



Appeal Decision

Site visit made on 17 July 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2024

Appeal Ref: APP/F5540/W/24/3336241

9 Bristow Road, Hounslow TW3 1UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Carmelo Mermina against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00158/9/P3.
 - The development proposed is for a two storey detached house at rear of property and part demolition of existing house to provide access (landscaping to be determined).
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Decision

1. The appeal is allowed and outline planning permission is granted for a two storey detached house at rear of property and part demolition of existing house to provide access at 9 Bristow Road, Hounslow TW3 1UP in accordance with the terms of the application, Ref 00158/9/P3, subject to the conditions in the attached schedule.

Preliminary Matter

2. The proposal is for outline planning permission with landscaping as the only reserved matter.

Main Issues

3. These are the effect of the proposal on the character and appearance of the area, and whether the proposal would provide access to suitable sustainable transport methods.

Reasons

Character and appearance

4. The site relates to a 2 storey mid terrace property located on a residential street. To the rear, there is an area of land that runs along the backs of adjoining properties, forming a rectangular parcel of land. The proposal is to erect a 2 storey dwelling in this area, and partially demolish the internal ground floor of 9 Bristow Road to enable access to the new dwelling. This would be through the existing central part of the bay window, creating an internal courtyard through to the rear. The Council raise no objection to the dwelling itself, only the access arrangements through the bay window.
5. The changes to the bay window include removal of the lower brick section and stone cill to the front central element, replacing this with a small metal framed gate, such that it would be open to the courtyard area. Additionally, the glass

- in the side openings and upper fanlight on the central section would be removed and replaced with timber lining.
6. A large proportion of dwellings on Bristow Road feature original bay windows. However, they are not uniform in design nor a consistent feature. Indeed, some have been unsympathetically replaced with modern porches that cover the ground floor front elevation and the street scene has a mixed quality.
 7. The removal of the stone cill and brick detailing in the central component of the bay would result in the loss of a small part of this original detailing and history. However, given its location to the lower part of the feature, this effect would be largely inconspicuous. Replacement with a small, well designed gate to the lower section, up to the former cill height, and open aspect to the fanlight above would be unusual, but not unacceptably harmful. It would conserve the traditional and structural features of most of the bay window and enable access for the creation of a dwelling in a suitable and accessible location.
 8. However, the replacement of the glazing in the side panels and upper fanlight central section with timber lining would be incongruous and visually detrimental, appearing as a dilapidated 'boarded up' dwelling. There also appears to be no design rationale to support this change. Indeed, retaining the glazing would enable natural light to penetrate the internal courtyard. This element of the scheme would be unacceptable.
 9. Nonetheless, a condition for the submission of materials and their specification would be required in any event as the plans show very little detailing. This would enable control over the materials, and together with an additional condition to retain the glazing to the side panels and central fanlight of the bay window, the proposal would respond sensitively to the local architectural vernacular and character. The additional condition would make the unacceptable part of the development acceptable.
 10. Therefore, with the imposition of conditions, the proposal would have an acceptable effect upon the character and appearance of the area. This would be compliant with Policies CC1, CC2 and SC7 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. It would also be compliant with the Supplementary Planning Document Residential Extensions Guidelines, which aims to protect and enhance Hounslow's character. There would also be compliance with the National Planning Policy Framework (the Framework), which seeks to achieve well designed and beautiful places.

Sustainable transport

11. The entrance to the courtyard area from the bay window feature would be less than 1 metre wide. The advocated doorway width is 1.2 metres to enable cyclists to easily get to and from the cycle parking provided. This is set out in the WESTTRANS West London Cycle Parking Guidance (2017) (WLCPG).
12. However, to retain the bay window detail, the width of the entrance could not be increased. The document acknowledges that it represents best practice, and in this instance, the benefits of retaining the bay window would outweigh the substandard door width for cycling access. Importantly, the width of the door would still enable the future occupants to manoeuvre a bicycle through.

13. Consequently, it would provide access for cycles, and coupled with the cycle parking, the proposal would provide access to suitable sustainable transport methods. This would be compliant with Policies EC2 of the LP and Policy T5 of the London Plan (March 2021). These seek to secure a sustainable local travel network that maximises opportunities for cycling and creates a healthy environment in which people choose to cycle. It would also be compliant with the Framework, which seeks to promote sustainable transport. There would not be compliance with the guidance in the WLCPG, but for the reasons set out above, this matter is outweighed.

Conditions

14. The approved plans are listed for certainty [condition 4]. A condition for an energy strategy would be necessary to ensure the dwelling is carbon efficient [condition 5] along with evidence of implementation [condition 10]. Because the Energy Statement submitted does not indicate the dwelling would be 'zero carbon' nor is it major development, I have removed the requirement for it to achieve 'zero carbon'. I have also not imposed a condition to enter into a formal agreement with the Council as this contemplates the execution of a planning obligation, and there are no exceptional circumstances before me to impose such a condition. I have also not imposed part d of the suggested condition as I see no reason why this would be necessary to make the development acceptable.
15. To ensure a satisfactory external appearance of the development, samples and particulars of external materials would be necessary [condition 6]. To support sustainable transport objectives, a condition for details of cycle storage would be necessary [condition 7]. Condition 8 is required to minimise the use of mains water, as set out in the London Plan.
16. 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 requires arrangements to be put in place to ensure residents cannot obtain a permit. These 'arrangements' are not directly related to planning, and I have removed the latter part of the condition.
17. Conditions to control obscure glazing, external lighting and the hours of construction are necessary to safeguard neighbouring living conditions [conditions 11, 12 and 13].
18. I have not imposed a condition to remove permitted development rights or a restriction on the use, as no exceptional circumstances are presented. I have not imposed a condition for details of waste storage as this is already indicated on the plans. The condition relating to sustainable materials is both unreasonable and unenforceable for a single dwelling.

Conclusion

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

Katie McDonald

INSPECTOR

Schedule of Conditions

- 1) Details of the landscaping as "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with following approved plans and specifications: L-101, P-101, P-102, P-103, P-104, P-105 Rev A, P-106, P-107, Design & Construction Method Statement, Fire Strategy Statement, Energy Statement received 28 March 2022.
- 5) Prior to commencement of development, an Energy Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include measures to ensure energy performance in line with the development plan. The approved strategy shall be implemented in accordance with the approved details.
- 6) Notwithstanding the submitted details, no development above ground level shall take place until details, specifications and samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, specifications and samples.
- 7) The dwelling shall not be occupied until details (including manufacturer's specification) of secure and covered cycle parking (for not less than 2 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 first occupation of the development and thereafter retained for use at all times without obstruction.
- 8) The dwelling shall not be occupied until evidence to demonstrate that it 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 dwelling 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 dwelling shall not be occupied until evidence to demonstrate implementation of the approved Energy Strategy has been submitted to and approved in writing by the local planning authority.
- 11) The dwelling shall not be occupied until the windows in the first floor south west and north east elevations of the new dwelling have been fitted with obscured glazing, and hinged to open inwards or non-opening.

Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed, and once installed the obscured glazing shall be retained thereafter.

- 12) The dwelling shall not be occupied until an external lighting scheme for the access path, including details of the design, illumination levels and product specifications submitted has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays, and 09:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays, Bank or Public Holidays.
- 14) Notwithstanding the submitted details, the glazing in the side panels and central fanlight panel of the bay window of 9 Bristow Road shall be retained.

*****END OF CONDITIONS*****