



Appeal Decision

Site visit made on 7 July 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/F5540/W/25/3365480

Land at Marryat Close, Hounslow TW4 5DQ

- 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 H Ghaswala against the decision of the Council of the London Borough of Hounslow.
- The application Ref is P/2024/4161.
- The development proposed is erection of a two storey residential house with associated car parking, private amenity space, cycle and refuse storage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect on living conditions of neighbouring occupiers, with particular regard to outlook, daylight and sunlight, and privacy;
 - the effect on highway safety, with particular regard to parking provision and footway access; and
 - whether the proposal can achieve an acceptable amount of carbon emission reduction.

Reasons

Character and appearance

3. The appeal site comprises a parcel of undeveloped land containing low grass and scrub. It is enclosed by low metal railings along the Newcombe Gardens and Marryat Close frontages, with some intervening hedgerow and trees adjacent the highway boundaries. There is also closeboard fencing along the side boundary with the detached dwelling of No 10 Marryat Close.
4. I have no reason to doubt that the site was intentionally designed and provided as open space for the visual benefit of Newcombe Gardens and Marryat Close. It was required under a planning condition to provide a toddler's play area for this residential estate, as approved in September 2000. There is no evidence before me to indicate that that this play area was ever provided. The appellant therefore contends that the requirements of this condition are now immune from planning

enforcement action through the passage of time, which is not disputed by the Council in its submitted evidence.

5. The proposal site is under separate private ownership from the residential estate. However, given its appearance and location near a road junction surrounded by dwellings and apartments, the site nonetheless still forms an important visual and spatial role in providing an undeveloped landscape setting for the surrounding residents. I found no other similar open land serving Newcombe Gardens or Marryat Close.
6. The proposed dwelling would sit noticeably beyond the front building line of No 10 Marryat Close. Its side elevation would also be close to the existing group of three parking spaces along the Newcombe Gardens highway. I accept that the proposed dwelling is deliberately designed to replicate the scale and appearance of No 10, including a lowered eaves level that still provides floorspace in the roof.
7. However, far from improving the character and appearance of the area, the overall proposed siting and bulk would significantly and harmfully erode the positive landscape value and open aspect of the appeal site. The required provision of solid boundary treatment to provide sufficient privacy for the proposed rear garden area would add further visual harm in this respect.
8. Given the site's location and the proposed layout, I am not persuaded that a landscaping condition would mitigate the above harm that I have identified. Whilst the provision of openings facing Newcombe Gardens would avoid a blank gable elevation facing the public realm, this would not mitigate the visual harm arising from the overall development proposed.
9. It is put to me that it is possible to erect a 2m high fence under permitted development rights. The appeal site is however near to the Newcombe Gardens highway, which may restrict the maximum height along its frontage to 1m without needing express planning permission from the Council.
10. In any event, there is also no lawful development certificate before me to confirm the appellant's purported fallback position. I therefore cannot discount the possibility of other planning restrictions that may restrict the provision of fencing at this site. Thus, I cannot attach any meaningful weight to the appellant's fallback argument and consequently, it does not justify allowing the appeal.
11. For the above reasons, I conclude that the proposal would significantly harm the character and appearance of the surrounding area. The scheme therefore conflicts with Policies SC1, CC1 and CC2 of the Council's Local Plan 2015-2030 (LP) (adopted 2015). Collectively, these policies require, amongst other things, development proposals to have regard to the design standards of the development plan, respond to the wider context of the area, its natural landscape and its urban structure and form, and function well in their effect on surrounding areas.

Living conditions

12. Four clear-glazed ground floor habitable rooms face the proposal site, which form part of a three-storey apartment building. They face northeast across the appeal site and would therefore receive morning sunlight throughout most of the year.
13. The proposed 2m high fence boundary would be in close proximity alongside these neighbouring windows. To my mind, this would lead to an unacceptable loss of

daylight and sunlight to these windows and would also result in an oppressive internal outlook from these windows. As already set out in the first main issue above, I cannot attach any meaningful weight in favour of the alternative permitted development fall-back position as put forward by the appellant.

14. I therefore conclude that the appeal scheme is contrary to Policy CC2 of the LP. This policy requires, among other things, development proposals to provide adequate outlook, minimise overbearingness and overshadowing, and ensure sufficient sunlight and daylight to adjacent dwellings.
15. The proposed dwelling would be set further away from the abovementioned neighbouring windows. Given the separation distance along with the proposed lowered eaves height and sloping roof, there would be no adverse effects in terms of loss of light or outlook.
16. No 10 Marryat Close contains a first-floor side elevation window facing the appeal site. However, given the positioning of the proposed dwelling away from this window, I do not envisage an adverse impact on the outlook of this neighbour's window and the level of light it would receive.
17. The proposed fencing along the rear garden of the new dwelling would avoid direct views with the neighbouring ground floor windows beyond. Although there would be intervisibility with surrounding first floor windows, use of the appeal site as communal open space would also allow for such intervisibility. On this basis, there would be no unacceptable loss of privacy.
18. The second reason for refusal cites conflict with Policy CC1 of the LP. However, this policy does not refer to living conditions and is therefore not relevant to this main issue.

Highway safety

19. The distance between the garage serving the proposed dwelling and the highway boundary would be 4.3m, which is 0.5m shorter than as required by the Council's Residential Crossovers and Off-Street Parking Policy (RCOSPP) (2016). However, despite being a short cul-de-sac, Marryat Close is served by wide footways to each side. It also contains a wide highway, which I saw to be sufficient for vehicles to park fully on the highway and not on the footway. Furthermore, whilst my visit was a snapshot in time, I observed low traffic levels and speeds in the vicinity.
20. Although vehicles to be parked within the proposed garage would likely be stationary across the footway whilst awaiting the raising of the garage roller shutters, this would be very infrequent and temporary. Additionally, the width of the footway would likely remain sufficient for users to pass safely. Given this, along with my overall observations as set out above, I do not envisage that the proposed access arrangement would amount to an unacceptable impact on highway safety.
21. The RCOSPP also requires the internal dimensions of a single garage to be at least 3m wide by 7m deep. The proposed garage would be 3m wide and 5.4m in depth. However, the RCOSPP sets out that its above dimensional requirement is to allow for storage and that if this cannot be met, alternative storage space should be met is available, including cycle parking.
22. The proposed ground floor plan includes bin and enclosed cycle storage to the side of the garage, accessible via an external side gate. The Council accepts that this

layout is sufficient to provide acceptable storage for two bicycles and following my site visit, I have no reason to disagree. On this basis, the proposed garage size is sufficient to provide parking space for one vehicle.

23. For the above reasons, I conclude that the proposal complies with Policy EC2 of the LP. This policy requires, amongst other things, development proposals to avoid adverse impacts on the transport network, and to provide an appropriate maximum number of car parking spaces. For the same reasons, I have also found no conflict with Policies T4 and T6 of the London Plan.

Carbon emission reduction

24. Policy EQ1 of the LP requires, amongst other things, development proposals to meet the carbon emission reduction requirements set out in the London Plan. Paragraphs A-B within Policy SI 2 of the London Plan apply only to “Major development” which, in respect of residential proposals, is defined as development of dwellings where 10 or more dwellings are to be provided, or the site area is 0.5 hectares or more. The proposal thus does not comprise Major development and therefore, Paragraphs A-B within Policy SI 2 are not relevant to this appeal.
25. Paragraph C within London Plan Policy SI 2 sets out that non-major residential development should achieve a minimum on-site carbon emission reduction of 10 per cent beyond Building Regulations requirements. It is put to me that the proposal would be constructed incorporating carbon dioxide emission reduction measures to achieve an improvement of not less than 35% in carbon dioxide emissions, when compared to a building constructed to comply with the minimum target omission rate requirements of the 2010 Building Regulations.
26. The appeal submission does not include a full Energy Statement authored by a suitably qualified person. Despite this, I have no reason to dispute that details of carbon emission reduction requirements to meet the above policy requirements could be secured by the imposition of a suitably worded planning condition, had I been minded to allow the appeal. On this basis, I have found no conflict with Policy EQ1 of the LP, the relevant requirements of which are already set out above.

Other Matter

27. The application form indicates that as the proposal would be a self-build development on a site of less than 0.5ha, it is exempt from Biodiversity Net Gain requirements. There is no legal mechanism before me to secure the dwelling's occupation as self-build, nor has either main party provided a suggested planning condition to govern this matter. However, as I am dismissing the appeal for other substantive reasons, I need not consider this matter any further.

Planning Balance

28. I have found no conflict with Policies EC2 and EQ1 of the LP, or with Policies T4 and T6 of the London Plan. I have however found conflict with Policies SC1, CC1 and CC2 of the LP. Given the significant extent of harm that I have identified, the appeal scheme is contrary to the development plan taken as a whole.
29. Weighing in favour of the proposal, the development would form an efficient use of land in a sustainable location, to provide a new family-sized dwelling that would no doubt help meet an acute shortage of housing. Policy H2 of the London Plan

states, amongst other things, that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

30. Policy H2 also sets out in supporting paragraph 4.2.1 that small sites must make a substantially greater contribution to new supply across the city, and increasing the rate of housing delivery in this manner is a strategic priority. Hounslow's 10-year target (2019/20 to 2028/29) for net housing completions on small sites (below 0.25 hectares in size) is thus 2,800 dwellings, as set out in London Plan Table 4.2.
31. However, Policy H2 also requires new homes to be well-designed, whereas I have found that the proposal would significantly harm the character and appearance of the surrounding area. The appeal scheme is also not a type of housing development explicitly supported under London Plan Policy H1 B 2). I therefore afford moderate weight in favour of the benefits arising from the proposed dwelling.
32. Taking all above matters into consideration, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations before me therefore do not indicate that a decision should be made otherwise than in accordance with the development plan.

Conclusion

33. For the reasons given above, the appeal is dismissed.

R Cahalane

INSPECTOR