



Appeal Decision

Site visit made on 1 July 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/F5540/W/24/3352963

Land to the rear of Millennium House, 51 High Street, Feltham TW13 4AB

- 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 Mark Penrice of Penrice Hales Developments Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00609/51/P9.
 - The development proposed is described as 'Three storey detached building with ground floor and roof gardens to be built in an underused part of an existing car park highest inhabited floor is 5.098 meters above external ground level'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address given on the application form is 'Millennium House, 51 High Street, Feltham, Hounslow TW13 4AB'. The appeal form and decision notice cite the address as 'Land to the rear of Millennium House, 51 High Street, Feltham TW13 4AB' which I have used in the banner above as this is a more accurate description of the address.
3. The appellant submitted amended plans with the appeal documentation. These show changes to the proposed parking layout, ground level amenity area and pedestrian access arrangements. My consideration of the amended plans could cause procedural unfairness or prejudice to interested parties. Therefore, I have determined the appeal based on the plans considered by the Council.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on highway and pedestrian safety;
 - the effect of the proposed development on the living conditions of the occupiers of Millennium House, with particular regard to privacy and disturbance;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the provision of external amenity space; and
 - whether the proposed scheme would meet the development plan requirements in respect of carbon emissions.

Reasons

Pedestrian and highway safety

5. A lane between a flatted block and a public house beer garden provides access from Browells Lane to the two car parking areas for the residents of Millennium House and Kings House. Both car parks are separately laid out for vehicular parking and are a relatively substantial size. There is also a path around the side of Millennium House.
6. There is a discrepancy between the plans which indicate a proposed reduction in the number of parking spaces from 17 to 14 and the Parking Impacts Appraisal which refers to 19 existing spaces and the loss of 4 of these. I note that a parking permit system is in place for the occupiers of Millennium House. Regardless of the existing arrangements, the Council's Highways Network Manager does not object to the net loss of parking to accommodate the proposed scheme.
7. However, similar to the previous proposal for a dwelling on the site dismissed on appeal¹, there remains an issue with the functionality of the proposed undercroft bays. Although bays 11 and 12 would be horizontally aligned and there would be no columns or heat exchanger in the undercroft, at only 4.6m long the two parking bays for the proposed house would fail to meet the Council's minimum depth standard of 4.8m. In addition, with the width only just meeting the 2.4m minimum standard, there would be little space for drivers and passengers to comfortably get into and out of vehicles parked in the undercroft.
8. Further, in the absence of swept path diagrams, there has been a failure to demonstrate that vehicles would be able to reverse out of the bays in a single manoeuvre without coming into contact with parked cars or the proposed boundary fence. It has also not been shown that vehicles, including service vehicles, would be able to adequately turn within the site and exit onto Browells Lane in a forward gear. As such, harm to pedestrian and vehicle safety cannot be ruled out.
9. The proposed house would be close to Feltham town centre's shops and services with good access to public transport. However, unlike Millennium House and Kings House which have front doors close to footways with direct pedestrian routes into the town centre, access to the site on foot would only be possible via the path beside Millennium House or the vehicular access onto Browells Lane.
10. The side path would provide a narrow, convoluted route, not very legible from the street, and there is a risk that users could feel unsafe particularly at night given its relative lack of use. As found for the previous proposal, the alternative access onto Browells Lane would put pedestrians in direct conflict with vehicles entering and leaving the car parking areas, made more severe given the poor visibility for vehicles exiting the site.
11. Therefore, I conclude that the proposal would harm highway and pedestrian safety. This would be contrary to Policies EC2 and CC2 of the Council's Local Plan 2015-2030 (LP) and Policy T2 of the London Plan 2021. Together, these require proposals to provide sufficient car parking and create places that are easy to navigate and feel safe, amongst other things.

¹ Appeal ref: APP/F5540/W/21/3285305 'the previous proposal/scheme'

Living conditions – neighbouring occupiers

12. The residential block at Millennium House includes ground floor flats with bedrooms and living areas abutting the access path around the side of the building. There are secure front and rear entrance doors providing the main accesses to the flats. Therefore, although existing residents can use the side path, they have more direct access to the rear car parking area, bin and bicycle stores from the rear door to the building so there is limited reason to use the path.
13. The main pedestrian access for residents of the proposed dwelling would be via the path alongside Millennium House, involving walking directly past habitable rooms in the ground floor flats. Given the existing access arrangements, the proposal would result in a noticeable increase in the comings and goings along this path, causing unacceptable disturbance and loss of privacy to the occupiers of the ground floor flats beside it.
14. Consequently, I conclude that the proposed development would harm the living conditions of the occupiers of ground floor flats at Millennium House, with particular regard to privacy and disturbance. This would conflict with Policy CC2 of the LP where it requires proposals to have a positive impact on the amenity of current residents.

Living conditions – future occupiers

15. The proposal would include a roof garden of approximately 45sqm and a smaller ground level amenity space around 17sqm in size. Together, the two areas would meet the minimum amount of amenity space required by Policy SC5 of the LP.
16. In the decision on the previous scheme, the Inspector found nothing to suggest that the roof garden was not of an acceptable quality for the future occupants. There was also no issue of overlooking from it. The same applies to the current proposal. However, in that case, it was found that the ground floor external space would not be seen as a private garden and the combined spaces would not create acceptable living conditions for future occupants.
17. The proposed ground level amenity space would also be close to the entrance into the parking area, in a location exposed to vehicles accessing and egressing the car park behind Millennium House. However, at my daytime site visit, although only a snapshot in time, I did not observe any vehicles using the access. I consider that any noise or pollution from cars accessing the car park would be limited given the proposed amount of parking.
18. Further, in contrast to the previous proposal, the ground floor outdoor space would be sited away from the proposed entrance hall, main door opening and bin storage area. It would be a single parcel of land accessible via sliding glass doors from the proposed play room/home office and enclosed by a high boundary fence. Given the size, location adjoining a habitable room and enclosure of the proposed ground floor external area, I am satisfied that, in combination with the roof garden, future occupants would have access to satisfactory quality external space.
19. Therefore, I conclude that the proposal would provide acceptable living conditions for the future occupiers, with particular regard to the provision of external amenity space. This would comply with Policy SC5 of the LP where it seeks the provision of private external space that is usable and affords privacy.

Carbon emissions

20. LP Policies EQ1 and EQ2 seek to move towards carbon reduction and sustainable design and construction, with developments required to meet the London Plan's standards. Policy SI2 of the London Plan requires major development to be net zero carbon, but I have not been provided with compelling evidence to suggest that it should apply in respect of the proposed small-scale scheme.
21. Nevertheless, the proposal would include solar photovoltaic roof panels and an air source heat pump, with the latter located above the external bin store. The evidence before me includes a Zero Carbon Energy Statement which predicts annual carbon emissions based on a particular construction specification and annual energy demand. Taking account of energy reduction measures, it indicates that the proposed development would achieve zero carbon.
22. The Council considers that on-site carbon reductions could have been maximised by embedding passive principles into the design and further considering thermal transmittance through the walls, roof and floors. It also states that any shortfall on the 100% carbon reduction target should be met via a planning obligation requiring a financial contribution towards its carbon offset fund, referenced in the Council's Planning Obligations and CIL SPD 2015. However, I am satisfied that the proposed minor development would include sufficient measures to reduce carbon emissions in accordance with Local and London Plan policies.
23. Consequently, I conclude that the proposed scheme would accord with Policies EQ1 and EQ2 of the LP and Policy SI2 of the London Plan in respect of carbon emissions. As Policies SI5 and SI15 of the London Plan relate to water infrastructure and water transport rather than carbon emissions, I find no specific conflict with these policies either.

Other Matters

24. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of development, character and appearance, impacts on heritage assets and contamination. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Conclusion

25. For the above reasons, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR