



Appeal Decision

Site visit made on 4 August 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2025

Appeal Ref: APP/F5540/W/25/3367541

38 Lampton Road, Hounslow, TW3 1JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by B Karavadra of Blenheim Commercial Limited against the decision of the Council of the London Borough of Hounslow.
 - The application reference is Ref: P/2025/0699
 - The development proposed is described as 'change of use of Pharmacy to Pizza Takeaway and infill extension'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposed development on the living conditions of surrounding occupiers, with particular regard to noise, odours, and general disturbance.
 - Whether adequate waste and recycling storage facilities would be provided.
 - The effect of the proposed development on the local transport network, specifically in relation to cycle parking provision.

Reasons

Living Conditions

3. The proposed development has the potential to harm the living conditions of surrounding occupiers in two distinct ways. These are related to mechanical air extraction and ventilation from the premises and general disturbance at street level associated with those accessing the takeaway, particularly at unsociable hours.
4. There is at least one residential dwelling located directly above the commercial unit within which the proposed takeaway would operate. To provide adequate ventilation for cooking odours and foul air, it would be necessary to install a flue and mechanical extraction equipment on the rear façade of the building. The planning application drawings show a flue extending to a point below what appears to be a habitable room window at mansard level. While technical details have been provided regarding emissions from the flue in terms of noise and odour, no information has been submitted concerning the impact of these emissions at residential receptor locations close to the proposed installation. As a result, it is not possible to determine the potential harm arising from their operation.

5. The appellant suggests that this matter could be addressed through a pre-commencement planning condition requiring technical details of the ventilation and extraction system to be submitted and agreed. However, without these technical details it is not possible to identify the likely level of impact on surrounding occupiers prior to determination of the appeal. The matter of the acceptability of the principle of the installation of a flue on the rear of the building due to the acceptability of the level of impact on the living conditions of the occupiers above the unit remains unresolved. This concern is supported by the comments from the Council's Environmental Health Department who state in their consultation response on the application dated 13 April 2025 that 'the proposed extract system will almost certainly lead to complaints of odour nuisance and result in adverse effect on nearby sensitive receivers'. I attach significant weight to the professional opinion provided by the Environmental Health Officer in this regard. It would therefore not be reasonable to allow the appeal subject to the suggested condition, when it remains to be established if a flue could be installed which would have an acceptable impact on surrounding occupiers.
6. The appeal site is centrally located within a parade of commercial units in a busy area between Hounslow Town Centre core and Hounslow Central Tube Station. There is significant activity in the area associated with pedestrian and commercial activity, and I do not consider that visitor activity associated with the proposal would be unacceptable in this context. Had I been minded to allow the appeal, concerns regarding disturbance during unsocial hours could have been appropriately addressed by means of a planning condition restricting operating hours and relating to management of the proposed takeaway.
7. Consequently, although I have found no harm in relation to general disturbance, I conclude the proposed development would have a harmful effect on the living conditions of surrounding occupiers, with particular regard to noise and odour. This is contrary to policies CC1, CC2(r), EQ4, and EQ5 of the Hounslow Local Plan 2015–2030 (the Local Plan), which, among other things, seek to protect the living conditions of surrounding occupiers from harm associated with development including relating to noise and air pollution.

Waste and Recycling Facilities

8. There is no pertinent evidence to demonstrate the amount and type of waste and recycling the proposed take-away would generate compared to the previous use, that there would be scope on site for this waste to be stored appropriately, or that the narrow pedestrian only access would be wide enough to enable bin collection. There is therefore a risk bins would be stored on the public highway, which could be detrimental to highway safety, the living conditions of surrounding occupiers and the character and appearance of the surrounding area.
9. Consequently, in the absence of evidence to the contrary, I am not persuaded adequate waste storage would be feasible within the appeal site. Given this and the potential wider effects on other parties noted above, it would be unreasonable to address this matter via a condition.
10. For the above reasons, I conclude adequate waste and recycling storage facilities would not be provided. This is contrary to Policy EQ7, which, among other things, requires that developments provide suitable arrangements for waste and recycling management.

Cycle Parking

11. There is no suggestion of a development plan requirement to provide additional cycle parking spaces as part of the proposed development. Local Plan Policy EC2 seeks to maximise opportunities for cycling but does not differentiate between public and commercial contexts or seek to limit use of public short-stay cycle stands by type of user.
12. As noted, the appeal site is in a busy town centre location, with a wide footway and significant footfall due to its proximity to a nearby tube station. There is a public cycle parking area to the immediate front of the appeal premises, which could be used by delivery riders. However, there is little to substantiate the suggestion that such activity would unduly restrict the availability of these spaces for other users or adversely affect the functioning of the footway.
13. Overall, there is no sufficiently compelling evidence to persuade me the proposal would have a materially detrimental effect on publicly available cycle parking or opportunities for cycling.
14. For these reasons, I conclude the proposed development would not have a harmful effect on the local transport network, specifically in relation to cycle parking provision. I find no conflict with the requirements of Local Plan Policy EC2.

Other Matters

15. The absence of harm to the appearance of buildings or neighbouring occupiers' privacy are neutral factors in my determination of the appeal. Level access from the pavement would be covered by another regulatory regime, so is also a neutral factor. Statutory requirements relating to food preparation businesses and statutory nuisance fall under a different regulatory regime and do not override my consideration of the planning merits of the proposal.
16. I recognise the proximity of public transport connections would help reduce car journeys to the proposed take-away, and that there would be a modest economic benefit from bringing a vacant shop unit into active use. However, these considerations are not sufficient to outweigh the harms I have found.

Conclusion

17. The harms I have identified in relation to noise/odour and waste/recycling storage lead to a conflict with the development plan, read as a whole. and no material considerations have been presented that would justify determining the appeal other than in accordance with the plan. Therefore, the appeal is dismissed.

F P Tinsley

INSPECTOR