

Appeal Decisions

Site visit made on 3 September 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal A Ref: APP/F5540/W/24/3341673

5 Chiswick High Road, Chiswick, Hounslow, London W4 2ND

- 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 James Pembroke against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00248/5/P5.
 - The development proposed is described as 'replacement of all windows to the front elevation and two windows to the rear elevation. The installation of one front and one rear roof window, refurbishment of one existing rear roof window. Installation of railings and access staircase to the front lightwell, replacement of lower ground level door. Internal alterations to rear lower ground floor, ground floor, second floor and third floor levels.'
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Appeal B Ref: APP/F5540/Y/24/3341675

5 Chiswick High Road, Chiswick, Hounslow, London W4 2ND

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr James Pembroke against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00248/5/L5.
 - The works proposed are described as 'replacement of all windows to the front elevation and two windows to the rear elevation. The installation of one front and one rear roof window, refurbishment of one existing rear roof window. Installation of railings and access staircase to the front lightwell, replacement of lower ground level door. Internal alterations to rear lower ground floor, ground floor, second floor and third floor levels.'
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Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for 'railings and staircase to the front lightwell, internal alterations including changes to basement plan, WC, replacement floor covering to kitchen, and loft plan. Installation of one roof light to front and one to rear. Proposed works for reinstatement of windows to the first and second floors front elevation, first floor half landing and second floor rear elevation, replacement of ground floor front window with a multi paned sash window', at 5 Chiswick

High Road, Chiswick, Hounslow, London W4 2ND, in accordance with the terms of the application, Ref: 00248/5/P5, subject to the following condition:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 Rev A, P01, P02, P03, P04, P05, P06, P07, P08, P09, P10, Fire Plan, and P11, P12, P13, P14, P15, P16, P17, P18, P19, P20, P21.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for 'railings and staircase to the front lightwell, internal alterations including changes to basement plan, WC, replacement floor covering to kitchen, and loft plan. Installation of one roof light to front and one to rear. Proposed works for reinstatement of windows to the first and second floors front elevation, first floor half landing and second floor rear elevation, replacement of ground floor front window with a multi paned sash window', at 5 Chiswick High Road, Chiswick, Hounslow, London W4 2ND, in accordance with the terms of the application, Ref: 00248/5/L5, and the plans submitted with it.

Preliminary Matters

3. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
5. The description of development and works set out in the headings above is taken from the application form. However, the decision notices refer to the description as "railings and staircase to the front lightwell, internal alterations including changes to basement plan, WC, replacement floor covering to kitchen, and loft plan. Installation of one roof light to front and one to rear. Proposed works for reinstatement of windows to the first and second floors front elevation, first floor half landing and second floor rear elevation, replacement of ground floor front window with a multi paned sash window." This is also the description used by the appellant on the appeal forms. I consider this to be a more accurate description of the appeals proposal and I have therefore considered the appeals on this basis.
6. The proposal would comprise internal alterations including changes to basement plan, WC, replacement floor covering to kitchen, and loft plan. Installation of one roof light to front and one to rear. Proposed works for reinstatement of windows to the first and second floors front elevation, first floor half landing and second floor rear elevation, replacement of ground floor front window with a multi paned sash window. The Council found these aspects of the proposed development and works to be acceptable. From the submitted evidence I find no reason to disagree and conclude that these elements of the proposal do or would preserve the listed building, and any features of special architectural or historic interest which it possesses and would not harm its significance. Therefore, the focus of these appeals is on the proposed construction of the railings and staircase to the front lightwell.
7. At my site visit I saw that the railings and staircase to the front lightwell had been constructed on site. However, as I cannot be certain that what has

been built is fully in accordance with the plans before me, I have assessed the development and works as shown on the submitted plans.

Main Issues

8. A main issue in Appeal A and the main issue in Appeal B is:

- whether the proposal would preserve a Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses.

9. Additional main issues in Appeal A are:

- the effect of the proposal on the living conditions of neighbouring occupants; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Special interest and significance

10. The appeal site, 5 Chiswick High Road (No 5), comprises a three-storey terraced house dating from the early 19th Century located on the south side of Chiswick High Road. No 5 forms part of a group of terraced properties, 5-9 Chiswick High Road, that are designated as a Grade II listed¹ building.
11. The terrace has a symmetrical design and is constructed from yellow London stock brick, with rusticated stuccoed ground floor and basement. Nos 5-9 have simpler, less embellished facades than the central bay and bookends of the wider terrace, but their elegant design, whilst altered with replacement cornices, new roofs, dormer windows and rendering in parts, is still visually attractive with a continuous balcony at first floor level and parapet, providing the façade with a horizontal emphasis which is counterbalanced by matching fenestration aligned vertically.
12. The appeal property (No 5) is three stories over a basement with an attic storey in a mansard roof. It is set within a large plot, with a sizable front garden bounded by black metal railings to the street and a large courtyard rear garden.
13. The special interest of the listed building is mainly derived from its architectural quality and historic interest as an early 19th century terraced block of houses representative of the style of the time. The associative value of the terrace can be linked to the architect John Blore.
14. Pertinent to the appeals, the formal frontages of Nos 5-9, incorporating lightwells, allow the properties to be experienced and their heritage merit appreciated. As such, the immediate setting of the asset, also contributes in part to its special interest and significance.

¹ List Entry Number: 1358690, 5-9 Chiswick High Road, Grade II

Proposal and effects

15. Although the proposal's black metal railings would be upright, they would be of a similar height, width and design to the appeal site's existing front boundary railings. They would also appear in keeping with the front boundary treatments of the wider terrace, and the existing black railings at first floor level. Whilst the proposal's railings would not have finials, this would allow the railings to be legible as a modern intervention. The railings would also be set well back from the road behind a deep front garden, which would restrict visibility of the railings when viewing the house from Chiswick High Road.
16. The Council's Residential Extension Guidelines Supplementary Planning Document (adopted 2017) (SPD) states that "*in most cases lightwells should be secured by grilles set flush with ground level rather than upright railings as the latter adds clutter to front gardens and the streetscene*". However, it goes on to say, "*though these may be acceptable at properties with large gardens or where similar lightwells are a feature of the street*". For the reasons set out above, this would clearly be the case here.
17. Consequently, the railings would be of an appropriate form and appearance, being set well back from the road behind a deep front garden. It would not result in visual clutter but would instead blend comfortably with the character of the terrace. As such, it would not have a harmful impact on the historic merit of the listed building.
18. By virtue of their minimalist form and complementary material, the installation of steps and railings would not disrupt the authenticity of how the asset is experienced or diminish the contribution the immediate setting makes to its significance.
19. The slim structure of the proposed lightwell staircase would be positioned close to the listed building and below ground. Views of the staircase from the immediate surroundings would therefore be restricted by its positioning below ground, and also by the existing boundary railings and front garden planting. Thus, it would not be apparent in views from the road. The Council consider that the staircase would not reflect guidance contained in the SPD, which seeks to restrict staircases to lightwells. However, the lightwell's former role would still be evident, and it would continue to provide natural light to the basement area. Therefore, its contribution to the significance of the heritage asset would not be harmed by the development and works. The staircase would not result in visual clutter as it would be discreetly located.
20. Moreover, the appellant states that the staircase would be lightweight and fully reversible, being only bolted in place. The architectural integrity of the front elevation would therefore be retained.
21. To conclude on this issue, I find that the proposal would not have an adverse effect on the listed building. Whilst I acknowledge that the proposal would result in change, the change would be minimal and the elements which contribute to the listed building's inherent special interest would be preserved and its significance would not be harmed.

22. Accordingly, I conclude that the proposal would preserve the Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses. It would therefore satisfy the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
23. It would also accord with Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan 2015-2030 (adopted 2015) (Local Plan). Amongst other things, these policies seek to ensure developments complement the character of the area through high quality design and conserve and enhance the significance of the Borough's heritage assets.
24. In finding no harmful effects to the special interest and significance of the designated heritage asset, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Living Conditions

25. Due to the location of the proposed lightwell staircase near to the front door, it is likely that occupants of No 5 would continue to use the front door as the main point of access to the dwelling. Therefore, neighbouring occupiers would not suffer from undue noise and disturbance given the limited number of people that would be using the basement access. I am also satisfied that the privacy of neighbouring occupiers would not be adversely affected by its limited use.
26. Furthermore, because of the limited additional structure that would be visible above the existing lightwell, the proposal would have no impact on neighbouring residents in terms of loss of light or overshadowing.
27. The Council's SPD states that "*basements should be accessed internally from the house. Separate access to the basement from stairs or ladders (apart from any emergency escape) will not be permitted.*" The Council state that this avoids the potential for the basement being used as self-contained accommodation as this could harm neighbours living conditions. However, the basement of No 5 has no kitchen and is intended to be ancillary to the main house. Therefore, it is not a self-contained apartment that is separate from the main house.
28. Moreover, the appellant is concerned that anyone sleeping in the basement bedroom would not be able to escape if the kitchen on the ground floor was to catch fire. As the SPD guidance makes an exception for emergency escapes, including stairs, I consider that the proposal would not conflict with the SPD in this instance.
29. For the reasons above, I conclude that the proposal would not result in unacceptable living conditions for neighbouring occupiers. Consequently, it would not conflict with Policies CC2 and SC7 of the Local Plan, which, amongst other things, seeks to ensure development has a positive impact on the amenity of current and future residents, and minimises harm to neighbouring residents through high quality design.

Character and appearance

30. No 5 and the wider row of terraced properties are set back from the road and some have deep, enclosed front gardens. The boundary treatments include low brick walls, railings and vegetation.
31. The materials used for the proposed railing would be reflective of materials currently present on the appeal property and within the immediate area. The railings would sit to the rear of No 5's front garden and its form and open nature would maintain views of the building. As it would be set well back from the road, views of the railings from the street scene would be minimal.
32. Furthermore, the proposed staircase would be discreetly located below ground and therefore views of the staircase from the surrounding area would be negligible.
33. Consequently, the proposal would not be harmful to the character and appearance of the area. As such, it would accord with Policies CC1, CC2, CC4 and SC7 of the Local Plan. These policies, amongst other things, seek to ensure developments maintain the character and local distinctiveness of the area through high quality design.

Other Matters

34. The appeal site is adjacent to the Grade II listed 3 Chiswick High Road (No 3). No 3 is an early 19th Century end of terrace dwelling that is currently in residential use. The special interest and significance of No 3 is largely derived from its historic and architectural interests. Of relevance, it also stems in part from its value as part of a wider group of listed buildings and its urban townscape setting.
35. Given the positioning and limited extent of the proposal, the setting of this listed building would be preserved and the contribution it makes to the asset's significance would not be harmed. This would meet the requirements of section 66(1) of the Act; the provisions of the Framework regarding the conservation and enhancement of the historic environment; and the policies in the Local Plan referred to above.

Conditions

36. Given that the development and works have already commenced I have not imposed conditions setting the time period for commencement. Nevertheless, I have imposed a condition in relation to Appeal A identifying the approved plans for sake of certainty. However, it is not necessary for this to be included as a condition on the listed building consent, as adherence to the plans which accompany the application/appeal is part of the formal decision. In this regard I have referenced the plans in my decision, and, for the avoidance of doubt, these are the same as the plans listed in relation to Appeal A.

Conclusion

37. **Appeal A:** The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development

plan. Therefore, for the reasons given and subject to conditions, I conclude that Appeal A should be allowed.

38. **Appeal B:** For the reasons given and subject to conditions, I conclude that Appeal B should be allowed.

H Smith

INSPECTOR