



Appeal Decision

Site visit made on 17 July 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/F5540/W/24/3340744

The Arches, 1-2 The Ham, Hounslow, Brentford TW8 8EX

- 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 Ms Vicki Keast against the decision of the Council of the London Borough of Hounslow.
- The application Ref is 00543/Z/P1.
- The development proposed is described as “replacing existing roof with new, change of windows, adding internal mezzanine level and change of use from a car garage use class B2 to a joinery workshop use class B2”.

Decision

1. The appeal is dismissed insofar as it relates to the installation of a porta cabin to front elevation with metal staircase to side elevation. The appeal is allowed, and planning permission is granted, insofar as it relates to installation of an internal mezzanine level; reinstatement of four windows to rear arches; new window to rear elevation; installation of shutters over windows to rear elevation; installation of shutter to front elevation and replacement of existing roof with new; change of use of car garage to joinery workshop; installation of additional external fire escape staircase to side elevation and erection of a 1.8 metre high timber fence to rear boundary at 1-2 The Ham, London, TW8 8EX in accordance with the terms of the application, Ref 00543/Z/P1, so far as relevant to that part of the development hereby permitted and 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 approved plans: 201-IN-050; Window detail 28.020.23 Rev A, 201-IN-201-D; 201-IN-200-E; 201-IN-102-D; 201-IN-101-F; 201-IN-100-D; 201-GA-201-D; 201-GA-200-E; 201-GA-102-E; 201-GA-101-G; 201-GA-100-E.
 - 3) Within 3 months of the date of this decision, details of a colour scheme for re-painting the rollers shutters to the rear elevation arches shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details within 3 months of the colour scheme being approved.

Preliminary Matters

2. For the reasons that follow, the works I have granted planning permission for as set out above are clearly severable both physically and functionally from the proposed porta cabin and associated staircase. Therefore, I intend to issue a

split decision in this case and grant planning permission for all the other works proposed.

3. The description of development in the heading above has been taken from the planning application form. However, the appeal form and the Council's decision notice contain a different description of development, that accurately describes all the works proposed on the plans. I have used this in the Decision.
4. The application form indicates that work has started, but not yet been completed. The Council set out that the mezzanine floor, reinstatement of 4 windows to the rear arches, new window to rear elevation, installation of shutters over windows to rear elevation, installation of shutters to front elevation and replacement of existing roof have been carried out. This is what I observed on the site visit. The installation of a porta cabin to the front elevation with metal staircase to side elevation, additional external fire escape staircase to side elevation and erection of a 1.8 metre high timber fence to the rear boundary have not commenced.

Main Issues

5. These are the effect of the proposal on:
 - a) the character and appearance of the Grand Union Canal and Boston Manor Conservation Area, and:
 - b) the living conditions of residents at Bordeston Court utilising the communal garden, with specific regard to privacy.

Reasons

Character and appearance

6. The site contains a 2 storey warehouse building. The frontage is onto The Ham where it is at its narrowest. The building then extends north and westwards where it widens and wraps around the neighbouring warehouse to the west. The old arches are contained within the rear section of the building, with a small off shoot to the west. To the front of the site is a tall roller shutter with one parking space behind, beyond which is the warehouse building with a largely glazed frontage.
7. The site is surrounded to the east and west by warehouses that front The Ham and the area is of an industrial character, with many examples of industrial warehouses of various styles and forms, featuring roller shutters, metal cladding and unsympathetic additions, especially to the other arches buildings. To the northeast the site borders Bordeston Court, a residential block, with the residential shared amenity space adjacent to the rear arches. The site is within the Grand Union Canal and Boston Manor Conservation Area (CA) with the Brentford Town Centre boundary just north of the site.
8. The significance of the CA is derived from active canal related industrial activities that stretch from the combined Grand Union Canal/River Brent and its banks from the borough boundary to the River Thames. The Grand Union Canal and Boston Manor Consultation Draft Conservation Area Appraisal (September 2017) sets out that the canal is important for its topographical effect and as a historic feature within the landscape both in its own right and for its associated structures of architectural interest. The landmarks and historic buildings on the

section between the Great West Road and the River Thames relate more to urban/industrial Brentford. The route through area, known as The Ham, is flanked by a number of structures of architectural and historic interest. The most important of these are the stump of the former dock railway viaduct with the bridge removed, and the locally listed Late Victorian school building.

9. The Council raise no issues with the re-insertion of the windows in the arches, the shutters to the front entrance, fencing, mezzanine level, new roof and both staircases. I agree. These works are appropriate in this context and have an acceptable effect on the character and appearance of the CA.
10. The shutters to the rear are bright green in colour. The colour is noticeably different to the brick and render colours of the wall. However, the colour could be muted by re-painting them, and I note that the appellant has suggested this in their Statement of Case. This could be subject to a planning condition, to be agreed with the Local Planning Authority.
11. The shutters are attached to each of the 4 windows, resulting in 4 shutter boxes and shutters. Whilst the space to the rear is less industrial due to the amenity space, they are not uncharacteristically bulky, projecting marginally from the building, with a narrow shutter box to the top. Roller shutters are common in the area, and their positioning to the rear would not cause harm or require a fundamentally different design response. There are no public views available and a 1.8m tall fence is proposed, which would further reduce their visibility from the communal amenity space. Given the prominence of many other roller shutters in the area, along with the unsympathetic extensions to the other arches buildings, the roller shutters would have a neutral effect. Therefore, providing they are painted to a muted tone, to tie in with the existing walling materials, they would have an acceptable effect on the character and appearance of the area.
12. The new window to the western off shoot does not appear out of place. There are examples of all sorts of windows in the street, including double height ones, even in the locally listed school building. Additionally, there are very few places in which this window would be seen from public viewpoints. Furthermore, the front of the building contains a fully glazed entrance, and the window would be entirely appropriate.
13. Therefore, all proposed works, apart from the porta cabin and its staircase, would have an acceptable effect on the character and appearance of the area. This would be compliant with Policies CC1, CC2 and CC4 of the London Borough of Hounslow Local Plan 2015-2030 (September 2015) (LP). These seek to retain, promote and support high quality urban design that improves and promotes the appreciation of character and qualities of distinctive areas, and conserves and enhances the significance of the Borough's heritage assets.
14. However, the proposed porta cabin would cause significant harm to the CA and the street scene. Whilst I appreciate that, historically, there has been a porta cabin in a similar location, this was removed, and the re-instatement would position this at a much higher level. It would project above the neighbouring buildings and become a prominent and alien feature in the road, looming above the roller shutter entrance. Cladding could improve its visual appearance, but this would not overcome the poor and incongruous nature of its positioning. Therefore, the porta cabin would have an unacceptable effect on the character and appearance of the CA, conflicting with Policies CC1, CC2 and CC4 of the LP.

Because the staircase to access the porta cabin is not severable from it, this too would also form part of the dismissed appeal.

Living conditions

15. The full length window to the western off shoot would be entirely obscure glazed. Therefore, any perception of overlooking towards the shared amenity space, would be simply that, a perception. Harm can only arise when there is actual harm. Additionally, the amenity space is shared, and overlooked by many residents' apartments such that it could not be considered a private area in any event. The proposal would not reduce the enjoyment of this space and there would simply be no harm to the living conditions of the neighbouring residents.
16. Furthermore, any light emitting from the window would be low level and not sufficient to form any kind of harm to living conditions, particularly as it faces towards a small side section of the amenity space and the side elevation of the flats, which contains non-habitable rooms. There would be no overlooking from the arches windows, given the internal floor levels and the proposed fencing. Therefore, the proposal would be compliant with Policy CC2 of the LP, which in this regard, seeks to ensure proposals have a positive impact on the amenity of current and future residents.

Other Matters

17. Land ownership is a civil matter, and I see no reason why this proposal would block a fire escape. I can only consider the proposals before me, and the assertion that the multi-storey extension built on the side of the arches is not permitted is a matter for the Council. Whilst being within the description of the proposed development, the change of use falls within the same use class and thus benefits from permitted development.

Conditions

18. The plans are listed for certainty and the re-painting of the rear arches shutters is necessary for the reasons set out above.

Conclusion

19. For the reasons given above the appeal is allowed in part and dismissed in part.

Katie McDonald

INSPECTOR