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## 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<sup>th</sup> November 2024**

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### **Appeal A Ref: APP/F5540/W/24/3341290**

#### **6 Chiswick Square, Chiswick, Hounslow, London W4 2QG**

- 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 Dewey Atkins against the decision of the Council of the London Borough of Hounslow.
  - The application Ref is 00252/6/P3.
  - The development proposed is demolition of existing side conservatory and erection of a single storey side extension, erection of second floor extension and associated internal alterations. Erection of front low wall and railings.
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### **Appeal B Ref: APP/F5540/Y/24/3341289**

#### **6 Chiswick Square, Chiswick, Hounslow, London W4 2QG**

- 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 Dewey Atkins against the decision of the Council of the London Borough of Hounslow.
  - The application Ref is 00252/6/L3.
  - The works proposed are demolition of existing side conservatory and erection of a single storey side extension, erection of second floor extension and associated internal alterations. Erection of front low wall and railings.
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### **Decisions**

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

### **Preliminary Matters**

3. As the proposal relates to a listed building which is within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

### **Main Issues**

5. A main issue in Appeal A and the main issue in Appeal B is:
  - whether the proposal would i) preserve the Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Old Chiswick Conservation Area.

6. An additional main issue in Appeal A is:

- the effect of the proposal on the living conditions of neighbouring occupants.

## **Reasons**

### *Special interest and significance*

7. The appeal property, 6 Chiswick Square (No 6), is a two-storey end of terrace dwelling. It is part of the Grade II listed<sup>1</sup> 3-6 Chiswick Square, a late-17<sup>th</sup> Century house to which No 6 forms a late-19<sup>th</sup> Century extension.
8. The evidence indicates that the central portion of the listed building (now numbers 4 and 5 Chiswick Square) was originally built as a residential dwelling. Reference is also made to the buildings historic use as a school for girls and then a rehabilitation home in the 19<sup>th</sup> Century, before being converted into multiple dwellings in the 1980s. However, the western wing where the appeal site sits was not built as a dwelling but was later converted into residential use in the 1980s.
9. The listed building is located on the southern side of Chiswick Square, which was developed around 1680. The central portion of the building is mainly constructed from brown brick with red dressings. It includes the principal, five-bay section which is three storeys with attic storey in the hipped roof and a basement. There are two projecting wings to its sides. The principal (north) elevation has a symmetrical design which incorporates a central door and a series of large sash windows that give it a stately and formal appearance. It reflects classic Georgian proportions, exhibiting the influence of Palladian architecture with a strong sense of symmetry. The central portion of the listed building is taller than its eastern and western wings, indicating the hierarchy of massing on the site.
10. To the west of the central portion is the western wing. It is three storeys over a basement. The north elevation is mainly a blank brick elevation, with only 3 windows at second floor level and one at first floor. The rear elevation is four windows wide with a symmetrical design of large sash windows.
11. Pertinent to the appeals, the westernmost end of the listed building is where the appeal site is located (No 6). It is two storeys with an additional lower, two-storey side extension which projects slightly further forward. There is a single-storey modern conservatory to the rear and a single-storey extension to the northern elevation. It has a modest form with less architectural detailing than the central portion of the listed building. Its shallow hipped roof profile sits considerably lower than the roof form of the central portion of the building and is also lower than the roof form of the main western wing. In this respect, the status and hierarchy differentiation between the taller central portion and the more subservient western wing and the appeal building is evident.
12. Given the above, I find that the special interest and significance of this heritage asset largely derives from its historic and architectural interests. These are drawn from its illustration of a former high-status manor house with a polite architectural style and symmetry, and its evolution over time, as well as the historic fabric and features that survive from the physical origins of the

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<sup>1</sup> List Entry Number: 1189355 – '3-6 Chiswick Square including railings and paving stones in garden', Grade II

historic building. It is also drawn from the modest form and design of the western wing and the appeal building, which complement the grandeur of the central portion of the building with its striking architectural features and scale.

13. Pertinent to the appeals, the formal frontages of the Chiswick Square buildings, including the appeal building, 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.
14. The listed building is located within the Old Chiswick Conservation Area (CA). The CA, which includes the historic settlement of Chiswick on the north bank of the Thames, is characterised by 17<sup>th</sup> and 18<sup>th</sup> century village development. The Fullers Brewery site is also a prominent part of the CA and has a 19<sup>th</sup> century industrial appearance. The Chiswick Square buildings present a dominating group of buildings within the CA, especially given the striking height and architectural features of the central portion of the listed building. They provide a sense of place and enrich the townscape. The special interest and significance of the CA mainly stems from the varying ages and architectural styles of its historic buildings that reflect the evolution of the area.
15. The listed building largely retains its overall external historic character and detailing and therefore makes a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.
16. The appellant suggests that the appeal building is of less significance relative to the central portion of the listed building and thus provides a lower positive contribution to the CA. There is a phased evolution of the building and a hierarchy of form and design between the central portion and its eastern and western wings, including the appeal building. Nevertheless, it still contributes in a tangible and meaningful way to the special interest and significance of the listed building and the CA.

#### *Proposal and effects*

17. The current design of No 6, with a lower hipped roof, maintains a physical and visual subservience and hierarchy between the central portion of the listed building and the western wing. The central portion is typically designed as the dominant structure, while the western portion remains visually subordinate.
18. The proposal would involve the demolition of No 6's roof structure and extension upwards by one storey. This upward extension would significantly increase the scale and bulk of the western wing, altering its relationship with the central portion of the listed building. This change would be especially noticeable on the building's north elevation, as the current footprint of No 6 extends beyond the older façade on No 4, the building's historic principal elevation. This would disrupt the overall balance and proportion of the listed building, diminishing its aesthetic appeal.
19. Raising the roofline to a height that would come close to matching the central portion of the building would cause the extension to look like an awkward and oversized addition, rather than a harmonious part of the building's architectural evolution. It would change from being a modest, complementary wing into a much more prominent and dominant element of the building. This

would negatively alter the historic integrity of the building and the authenticity of how it is experienced.

20. The proposed single storey side extension that would replace the existing conservatory would be taller than the existing structure and would have a flat roof terrace with a brick parapet wall that would be visible from Boston Gardens. This would result in a substantial solid and imposing structure with a flat roof design and an unbalanced approach to fenestration details that would not be in keeping with the listed building. Consequently, it would appear as an incongruous addition to the historic fabric, particularly by reason of the size of the solid structure.
21. The appellant's statement suggests that the building's roofscape is varied with little coherence across the various wings due to alterations over time. It also states that the proposed roof form is characteristic of existing roof forms in the immediate area. Nevertheless, for the reasons given, the proposal would diminish the architectural integrity, charm and balance of the listed building.
22. While there have been historical changes and alterations to the listed building, including structural and footprint changes to the eastern and western wings, the dominance and presence of the central portion of the building remains evident.
23. The proposal would result in a loss of historic fabric due to the demolition work. Although there would be no loss of fabric to the main central core of the listed building, the proposal would nevertheless result in a considerable loss of fabric to the building's westernmost wing. Even though the evidence claims that there have been previous removals of fabric from the building within the vicinity of the site, this does not justify a further loss of historic fabric. In particular, the removal of the roof would result in the irreversible loss of historic fabric and roof form, which would be harmful to the special interest and significance of the listed building.
24. The appellant suggests that the conservatory to the rear elevation is a 20<sup>th</sup> Century addition that detracts from the significance of the historic core. However, the glazed conservatory appears subservient to the listed building, unlike the proposal which would have a larger bulk due to its greater overall height and solid structure. In any event, the presence of the existing conservatory, which I find has a neutral effect on the listed building, does not justify unacceptable development and works.
25. The main parties agree that the removal of the existing internal staircase would be acceptable, as it is not a historic feature of the building. Based on the evidence before me, I see no reason to disagree. However, the proposal would reposition the existing entrance door and the adjacent ground floor window on the west elevation by swapping their locations. Insufficient detail and information have been submitted as to what is being proposed in this regard, and therefore a meaningful assessment cannot be made. As such, I cannot be certain that the proposal would not result in the loss of or damage to the listed building's historic fabric.
26. The materials used for the proposed front wall would be reflective of the materials currently present on the listed building, and the metal railings that would sit on top of the wall and the gate would have a more open nature, maintaining views of the building. Therefore, I find this element of the

proposal would not disrupt the authenticity of how the asset is experienced or diminish the contribution the immediate setting makes to its significance. Nevertheless, a lack of harm in this regard is a neutral consideration and does not weigh in support of the appeals.

27. Taking into account the building's prominence along Boston Gardens, it follows that the identified negative effects to the listed building would also harm the positive qualities of the CA. In these regards, the proposal would not preserve or enhance the character and appearance of the CA as a whole and thus would harm its significance as a designated heritage asset.
28. Drawing the above together, the proposal would not i) preserve the Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Old Chiswick Conservation Area. In doing so it would harm the significance of these designated heritage assets.

#### *Public benefits and balance*

29. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would, individually and cumulatively, be 'less than substantial' but nevertheless of considerable importance and weight.
30. Notwithstanding the above, the appellant does not dispute that less than substantial harm would exist, although they contend that it would be at the very minor end of the scale. Furthermore, that this harm would be outweighed by the moderate public benefits that would be delivered as a result of the proposal.
31. However, decision makers are not obliged to place the harm that would be caused to the significance of a heritage asset, or its setting, somewhere on a 'scale' in order to give the necessary great weight to the asset's conservation. The Framework's division of harm into categories of 'substantial' or 'less than substantial' is adequate to carry out the weighted balancing exercise to determine whether a planning proposal is acceptable. In any event, a finding of less than substantial harm does not amount to a less than substantial planning objection and carries considerable importance and weight.
32. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
33. In this case, economic benefits would be delivered through the construction phase and the general investment into the property. Social benefits would be generated by an improvement to the local housing stock. Heritage benefits would also accrue from the improvements to the facades which would include repairs to existing cracks, and the reinstatement of decorative detail. These would assist the conservation of the asset in a manner appropriate to its significance. The appellant suggests that the proposal would also enable the removal of the existing poor-quality boundary wall which is of a discordant brick stock and thought to detract from the setting of the building. Such benefits would be moderated by their extent, but still carry weight in favour of

the appeals. Nevertheless, the proposal to enable additional accommodation for family use, would primarily be a private benefit to occupants of the property.

34. However, I am not persuaded that the only way of securing such benefits would be via the proposal. Additionally, no compelling evidence is before me which confirms that the property would not be usable or viable as a dwelling or that its future would be at risk if the appeals were to fail and the development and works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building and the CA has not been clearly and convincingly justified as required by Paragraph 206 of the Framework.
35. On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this would not be outweighed by the minor public benefits arising from the proposal.
36. I conclude that the proposal would not i) preserve the Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses; and ii) preserve or enhance the character or appearance of the Old Chiswick Conservation Area. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan 2015 – 2030 (adopted 2015). 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.

#### *Living Conditions*

37. The proposal would include the addition of a full storey extension at first floor. The positioning of the proposal's windows would not result in an unacceptable impact upon the living conditions of neighbouring occupiers, particularly in relation to overlooking or loss of privacy, given that they would provide a similar outlook to the existing first floor level windows. There would be sufficient separation distances between properties and limited direct views into neighbouring gardens.
38. Although the proposal would extend upwards, its elevation adjoining No 5 Chiswick Square would be south facing, and therefore it would not result in a loss of light or sense of enclosure to the garden of No 5.
39. As the proposed roof terrace above the side extension would be concealed behind the parapet wall, there would be no loss of privacy to neighbouring occupiers. Views from the terrace would mainly overlook the adjacent road at Boston Gardens.
40. For the reasons given, the proposal would not affect the existing privacy and amenity of its immediate neighbours. The proposed second floor extension would not harm the living conditions of the adjoining neighbour at No 5 Chiswick Square. Due to sufficient separation distance, it would not reduce privacy or loss of light to the garden of No 7 Chiswick Square, which is set to the north. Furthermore, the proposed extension would not harm the living



conditions of occupiers at Nos 1-6 Langham Place or Nos 1-3 Boston Gardens, due to the large separating distances.

41. I therefore conclude that the proposal would not result in unacceptable living conditions for neighbouring occupiers. Consequently, it would accord with Policies CC1, 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. In addition, the proposal would accord with paragraph 135 of the Framework, which promotes health and well-being, with a high standard of amenity for existing and future users.

### **Other Matters**

42. The appeal building is located near to a number of other listed buildings, including 1 Chiswick Square (Grade I), 2 Chiswick Square (Grade II), 7 and 8 Chiswick Square (Grade II), and The George and Devonshire Arms Public House (Grade II). Mindful of the statutory duty set out in section 66(1) of the Act, I have had special regard to the desirability of preserving their settings. From the evidence before me, the special interest and significance of these assets largely stem from their historic and architectural interests, but are also derived, in part, from their urban townscape settings.
43. Given the extent and nature of the proposal, I find that the asset's settings would be preserved and their significance, including the contribution made by their settings, would not be harmed.
44. My attention has been drawn to some recently approved schemes at the appeal site<sup>2</sup>. However, these approved schemes differ from the appeal scheme because they do not include any upward extensions to the listed building itself, only single and two storey extensions are proposed. Furthermore, the approved first floor extension and the two-storey side infill extension would not be taller than the existing house. As such, the approved schemes are significantly different to the proposal before me.
45. There is a more than theoretical chance that the approved schemes would be implemented. Nevertheless, they are not as harmful as what is before me, so carry little weight and do not alter my decisions.

### **Conclusions**

46. **Appeal A:** The proposed development would conflict with the development plan when taken as a whole. 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, I conclude that Appeal A should be dismissed.
47. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

*H Smith*

INSPECTOR

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<sup>2</sup> P/2024/2673 and P/2024/2717, P/2024/2990 and P/2024/3228