



Appeal Decision

Site visits made on 4 June 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal Ref: APP/F5540/W/23/3326069

Hounslow Gurdwara Sri Guru Singh Sabha, Alice Way, Hounslow TW3 3UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jasminder Singh Grewal (SGSS Gurdwara) against the decision of the Council of the London Borough of Hounslow
- The application Ref 01576/A/P1, dated 1 July 2022, was refused by notice dated 2 February 2023
- The development proposed is outline application for the erection of a four storey block to provide a community hall, gym, exercise room and an ancillary meeting room, office accommodation and two self-contained residential units with parking at ground level.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In accordance with the application form, outline planning permission is sought with access, appearance, and landscaping as reserved matters. I have determined the appeal on this basis.

Main Issues

3. The main issues are: the effect of the proposed development on the character and appearance of the area; the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to light, outlook, and noise and disturbance; the effect of the proposed development on the living conditions of future occupiers with regard to internal and external space provision, and noise and disturbance; whether the proposal would provide adequate environmental conditions; and whether a planning obligation is required with regard to the promotion of sustainable transport, highways works, and ensuring the development is car free.

Reasons

Character and Appearance

4. The appeal site comprises a car park situated to the front of the Gurdwara Sri Guru Singh Sabha (the Gurdwara) and to the rear of the two storey dwellings of Nos. 231, 233 and 235 Hanworth Road. It is accessed via Alice Way to the west which, other than the Gurdwara, primarily entails low level commercial development. The proposal seeks to erect a four storey mixed use block.
5. The Gurdwara is a locally listed building that ranges between two and three storey in height but, due to its precise design and scale, the main building

appears notably taller than surrounding residential and commercial development. It is a striking feature in the immediate context, visible from Alice Way and Hanworth Road. However, its setback behind the open car park ensures that it does not read as overbearing within these streetscenes.

6. The proposal would introduce a four storey building with flat roof set forward from, but positioned in front of, the main entrance façade of the Gurdwara. It would not exceed the height of the Gurdwara and would be experienced within a mixed, urban area. Nevertheless, the combination of its height and footprint would create a sizeable structure, which I observed would be readily visible from Alice Way and Hanworth Road due to its positioning within the site.
7. The scale of the proposal in the context of the lower level of built form would appear excessive when viewed from Hanworth Road. Positioned in such proximity behind Nos. 231-235, it would appear to tower over these dwellings. As such, it would read as a dominant addition that fails to respect the current arrangement of development and creates a busy and disjointed section of the streetscene. This sense of dominance would also be experienced from Alice Way where the prevalence of lower-level commercial buildings opposite the site would serve to highlight the scale of the proposal. It would bring this scale of built form closer to Alice Way and its buildings than the set back Gurdwara, appearing unduly imposing.
8. I acknowledge that planning permission has been granted for development to the east of the site, at a height higher than the proposal. However, unlike the appeal proposal, this building would not be positioned between elements of built form to the north and south. As such, even acknowledging its scale, this approved development would not visually compete with other development fronting Hanworth Road or appear cramped within its site in the same, harmful manner as the proposal.
9. For the reasons given, the proposal would result in significant adverse harm to the character and appearance of the area. As such, it would fail to comply with Policies D3 and D4 of the London Plan 2021 (the London Plan) and Policies CC1 and CC2 of the London Borough of Hounslow Local Plan 2015 – 2030 (the Local Plan) insofar as they seek to ensure good, high quality design that responds to an area's existing character and responds meaningfully to the site, its characteristics and constraints and surrounding buildings.

Living Conditions – Neighbouring Occupiers

10. The appeal site is to the rear of Nos. 231, 233 and 235 Hanworth Road. While the appellant cites these properties as being in a state of disrepair, I did not observe the same on my visit. Although they may be in the ownership of the Gurdwara and intended to be demolished, it remains that at present there is nothing substantive before me to suggest that the lawful use of these buildings is anything other than as residential dwellings.
11. While I observed that many rear ground floor windows are behind tall boundary fencing, the upper floors of these dwellings contain windows along the rear elevations that appear to serve habitable rooms and from where clear views of the site are possible. In addition, while the rear amenity spaces of Nos. 233 and 235 appear to be in use by the Gurdwara for parking and refuse storage, there is nothing substantive to suggest the lawful use of these spaces is anything other than residential amenity associated with the dwellings. In

any event, it remains on the evidence before me that the side external space at No. 231 remains in residential use.

12. The layout of the proposal is such that it would be close to the facing external amenity spaces and upper floor habitable room windows on the rear elevations of the properties. Despite the setback, clear views of the proposal would remain from these spaces where its four-storey scale in such proximity would still be readily noticeable, towering over the dwellings and appearing as an imposing feature. This would result in an undue sense of enclosure from these spaces for residents of these dwellings.
13. For similar reasons, and in the absence of specific technical evidence to the contrary, the proposal would also have an unacceptable impact on light with regard to the facing external amenity spaces and upper rear habitable room windows of the properties. Due to its positioning relative to these dwellings, the proposed level and scale of built form in this location would significantly reduce the amount of light reaching these spaces and increase the length of time during the day when they would lack direct sun.
14. The mixed use nature of the proposal would inevitably result in additional noise sources at the site arising primarily from the comings, goings and activity of future centre users. Given the proximity of such noise sources to the dwellings at Nos. 231, 233 and 235 this has significant potential to result in increased disturbance to occupiers of these dwellings. In the absence of specific technical advice to the contrary I cannot be certain that the proposal would not cause harm to the living conditions of occupiers of these properties in this respect.
15. Planning permission exists for development, including residential development, on adjacent land to the east of the appeal site. While that scheme has not yet come forward, I attach great weight to its consented status and note that no assessment of potential impacts of the proposal on the living conditions of future occupiers of that scheme has been undertaken. Accordingly, I cannot be certain that the proposal would also not cause harm to the living conditions of future occupiers of that scheme.
16. For the reasons given, the proposal would result in significant adverse harm to the living conditions of neighbouring occupiers with regard to light, outlook, and noise and disturbance. As such, it would fail to comply with Policies D6, D13 and D14 of the London Plan and Policies CC2, SC4 and EQ5 of the Local Plan insofar as they seek to ensure that development protects existing residential amenity at surrounding residential uses with regard to outlook, light and noise. While reference has also been made to Policy IMP2 of the Local Plan, this relates to site allocations.

Living Conditions – Future Occupiers

17. The proposal would provide two residential dwellings, being a studio and a one bedroom flat. The layout of these are shown on the submitted plans as having two bedspaces and an internal area of 41sqm and 61sqm respectively. Policy D6 of the London Plan is clear that dwellings should provide a prescribed amount of internal floorspace, which would be 50sqm for a one bedroom, two person flat, and that a dwelling with two or more bedspaces must have at least one double bedroom that is at least 2.75m wide. It also states that housing development should maximise the provision of dual aspect dwellings

and normally avoid the provision of single aspect dwellings such as that proposed.

18. The studio flat would not meet the floorspace requirements, demonstrating that it would not comfortably support the day to day living requirements of future occupants. The appellant has stated that the intention is for the studio flat to be a one person dwelling, but it is clear from the submitted plans that two bedspaces will be provided. While reference is made to reconfiguring the studio, this is not the scheme before me. In addition, the studio would be single aspect, restricting the outlook experienced by future occupiers and therefore the overall suitability of the space.
19. Policy SC5 of the Local Plan states that a minimum of 5sqm of private external space should be provided for dwellings of 1-2 people, which can be in the form of useable balconies. However, the layout as shown is such that no such external space is proposed at the studio flat. While a suitably sized balcony is provided at the other proposed flat, this would be enclosed largely by an almost solid full height wall with limited perforation, unduly restricting the light and outlook from this space and compromising its useability. Furthermore, Policy SC5 is clear that communal external space should also be provided. While the plans do show an external roof terrace, it is unclear whether this would exclusively serve these dwellings, or be shared with all other communal uses of the proposal. Overall, on the information before me at this stage, inadequate external space would be provided for future occupiers.
20. Given the mixed nature of the proposal and the layout shown on the plans, the apartments would be accessed via a communal corridor and stairwell used by other centre users. Given their position at the site relative to other uses, there is potential for a level of undue noise and disturbance from a range of sources to impact the living conditions of future occupiers of the proposed apartments. However, no noise impact assessment has been carried out. Even acknowledging the outline nature of the application, it remains that I cannot be certain at this stage and on the information provided that the proposal would provide acceptable living conditions to future occupiers in this regard.
21. The appellant has stated that the accommodation to be provided by the proposal would be ancillary, and likely to be occupied by a priest and caretaker of the Gurdwara. However, there is nothing before me to suggest how such ancillary use of the accommodation would be ensured. In any event, it remains that an adequate level and type of accommodation would need to be provided to future occupants regardless of their association with the Gurdwara.
22. For the reasons given, the proposal would cause significant adverse harm to the living conditions of future occupiers with regard to internal and external space provision, and noise and disturbance. As such, it would fail to comply with Policy D6 of the London Plan, Policy SC5 of the Local Plan and the London Plan Housing Supplementary Planning Guidance 2016 insofar as they seek to ensure development achieves satisfactory levels of residential amenity, including with regard to suitable internal and external space.

Environmental Conditions

23. The Council has expressed concerns that the proposal would not ensure suitable environmental conditions with regard to a range of matters to include: contamination; carbon reduction; air quality; and drainage and flood risk.
24. Policy EQ1 of the Local Plan is clear that all development should meet the carbon reduction requirements of the London Plan, which among other things at Policy SI2 seeks to ensure that all development minimises carbon dioxide emissions in accordance with the given energy hierarchy. Policies SI12 and SI13 of the London Plan and Policies EQ2 and EQ3 of the Local Plan seek to ensure that development effectively and sustainably manages flood risk, promoting the use of sustainable drainage solutions. With regard to air quality, the appeal site is in an air quality management area, and Policy SI1 of the London Plan states that proposals should not lead to further deterioration of air quality, while Policy EQ4 of the Local Plan is clear that the Council will seek to reduce potential air quality impacts of development.
25. It has been put to me by the appellant that, due to the outline nature, these matters should be addressed at reserved matters stage. However, the aims the above policies are clear. In this instance, given that the layout and scale of the proposal are to be determined at this stage, and that very limited information is provided with regard to carbon emission, air quality, or flood risk and drainage to show how the requirements of these policies would be delivered, it would not be appropriate to leave these matters to be addressed at a later stage. For the same reasons, I do not consider that they can be appropriately addressed through a suitably worded planning condition.
26. With regard to contamination, I acknowledge Policies SD1 of the London Plan and EQ8 of the Local Plan and the Council's concerns regarding the historic landfill and adjacent former dye works. However, land contamination investigations and, if required, remediation, are commonly matters that can be addressed by a planning condition. Even noting the lack of information provided, I see no reason why this would not be the case here, particularly given the recently consented residential development on adjacent land.
27. Nevertheless, for the reasons given, it remains that based on the information before me the proposal would not provide adequate environmental conditions with regard to carbon dioxide emissions, flood risk and air quality, contrary to Policies EQ1, EQ2, EQ3 and EQ4 of the Local Plan and Policies SI1, SI2, SI12 and SI13 of the London Plan.

Planning Obligation

28. The Council suggests that a planning obligation would be necessary in order to secure: a Travel Plan; a restriction on car permits; and highways works, in addition to the relevant monitoring fees. No such obligation has been submitted.
29. I acknowledge that the proposal is not 'major development'. Nevertheless, the Planning Obligations and CIL SPD 2015 is clear that Travel Plans should be sought on all qualifying development as per Transport for London guidance, including the preparation, implementation and monitoring of the Travel Plan and a financial contribution to monitor and support implementation of the Travel Plan. In this regard, the Council points to Transport for London Planning

Guidance which suggests that a Full Travel Plan should be sought for places of worship with equal or more than 200 members or regular attendees. Given the relationship of the proposal to the Gurdwara, it is therefore reasonable that a Travel Plan should be sought.

30. While access is a reserved matter, it remains that on the basis of the nature, scale, and layout of the proposal it would result in multiple additional trips and movements to and from the appeal site. A Travel Plan is therefore necessary to ensure that sustainable transport options are being supported by the proposal. Even noting the accessibility and PTAL of the area, in the absence of a planning obligation securing such a plan, I cannot be certain that the proposal makes adequate provision in terms of promoting sustainable transport options.
31. However, with regard to a restriction on car parking permits as it relates to the proposal, little justification for this is provided by the Council, and there is nothing before me to justify this being secured by way of a planning obligation through clear reference to a policy or planning guidance. Similarly, while the Council further requires a planning obligation to secure the widening of the footway along Alice Way to the site through a s38/ 278 agreement, I note that access is a reserved matter that is to be assessed at a later stage.
32. Nevertheless, for the reasons given with regard to the requirement for a Travel Plan, I find that the proposal would not make adequate provision for the promotion of sustainable transport methods. As such, it would be contrary to Policy IMP3 of the Local Plan and Policy DF1 of the London Plan insofar as they seek to ensure impacts of development are mitigated through a section 106 agreement, where necessary or appropriate.

Other Matters

33. The main parties agree that the proposal would not affect the significance of the non-designated heritage asset of the Gurdwara or the nearby St Stephen's Conservation Area. Based on my observations and the evidence before me, I have no reason to disagree. The appellant has also raised issues regarding the conduct of the Council during the application stage. However, such issues are not relevant to my assessment of the planning merits of the scheme.
34. The proposal would exist alongside, and operate in conjunction with, the Gurdwara, which caters to cultural and religious needs particularly of the Sikh community but is open to all faiths. In considering this appeal I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others. Following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.
35. The proposal would expand upon the services offered by a place of worship, and cater to various extended needs of the community in an accessible location. It would make effective use of previously developed land and optimising the use of the site and provide additional residential units, albeit that I have found these would be substandard. It would also have a green roof and solar panels, and I note support from interested parties. However, even acknowledging these benefits, along with the other matters outlined, this would not outweigh the harm that I have identified in the main issues above.

Conclusion

36. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR