



Appeal Decision

Site visit made on 4 March 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2025

Appeal Ref: APP/F5540/W/24/3356401

Whitelocke House, 2-4 Lampton Road, Hounslow TW3 1JL

- 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 Jacques Bingham and Mr Henry Hardy of Whitelocke House HL Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is P/2024/1004.
 - The development proposed is the erection of two additional storeys to provide eight additional self-contained flats and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two additional storeys to provide eight additional self-contained flats and ancillary works at Whitelocke House, 2-4 Lampton Road, Hounslow TW3 1JL in accordance with the terms of the application, Ref P/2024/1004, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr Jacques Bingham and Mr Henry Hardy of Whitelocke House HL Limited against the Council of the London Borough of Hounslow. This is the subject of a separate decision.

Preliminary Matters

3. The Council is currently undertaking a review of the Local Plan and the emerging Local Plan 2020-2041 is programmed to be adopted in 2025. However, I have not been presented with any policies within the emerging plan that are relevant to this appeal.

Main Issues

4. The main issues are:
 - whether future occupiers of the proposed development would experience acceptable living conditions, with specific reference to external communal space; and
 - whether adequate waste facilities for the existing and future occupiers of Whitelocke House are provided within the proposed development.

Reasons

External communal space

5. Policy SC5 of the Local Plan¹ requires external communal space to be provided at no less than a specific quantum, based on the number of habitable rooms per flat, less the area of private space proposed. Whilst all the proposed dwellings would be provided with private external space in excess of the space standards set out in Policy SC5, no external communal space is proposed and none exists on-site for the current occupiers of Whitelocke House.
6. Nonetheless, Policy SC5 of the Local Plan does provide some flexibility in the application of external space standards, through the use of the term 'benchmark'. Additionally, this policy sets out the Council's expectation for proposals to demonstrate how the benchmark standards have been considered, including how the local character and/or the size and use of a dwelling unit has influenced any variations in the exact area provided. The site is located within a highly accessible area and within approximately a 10 minutes' walk of Lampton Park, a large green space which provides a range of formal and informal facilities for all ages. Coupled with the lack of external communal space for existing occupiers of Whitelocke House and the constrained nature of the site, the appeal scheme represents a situation where adopting a more flexible approach to the delivery of external communal space is justified.
7. Given the deficit in external space provision, the appellant has submitted and signed a Unilateral Undertaking (UU) which obligates them to pay a financial contribution towards improvements to Lampton Park within 20 working days of the grant of planning permission. Whilst not supported by a development plan policy or supplementary planning document, the contribution has been calculated based on an amount per sqm and which has been previously applied by the Council on other schemes. Although interested parties have raised concerns regarding the contribution amount, no substantive evidence is before me which demonstrates how an alternative amount should be devised whilst ensuring a consistent and fair approach to the determination of planning applications across the Borough.
8. The Lampton Park Contribution is therefore necessary to make the development acceptable in planning terms, directly related to it and is fairly and reasonably related in scale and kind to the appeal scheme. As such it accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the planning obligation tests set out in the National Planning Policy Framework (the Framework).
9. I conclude that, subject to the UU insofar as it relates to the Lampton Park Contribution, future occupiers of the proposed development would experience acceptable living conditions, with specific reference to external communal space. It would accord with Policy D6 of the London Plan and Policy SC5 of the Local Plan in this respect.

Waste facilities

10. Waste facilities provided for the existing residents of Whitelocke House are located on the ground floor of the building, within a dedicated refuse store. Future

¹ London Borough of Hounslow Local Plan 2015-2030 (the Local Plan)

occupiers of the proposed dwellings would also have access to this store. Based on my observations during my site visit and as demonstrated on the Proposed Site Plan², the refuse store is of sufficient size to accommodate the additional bin capacity required for the future occupiers. Future occupiers of the proposed development would have their refuse and recycling collected in the same way as is currently managed, as confirmed in the Delivery and Servicing Plan included in the Transport Statement³. Furthermore, the swept path analysis⁴ demonstrates how a standard refuse vehicle can enter and exit the site safely in a forward gear.

11. Therefore, subject to the imposition of a condition requiring the Delivery Servicing Plan to be implemented, I conclude that adequate waste facilities for the existing and future occupiers of Whitelocke House are provided within the proposed development. The appeal scheme accords with Policy EQ7 of the Local Plan insofar as it relates to waste management.

Other Matters

12. As the appeal site is located within a controlled parking zone (CPZ) and no parking spaces are included within the appeal scheme, the proposed development constitutes car-free housing. The submitted UU obligates the appellant to notify new residents of the development, via sales literature and/or the contract of sale, about the CPZ and that they would not be entitled to a parking permit unless they are a disabled badge holder. However, whilst the appellant covenants that no person can occupy a dwelling until they have waived all rights to apply for a permit, this waiver relates to the aforementioned notification, It does not provide a clear mechanism for the Council to enforce. Even with the aforementioned obligations, there is a risk that future occupiers may be issued with a parking permit which would result in further parking stress within the local area.
13. In any event, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. A condition requiring the registered addresses of the proposed development being removed from the Council's list of properties eligible to apply for a parking permit is an alternative approach. This would ensure future occupiers are not mistakenly granted a permit. The evidence before me indicates that the Council's internal processes allow for the removal of properties from the list of addresses eligible to apply for a parking permit without needing an amendment to the Traffic Regulation Order. In this case, I see no reason to conclude that such a process would unreasonably delay the occupation of the proposed dwellings.
14. Therefore, insofar as it relates to a car-free development, the UU is not necessary to make the development acceptable, as required by the Framework. As a result, the appellant is not obligated to comply with Section 2 of Schedule 1 regarding the prohibition on residents' parking permits.
15. The scale, height and appearance of the proposed development would reflect the characteristics of the existing building and of those nearby. As a result, it would not be detrimental to the character and appearance of the area.
16. Matters relating to the existing management of Whitelocke House and the effect of the proposed development on the value of the existing flats therein are not

² 1073-WWA-00-XX-A-0001 rev P09

³ Prepared by Steer, dated March 2024

⁴ 23007906-STR-HGN-100-DR-D-00102 rev P0 – Proposed Layout Swept Path Analysis 1

determinative in my decision. As the proposed development would be car-free and the appeal site is located close to a range of modes of public transport, I see no reason to conclude it would lead to a significant increase in vehicles and congestion on the surrounding road network.

17. The living conditions of existing occupiers of Whitelocke House can be adequately protected through the installation of privacy screens, obscure glazing and sound insulation, subject to the imposition of suitably worded conditions. No substantive evidence is before me demonstrating that the proposed development would result in the loss of daylight reaching the habitable rooms of the existing flats.

Conditions

18. In addition to the standard time and plans conditions, I have imposed two pre-commencement conditions relating to tree protection measures and the management of the construction work. These are required prior to work starting on the site to protect the existing sycamore tree which contributes to the character of the site, maintain adequate living conditions of existing occupiers of Whitelocke House and nearby and to ensure the safety of users of the surrounding highways.
19. As the hours of construction will be agreed as part of the Construction Logistics Plan required by condition 4) along with the method and timing for the notification of existing and neighbouring occupiers, it is not necessary for me to impose the suggested, separate condition.
20. In the interests of providing acceptable living conditions for existing and future occupants of Whitelocke House and neighbouring buildings conditions requiring the installation of sound insulation, balcony privacy screens and obscure glazing have been imposed. These are required to be in place prior to the first occupation of the approved dwellings.
21. To protect the character and appearance of the area, I have imposed conditions relating to the approval of materials as well as the hard and soft landscape works. I have rationalised the Council's suggested lists as they are not necessary to make the conditions precise. Conditions relating to the use of sustainable materials, reduction in emissions and minimising internal water usage have been imposed in the interests of the energy and water consumption.
22. To ensure the two accessible parking spaces are managed, the electric vehicle charging point is installed and the development remains car-free, I have imposed conditions requiring the Car Park Management Plan to be implemented and the registered addresses within the additional floors to be provided to the Council. To promote alternative modes of transport to the private car and manage safe access for refuse vehicles, details of cycle parking are required to be agreed with the Council and the Delivery and Servicing Plan implemented.

Conclusion

23. For the reasons given above, the appeal should be allowed.

Juliet Rogers

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 drawing nos:

1073-WWA-00-XX-A-0001 rev P09	Proposed Site Plan
1073-WWA-00-00-A-0110 rev P01	Proposed Ground Floor Plan
1073-WWA-00-01-A-0111 rev P01	Proposed First Floor Plan
1073-WWA-00-02-A-0112 rev P01	Proposed Second Floor Plan
1073-WWA-00-03-A-0113 rev P01	Proposed Third Floor Plan
1073-WWA-00-04-A-0114 rev P08	Proposed Fourth Floor Plan
1073-WWA-00-05-A-0115 rev P04	Proposed Fifth Floor Plan
1073-WWA-00-RF-A-0116 rev P04	Proposed Roof Plan
1073-WWA-00-ZZ-A-0210 rev P05	Proposed Elevations – North & West
1073-WWA-00-ZZ-A-0211 rev P06	Proposed Elevations – South & East
1073-WWA-00-ZZ-A-0212 rev P02	Proposed Street Scene
1073-WWA-00-06-A-0310 rev P03	Proposed Section A-A
1073-WWA-00-06-A-0311 rev P03	Proposed Section B-B
- 3) No site clearance, preparatory work or development shall take place until the tree protection measures detailed in the Arboricultural Impact Assessment and Preliminary Method Statement (Ref: MDJAC-22.26-AIAPMS-02A) and shown on the Tree Protection Plan (Dwg: MDJAC-22.26-TPP-02A) have been implemented. The tree protection measures shall be retained throughout the construction of the development hereby approved.
- 4) No site clearance, preparatory work or development shall take place until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the local planning authority. The CLP shall provide, as a minimum, for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) means to control and manage access and egress of vehicles to and from the site for the duration of construction to ensure the safety of all users of the public highway;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours;
 - x) a construction programme and schedule of traffic movements;

xi) the use of operators.

The approved CLP shall be adhered to throughout the construction period of the development.

- 5) No development above the third floor shall take place until a detailed schedule of materials and photographic sample boards of all materials to be used in the construction of external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details and maintained thereafter.
- 6) No development above the third-floor level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) pedestrian access and circulation areas;
 - iii) hard surfacing materials;
 - iv) minor artefacts and structures;
 - v) planting plans including full details of the size species;
 - vi) an implementation strategy including timescales; and
 - vii) a management and/or maintenance scheme.

The landscaping works shall be carried out in accordance with the approved details before the occupation of the proposed dwellings and shall thereafter be managed and/or maintained in accordance with the approved scheme of management and/or maintenance.

- 7) No development above third floor level shall commence until a scheme of sound insulation works has been submitted to and approved in writing by the local planning authority. The scheme shall include the recommendations contained within the Construction Noise Management Plan set out in the approved Acoustic Assessment Ref RP02-16421-R4, dated 22 March 2024. Details of the works required to ensure maximum noise levels within the proposed dwellings shall not exceed those specified within British Standard BS 8233:2014: Guidance on sound insulation and noise reduction for buildings and BS4141:2014: Methods for rating and assessing industrial and commercial sound (or in equivalent British Standards if replaced).

The sound insulation works shall be implemented in accordance with the approved scheme. The dwellings hereby permitted shall not be occupied until post-completion noise tests have been carried out demonstrating the actual measured noise levels, including the mechanical services plant, with test reports submitted to and approved in writing by the local planning authority.
- 8) The dwellings hereby permitted shall not be occupied until:
 - i) the local planning authority has been notified in writing of the full postal addresses of the dwellings; and
 - ii) the dwellings are removed from the Council's list of addresses for which Residents Parking Permits can be issued, with the exception of a person eligible for a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 (or similar legislation).

- 9) Prior to the occupation of the dwellings hereby permitted, a cycle parking plan shall be submitted to and approved in writing by the local planning authority. The approved cycle parking plan shall be implemented prior to the first occupation of the development and retained thereafter.
- 10) Prior to the occupation of the dwellings hereby permitted, the approved Whitelocke House - Car Park Management Plan Ref: 23007906, dated March 2024 and the approved Delivery and Servicing Plan within the Transport Statement, prepared by Steer, dated March 2024, shall be implemented and thereafter maintained.
- 11) The dwellings hereby permitted shall not be occupied until the windows on the north and south elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. 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. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 12) The dwellings hereby permitted shall not be occupied until privacy screens have been fitted to all balconies and terraces in accordance with the plans hereby approved under Condition 2. Details of the privacy screens shall be submitted to and approved in writing by the local planning authority before the privacy screens are installed. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 13) Prior to the occupation of the dwellings hereby permitted, evidence shall be submitted to and approved in writing by the local planning authority demonstrating the development has been constructed to achieve the reduction in emissions and the internal water use of 105 litres/person/day contained within the approved Energy Strategy, prepared by Build Energy Ltd and dated 13 March 2024. The approved details shall be retained and maintained thereafter.
- 14) Prior to the occupation of the dwellings hereby permitted, details shall be submitted to and approved in writing by the local planning authority demonstrating that:
 - i) at least three key elements of the dwelling's building envelope achieve a rating of A+ to D of the Building Research Establishment (BRE)'s The Green Guide specification;
 - ii) at least 50% of the timber and timber products used in the construction of the development are to be sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) scheme; and
 - iii) the proposed construction and insulation materials are not toxic to the environment.

The development shall be implemented in accordance with the approved details and shall not be occupied until evidence showing how the approved details have been implemented. The approved details shall be retained and maintained thereafter.

**** End of Schedule ****