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## Appeal Decision

Site visit made on 19 February 2019

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 April 2019

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### **Appeal Ref: APP/F5540/W/18/3217838** **891 Great West Road, Isleworth TW7 5PD**

- 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 Songkarn Ltd against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 00505/891/P4, dated 1 December 2017, was refused by notice dated 3 August 2018.
  - The development proposed is: Demolition of existing buildings and erection of a four-storey building to provide 15 self-contained flats, provision of private and shared amenity space, cycle parking, hard and soft landscaping and associated development.
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### **Decision**

1. The appeal is allowed and planning permission is granted for: Demolition of existing buildings and erection of a four-storey building to provide 15 self-contained flats, provision of private and shared amenity space, cycle parking, hard and soft landscaping and associated development, at 891 Great West Road, Isleworth TW7 5PD, in accordance with the terms of the application, Ref 00505/891/P4, dated 1 December 2017, subject to the conditions set out in the Schedule at the end of this Decision.

### **Preliminary Matters**

2. The appeal scheme is on the part of 891 Great West Road that fronts Northumberland Avenue. The evidence indicates there are proposals for the other part of the site, fronting Great West Road, but these are not before me for my consideration in this appeal.
3. The proposal originally included 16 flats but the scheme was amended to reduce the number of flats proposed to 15 and this is reflected in the description of development above.
4. Since the application was first submitted to the Council the National Planning Policy Framework (the Framework) has been revised. I have taken any comments received on relevant implications for the appeal into account in my reasoning.

### **Main Issues**

5. The main issues are
  - the effect of the proposed development on the character and appearance of the area including nearby locally listed buildings,

- the effect of the proposed development on the living conditions of the occupants of the adjoining dwellings on Warkworth Gardens particularly in respect of light and outlook,
- whether the development would provide a satisfactory quality and mix of dwellings, and
- whether the proposed development would made adequate provision for on-site affordable housing.

## **Reasons**

### *Character and Appearance*

6. The appeal site comprises a surface car park to the rear of 891 Great West Road. It contains a garage building and is surrounded by a substantial wall on the south-eastern and south-western sides. Adjoining the appeal site to the north is a large locally listed office and warehouse building (No 891) fronting Great West Road. Adjoining the appeal site to the east is a substantial cleared site.
7. To the south and west of the appeal site is an estate of 2 storey pitched roof blocks of dwellings. Beyond the plots adjoining the appeal site is a petrol station, substantial retail units with surface car parking, the Gillette factory building which has a tall tower and various other commercial buildings of varying heights and footprints. Consequently, I consider the character of the area is mixed and there is no established consistent pattern of development.
8. The appeal scheme is an H-shaped 4 storey flat-roofed residential block which would be sited behind the existing boundary wall fronting Northumberland Avenue. Whilst the appeal development would differ in character and appearance from the blocks of dwellings to the south and west, in the broader context described above it would not look out of scale or character and would sit comfortably on the site. I therefore do not consider the proposal would be an overdevelopment of the site nor do I consider it would be a tall building in this context.
9. A small part of the rear of the adjoining locally listed building noted above would be demolished to accommodate the appeal scheme. However, the evidence indicates the part to be demolished has been assessed as being neutral in terms of the significance of this heritage asset and the heritage significance of this building is derived from its frontage to Great West Road. The appeal building would be set away from the rear of No 891 to accommodate landscaping and communal garden areas.
10. Taking the above points together, I am not convinced the appeal scheme would compromise the character, quality or setting of the nearby locally listed building or that the character or appearance of the area would be harmed by the development.
11. I conclude in respect of this main issue that the proposed development would be acceptable and would comply with Policies 7.4, 7.6 and 7.8 of the London Plan 2016 (as amended) ('the London Plan') and Policies CC1, CC2, CC4 and SC4 of the London Borough of Hounslow Local Plan 2015 - 2030 ('the Local Plan'). Together these policies seek high quality development which has regard to local context and character and which conserves heritage assets.

### *Living Conditions*

12. The Council is concerned the proposed development would result in a loss of light but it has not been explained precisely which properties would be affected, or how they would be affected (e.g. whether by the overshadowing of gardens or windows), nor has the scale of the impact been explained or whether the effect would be in respect of sunlight or daylight.
13. The application was accompanied by a sunlight and daylight report which demonstrates that with the appeal development in place all neighbouring properties would still receive good levels of sunlight and daylight in accordance with BRE guidance<sup>1</sup>. I have no reason to dispute the findings of this report.
14. In the absence of evidence to contradict the findings of this report, I am not convinced the proposed development would have a harmful effect on the living conditions of neighbouring occupants in respect of a loss of light.
15. The Council is concerned the proposed development would be intrusive and unneighbourly and detrimental to the outlook of the occupants of properties on Warkworth Gardens. At my site visit I saw the existing dwellings on Warkworth Gardens adjoining the appeal site have large back gardens and are separated from the appeal site by a substantial brick wall which would be retained as part of the development.
16. Moreover, the appeal building would be sited away from the boundary with the dwellings on Warkworth Gardens and its top floor would be set back from the edge of the building. Taking the above points together I am not convinced the appeal development would be intrusive, unneighbourly or harmful to the occupants of dwellings on Warkworth Gardens.
17. I conclude on this main issue the proposed development would not harm the living conditions of the occupants of dwellings on Warkworth Gardens and would not conflict with Policy CC2 of the Local Plan which seeks that development provides adequate outlook, minimises overbearingness and overshadowing, and seeks to ensure sufficient sunlight and daylight is provided to adjoining dwellings. My attention has also been drawn to Policy CC1 of the Local Plan but it has not been explained how it is relevant to this main issue.

### *Quality and Mix of Dwellings*

18. The Council is concerned that the mix of dwelling sizes and the quality of the dwellings proposed would create a poor quality housing development but it has not been explained why this view has been taken.
19. All the proposed flats would comply with the Nationally Described Space Standards and would have a minimum internal floor to ceiling height of 2.5 metres. No single aspect flats are proposed nor are flats proposed with northern only aspects. The sunlight and daylight report indicates all the proposed flats would enjoy adequate internal daylight conditions.
20. Two first floor flats proposed would not have a balcony, so that daylight conditions to flats on the floor below may be optimised. These flats are behind the appeal site's historic boundary wall which is proposed to be retained. The proposal would not comply with the Council's standard referred to in the Local

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<sup>1</sup> Site Layout Planning for Daylight and Sunlight – A guide to good practice, Second Edition, Paul Littlefair, 2011

Plan in this regard. However, there would be communal amenity space provided within the development and in this case I give more weight to the benefit to the character and appearance of the area of retaining the historic boundary wall than the need to provide private outside space for every flat. Therefore overall I consider the proposed amenity space provision acceptable in these circumstances.

21. The proposal comprises 14 X 2 bedroom/3 person flats and 1 X 3 bedroom/4 person flat. This mix is skewed towards 2 bedroom flats and does not reflect the requirements set out in Table SC 3.1 in the Local Plan. However, I have no evidence from the Council explaining to me the harm which may arise from the mix proposed. On this basis I consider the proposed mix acceptable.
22. Taking the above points together, on the basis of the evidence provided, I consider the development would provide a satisfactory quality and mix of dwellings and would not conflict with Policies 3.5 or 3.8 of the London Plan or Policies SC3 and SC5 of the Local Plan. Together these policies seek development with a mix of housing types that contributes to improving housing quality and design, applying the minimum internal space standards and seeking private external space.

#### *On-site Affordable Housing*

23. Consistent with Policies 3.11, 3.12 and 3.13 of the London Plan, Policy SC2 of the Local Plan seeks that the maximum reasonable amount of affordable housing is provided, on-site, by sites with a capacity to provide 10 or more homes, negotiated on a site by site basis with reference to a strategic borough-wide target of 40% of all new housing being affordable. When financial viability assessments demonstrate that current market conditions will support less than 40%, the policy seeks a review mechanism upon completion of the development.
24. The policy makes provision for a cash in-lieu payment in exceptional circumstances, where on-site provision is not practical or feasible. In this case a viability assessment indicates that the appeal scheme can provide a financial contribution for affordable housing of £400,000. The evidence indicates on-site provision would equate to 2 units each containing 2 bedrooms but that no registered providers of affordable housing were interested in these units.
25. My attention has been drawn to a number of reasons why this may be. These include the single core for the development which may present management and maintenance issues, management fees which may be prohibitively expensive, higher overheads for the registered provider as a result of the small number of units and a lack of on-site car parking. I have limited evidence from the Council responding to the above points and the evidence indicates the financial contribution proposed may be utilised to provide a greater number of affordable units.
26. In light of a lack of evidence disputing the affordable housing provision proposed, I conclude the financial contribution is acceptable, that the appeal scheme makes adequate provision for affordable housing and that it would not conflict with Policy SC2 of the Local Plan or the above noted policies of the London Plan in respect of affordable housing.

## **Other Matters**

27. Representations have been received raising concerns about infrastructure needed to serve the development, density, car parking, access, road safety, noise and disturbance, waste and overlooking. The Council did not refuse the appeal development for any of these reasons and I see no reason to either. I note in respect of overlooking that side windows previously proposed have been removed from the scheme and obscure glazing is proposed to mitigate the effect of other windows.
28. Concerns have also been raised about the materials proposed for the building and demolition of the historic wall around the site. This would be retained and non-original parts altered to provide access into the proposed building. The wall is notable in townscape terms and the evidence indicates its retention and incorporation into the scheme is beneficial due to its historic and architectural value. I have no reason to disagree with this assessment. Details of the material proposed may be secured by condition to ensure they are appropriate in the context of the appeal site.
29. I note there are concerns about the effect the development may have on sightlines to the grade II listed Gillette building. However, from my site visit, in my judgement this buildings is too far away from the appeal site to be adversely affected by the appeal building which, at 4 storeys high, is a relatively low rise development.
30. My attention has been drawn to the possible development of adjoining land and concerns about its future development. I have no information about what might be developed on the adjoining land. Such development is not before me and I have determined the appeal scheme on its own merits. I am also told the proposal does not confirm with the spatial strategy for the area but I have limited information in this regard so this has not changed my overall conclusion.

## **Planning Obligations**

31. A unilateral undertaking has been submitted by the appellant dated 26 March 2019 and comments were invited from the Council. The unilateral undertaking contains a planning obligation for the affordable housing contribution noted above. I have considered this obligation in light of the tests within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations.
32. I consider the terms of the affordable housing obligation to be necessary to make the development acceptable in planning terms and directly, fairly and reasonably related in scale and kind to the development proposed. This obligation therefore meets the relevant tests noted above and accordingly I have taken it into account in reaching my decision. However, the unilateral undertaking also contains obligations for other items, each of which I consider below.
33. A construction training contribution of £2,750 for every £1 million of construction costs is proposed. But I have not been provided with a copy of any planning policy or document which justifies this obligation nor has it been

explained to me how it meets the CIL tests noted above. As such I have not taken it into account.

34. A carbon offset payment of £21,097.80 is proposed. I note Policy EQ1 of the Local Plan seeks that all major developments, where appropriate, make a financial contribution to an agreed borough wide programme for carbon reductions where required reductions cannot be achieved on-site. I have no evidence this payment is appropriate in this case or that it complies with the above CIL tests and so I have not taken it into account.
35. Registration of the developer with the Considerate Contractors Scheme is proposed as an obligation but I have no evidence this is necessary in this case so I have not taken this into account. The appeal scheme also proposes a parking permit restriction. I note policy EC2 of the Local Plan promotes car-free development, where appropriate, but I have limited evidence this is an appropriate obligation in this case and so I have not taken this into account either.
36. The unilateral undertaking also includes a monitoring fee of £2,500. The meeting of such a cost would also need to satisfy the above tests. Based on the evidence provided, I am not convinced the monitoring of and securing compliance with the necessary obligations noted above would be above and beyond what would normally be considered to be the Council's function. I therefore find that in this case the monitoring fee is not necessary to make the development acceptable and as such I have not taken this into account in my decision.

### **Conditions and Conclusion**

37. The Council has not suggested conditions in response to the appeal. However, conditions recommended by a Council officer were set out in the officer report to committee that I have been provided with. I have had regard to this taking account of advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, enforceability, clarity and reasonableness.
38. In addition to an implementation condition, a condition specifying the relevant plans is necessary to ensure the development is carried out as approved. A Construction Logistics Plan is necessary in the interests of highway safety. An Energy Strategy is necessary to minimise carbon dioxide emissions. As these both affect the initial stages of development they are required prior to the commencement of development.
39. A condition requiring the approval of samples of the external materials for the development is necessary in the interests of the character and appearance of the area and a condition requiring their sustainable sourcing is necessary for reasons of sustainability, as is a condition controlling water consumption.
40. In the interests of the living conditions of residents, conditions are necessary in respect of land contamination, the hours of demolition and construction, obscure glazing and privacy screens. A landscaping scheme is required by condition in the interests of the character and appearance of the area, the living conditions of residents and biodiversity.
41. Conditions requiring storage for cycles and refuse/recycling are required in the interests of sustainable transport and the living conditions of residents and the

character and appearance of the area respectively. A condition requiring adherence to Lifetime Homes standards and for a dwelling to be wheelchair accessible is necessary in the interests of accessibility.

42. The Council's report contains a condition requiring the development to comply with the principles of 'Secured by Design' but there is no explanation as to why this condition is necessary and so I have not imposed it.
43. Subject to the imposed conditions, for the reasons given above the appeal should succeed.

*L Perkins*

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 the following approved plans: 133-060-EX-LOC Rev 00, 133-061-EX-PLN Rev 01, 133-062-PLN Rev 01, 133-063-EX-PLN Rev 01, 133-064-EX-ELE Rev 00, 133-065-EX-ELE Rev 00, 133-066-EX-SEC Rev 00, 133-067-GAPLN Rev 07, 133-068-GA-PLN Rev 10, 133-069-GA-PLN Rev 04, 133-070-GA-PLN Rev 06, 133-071-GA-ELE Rev 07, 133-072-GA-ELE Rev 09, 133-073-GA-SEC Rev 08, 133-074-GA-ELE Rev 04, 133-075-GA-SEC Rev 03, and 133-077-EX-PLN Rev 00.
- 3) No development shall commence, including any works of demolition, until a Construction Logistics Plan that conforms to current TfL guidance has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include:
  - i) a site plan (showing the areas set out below),
  - ii) confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with Hounslow Highways and a commitment to repair any damage caused by construction activity,
  - iii) provision for the parking of vehicles of site operatives and visitors,
  - iv) provisions for loading, unloading and storage of plant and materials within the site,
  - v) details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements,
  - vi) details of vehicle routeing from the site to the wider strategic road network,
  - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
  - viii) provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council,
  - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works,
  - x) measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access,
  - xi) commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts,
  - xii) avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway,

- xiii) all necessary traffic orders and other permissions required to allow safe access to the site to be secured and implemented prior to commencement of construction,
  - xiv) details of the construction programme and a schedule of traffic movements, and
  - xv) the use of operators that are members of TfL's Freight Operator Recognition Scheme (FORS).
- 4) The development hereby permitted shall not commence until a finalised Energy Strategy (demonstrating how the 35% target for carbon dioxide emissions reduction are to be met in line with the Mayor's energy and cooling hierarchies) has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Energy Strategy and shall not commence above ground until full Design Stage calculations under the Standard Assessment Procedure have been submitted to and approved in writing by the local planning authority to show that the development shall be constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions, and will achieve a 35% reduction in emissions on Part L 2013. Prior to first occupation of the building evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure) shall be submitted to the local planning authority and approved in writing to show that the development has been constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions, and achieves a 35% reduction in emissions on Part L 2013. Upon final commencement of operation of the solar PV panels, suitable devices for the monitoring of the solar PV panels shall have been installed, and the monitored data shall be submitted automatically to a monitoring web-platform at daily intervals for a period of three years from the point of full operation.
- 5) Prior to the completion of the substructure samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.
- 6) Prior to the completion of substructure, details shall be submitted to and approved in writing by the local planning authority that: - At least three of the key elements of the building envelope (external walls, windows roof, upper floor slabs, internal walls, floor finishes/coverings) are to achieve a rating of A+ to D in the Building Research Establishment (BRE) Green Guide of specification. - At least 50% of timber and timber products are to be sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) scheme. - No construction or insulation materials are to be used which will release toxins into the internal and external environment, including those that deplete stratospheric ozone. The development shall not be occupied until evidence (e.g. photographs and copies of installation contracts) have been submitted to the local planning authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details.

- 7) Prior to completion of substructure, evidence shall be submitted to the local planning authority and approved in writing to demonstrate that the internal water consumption of the development shall not exceed 105 litres/person/day in line with The Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. Prior to first occupation of the building evidence (including a schedule of fittings and manufactures' literature) shall be submitted to the local planning authority and approved in writing to show that the development has been constructed in accordance with the approved internal water use calculations.
- 8) During the course of the development the local planning authority shall be notified immediately if additional contamination is discovered. A competent person shall assess any such additional contamination and shall submit amendments to the scheme for decontamination in writing to the local planning authority for approval before any work on that aspect of development continues. Before the development is first brought into use the agreed scheme for decontamination referred to above, including amendments, shall be fully implemented and a written validation (closure) report submitted to the local planning authority and approved in writing.
- 9) Demolition and construction works shall not take place other than between 0800h to 1800h Monday to Friday and 0900h to 1300h on Saturday and at no time on Sundays or Public Holidays.
- 10) The windows formed in the south-west and north-east elevations shall be obscure glazed, hinged to open inwards and shall not be repaired or replaced otherwise than with obscured glazing.
- 11) Prior to the completion of the substructure, details of privacy screens on the balconies shall be submitted to and approved in writing by the local planning authority. The details as approved shall be erected at the site before the building is occupied and retained thereafter in accordance with the approved details.
- 12) Prior to the completion of the substructure details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - i) existing and proposed finished levels or contours;
  - ii) means of enclosure and retaining structures;
  - iii) boundary treatments;
  - iv) vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures e.g. furniture, play equipment, storage units, signs, lighting etc.;
  - vii) proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines etc. indicating alignments, access points and supports as relevant;
  - viii) retained historic or other landscape features and proposals for restoration;
  - ix) planting plans;

- x) written specifications (including cultivation and other operations associated with plant and grass establishment;
- xi) schedule of plants, noting species, plant sizes and proposed numbers/densities; and
- xii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 13) The use hereby permitted shall not be begun until details of the arrangements for the storage of waste and recycled materials have been submitted to and approved by the local planning authority. The arrangements for storing waste and recycled materials shall not be carried out otherwise than in accordance with the approved details, shall be completed before any part of the accommodation hereby permitted is occupied and thereafter retained for use at all times without obstruction.
- 14) Prior to the completion of the substructure, full details (including manufacturers' specifications) of secure covered cycle parking facilities for the occupants of the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall conform to current guidance such as the TfL London Cycling Design Standards in design and layout and shall be fully implemented and made available for use before the first occupation of the development and thereafter retained for use at all times without obstruction.
- 15) The development hereby approved shall meet the Lifetime Homes criteria and a minimum of one dwelling shall be designed to be wheelchair accessible or easily adaptable for wheelchair use.