



Appeal Decision

Site visit made on 17 July 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2024

Appeal Ref: APP/F5540/W/24/3337334

84 High Street, Hounslow TW3 1NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Asif Rahman (Gifto Properties Limited) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00610/84/P4.
 - The development proposed is the erection of a four storey building providing retail storage at ground floor and three self contained flats with cycle parking, raingarden, refuse and recycling storage, following demolition of existing.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a four storey building providing retail storage at ground floor and three self contained flats with cycle parking, raingarden, refuse and recycling storage, following demolition of existing at 84 High Street, Hounslow TW3 1NH in accordance with the terms of the application, Ref 00610/84/P4, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description from the Appeal Form and the Council's Decision Notice as this is what both parties agree is the correct description of development.
3. Amended plans showing reduced ceiling heights were submitted with the appeal. The change is not substantive, and there would be no prejudice to any parties given all interested parties and the Council were notified. Therefore, I have considered the amended plans as part of the appeal.

Main Issues

4. The main issues are:
 - a) Whether the proposal would prejudice the delivery of an allocated site,
 - b) The effect of the proposal on the character and appearance of the area,
 - c) The effect of the proposal on the living conditions of existing residents, with specific regard to outlook, and;
 - d) Whether the proposal would provide suitable living conditions for the future occupants of the third floor unit, with specific regard to internal space.

Reasons

5. The site is located to the rear of 82-84 High Street, within the town centre of Hounslow. Nos 82-84 are to the south of the appeal site. This is a 3 storey building with retail at ground floor and residential uses on the first and second floor. To the north is a private car park accessed from Prince Regent Road. To the west is Ashley House, and to the east is an area of boarded up unmanaged land, that contains several mature trees, adjoining Laurence Road.
6. The existing building is 2 storeys high and contains a flat at first floor, with the ground floor being part of the retail store of Nos 82-84. The proposal is to demolish this part of the site, and build a 3.5 storey block, containing replacement retail at the ground floor, with 3 flats to the upper floors. It would be constructed from brick, with stone copings and a mansard roof design, sitting lower in height than Nos 82-84. Pedestrian access would be taken from the right of way that surrounds the building.

Prejudice the delivery of an allocated site

7. The adjoining site, being the area of unmanaged land, is part of a planning application currently under consideration. This part is identified as Block C. The rest of the application site covers a site to the east of Laurence Road, known as Euro House. The Euro House site is allocated for development in the London Borough of Hounslow Local Plan 2015-2030 (September 2015) (HLP).
8. The proposal for the area of unmanaged land includes windows and balconies that would face directly toward the appeal site. There would be a separation of less than 3 metres between the habitable rooms in both developments. The Council considers that significant weight needs to be given to this undetermined application because it is part of an application for an allocated site. I disagree.
9. Fundamentally, this part of unmanaged land is not within the allocation. In development plan terms, the 2 sites would have the same status. Thus, it cannot benefit from any purported protection or increased weighting. It is physically separated by a road from the allocated site, and I have received scant evidence that granting permission for this site would sterilise the delivery of the allocated site.
10. There is no specific need for the appellant to consider the light or noise effects of undetermined planning applications, and arguments that this proposal could impede development of the other site are without merit given it benefits from no planning permission. Particularly as the existing building contains a residential unit with windows on the site boundary facing this area of unmanaged land. Furthermore, the Council indicated that the likely outcome of the Euro House application is a refusal, and it remains undetermined at the time of this decision.
11. Consequently, the proposal would not prejudice the delivery of an allocated site. This would be compliant with Policies IMP1 and IMP2 of the HLP and Policies GG2 and D3 of the London Plan (March 2021) (LP), which seeks to take a plan led approach to all growth and development within the borough, supporting in principle proposals that accord with the identified site allocations. I see no relevance of Policy IMP3 of the HLP as there are no concerns in relation to infrastructure. There would also be no conflict with the National

Planning Policy Framework (the Framework), which supports sustainable development.

Character and appearance

12. The area consists of a mixture of architectural styles, materials, heights, form, quality and ages and there is no set rhythm or context, particularly where the proposal is located. The form and appearance of the building would be of a conventional and satisfactory design, appropriate in this context, using materials and fenestration that would respond positively to the mixed context, making efficient use of land, resulting in no adverse impact. It would also be subservient in height to Nos 82-84.
13. The residential entrance would be taken from the existing right of way. Whilst it may fall outside the appellant's control, many sites are accessed via rights of way and I do not see how this poses a problem in accessing the site, because this is how it is accessed currently. Furthermore, whilst the entrance is not visible from High Street, it was clear to me that there was a well established pathway to the side of Nos 84-86. Whilst lighting could make the entrance more welcoming, I do not consider that the entrance would create a poor sense of arrival. The proposal would also have no effect upon the public realm as it does not propose any changes to it.
14. Therefore, the proposal would have an acceptable effect on the character and appearance of the area. This would be compliant with Policies CC1, CC2 and SC4 of the HLP, which seek to ensure proposals contribute to the character of the area whilst responding to the site, its characteristics, constraints and that the scale and density balances the need to make efficient use of land and achieves high quality design and accessibility. There would also be compliance with Policies D3, D4 and D8 of the LP, which seek to make the best use of land by following a design-led approach that optimises the capacity of the site. There would also be compliance with the Framework which seeks to achieve well designed and beautiful places.

Living conditions of existing residents

15. The Council contends that the proposal would result in a loss of outlook for the occupiers of 78a, 78b and 78c High Street due to the proximity of the amenity space. However, based on the evidence before me, the windows of Nos 78a, b and c do not serve habitable rooms. The south facing windows of the development are proposed to be obscure glazed, and also would not serve habitable rooms. This could be secured by a planning condition. Therefore, there would be no loss of outlook or any increased sense of enclosure, even considering the height increase.
16. I also fail to understand the assertion that the proximity of the amenity space would result in a loss of outlook, and there is very little evidence to explain this assertion further. The use of air source heat pumps is unlikely to result in noise disturbance, given they are designed to be placed outside dwellings. Additionally, the results of the Daylight, Sunlight and Overshadowing Report¹ demonstrates that the aims of the Building Research Establishments publication "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2022) and the HLP are achieved, and the proposals would not have a

¹ CHP Surveyors 16th August 2023

significant effect on the daylight and sunlight enjoyed by the occupants of neighbouring residential properties.

17. Therefore, the proposal would have an acceptable effect on the living conditions of existing residents. This would be compliant with Policy CC2 of the HLP and Policies D3 and D6 of the LP, which seek to ensure proposals do not cause unacceptable harm to neighbouring living conditions.

Living conditions of the future occupants

18. The plans submitted with the application did not conform to LP Policy D6, because they were 0.1m short of achieving the minimum ceiling height. Arguably, this is a minor technicality, being 10cm lower than the policy requirement and could have been easily remedied by a request for amended plans from the Council during the assessment of the application.
19. However, the amended plans submitted with the appeal amend the internal ceiling heights of the proposal, to ensure that the minimum floor to ceiling height exceeds 2.5 metres for at least 75 percent of the gross internal area of each dwelling.
20. Therefore, future occupants would be provided with suitable living conditions. This would be compliant with Policy D6 of the LP and Policy SC5 of the HLP, which seek to ensure that suitable internal space is provided.

Other Matters

21. I have had regard to the objections raised, and most of the concerns are addressed above. However, based on the Council's evidence, the fire safety information accords with policy D12a of the LP.

Conditions

22. The plans are listed for certainty [condition 2]. A construction logistics plan is necessary to ensure pedestrian safety and to protect living conditions during construction [condition 3]. I have however removed the elements that would not be enforceable, reasonable or necessary given the constraints of the site and the availability of other legislation. This condition is required to be a pre-commencement condition as it is fundamental to have these details agreed prior to works starting. The appellant has agreed to this condition. Landscape details are required for the rain garden, but I have amended this condition to reflect the limited amount of landscaping works [condition 4].
23. To ensure a satisfactory external appearance of the development, samples and particulars of external materials would be necessary [condition 5]. A condition for obscure glazing is necessary to safeguard neighbouring living conditions [condition 6]. A condition requiring evidence of implementation of the energy strategy would be necessary to ensure the development is carbon efficient [condition 7]. I have not imposed part c of the suggested condition as I see no reason why this would be necessary to make the development acceptable.
24. Condition 8 is required to minimise the use of mains water, as set out in the London Plan. To ensure the development results in no increased parking stress in the locality and to promote sustainable methods of transport, condition 9 would restrict future occupants from obtaining a residents' parking permit. The Council's suggested condition however, requires arrangements to be put in

place to ensure resident's cannot obtain a permit. These 'arrangements' are not directly related to planning, and I have removed the latter part of the condition.

25. To support sustainable transport objectives, a condition for details of cycle storage is necessary [condition 10]. A servicing and delivery plan is necessary to ensure pedestrian safety and to protect living conditions [condition 11]. A condition to require implementation of the refuse and recycling stores is necessary to ensure there is sufficient provision [condition 12].
26. I have not imposed the condition that would require the appellant to enter a binding arrangement with the Council to make an agreed contribution to the Council's Carbon Offset Fund. This contemplates the execution of a planning obligation, and there are no exceptional circumstances before me to impose such a condition, particularly when the proposal is not major development and would result in an 81% reduction in carbon in comparison to Building Regulations, which exceeds the 35% threshold. The condition relating to sustainable materials is both unreasonable and unenforceable, and has no associated policy related requirement in the Council's reasons.
27. I have not imposed conditions relating to land investigations as there is no evidence that the land is contaminated. Furthermore, even if contamination was found, there are other means in which to control and manage this.

Conclusion

28. For the reasons set out above, the appeal is allowed.

Katie McDonald

INSPECTOR

Schedule of 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 drawing nos: DP200 Rev B, DP201 Rev B, DP202 Rev A, DP203 Rev A, DP210 Rev A, DP211 Rev A, DP212 Rev A, DP213 Rev A, DP100 Rev D, DP300 Rev P, DP301 Rev P, DP302 Rev M, DP303 Rev J, DP306 Rev H, DP311 Rev H, DP312 Rev H, DP313 Rev K, DP314 Rev G, DP315, Planning and Design Statement, Daylight, Sunlight and Overshadowing Report, Fire Statement, Energy Statement, Cover Letter.
- 3) No development shall take place until a Construction Logistics Plan (CLP), written in accordance with current TfL guidance, has been submitted to and approved in writing by the local planning authority. The CLP shall include:
 - i. a site plan (showing the elements set out below);
 - ii. confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with Hounslow Highways and a commitment to repair any damage caused;
 - iii. provision for the parking of vehicles of site operatives and visitors;
 - iv. provisions for loading, unloading and storage of plant and materials;
 - v. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi. measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access;

The approved measure shall be adhered to throughout the construction period for the development.

- 4) No development above ground level shall take place until details of landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. a statement setting out the design objectives and how these will be delivered;
 - ii. means of enclosure/boundary treatment(s);
 - iii. hard surfacing materials;
 - iv. planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities where appropriate; and
 - v. an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before the development first occupied or brought into use, or such other date(s) as may be specified in the agreed implementation programme.

- 5) No development above ground level shall take place until full details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Details must include a detailed schedule of materials, a photographic sample board and rendered drawings, elevations and sections at a sufficient scale (1:20 or 1:50) to

illustrate how all external materials will appear together. The [samples/details] shall include:

- vi. Brick/stonework (including brick, stone, masonry, brick panels, feature brick panel, brick framing feature and mortar on-site sample panel, minimum one metre by one metre) including all mortar colours, joint type, brick bond;
- vii. Cladding materials / render (including specifications where relevant);
- viii. Tiles / roof covering; including parapet coping / capping materials, dormers and canopies;
- ix. Window types; and sectional drawings of reveals / sills / head details
- x. Balcony details (including soffits, panels and frame);
- xi. All privacy measures (including obscure glazing details, privacy screens etc.);
- xii. Balustrading treatment to balconies and roof areas (including details/sections/materials); and handrails
- xiii. Any other materials/details / fittings to be used (including solar panels, extract vents, rainwater goods, boiler flues etc.), with sections and on-site samples where appropriate, and
- xiv. Any other materials / details / fittings to be used (including solar panels, extract vents, boiler flues etc.), with sections and on-site samples where appropriate.

The development shall be carried out in accordance with the approved details and maintained as such thereafter.

- 6) The development shall not be occupied until the windows in the southern elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) The development shall not be occupied until evidence to show that the development has been constructed in accordance with the approved Energy Strategy to achieve 81% reduction in emissions (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) has been submitted to and approved in writing by the local planning authority.
- 8) The development shall not be occupied until evidence to demonstrate that the dwelling will achieve an internal water use target of 105 litres per person per day or less has been submitted to and approved in writing by the local planning authority.
- 9) The development shall not be occupied until a copy of the Street, Naming and Numbering applications have been submitted to and confirmed in writing as approved by the Council.
- 10) The development shall not be occupied until details (including manufacturer's specification) of secure covered cycle parking facilities for not less than 6 bicycles has submitted to and approved in writing by the Local Planning Authority. The approved facilities shall conform to the West London Cycle Parking Guidance (WestTRANS) (or any successor guidance

in design and layout) and be fully implemented and made available for use before the first occupation of the development and thereafter retained for use at all times without obstruction.

- 11) The development shall not be occupied until a Delivery and Servicing Plan (including details of vehicle access and egress arrangements and times that servicing shall take place) has been submitted to and approved in writing by the local planning authority. The details shall accord with current guidance such as that issued by TfL and include measures required to ensure sufficient arrangements (physical as well as managerial) for the servicing, including refuse collection, of all aspects of the development, the timing of hours for deliveries by motor vehicles and a timetable for implementation. The development shall be carried in accordance with the approved details and maintained for the lifetime of the development.
- 12) The approved refuse and recycling store as shown on approved plan no. DP 300 Rev P, shall be completed and made available for use before the development hereby permitted is first occupied or brought into use, and thereafter shall be retained for such use at all times without obstruction.

*****End of Conditions*****