property particulars on websites. Although it is stated that the only queries received were for residential development or for mixed use, evidence of these queries has not been submitted.
9. Furthermore, paragraph 6.18 of the Report states that enquiries in respect of new build have all been from developers who believe the site would be a good mixed use redevelopment opportunity to incorporate residential. However, there is no evidence before me that options for a mixed-use scheme which retains a greater proportion of employment uses consistent with Policy ED2 of the Local Plan and Policy SD1 of the London Plan have been thoroughly explored through the marketing of the site and assessed from a viability point of view. Whilst the appellant suggests that the site was marketed with planning permission, it is not clear from the Report or the limited evidence before me that the marketing included details of the mixed-use planning consent.
10. Furthermore, the marketing appears to have been focussed at mainly B8 warehouse and storage and distribution and not other employment sectors. The emerging GWC Plan has identified the area as a growth area for sectors such as the creative industries and digital media industries, reflecting the area's designation as a Creative Enterprise Zone. The marketing does not appear to have been targeted at light industrial or workspace premises in these sectors. Nor has the potential for smaller offices, affordable workspaces or potential subdivision of the premises been explored. Criterion e.i. of Policy ED2 requires evidence of marketing for 'employment uses' not just certain sectors. Consequently, there is

insufficient evidence before me to demonstrate that the appeal site has been adequately marketed and that there is no longer demand for the existing employment land. Criterion e.i is not, therefore, met.

11. Criterion e. ii requires an assessment demonstrating that the introduction of non-employment uses is necessary to achieve sufficient viability to deliver a development scheme. Whilst the Report details the physical condition and constraints of the building, there is no viability assessment before me.
12. The Report describes the office to the front as dated and tired, with suspended ceilings, recessed light fittings and evidence of damp, mould and water ingress. The rear warehouse section comprises 2 interconnecting elements, attached to the front offices. The middle section comprises storage, under an uninsulated asbestos roof which incorporates wire glazed and PVC roof lights on timber rafters and steel trusses. The rear warehouse section incorporates some mezzanine storage. The vehicular access is too narrow for HGV access to the single loading door. The Report states that substantial work would be required to the property to put it into good and substantial repair and that it would not be commercially viable to undertake upgrade works and repairs to the existing property. However, in the absence of a building survey and financial viability report; there is no evidence to support this stance. Consequently, I cannot be certain that the introduction of non-employment uses is necessary to achieve sufficient viability to deliver a development scheme and so criterion e.ii is not met.
13. There is no evidence before me that surrounding employment uses/sites will not be undermined as required by criterion e.iii; however, I acknowledge that the Council do not raise concerns in this regard.
14. Overall, there is insufficient evidence before me to demonstrate that there is no longer demand for employment use on the appeal site and that the retention of employment uses either in whole or in part, would be unviable. The loss of employment land is not, therefore, justified. The proposal is, therefore, contrary to Policies ED2 and SV1 of the Local Plan and Policy SD1 of the London Plan

Character and appearance

15. The appeal site comprises an Art Deco office and warehouse building occupied by a clothing company. The building is part single storey and part two storey on the corner with parapets coping with white render. Warehouses occupy the rear with pitched corrugated roofs and masonry walls. There is car parking to the front and rear parts of the site.
16. The site is situated on Great West Road which comprises of residential, commercial and industrial ribbon development. The six-lane carriageway which accommodates significant volumes of traffic has a strong influence on the area. Two-storey residential development is situated to the south and west of the site. Commercial uses are centred around the junction of the Great West Road and Syon Lane including a five-six storey building with offices and self-storage adjacent to the appeal site and a retail park beyond this to the east. To the rear of the site, facing Northumberland Avenue is the remnant of a tall historic garden wall built in English bond in red multi stock bricks. Overall, the character of the area is a busy road corridor with commercial and residential development.
17. The appeal site is rectangular in shape with a relatively narrow frontage onto the Great West Road. The western edge of the site backs onto the rear gardens of properties in Warkworth Avenue, with a separation distance to the appeal site

boundary of around 10-16m. The self-storage building to the north is situated around 2.5m to 5m from the appeal site boundary. The site provides a transition between the predominately residential, suburban area to the south and west and the commercial area to the north.

18. The appeal proposal would introduce two irregular shaped blocks, a larger one to the north and a smaller block to the south reflecting the constraints of the site including the Art Deco office to the front, the narrow shape and a diagonal easement at the centre of the site. Between the two blocks is a diagonal area of open space reflecting the form of an underground sewer that runs beneath the site.
19. It is proposed to retain and refurbish the 1930s art deco frontage building whilst the warehouse buildings to the rear would be demolished. The main block would sit behind the art deco building with an angled frontage parallel to the Great West Road. The design of the north elevation would contain sufficient articulation and reflect the Art Deco features of the frontage building. Hence, I do not consider that the proposal would have an adverse impact on the character and appearance of the locally listed building. Further information regarding the materials of the proposal could be required by condition.
20. I acknowledge that the proposal seeks to make efficient use of land consistent with Policy D3 of the London Plan. However, the buildings would occupy a high proportion of the site with amenity areas and pedestrian routes pushed to the edge of the site and focused on the diagonal easement. Furthermore, Block B would be five storeys and Block A would have an additional 6th storey resulting in a building of significant mass and bulk.
21. The visual impact of the proposal would be lessened when viewed from Great West Road due to the set back from the existing frontage building. Views would be screened from the west by the substantial storage/office building. However, the proposal would represent a pronounced increase in scale from the adjoining two storey housing to the south and west. The main north and south elevations of the building are aligned with the boundaries of the site and the building would present significant and imposing flank elevations onto neighbouring land.
22. The appellant has sought to reduce the mass and bulk by setting back the top storey of Block A, breaking up Block A into 3 bays and utilising design details such as chamfered corners and articulation. Furthermore, the design picks up visual clues from the Art Deco frontage building. However, these design features would not sufficiently reduce the significant visual impact of the substantial mass and bulk of the deep rectangular blocks particularly when viewed from residential properties to the south and west.
23. Whilst the height of the proposal would be lower overall than the previously approved scheme, with the exception of the top floor, the height would be continuous along the full length of the scheme. Overall, the footprint combined with the height would result in a development of significant mass and bulk which would appear cramped and excessive in the site with a poor ratio of built development to amenity space. Furthermore, the proposal would fail to provide an appropriate transition between the commercial development to the east of the site and the residential development to the south and west of the site.
24. In conclusion, the proposal would harm the character and appearance of the area. It would, therefore, conflict with Policies D3, D4 and D6 of the London Plan and Policies CC1, CC2 and SC4 of the Local Plan which collectively, amongst other

things, seek to ensure that development responds to the existing character of an area including the constraints, layout, grain, massing and height of surrounding buildings and achieve good design.

Living conditions – Existing occupiers

25. The London Plan Housing Supplementary Planning Guidance states that an 18-21m distance between habitable rooms is a useful yardstick to ensure there is no direct overlooking to protect neighbours' living conditions. As this would not be achieved in relation to 2-16 Warkworth Gardens it is proposed to utilise angled windows and privacy screens on the balconies in order to protect the privacy of existing occupiers on Warkworth Gardens.
26. Existing occupiers of Warkworth Gardens currently have an outlook from the rear windows of their properties onto the roofs of the part one, part two storey existing Adini buildings. The tallest ridge height of these buildings is around 30m; however, due to the long sloping roof this height is not consistent along the building's length. Some occupiers have views of the self-storage building beyond; however, this is at some distance.
27. Whilst the proposal would be set further back from the boundaries of properties on Warkworth Gardens than the existing building, proposed Block A would be five-storey, with a setback sixth storey. Existing occupiers would look out onto a continuous solid elevation with a height of around a 40m in close proximity to the rear elevations of properties on Warkworth Gardens. The proposal would also enclose the rear gardens of Warkworth Gardens. It would, therefore, have an adverse impact on the outlook of existing occupiers.
28. A Daylight and Sunlight Assessment (DSA) has been submitted with the appeal. The assessment shows that there would be full compliance with Building Research Establishment (BRE) Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011) for 1 and 3 Hexham Gardens. I note that the 2011 BRE Guidance has been superseded by the 2022 version, although the 2011 version was still in place at the time the DSA was undertaken. Where there are differences in methodology, I consider this in my reasoning below.
29. The DSA utilises the Virtual Sky Component (VSC) Method to assess the effect of the proposed development on the daylight of existing properties which is the same method as contained in the 2022 BRE Guidance. The properties on Warkworth Gardens are flats with living rooms to the front and bedrooms, bathrooms and kitchens to the rear. The kitchens are dual aspect being served by a window in the flank elevation, in addition to the rear. The DSA notes that the windows in the rear elevation get exceptionally good levels of light at present. Many of the windows would experience a percentage loss of VSC in excess of the 20% recommendation in the BRE guidelines. However, the DSA states that none of those windows would be left with residual VSC values below mid-teens which it is argued would remain above the level which would be expected in an urban environment, where it is suggested that greater flexibility could be applied.
30. However, I consider that Warkworth Avenue and the streets surrounding are more suburban in character. The absolute residual VSC values would be below the recommended 27% VSC which is required to receive a good level of natural daylight for 16 of the existing bedrooms. Furthermore, the more than 20% loss of VSC would be very noticeable to existing occupiers. The 2022 BRE Guidelines also use VSC to assess daylight to existing dwellings. Consequently, I consider that the

proposal would have a harmful effect on the living conditions of existing occupiers with regards to daylight.

31. Given the orientation of the proposed development in relation to the properties and the results of the DSA, I am satisfied that there would be no unacceptable harm to occupiers in terms of sunlight or overshadowing of the gardens. The method of assessing the effect of new development on the sunlight of existing buildings and overshadowing of amenity areas is broadly the same as the 2011 BRE Guidance.
32. In conclusion, the proposal would harm the living conditions of existing occupiers with specific reference to outlook and daylight. It would, therefore, be contrary to Policy CC2 of the Local Plan and Policy D6 of the London Plan which together seek to achieve high quality urban design which has a positive impact on the amenity of current and future occupiers.

Future occupiers

OUTLOOK

33. Policy D6 of the LP states that housing developments should maximise the provision of dual aspect dwellings and normally avoid single aspect homes. The homes on the southern elevation facing the houses on Warkworth Gardens have predominately angled windows to avoid direct overlooking. Whilst this minimises overlooking of neighbouring properties it, nevertheless, restricts the outlook of future occupiers. Some of the flats on each of the floors are effectively only single aspect and so occupiers would have no other outlook other than the oblique outlook from the oriel windows. Furthermore, occupiers of some of the flats would look directly out onto the self-storage building in close proximity or look out onto the privacy screen on the balcony. Overall, I consider that occupiers would have a poor outlook from some of the proposed flats.

DAYLIGHT/SUNLIGHT

34. The DSA relies on the Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) test of the previous BRE 2011 guidance for assessing the amount of daylight which new development would receive. However, as referred to above this has now been superseded by the 2022 BRE Guidance which utilises VSC as a means of assessing the amount of daylight which new development would receive. The BRE 2022 Guidance also references an alternative method of assessing daylight – the Daylight Factor which is different to 'Average Daylight Factor' (ADF) contained in the 2011 Guidance.
35. Nevertheless, based on the 2011 BRE Guidance, the results show that in terms of daylight, 51 of the living rooms tested 17 would fail to meet the ADF test of 1.5%; with the lowest being 0.92%. Of the 95 bedrooms tested 31 would fail the ADF test of 1%; with the lowest being 0.51%. The DSA acknowledges that a number of habitable room windows located below recessed private amenity balconies or where angle oriel-type windows have been used to address privacy and overlooking, will have lower levels of daylight due to the 'canopy effect'. It goes on to suggest that the shortfalls in daylight should be balanced against the benefit of providing good quality private amenity space. However, future occupiers would spend a significant amount of time within the property and would be subject to insufficient daylight to the detriment of their living conditions.

36. With regards to sunlight, of the 131 windows tested 23 would fail to meet the Annual Probable Sunlight Hours (APSH) test, with some rooms falling significantly short of the guidance as shown at Appendix 8 of the Appellant's statement, mainly those which are below balconies or oriel style windows. Overall, based on the evidence before me, I do not consider that future occupiers of the proposal would receive sufficient daylight or sunlight.

AMENITY SPACE

37. Each flat would be provided with private amenity space in the form of balconies and ground floor terraces or gardens that meet or exceed the requirements in Policy SC5 of the Local Plan. Communal amenity space should be provided on site at a rate of 25m² for homes of up to 3 habitable rooms, less a reduction in total private amenity space. A residual amount of around 600m² of communal amenity space is, therefore, required for the proposed development. The main amenity space is proposed between the two blocks in addition to a communal path along the south-west of the site and the bike stores and also a landscaped area to the front of the site where pedestrian access stairs and ramp is provided.
38. The accommodation schedule states that the total communal amenity area is 612.4m² which would exceed the policy requirement. The main amenity space is a useful size (217.65m²) and shape for residents. However, many of the other areas identified on the accommodation schedule are not useable or functional as amenity space such as the access ramp and stairs, hedging, entrances and pedestrian paths and should, therefore, be discounted from the total provision of amenity space. There would also be shortfalls in playspace for younger children. Osterley Park is 1.6km away and the nearest entrance requires the crossing of a busy A road. The other areas of open space referred to by the appellant are not public. Overall, I do not consider that the proposed communal amenity space is of sufficient quantity and quality for future occupiers.

NOISE

39. A Noise Impact Assessment (NIA) was submitted in support of the application. The NIA identified the primary source of noise as the road use from Great West Road at the front of the site. The NIA calculated that noise at the front of 891 Great West Road would be 70 L_{Aeq, 16 hour}, dB 0700 to 2300 and 66 L_{Aeq, 8hour}, dB 2300 to 0700 significantly above BRE BS8233:2014 Guidance – Guidance on sound insulation and noise reduction for buildings. At the rear of the site noise levels would be lower, although still above the BRE Guidance. In order to meet BRE Guidance, acoustic fenestration and ventilation measures would need to be implemented, together with sound insulation of the façade of the building. The suggested window specifications are set out at Table 3, Appendix D of the NIA. Due to the external noise levels mechanical ventilation would be utilised.
40. I note that the internal target noise levels could only be achieved with the windows closed so the noise levels would not be achieved when purge ventilation is required. However, purge ventilation would only be required occasionally and so noise levels beyond the recommended BRE guidance would only be exceeded occasionally.
41. The Council question whether the NIA takes account of the suggested over specification to allow for a 5dB tolerance as this is not clear from the assessment. Whilst mechanical ventilation has been factored into the assessment, it is not clear whether mechanical ventilation would require external plant and if so, whether the

assessment has taken account of this; however, these are matters which I would have gone back to parties on had I decided to allow the appeal.

42. In terms of amenity space, the noise levels within the proposed balcony amenity areas would be below the upper guideline of 55dB $L_{Aeq,T}$ when screened with 'winter garden' type glazing. However, the community amenity areas have not been subject to an assessment of noise levels.
43. An overheating report was submitted with the assessment which identified that a number of the top floor dwellings would significantly fail the overheating test. The assessment relies on openable windows to sufficiently cool the buildings and provide thermal comfort for residents in order to meet the Chartered Institute of Building Services Engineers (CIBSE) BSE TM59: 2017 requirement. This conflicts with the NIA which requires a high specification of building fabric and windows and relies on non-openable windows to ensure compliance with BRE Guidance.
44. Consequently, there is insufficient evidence to be sure that there would not be a harmful effect on the living conditions of future occupiers in terms of noise.

AIR QUALITY

45. The Council declared a Borough wide Air Quality Management Area in 2006 due to exceedances of the Air Quality Objective (AQO) for nitrogen dioxide. The emerging Local Plan states that a nominal value of 38ug/m³ of Nitrogen Dioxide as a means of identifying 'poor' air quality.
46. The appellant submitted an Air Quality Assessment (AQA) (2022) to support the planning application. As the proposed development is expected to be car free (other than the provision of two disabled parking bays), I agree with the AQA that the trip generations would be minimal and that the impacts would not, therefore, be significant in this regard. The AQA concludes that the potential air quality impacts arising from fugitive dust emissions during construction and road traffic exhaust emissions during construction can be controlled through best practice dust control measures.
47. The proposed development has the potential to expose future users to elevated pollution levels in the vicinity of the site. The AQA undertook dispersion modelling was undertaken using ADMS-Road to predict pollutant concentrations because of emissions from the local highway network. Results were then verified using local monitoring data. The model results indicate that future users are unlikely to be exposed to pollutant concentrations that exceed AQOs and the AQA, therefore, concludes that future exposure is not significant.
48. The Council has highlighted a number of deficiencies with the AQA. These include the use of 2010 Air Quality Regulations, not the updated 2016 Regulations; no reference to "A Guide to the Assessment of Air Quality Impacts on Designated Nature Conservation Sites, IAQM, May 2020 and the Conservation of Habitats and Species Regulations (2019); whether there were any statutory designated sites of ecological or nature conservation importance within the extent of the dispersion modelling assessment; and use of out of date baseline traffic flow data and emissions data. Furthermore, it considers that the AQA should have presented modelled concentrations of NO₂, PM₁₀ and PM_{2.5} at sensitive receptors, located at worst case positions on the façade of the proposed site. In addition, the air quality neutral assessment, should have been undertaken in accordance with the new air quality neutral consultation draft (November 2021).

49. The appellant suggests that the issue of air quality matters could be controlled by condition. However, the above concerns have not been satisfactorily resolved by the appellant. As the basis of the assessment is undermined by the use of outdated data, I cannot be certain that future occupiers would experience good air quality. Given the potential harm to future occupiers, it would not be acceptable to leave this matter to be dealt with by condition.

LAYOUT

50. I acknowledge that the proposed flats would meet internal space standards; however, due to the proposed shape of the building, some of the flats and rooms would have an awkward shape and layout which would be contrary to the spirit of Policy D6A of the London Plan. Whilst I acknowledge that future occupiers would be aware of the shape of the rooms before they purchased or rented the properties this matter, nevertheless, weighs against the proposal.
51. Overall, I conclude that the proposal would have a harmful effect on the living conditions of future occupiers with specific reference to: outlook; amenity space; daylight/sunlight; noise and air quality; and internal layout. Consequently, the proposal would be contrary to London Plan Policies D3, D4, D6, D14, SI1 and Local Plan policies SC4, CC1, CC2, EQ4 and EQ5 which collectively seek to achieve high standards of design which achieves adequate outlook; daylight/sunlight; amenity space; avoid overheating; and avoid adverse impacts arising from noise and poor air quality.

Highway Safety

52. The appeal site has a PTAL rating of 2 and is situated adjacent to a Controlled Parking Zone (CPZ). It is proposed that the development would be car free with the exception of two disabled parking bays. A section 106 legal agreement in the form of an Unilateral Undertaking (UU) has now been submitted which would have the effect of restricting residents parking permits had I decided to allow the appeal.
53. Swept paths only show one space being accessed/egressed, not two so it is unclear as to whether there is sufficient space for vehicles to manoeuvre in and out of the disabled parking bays. In addition, the turning area does not seem large enough for the light van shown on the tracked drawings. Furthermore, the Transport Assessment does not appear to include parking surveys or a Healthy Streets Assessment. Neither does the basic trip generation assessment follow the TFL's trip generation guidance.
54. These matters have not been satisfactorily resolved by the appellant. On this basis, there is insufficient evidence before me to be certain that the proposal would not have an adverse effect on highway and pedestrian safety.
55. The proposal is, therefore, contrary to London Plan policies T2 and T6 and Local Plan Policy EC.2 which collectively seek to secure a more sustainable local travel network by amongst other things promoting 'car free' or low car development; promoting healthy streets which encourage walking and cycling.

Planning Obligation

56. The appellant has now submitted a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) by means of a signed UU. The Council has had the opportunity to comment on the document. It sets out undertakings by the appellant to provide affordable

housing; a carbon offset contribution; local park contribution; loss of employment mitigation contribution; the Considerate Contractor Scheme; and the restriction on Resident's parking permits.

57. Policy H4 of the London Plan sets a strategic target of 50% of all new homes to provide affordable housing. Policies H4 and E7 of the London Plan also state that where there is a net loss of industrial land a strategic target of 50% should be achieved. The appellant is now proposing 100% affordable housing the delivery of which would be secured via the submitted s106 UU. The Council has questioned the proposed provision of London Affordable Rent housing when it requested 18 social rent units and that there is no early-stage review mechanism in the UU. These are matters which I would have gone back to parties on had I decided to allow the appeal. Nevertheless, I acknowledge that the provision of 100% affordable housing, beyond the requirement in the Local Plan, is a significant benefit of the scheme. However, as I am dismissing the appeal, I have not considered the s106 UU in any further detail.

Planning balance

58. The proposal would provide 100% affordable housing, and contribute to housing land supply, benefits to which I attach significant weight. The proposal would also have economic benefits during the construction phase and in the longer term as residents contribute to the local economy. I attach significant weight to the economic benefits of the proposal.
59. Furthermore, the proposal would make efficient use of previously developed land, however, this benefit could be achieved by way of a different scheme. I only, therefore, attach moderate weight to this matter.
60. I have found that the loss of employment land is not justified on the evidence before me. In addition, I have determined that there would be a harmful effect on the character and appearance of the area, the living conditions of existing and future occupiers and highway safety.
61. Consequently, I do not consider that the collective benefits of the scheme would outweigh the significant harm which I have identified. The proposal would be contrary to the Local Plan and there are no material considerations which would outweigh this conflict.

Conclusion

62. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector