



Appeal Decision

Site visit made on 1 April 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 April 2025

Appeal Ref: APP/F5540/W/25/3358875

269-271 Jersey Road, Osterley, Middlesex, TW7 4RF

- 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 K Garcha against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is p/2024/1585.
 - The development proposed is Demolition of existing pair of bungalows and erection of 2 no 2 storey detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area; including whether or not the proposed development would preserve or enhance the character or appearance of the Osterley Park Conservation Area; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to light; and
 - whether or not the proposal would promote sustainable modes of transport with particular regard to the amount of parking provided in relation to the relevant adopted local planning policies; and
 - the effect of the proposal on the living conditions of neighbouring residents with particular regard to light; and
 - whether or not the proposal would meet the aims of the Council in respect of carbon emissions with particular regard to the adopted local development plan; and
 - the effect of the proposal on biodiversity.

Reasons

4. The appeal site encompasses an existing pair of semi-detached bungalows set within fairly large plots. The bungalows are set back from the road behind a low level boundary wall and an area of hardstanding and each has a significantly sized rear garden.
5. The proposal is for the demolition of the existing bungalows and their replacement with two, two-storey detached houses.

Character and appearance

6. The appeal site is situated on Jersey Road, a long residential street and is situated within the Osterley Park Conservation Area (CA). Properties in the area largely consist of pairs of semi-detached two-storey houses. Though specific designs vary the majority of properties are of a modest scale with a fairly traditional appearance. Many have front gables and bay windows and are set back from the road behind areas of hardstanding and small front garden areas.
7. One side of the Road comprises residential buildings and the other contains a boundary wall with green space beyond. Mature trees are also present along the road. These factors, along with the gaps which exist between the dwellings, create a sense of spaciousness and an open character and appearance.
8. The Osterley and Spring Grove Character Study identifies this area as having general uniformity of scale, density, layout and building type with larger, more individualistic two storey inter and post-war detached houses located on the southern edge of Osterley park. The Osterley Park Conservation Area Appraisal (the Appraisal) sets out that the appeal site is within the Parkside character area and considers that the low density, larger gardens and trees facilitate an open aspect, which makes the opportunity for and sight of trees, and gaps between roofs, of particular value. The appraisal identifies the properties either side of the appeal site as positive contributors to the conservation area.
9. The proposed dwellings would be large two-storey dwellings with additional accommodation in the roof space and would span almost the full width of their plots. The existing visual breaks provided by the gaps between the bungalows and the boundaries of their plots and neighbouring properties would be substantially eroded. The dwellings would therefore, be sited much closer to the adjacent buildings and would appear cramped. The existing openness and sense of space would be unacceptably diminished. Furthermore, though I accept that the set back from the road has been intentionally retained, the proposed dwelling at No 271 would sit further forward in the site thus increasing its prominence. As such, the proposal would cause harm to the character and appearance of the area by harmfully reducing the sense of spaciousness which currently exists and failing to respect the importance of these visual gaps as set out within the CA appraisal.
10. I note that the design has been created with the intention of reflecting the principal features of other buildings in the area. However, the properties would be double fronted with three gables and would appear excessively large and imposing when compared to the more modest, single gable, properties which surround the appeal site. The large, square, bay windows, the large central window, the double entrance doors and the introduction of features such as the roof finials would

further emphasise the grand nature of the properties and would fail to assimilate well with the more discreet designs which characterise the area.

11. For the reasons given above I consider that the proposed dwellings would appear as overly large, imposing, additions which would erode the important sense of spaciousness in the area. Consequently, the proposal would result in a visually obtrusive form of development which would fail to harmonise with, and respond sympathetically to, the surrounding context of the site. Thus the proposal would cause harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the Osterley Park Conservation Area. Due to the small scale of the proposal I consider that this harm would be less than substantial.
12. The approach in the National Planning Policy Framework (the Framework) is that where a proposal would lead to less than substantial harm to a heritage asset, as in this case, that harm should be balanced against the public benefits of the proposal.
13. I accept that the proposal would provide two large family homes in a sustainable area. On the other side of the balance, I have identified that the proposal would fail to preserve or enhance the character or appearance of the area and as such would not meet the statutory requirements set out in s72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and would cause harm to the significance of the heritage asset. The Framework indicates that great weight should be given to a heritage asset's conservation. Accordingly, the public benefits of the scheme do not outweigh the harm identified.
14. The proposal would, therefore, be contrary to Policies CC1 and CC2 of The London Borough of Hounslow Local Plan 2015 – 2030 (LP). Amongst other things, these policies promote high quality urban design and seek to ensure that all new development conserves and takes opportunities to enhance the special qualities and heritage of the borough's places. The proposal would also fail to comply with LP Policy CC4 which states that the Council will identify, conserve and take opportunities to enhance the significance of the borough's heritage assets.
15. The proposal would also fail to meet the aims of Policies D3 and D4 of the London Plan, 2021 (The London Plan) which seek to secure a high quality of design and set out that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
16. Furthermore, the proposal would fail to conform with the Framework insofar as it states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Future living conditions

17. The proposed dwellings would each have two bedrooms and a games room located within the roof space. The roof level bedrooms would have no external windows. The only light reaching these rooms would appear to be from single small rooflights located within a small internal sub-room, perhaps a storage cupboard which the plans indicate would be closed off via an internal door. As

such, the bedroom areas themselves would receive no natural light or have any kind of outlook.

18. Consequently, I consider that the loft bedrooms would provide a poor quality of living accommodation for future occupiers with particular regard to light. The proposal would, therefore, conflict with Policy SC5 of the LP which, amongst other things, states that the Council will ensure new housing development contributes to improving the quality and design of housing in the borough by requiring developments to be of the highest quality internally and externally and meet the demands of everyday life for the intended occupants.
19. The proposal would also conflict with Policy D6 of the London Plan which sets out that new housing developments should be of a high quality design and provide rooms with comfortable and functional layouts which are fit for purpose and, specifically, provide sufficient daylight and sunlight.

Sustainability

20. The appeal site is within an area with a Public Transport Accessibility Level (PTAL) of 2. Policy EC2 of the LP sets out the Council's aim to secure a more sustainable local travel network that maximises opportunities for walking, cycling and using public transport, reduces congestion, improves the public realm and improves health and well-being. The Council state that they will achieve this by, amongst other things, using the standards established in the London Plan for car parking, cycle parking, motorcycle parking, coach parking, and electric vehicle charging.
21. Policy T6.1 of The London Plan sets out that new residential development should not exceed the maximum parking standards set out in Table 10.3. Table 10.3 states that where a site in outer London has a PTAL rating of 2, up to 1 space per dwelling should be provided.
22. The proposed dwellings would retain significant amounts of hardstanding to the front and the application form indicates that the proposal would include three parking spaces per dwelling. This is an increase on the existing situation whereby the application form indicates that there are a total of four parking spaces across the site as a whole.
23. I accept that the existing parking arrangements are such that they are already in excess of the standards set out within the London Plan. However, this proposal seeks to increase the amount of parking provided and would further increase the breach of the maximum parking standards. I therefore consider that the proposal would fail to promote sustainable modes of transport and would, therefore, conflict with London Plan Policy T6.1 and LP Policy EC2.

Living conditions

24. The proposed dwellings would undoubtedly be larger than those which are currently present on site. However, the rear garden areas of both proposed properties would retain their length and the footprint of the buildings would not extend significantly further than the current rear building line. Furthermore, a number of single storey outbuildings which are currently sited within the rear gardens would be removed. Moreover, the orientation of the site is such that the proposed buildings would not notably interfere with the levels of direct light reaching the neighbouring dwellings. Though, due to the increased bulk and height

of the proposed dwellings the levels of general light reaching some of the neighbouring windows may be slightly reduced this would not be to such an extent so as to cause undue harm in this regard.

25. The front elevations of the properties would sit further forward than is currently the case. However, as set out above, due to the orientation of the properties, I do not consider that this would be to such an extent so as to cause unacceptable harm to the levels of light reaching the front habitable rooms of neighbouring properties.
26. As such, I consider that the proposal would not cause harm to the living conditions of the occupiers of neighbouring properties with particular regard to light. The proposal would therefore, meet the aims of LP Policy CC2 in this regard. This Policy states that new development should minimise overshadowing and ensure sufficient sunlight and daylight would reach proposed and adjoining/adjacent dwellings.

Carbon reductions

27. In 2019 the Council declared a climate emergency and subsequently published a draft Climate Emergency Action Plan in which it sets a target of net zero carbon by 2030. In addition to this Policy EQ1 of the LP states that the Council will move towards being a low carbon borough and expects development proposals to meet the carbon emission reduction requirements set out in the London Plan.
28. The Council have specifically drawn my attention to Policy SI 2 of the London Plan. However, Policy SI 2 of the London Plan refers specifically to major developments and I have not been provided with compelling evidence to suggest that it should apply in respect of this small scale scheme.
29. It is, nevertheless, evident that efforts have been made to ensure that the proposed dwellings would be well insulated and would comply with building regulations in respect of energy efficiency. Though the use of further energy efficiency measures and renewable energy technologies would be a further benefit of the scheme in my view, the proposal would, nevertheless meet the aims of LP Policy EQ1 insofar as it seeks development to minimise the demand for energy and promote low carbon technologies.

Biodiversity

30. Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) (The Act) sets out that every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
31. Furthermore, The Framework is clear that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
32. The scheme before me does not include information on biodiversity net gain. However, given the nature of the site and the proposal, I have no compelling evidence to suggest that the requirements of the biodiversity gain condition would

not be capable of being met. As such, were I minded to allow the appeal this matter could be addressed through the use of suitably worded planning conditions to ensure that the requirements of Schedule 7A of the Act would be met.

Other Matters

33. I acknowledge that the appellant has sought to engage with the Council and believes that these efforts were not reciprocated. This matter, however, is one which should be addressed between the parties and does not add weight in favour of allowing the appeal.
34. I have noted a number of other issues raised; however, as this proposal is to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.

Conclusion

35. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR