



Appeal Decision

Site visit made on 18 July 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/F5540/W/24/3339586

Rear of 368-388 Bath Road, Hounslow TW4 7HT

- 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 Asif Rahman against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00083/R/O368-388/P1.
 - The development proposed is described as the erection of part single part three storey building to create 8 residential units together with communal facilities, parking, access, service access, landscaping and associated works following removal of existing temporary structures.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - i. the living conditions of the occupants of 2 Manor Avenue and dwellings adjoining Francis Road with regards to privacy, outlook, and levels of noise;
 - ii. the living conditions of future occupiers, with regards to levels of noise, air quality, privacy, and levels of daylight and sunlight; and
 - iii. the viability of the commercial premises adjoining Bath Road.

Reasons for the Recommendation

Living Conditions of Surrounding Residents

4. The southern boundary of the access lane adjoining the appeal site is primarily delineated by single storey outbuildings with the rear gardens of No.2 and the properties adjoining Francis Road beyond. The low level of the buildings to the rear of the businesses adjoining Bath Road create a spacious and open feel to the north of these properties, bestowing these rear gardens with good levels of privacy and outlook for their users. These areas form the only private external space of these properties, elevating their importance to their occupiers.

5. The southern elevation of the proposal would be less than 10 metres from the southern boundary of the access lane and less than 18 metres from a proportion of the rear garden areas of No.2 and the properties adjoining Francis Road. The maximum height of the proposed 8 residential units would be approximately 10.5 metres, substantially above that of the existing single storey buildings in the immediate area. The significant height of the proposal combined with its close proximity would create an oppressive and overbearing form of development when viewed from the rear gardens of No.2 and the properties adjoining Francis Road.
6. The ground floor of the proposal would be relatively tall, having a maximum height of approximately 5 metres. This would increase the height of the extensively glazed first-floor and second-floor southern elevations of the 8 residential units and their associated private terraces on each floor. The close proximity of the proposed private terraces to the boundary with the dwellings to the south, combined with the elevated first and second floors would effectively create viewing platforms. Future users of these terraces would be offered unrestricted views of the rear garden areas of No.2 and the properties adjoining Francis Road, unacceptably harming the privacy of these occupiers.
7. The above identified harm to the outlook and privacy of the rear gardens of No.2 and the properties adjoining Francis Road would be more pronounced due to the good levels of privacy and outlook these areas currently enjoy and their importance to their occupiers as the sole external private space.
8. Any additional levels of external noise produced by those utilising the proposed external terraces would be commensurate with their domestic use and as such would comparatively be expected to be of a relatively low level. Furthermore, this would be experienced within the context of the existing levels of background noise and therefore any additional levels of noise within the rear garden areas of No.2 and the properties adjoining Francis Road would be limited.
9. In conclusion, whilst the proposal would be acceptable with regards to its effect on levels of noise, it would have a significant unacceptable impact on the occupiers of No.2 and the properties adjoining Francis Road with regards to outlook and levels of privacy. As such, the proposal would conflict with the relevant provisions of Policies CC2, SC4 and EQ5 of the London Borough of Hounslow Local Plan 2015-2030 (2015) (HLP) and the provisions of the London Plan (2021) (LP), which when read tother require development to have a positive impact on, and protect the living conditions of, neighbouring residents.

Living Conditions of Future Occupiers

10. The appeal site forms a section of primarily single storey buildings and service yards associated with the businesses adjoining Bath Road to the north. Whilst I note that the Council refer to informal businesses operating out of some of these buildings, I have not been presented with any definitive evidence of this. This area adjoins an existing narrow lane connecting to Manor Avenue to the west and Rosemary Avenue to the east providing access.
11. During my site visit I noted a modest level of background noise from multiple sources. Whilst my site visit represents a snapshot in time, this conclusion is supported by the findings of the noise report submitted by the appellant.

12. The proposal would involve the construction of a three-storey building containing 8 residential units together with a communal central roof terrace and a gym on the first and second floors respectively. The residential units would benefit from private external terraces with a depth of at least 1.5 metres at first and second floor, adjacent to the access lane to the south.
13. Policy SC5 of the UHLP sets out specific requirements for the provision of external living space for new residential developments. Whilst the proposal would meet the requirements for private external space, it would fall marginally short of the required 84sqm of communal external space by 6sqm. Nevertheless, given the provision of first and second floor private terraces for each unit and public open space within a reasonable walking distance of the appeal site, the minor undersupply of communal external space is on balance considered acceptable in this instance.
14. The World Health Organisation and BS8233 (2014) give an upper guideline value for noise levels within external living areas of 55 dB $L_{Aeq16hr}$. Nevertheless, this figure is guidance and noise levels in excess of this would not necessarily prohibit development.
15. The noise report included a sound level monitoring position to the south of the site, registering a value of 63 $L_{Aeq16hr}$. A further survey targeting noise levels from activity along the access lane provided values of 65 dB L_{Aeq} . Whilst these values are moderately in excess of the 55 dB $L_{Aeq16hr}$ figure they are considered to pose a medium noise risk by the ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise (2017). The proposed building would provide a level of screening of these private external areas from traffic noise along Bath Road with the cantilevered balconies reducing noise from the access lane. Furthermore, the appellant has suggested the use of covered pagodas/gazebos on the private terraces to further mitigate these external noise levels. Therefore, on the evidence before me, acceptable levels of noise within the private external terraces could be achieved.
16. The noise report demonstrates that internal ambient noise levels in line with those stipulated within BS8233 (2014) could be achieved through the use of such measures as triple glazing and mechanical ventilation which could be secured through condition. Additionally, the Council confirm that based on the submitted Air Quality Assessment, any air quality impact on future occupiers could be mitigated to an acceptable level through conditions. There is no evidence before me from which to take an alternative view.
17. The windows serving the rear second-floor bedrooms of the proposal would be positioned within the northern elevation, facing the windows within the southern elevation of the buildings adjoining Bath Road. The separation distance of these windows is demonstrated within the submitted plans as being 18 metres, complying with the standards set out within the Hounslow Character, Sustainability and Design Codes Supplementary Planning Document (2024), therefore providing adequate levels of privacy for future occupiers. Furthermore, this separation distance would permit adequate levels of daylight and sunlight to the windows within the northern elevation of the proposal and therefore to the rooms that they serve.
18. I acknowledge the Council's comments that the rooftops of the buildings to the rear of the commercial properties adjoining Bath Road can be accessed by residents and commercial occupiers. Notwithstanding, these rooftops are not

formalised external living areas and therefore I cannot consider their use as such in formulating my decision.

19. In conclusion, the proposal would be acceptable with regards to its effect on levels of noise, air quality, privacy, and levels of daylight and sunlight of future occupiers. As such the proposal would comply with the relevant provisions of Policies CC2, and EQ5 of the HLP and the provisions of the LP, which when read together require new development to have a positive impact on the living conditions of future residents and avoid significant adverse noise impacts.

Viability of Commercial Premises

20. The commercial premises adjoining Bath Road form part of the Hounslow West Large Neighbourhood Centre and utilise the buildings and service yards to the rear in their day-to-day function. During my site visit I observed multiple flues and extraction equipment on the roofs of the buildings associated with the commercial premises, many vehicles parked within these service yards, and delivery vehicles entering the exiting the access lane. Whilst again my site visit represents a snapshot in time, this is not dissimilar from that described within the Council's delegated report or the appellant's planning statement.
21. The noise report accompanying the application indicates that the primary noise sources at the appeal site are traffic along Bath Road and aircraft. The activities of the businesses along Bath Road, including associated vehicle movements along the access lane, will contribute to levels of noise. Nevertheless, based on the findings of the noise report they would not, on their own, result in unacceptable levels of noise for future residents of the proposal. Furthermore, the Council confirm within their delegated report that air quality impact on future occupiers could be mitigated to an acceptable level through conditions.
22. The proposal would retain and formalise the existing service yards of the businesses adjoining Bath Road, maintaining the existing access and parking levels of these businesses. The ground floor service area would be exclusively for the use of these businesses and the appellant confirms within their Servicing and Deliveries Statement that the proposal would be car free. I note the Council raises concerns regarding the potential conflict between future occupiers of the proposal and the businesses adjoining Bath Road, surrounding access and parking. Nonetheless, this is a civil matter and beyond my remit insofar as it relates to a consideration of the planning merits of the appeal.
23. In conclusion, the proposal would not affect the viability of the businesses adjoining Bath Road. As such the proposal would comply with the relevant provisions of Policies TC5 and CC2 of the HLP and Policy D13 of the LP, which when read together require development to Protect the retail and community functions of neighbourhood centres.

Other Matters

24. I acknowledge the contribution of the 8 additional dwellings to the existing housing stock in addition to the substantial weight afforded to the value of using suitable brownfield land within settlements for homes. Nevertheless, given the relatively low number of additional dwellings, I afford this benefit overall moderate weight. I additionally attribute limited weight to the improvement of the existing discordant nature of the access lane.

Nevertheless, I am satisfied that these combined benefits would not outweigh the above identified harm to the living conditions of the occupiers of No. 2 and the properties adjoining Francis Road and resultant conflict with the development plan.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, the proposed development would not accord with the development plan, when taken as a whole, and I recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR