



Appeal Decision

Site visit made on 1 August 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/F5540/D/24/3339172

43 Church Street, Hounslow, Isleworth TW7 6BE

- 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 Mrs Carla Muñoz Slaughter against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00262/43/P4 dated 27 September 2023 was refused by notice dated 22 December 2023.
 - The development proposed is First floor side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of a part first floor side extension and the installation of two air conditioning units to the existing side elevation at Number 43 Church Street, Isleworth TW7 6BE in accordance with the terms of the application, Ref 00262/43/P4, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposal above differs from that detailed within the banner heading. The Council's decision notice and appeal form detail a more thorough version of development and I have therefore carried it through to my decision. I do not consider any party has been prejudiced by these changes to the description of development.
3. The appeal concerns development to Number 43 Church Street, a statutorily Grade II listed building (List entry number 1080358, listed 14 June 1951) together with the front railings and lamp.
4. In determining this appeal, I have had regard to the statutory duties imposed upon me within sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses.
5. In addition, the site is located within Isleworth Riverside Conservation Area (CA) and therefore section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA.
6. Whilst I am aware that the appellant submitted a listed building consent application to the Council and this was subsequently approved, I am therefore only concerned with determining the planning application appeal that has been refused by the Council.

7. The adjacent dwelling is known as both 47 and 49 Church Street and I have been made aware by the appellant that this adjacent dwelling consists of two separate dwelling units. There is nothing before me to contradict this information.

Main Issue

8. The main issue is the effect of the proposal upon the living conditions of the adjacent occupants by way of sense of enclosure and overbearing.

Reasons

Significance and special interest

9. The appeal site is Grade II listed and is the Richard Reynolds House comprising of a mid 18th Century two storey dwelling. I consider its significance and special interest derives from its architectural execution that reflects the Georgian architectural aesthetics of the early 18th Century. It is a handsome house with double-hung sashes in architraves with flat arches and five fielded panel door, with door surround of architrave consoles, cornice and pediment. It is symmetrical in appearance with central front door and parapet. The external wrought iron railings and lamp holder to the front boundary are also of significance.
10. The significance of the CA derives from its historic and architectural interest as a well preserved, compact, historic core with a fine and varied collection of buildings dating from the fifteenth century to the twenty first century, laid out on a street pattern dating back to the medieval era. The riverside settlement of Church Street, part of the old village core, with its rich variety of eighteenth and nineteenth century buildings of differing styles and materials, presents a characterful and attractive quality to the CA.
11. The works proposed to the listed building was deemed acceptable by the Council as listed building consent has been granted. As part of this appeal, as is required of me, I must have due regard to its effect upon the heritage assets that are the listed building and the CA. That said, I have no reason to disagree with the findings of the Council with reference to the proposal on these specific grounds. Therefore, I find no conflict with the proposal as it would preserve the special interest of the listed building and preserve and enhance the character and appearance of the CA in accordance with the Act.

Living conditions

12. The first floor above the garage side wing of the appeal site consists of an external terrace with glazed canopy facing the rear garden and a room behind, flat roofed. The proposed new extension to the first floor of this wing would encompass all this existing space by infilling it to create a bedroom with small terrace overlooking the rear garden.
13. The projection of the proposed first floor extension close to the adjacent neighbour would exceed the Council's recommended guidance of approximately 2.5m, as stipulated within their Residential Extension Guidelines. I am however mindful that they caveat this guidance with an acknowledgement that 'every property is slightly different'. With this in mind, I have taken into account the specific context of this appeal site.

14. The proposed extension would project beyond the rear elevation of No. 47/49 Church Street. There are three tall first floor windows facing the rear garden that serve habitable space. The outlook from these windows is currently open to all sides and onto their rear garden that affords clear views over.
15. A first floor extension projecting further over the existing external terrace would be a new feature and, in particular, the closest of these neighbouring three first floor windows to the appeal site would be able to view part of the extension from an oblique angle. It would however be flat roofed and the largely open balcony element would help to mitigate its more solid proportions. There is also a narrow side path between the dwellings that creates some further separation between the two buildings. In addition, the outlook from the rear elevation of No 47/49 is predominantly open in character from all other perspectives. Given their relationship in this context leads me to conclude that I am not convinced that it would give rise to an adverse sense of enclosure or sense of overbearing to the living conditions of these neighbouring occupants.
16. Therefore, to conclude on this main issue, the living conditions of the adjacent occupiers would be safeguarded, and the proposal would comply with the broad living conditions protection aims of Local Plan Policies CC2 (Urban Design and Architecture) and SC7 (Residential Extensions and Alterations). Although it does not comply with the precise wording of the Council's Residential Extension Guidelines, in this specific circumstance I find no significant disagreement with its overall principles.

Other Matters

17. I am aware of the objection to the proposal relating to the air conditioning units. Given their size and fact they would be located in a discrete location to the side of the building adjacent to the path separating this building and the neighbour, I am of the view they would not harm the significance of the heritage assets that are the listed building and the conservation area.

Conditions

18. I have considered the suggested condition from the Council in light of the Planning Practice Guidance and Paragraph 56 of the National Planning Policy Framework as well as being aware of those attached by the Council to the listed building consent application.
19. To that end, in addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty. I agree with the Council that no windows should be permitted within the flank elevation in the interest of loss of privacy and overlooking to the adjacent occupants.

Conclusion

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Alison Scott

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 the following approved plans: Location Plan, P009, P010, P011, P012, P014, P020, P021, P022, P023, P024, P025, P3-109A, P3-111A, P3-112A, P3-114, P3-115, P3-116, P3-117, P3-120A, P3-121B, P3-122, P3-123, P3-124A, P3-125.
- 3) No windows shall be permitted within the flank elevation of the extension hereby approved.

End of Schedule