

Appeal Decisions

Hearing held on 29 October 2013

Site visit made on 29 October 2013

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 November 2013

Two Appeals at Prospect House, 191 London Road, Isleworth, Middlesex TW7 5XD

- The appeals are made by Trustees of Iwanier Bude Pension Trust against the decision of the Council of the London Borough of Hounslow.
 - The works and development proposed are "Conversion of former B1 office building into 7 self-contained flats".
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Appeal A Ref: APP/F5540/E/13/2200331

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref 00707/191-199/L5, dated 17 April 2013, was refused by notice dated 19 June 2013.
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Appeal B Ref: APP/F5540/A/13/2200329

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 00707/191-199/P5, dated 17 April 2013, was refused by notice dated 19 June 2013.
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Appeal A: Decision

1. The appeal is allowed and listed building consent is granted for "Conversion of former B1 office building into 7 self-contained flats" at Prospect House, 191 London Road, Isleworth, Middlesex, TW7 5XD, in accordance with the terms of the application Ref 00707/191-199/L5, dated 17 April 2013, subject to the conditions set out in Schedule A at the end of these Decisions.

Appeal B: Decision

2. The appeal is allowed and planning permission is granted for "Conversion of former B1 office building into 7 self-contained flats" at Prospect House, 191 London Road, Isleworth, Middlesex, TW7 5XD, in accordance with the terms of the application, Ref 00707/191-199/P5, dated 17 April 2013, subject to the conditions set out in Schedule B at the end of these Decisions.

Application for costs

3. At the Hearing an application for costs was made by Trustees of Iwanier Bude Pension Trust against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.

Preliminary matters and main issues

4. "Nos 191 to 199 (odd) (Park Cottages) London Road, Isleworth", now known as Prospect House (the listed building), is listed in Grade II. It is located within the Isleworth Riverside Conservation Area which is designated for its naturalistic beauty and the relationship between the waterways and the historic core of Isleworth. The listed building is within the settings of the Grade II* Syon Lodge on one side, and the Grade II Coach and Horses Public House on the other, on the south-east side of London Road, which is a historic highway roughly along the route of a Roman road. The listed building, which was probably built as dwellings for workers at the nearby Syon Park estate, makes a positive contribution to the settings of the adjacent listed buildings, and to the historic character on the south-east side of London Road.
5. The Council has not raised concerns about the Conservation Area, or about the settings of the adjacent listed buildings. I agree, because there would be little change to the exterior of the listed building, and the changes within the site would respect the historic domestic character. So, the character and the appearance of the Conservation Area would be preserved, and the settings of the adjacent listed buildings would be preserved.
6. With this in mind, from my inspection of the site and its surroundings, and from the representations made at the hearing and in writing, I consider that the main issue in Appeals A and B is:
 - whether the proposal would preserve the special architectural or historic interest of the listed building or its setting or any features of special interest which it possesses, and, in Appeal B only:
 - the effect that the proposed development would have on the living conditions of the occupiers of the first floor flats at 19 to 24 Abbey Court and the future occupiers of Flats 3 and 5, with regard to privacy,
 - whether the outdoor amenity space proposed would be sufficient for the future occupiers, and
 - the effect that the proposed development would have on highway safety and the free flow of traffic in the nearby streets, having regard to the provision of off-street parking.

Reasons

Listed building

7. The C18 listed building was a terrace of 5 dwellings which was extended at the back and converted to offices in about 1973. Although the 2-storey rear extension is less significant than the historic terrace, by virtue of its replacement of the former rear outshoots, its scale, and because it is fixed to the listed building, it falls to be considered as part of the listed building which it is desirable to preserve. The domestic scale, form and classical proportions of the historic dwellings within the listed building are important to its special architectural interest and to the significance of the heritage asset. The cellular plan forms of the historic dwellings, with their party walls and deep chimney breasts, have largely endured, but there was little evidence of internal features of special interest, such as historic staircases and partitions, in the former mainly 2-storey plus attic and basement cottages.

8. The change of use of the listed building back to residential use would be in accordance with the well established principle that the best use for a heritage asset is often the use for which it was first designed. The conversion to 7 generally well proportioned flats would make good use of the existing floor space and fabric. Whilst the 2-bedroom Flat 4 would only face roughly north-west, the pairs of good-sized first floor windows in the living room and bedrooms would provide well-lit accommodation for the future occupiers.
9. There would be comparatively little disruption to what is probably historic fabric within the historic terrace, or to its historic form, because most of the alterations and new partitions would be within the more recent rear extension. The later partitions in the basement would be removed. The much less than substantial harm that the proposal would cause to the fabric, form, and significance of the listed building would be substantially outweighed by the public benefit of conserving the presently vacant heritage asset by bringing it back into active residential use.
10. By contrast with the commercial character of the present car park, which takes up almost all of the outside space at the back of the listed building, there would be a new garden, a lesser number of car parking spaces, and what could be fairly unobtrusive cycle and refuse stores. The landscaping of the front garden would improve the outlook from the basement rooms. So, the external alterations within the site and within its immediate setting would better reveal the residential character which contributes positively to the significance of the heritage asset.
11. I consider that the proposal would preserve the special architectural interest of the listed building and its setting. It would satisfy Policy ENV-B.2.7 of the *London Borough of Hounslow Unitary Development Plan* (UDP) which reflects the thrust of the statutory duty with regard to listed buildings, Policy 7.8 of *The London Plan* (TLP) which aims for heritage assets to be valued, conserved and re-used, and the *National Planning Policy Framework* (Framework) which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Privacy

12. The listed building was extended and converted to offices before the 3-storey flats at 19 to 24 Abbey Mews, which are only a few metres from the site boundary, were built. Due to the height of the intervening boundary treatment, the set back siting of the proposed second floor flats, and the angled relationships between the opposing flats on different floors, the Council confirmed at the hearing that it was mainly concerned about overlooking between the opposing first floor flats.
13. The French windows with side lights and Juliette balconies in the 2 first floor flats at 19 to 24 Abbey Mews, which the Council says serve living/dining rooms and kitchens, face the back of the listed building at a slight angle. The first floor window to the living room in Flat 3 would face those glazed areas in the Abbey Mews flats, roughly 17 m away, and the first floor bedroom windows in Flats 3 and 5 would be a little closer. The guidance in UDP Appendix 1 aims to achieve at least 21 m between opposing windows to habitable rooms. However, UDP Policy H.4.1 says that the guidelines will be applied flexibly to ensure that development relates well to the surrounding areas, respecting the

predominant character and density, and not damaging the amenities of adjacent properties.

14. At the hearing the Council confirmed that the hours when the offices at the listed building could be occupied were not controlled by condition. So, any number of office occupiers could overlook the Abbey Mews flats at any time on any day from the rear-facing windows. By contrast, only one first floor living room window would face the Abbey Mews flats. Even if the future occupiers of Flats 3 and 5 were to also spend time in their bedrooms, the overlooking that could occur from the listed building would not materially change. From what I saw, and having regard to the suburban character of the surroundings, the mutual overlooking and loss of privacy that could occur between the existing and proposed first floor flats would not be unacceptable, and it would be significantly less between opposing flats on different floors. So, stained or obscured glazing in the first floor rear-facing bedroom and living room windows would not be necessary to protect the existing and future occupiers' privacy.
15. I consider that the proposal would not harm the living conditions of the future occupiers of Flats 3 and 5 or the occupiers of the first floor flats at 19 to 24 Abbey Mews, with regard to overlooking and loss of privacy. It would satisfy the aims of TLP Policy 3.5 which seeks respect for context, and UDP Policies B.1.1 and H.4.1 and the Framework which seek a good standard of amenity for all existing and future occupants of buildings.

Outdoor space

16. It is usually accepted that on-site amenity space cannot always be provided in conversions of existing buildings. However, in this case there would be 2 modest outside areas. At the front, the roughly basement level area of about 54 m² could be reached from the drive by steps provided as part of the landscaping scheme. It could be used by the occupiers of Flats 1 and 2, even though it would not be directly accessible from those flats. It would be affected by traffic noise from London Road, and it would not be very private. However, this area could provide a shared outside space where occupiers of Flats 1 and 2 could tend some plants. It would also provide a visual amenity space at the front of the listed building in addition to the roughly street level front garden.
17. There would be a communal garden of about 97 m² at the back, which would provide room for planting and a modest space where children could play. It would offer a reasonably secure well-lit outdoor space where occupiers of the flats could sit outside in relative privacy at a reasonable distance from the adjoining Flat 2 ground floor bedroom windows. The usable amenity space would be less than the guidance of between 185 m² and 225 m² sought in the *London Borough of Hounslow Unitary Development Plan Supplementary Planning Guidance* (SPG). However, it would achieve an acceptable balance between the competing demands for on-site parking and amenity space, and it would provide an appropriate landscaped setting for the development.
18. Furthermore, the site is only about 4 minutes walk from the Duchess Gate to the privately-owned Syon Park, which is usually open to the public during the daytime, and a similar distance from Hawthorn Road Park, on the opposite site of the generally busy London Road, where there are multi-sports facilities and play equipment. So, there would be opportunities fairly close by where the occupiers could take exercise, and where children, supervised by their carers as necessary, could play. Whilst some occupiers might prefer not to have a

garden at all, future occupiers requiring a garden accessible from their home could choose not to occupy the flats.

19. I consider that the proposed development would not harm the living conditions of the future occupiers with regard to the provision of on-site amenity space. It would satisfy TLP Policy 3.8 which aims to offer housing choice, UDP Policy ENV-B.1.1 which seeks good quality landscape design and reuse of existing buildings wherever possible, UDP Policy H.4.1 which aims for the Council's standards and guidelines to be applied flexibly, and the aims of the SPG.

Parking

20. UDP Policy T.1.4 aims for all developments to provide parking and servicing facilities in accordance with the Council's standards. Unless otherwise stated, the car parking standards are those that are considered to be the maximum desirable provision and there are no minimum standards except in relation to disabled parking. The supporting text explains that the implementation of measures to reduce the need to travel, reduce reliance on the private car, and promote the use of sustainable modes, such as walking, cycling and public transport, is vital to the success of the UDP. TLP Policy 6.13 maintains this thrust. UDP Appendix 3 also says that the parking standards should be considered as a maximum unless there are exceptional circumstances.
21. The site has a Public Transport Accessibility Level of 3, which is moderate. There are shops and local services fairly close by, and 2 nearby bus routes. Syon Lane rail station is about 5 minutes walk away, Osterley underground station is roughly 20 minutes walk away, and on-site cycle parking to meet the minimum standards would be provided. So, occupiers would not be dependent on the private car for most journeys. Whilst there would be no on-site car parking for the 5 smaller flats, there would be one car parking space each for the 2 3-bedroom flats, and a disabled users' parking space. There would also be sufficient room within the site for reasonable servicing, loading and unloading, bearing in mind the restrictions imposed by the archway.
22. Whilst occupiers of flats without a parking space could also have cars, there would be insufficient room for additional parking within the on-site turning areas. There are parking restrictions in the nearby part of London Road, and Abbey Mews is a gated development, so parking would not be possible there. However, apart from the areas around junctions, most parking restrictions in the other nearby streets are advisory, so there is likely to be sufficient capacity in the other surrounding streets where the occupiers could park cars. Moreover, no exceptional circumstances and little technical evidence was put to me to show that unacceptable parking stress would be expected, or that hazards to highway safety from parking manoeuvres would be likely to arise.
23. I consider that the proposal would not be likely to endanger highway safety or impede the free flow of traffic in the nearby streets, having regard to the proposed on-site car parking. It would satisfy TLP Policy 6.13 and UDP Policies ENV-B.1.1 and T.1.4, which seek car and cycle parking and servicing space, and UDP Policies T.4.3 and T.4.4 which aim to not endanger highway safety.

Other matters

24. At the hearing Council witnesses expressed a preference for the conversion of the listed building to houses or a smaller number of dwellings. However, the

proposal before me has been dealt with on its merits and in accordance with its site specific circumstances, the statutory duties, and relevant Development Plan and national policy. It would achieve an acceptable balance between the preservation of the listed building and its setting, and the provision of on-site parking and amenity space, as well as the privacy of future and nearby occupiers. None of the other matters raised against the scheme outweigh the considerations that have led to my conclusions. Therefore, planning permission and listed building consent should be granted subject to conditions.

Conditions

25. The Council's suggested conditions have been considered in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions* and the Framework. In both appeals, the conditions identifying the approved plans are necessary for the avoidance of doubt and in the interests of proper planning.
26. In Appeal A, the Council's suggested condition 2 is an informative so it has not been imposed. The Council's condition 3, for works to existing features, has been reworded to refer to works of alteration as suggested by the Council at the hearing. That condition also includes details of the spiral staircases, and it is reasonable and necessary to preserve the special architectural interest of the listed building. The condition for making good any damage to the listed building, as agreed by the main parties at the hearing, is also reasonable and necessary to preserve the special architectural interest of the listed building.
27. In Appeal B, the conditions for hard and soft landscaping, and refuse and cycle store(s), are reasonable and necessary to preserve the setting of the listed building, and in the interests of highway safety and sustainable transport. Provision for recyclable materials storage for each flat is shown on the approved plans. The condition to control the hours of demolition and construction are reasonable to protect the living conditions of nearby occupiers. The tailpieces have been removed because there is an established procedure to deal with changes to planning conditions.
28. Two additional conditions were agreed by the main parties at the hearing. The condition to control the use of the flat roof is reasonable to protect the privacy of nearby occupiers. The condition for archaeological work is reasonable due to the relationship of the site to the designated Archaeological Priority Area.

Conclusion

29. For the reasons given above and having regard to all other matters raised, the appeals succeed.

Joanna Reid

INSPECTOR

Schedule A

- 1) The works hereby authorised shall begin not later than three years from the date of this decision.
- 2) The works hereby authorised shall be carried out in accordance with the following approved plans: 1:1250 location plan, EMP/1/D, C12843-100,

C12843-101, C12843-102REVA, C12843-103REVA, C12843-104/C, C12843-105/B, C12843-106REVA and C12843-107REVB.

- 3) No works shall take place until a schedule and details of all works of alteration to the listed building and details of the spiral staircases have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved schedule and details before any dwelling hereby authorised is first occupied.
- 4) Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within 3 months in accordance with a scheme submitted to, and approved by, the local planning authority.

End of Schedule A

Schedule B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, EMP/1/D, C12843-100, C12843-101, C12843-102REVA, C12843-103REVA, C12843-104/C, C12843-105/B, C12843-106REVA and C12843-107REVB.
- 3) No development shall take place until details of the refuse store(s) and secure covered cycle parking have been submitted to and approved in writing by the local planning authority. No dwelling shall first be occupied until the refuse store(s) and secure covered cycle parking have been carried out in accordance with the approved details, and they shall be retained as approved for those purposes thereafter.
- 4) No development shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before any dwelling hereby approved is first occupied or in accordance with a timetable approved in writing by the local planning authority. These details shall include the car parking layout, other vehicle and pedestrian access and circulation areas, hard surfacing materials, and planting plans. The vehicle turning and car parking areas shall be retained as approved for those purposes thereafter.
- 5) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 6) The flat roofed area to the existing rear extension shall not be used as a balcony, roof garden or similar amenity area.
- 7) No development shall take place within the front garden until a programme of archaeological work has been implemented in accordance with a written scheme of investigation and timetable which has been submitted to and approved in writing by the local planning authority.

End of Schedule B

APPEARANCES

FOR THE APPELLANT:

Nathan Iwanier	Trustee of Iwanier Bude Pension Trust
Eli Mark Pick BSc(Hons) MRICS BTP MRTPI	Appellant's agent, E M Pick Planning
Mrs H Iwanier	Wife of Mr Nathan Iwanier

FOR THE LOCAL PLANNING AUTHORITY:

Michael Rowson	Planning officer, Council of the London Borough of Hounslow
Maggie Urquhart RIBA	Conservation and urban design officer, Council of the London Borough of Hounslow
Robert Coomber	Central area planning manager, Council of the London Borough of Hounslow

DOCUMENTS PUT IN AT THE HEARING

- 1 Plan EMP/1/D, put in by the appellant.
- 2 Map of Isleworth Riverside Conservation Area showing listed buildings, and list descriptions for the appeal building and nearby listed buildings, put in by the Council.
- 3 H M Land Registry General Map showing appeal site, put in by the appellant.
- 4 Extract from TLP *Housing Supplementary Planning Guidance*, put in by the appellant.
- 5 Extract from planning permission subject to conditions ref 00707/D/P20 dated 26 August 2004 and refusal of conservation area consent ref 00707/D/P22 dated 16 March 2004, put in by the appellant.
- 6 Street Plan with nearby open spaces marked in green, put in by the appellant.
- 7 Map showing Archaeological Priority Areas – amended and updated June 2010, put in by the Council.
- 8 The Council's letter of notification of the hearing dated 22 July 2013.
- 9 UDP Appendix 3 parking standards, put in by the Council.
- 10 UDP Policy T.1.4, put in by the Council.
- 11 Front cover and introduction to the *London Borough of Hounslow Employment Development Plan Document*, put in by the Council.
- 12 Planning permission and listed building consent subject to conditions ref 707/191-199/P.1. dated 24 April 1972, put in by the Council.
- 13 Front cover and explanatory notes from the *Statutory List of Buildings of Special Architectural or Historic Interest*, put in by the Council.
- 14 The Council's suggested archaeology condition.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

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