



Department for
Communities and
Local Government

Mr Neil Rowley
Savills PLC
20 Grosvenor Hill
London
W1K 3HQ

Our Ref: APP/F5540/A/12/2177852

21 March 2013

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY LP (BRETFORD) LTD
REYNARD MILLS BUSINESS PARK, WINDMILL ROAD, BRETFORD, TW8 9LY
APPLICATION REF: 01217/C/P37**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Alan Boyland BEng(Hons) DipTP CEng MICE MCIHT MRTPI, who held a public local inquiry between 20 and 23 November 2012, and which was closed in writing on 11 December 2012, into your client's appeal against the refusal of the Council of the London Borough of Hounslow ("the Council") to grant an outline planning permission for the demolition of existing buildings and redevelopment to provide 275 dwellings.

2. On 21 September 2012 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves a proposal for residential development of over 150 units on a site of over 5 hectares (ha) which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be dismissed and planning permission refused. For the reasons given in this letter, the Secretary of State agrees with the Inspector. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

Procedural matters

4. The Secretary of State notes that the application was made in outline with all matters except access reserved for subsequent consideration (IR1); and that, by agreement with the applicant, the Council determined the application on the basis that layout was also not reserved. The appeal has been considered accordingly.

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Policy Considerations

5. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Plan (LP), saved policies in the Hounslow Unitary Development Plan (UDP), Hounslow Council's Employment Development Plan Document and Hounslow Council's Brentford Area Action Plan (BAAP). The Secretary of State gives limited weight to the emerging Hounslow Core Strategy Preferred Strategy (IR13–IR14).

6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) and the associated Technical Guidance (March 2012); and Circular 11/95: Use of Conditions in Planning Permission.

Main Considerations

7. The Secretary of State agrees with the Inspector that the main issues to be considered are those relating to land use and the principle of redevelopment and the three matters identified by the Inspector at IR332.

Land use and the principle of redevelopment

8. For the reasons given at IR333-339, the Secretary of State agrees with the Inspector that the principle of development on the site is generally but not universally undisputed and that the current appeal scheme should be considered on its own planning merits rather than in relation to hypothetical schemes. He also agrees (IR340-347) that, although the appellant and the Council disagree on whether there is a 5 year supply plus a buffer of 5% of deliverable housing sites in the Borough (as required by the Framework), it would appear that, at worst, the housing land supply is above 5 years but does not meet the 5 years + 5% requirement whereas, at best, the full requirement is easily met (IR343). The Secretary of State further agrees with the Inspector (IR346) that it is largely undisputed that the appeal site falls within the definition of previously-developed land and that, overall (IR347), the principle of sustainable residential development on this site would accord with national and development plan policy.

Effect on the character and appearance of the area

9. For the reasons given at IR348–IR353, the Secretary of State agrees with the Inspector that, although the area around the appeal site clearly falls within the definition of an urban area, it has poor public transport accessibility so that the densities described in the Public Transport Accessibility Index should not be applied mechanistically.

10. For the reasons given at IR354–IR360, the Secretary of State agrees with the Inspector that although, as the application is in outline, maximum heights could be controlled through a planning condition, there is nothing to suggest that 275 dwellings could be achieved on-site with the layout proposed other than with the scales and heights indicated. He also agrees that, for the reasons given at IR361–IR362, the proposals would not represent a transition or a continuation of the existing transition between the higher buildings along the Great West Road and the almost entirely 2/3 storey development surrounding the appeal site on the other three sides, but would extend higher-rise development into contrasting low-rise residential areas, imposing upon rather than respecting the characters of those areas as required by the BAAP. Similarly, for the reasons given by the Inspector in IR363–IR366, the Secretary of State agrees that the appeal scheme would not accord with the BAAP and the UDP in terms of its relationship

to the height and scale of the adjacent landscape and, thus, would not accord with the requirement of the Framework to add to the overall quality of the area and respond to local character.

11. The Secretary of State also agrees with the Inspector (IR367) that the proposed development would conflict with LP policies 3.5 and 7.4 and, while he notes that the Greater London Authority have not objected to the appeal scheme, he agrees with the Inspector that their view appears to relate only to compliance with the LP (IR368).

12. While agreeing with the Inspector (IR369) that appearance, scale and landscaping are reserved matters, the Secretary of State also agrees (IR370) that there is some overlap between the heights of the proposed buildings, their appearance and the implications for the character of the area; and he considers it appropriate to consider these at the outline stage. The Secretary of State shares the Inspector's concerns at IR370-376 (and, as stated above, in earlier paragraphs of his report) concerning the relationship of the appeal scheme to its surroundings; in particular the abruptness of the intrusion of higher buildings into the area of low-rise housing. He agrees with the Inspector that, for the reasons given at IR377, little weight should be attached to the suggestion made orally at the inquiry that reducing the heights of the apartment blocks by one storey might render them acceptable. He also agrees (IR379) that, although the environs of the dwellings would be dominated by parked cars, those would be largely invisible from outside the site.

13. Overall, the Secretary of State agrees with the Inspector (IR380) that the proposed development would be harmful to the character and appearance of the area and would conflict with LP3.5 in that it would not optimise output within the relevant density range because it would not adequately take into account local context and character for this location. He also agrees that the proposed scheme would conflict with other development plan policies to the extent identified at IR381 and that it would not therefore represent sustainable development as indicated in the Framework (IR382).

Effect on Living Conditions

14. For the reasons given at IR383–IR401, the Secretary of State agrees with the Inspector that, as far as can be determined at the outline stage, there would be no unacceptable harm to the living conditions of residents off site or, in most respects, those living in the proposed development that could not be mitigated by conditions. However he further agrees with the Inspector that, while the communal amenity space would be adequate, it would fall short of the positive contribution to making places better for people and of the high quality public space which encourages the active and continual use of public areas, both as sought by the Framework. He also agrees that the proposals would fail to meet the requirements of LP policies 3.6 and 7.4.

Effect on Traffic & Parking

15. While noting that, subject to a contribution towards improvements on the A4 road, TfL have not objected to this proposal on traffic grounds (IR 414), the Secretary of State agrees with the Inspector (IR383–IR421) that, although the proposed parking provision would strictly comply with the relevant policies, harm in respect of other material considerations indicates a decision not in accordance with them. In particular, he agrees (IR408) that any additional pressures for car parking on Windmill Road and the streets to the east would add to the existing pressures there as well as adding to the existing impediments to the free flow of through traffic along Windmill Road. Nevertheless, the Secretary of State agrees that the effects would not be so severe as to require the scheme to be rejected solely on transport grounds (IR419), but that it would be contrary to UDP policies ENV-B.1.1, T.4.3 and T.4.4 (IR420). Overall (IR421), the Secretary of State

agrees with the Inspector that there is insufficient capacity on the road network to cater for travel generated by the appeal scheme and, as there are no firm plans to increase capacity, it would not comply with LP policy 6.3.

Other matters

16. The Secretary of State agrees with the Inspector (IR422) that it would be necessary and reasonable to require that measures be incorporated into the scheme to protect new residents from flooding and that this could be achieved by condition through measures such as a sustainable urban drainage system for surface water drainage and the control of flows of foul sewage. He also agrees (IR423) that, while the developer cannot be required to address existing deficiencies with regard to local services and facilities, it would be necessary for the developer to make provision to meet the additional demands.

Overall Conclusions

17. The Secretary of State agrees with the Inspector's conclusions that re-use of this site for residential development would in principle be acceptable in policy terms, that the density would be within the relevant range indicated by the LP and that some of the factors weighing against it would not individually justify dismissal of the appeal. However, he considers that the density, scale and form of the development proposed would be harmful to the character and appearance of the area and would not achieve the high quality required by policy. He also considers that, although the number of on-site parking spaces proposed would accord with the relevant policies, it is likely that there would nevertheless be increased demand for parking on nearby roads and the additional traffic would be harmful to the safety and convenience of road users. Overall, therefore, the Secretary of State concludes that, when taken together, these factors point to overdevelopment of the site; and has he not identified any material considerations of sufficient weight to justify a decision which goes against them.

Formal Decision

18. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby refuses your client's appeal against the refusal of the Council of the London Borough of Hounslow to grant an outline planning application for the demolition of existing buildings and redevelopment to provide 275 dwellings.

Right to challenge the decision

19. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

20. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

JEAN NOWAK

Authorised by Secretary of State to sign in that behalf



The Planning
Inspectorate

Report to the Secretary of State for Communities and Local Government

by Alan Boyland BEng(Hons) DipTP CEng MICE MCIHT MRTPI

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

Date: 21 January 2013

TOWN & COUNTRY PLANNING ACT 1990

COUNCIL OF THE LONDON BOROUGH OF HOUNSLOW

APPEAL BY LP (BRENTFORD) LTD

REYNARD MILLS BUSINESS PARK, WINDMILL ROAD, BRENTFORD, TW8 9LY

Inquiry opened on 20 November 2012

Reynard Mills Business Park, Windmill Road, Brentford, TW8 9LY

File Ref: APP/F5540/A/12/2177852

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Reynard Mills Business Park, Windmill Road, Brentford, TW8 9LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by LP (Brentford) Ltd against the decision of the Council of the London Borough of Hounslow.
- The application Ref 01217/C/P37, dated 31 October 2011, was refused by notice dated 17 April 2012.
- The development proposed is demolition of existing buildings and redevelopment to provide 275 dwellings.
- The Inquiry sat for 3 days on 20-22 November 2012 inclusive, with the site inspections being carried out on 23 November 2012, and closed in writing on 11 December 2012.

Summary of Recommendation: The appeal be dismissed.

Procedural Matters

The application

1. The application was made in outline with all matters except access reserved for subsequent consideration. However, by agreement with the then applicant, the Council determined the application on the basis that layout was also not reserved. I have considered the appeal accordingly.
2. Outline planning permission was refused by the local planning authority for the following reasons:
 - (1) The proposal, due to its density and excessive amount of development and the relationship of the site to neighbouring properties would result in a layout that includes buildings of an unsatisfactory height, bulk, and scale that would be incongruous features in the townscape and inappropriate in their context, which would be harmful to neighbours' outlook and the character of the area. It would therefore fail to take to the opportunity to improve the character and quality of the area and integrate with the surrounding development. The proposal is therefore contrary to the objectives of policies ENV-B.1.1 (New Development), H.4.1 (Housing Standards and Guidelines) of the London Borough of Hounslow Unitary Development Plan; Brentford Area Action Plan policies BAAP1 and BAAP2; and policies 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 7.1 (Building London's Neighbourhoods and Communities), 7.4 (Local Character), 7.5 (Public Realm), and 7.6 (Architecture) of the London Plan 2011.
 - (2) The proposal, due to its density and excessive amount of development would create a layout that would create internal street scenes that are dominated by car parking and that fails to provide sufficient areas of good quality amenity space for all future occupants due to excessive overshadowing of communal spaces, undue overlooking of the southernmost private rear gardens and the inadequate area of some of the northernmost private rear gardens, thereby failing to provide a satisfactory good quality residential environment for all occupants. The proposal is therefore contrary to the provisions of policies ENV-B.1.1 (New Development), H.4.1

(Housing Standards and Guidelines) of the London Borough of Hounslow Unitary Development Plan; Brentford Area Action Plan policies BAAP1 and BAAP2; and policies 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 6.10 (Walking), 7.1 (Building London's Neighbourhoods and Communities), 7.4 (Local Character), 7.5 (Public Realm), and 7.6 (Architecture) of the London Plan 2011.

- (3) The proposed development would fail to provide adequate levels of off-street parking for the number of future residents and visitors to the site, which is likely to lead to overspill parking on nearby streets that are heavily parked and not subject to parking controls, whilst the level of traffic generated from the amount of development proposed is likely to unduly add to existing peak hour traffic congestion on adjacent roads. Therefore the proposed development is likely to adversely affect existing traffic and parking conditions on the adjacent roads, contrary to policies ENV-B.1.1 (New Development), T.1.2 (The Movement Implications of Development), T.1.4 (Car and Cycle Parking and Servicing Facilities for Developments), T.4.2 (Oppose Overall Increases in Highway Capacity for Private Vehicles and Seek Reduction in Traffic Levels), T.4.3 (Traffic Implications of New Development) and T.4.4 (Road Safety) of the London Borough of Hounslow Unitary Development Plan; Brentford Area Action Plan policy BAAP7; and policies 3.4 (Optimising Housing Potential), 6.3 (Assessing Effects of Development on Transport Capacity), 6.12 (Road Network Capacity), and 6.13 (Parking) of the London Plan 2011.
- (4) The proposed development would, in the absence of a completed legal agreement to secure necessary planning obligations, put undue strain on the existing local education facilities and health facilities, and fail to provide affordable housing at an appropriate level, contrary to policies ENV-B.1.1 (New Development), H.4.5 (Associated Facilities for Residential Developments), C.2.1 (Educational Facilities), C.3.2 (New or Extended Health Facilities), and IMP.6.1 (Planning Obligations) of London Borough of Hounslow Unitary Development Plan; and policies 3.5 (Quality and Design of Housing Developments), 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes), 3.13 (Affordable Housing Thresholds), 8.2 (Planning Obligations) the London Plan 2011; and the Brentford Area Action Plan.
- (5) The proposed development would, in the absence of a completed legal agreement to secure necessary planning obligations, fail to secure the improvement of pedestrian, cycling and public transport facilities and provision of a comprehensive travel plan for the development, thereby failing to assist in limiting the use of the car and contributing to use of more sustainable modes of transport. This would be contrary to policies ENV-B.1.1 (New Development), T.1.2 (The Movement Implications of Development), Policy T.1.4 (Car and Cycle Parking and Servicing Facilities for Developments), T.2.2 (Pedestrian Safety and Security), T.2.3 (Strategic and Local Cycle Networks),

T.2.4 (Public Transport Infrastructure), T.4.3 (The Traffic Implications of New Development), T.4.4 (Road safety), and IMP.6.1 (Planning Obligations) of the London Borough of Hounslow Unitary Development Plan; Brentford Area Action Plan policy BAAP7; and policies 6.9 (Cycling), 6.10 (Walking) and 6.13 (Parking) of the London Plan.

The Appeal

3. By letter dated 21 September 2012 the Secretary of State directed that he shall determine this appeal instead of an Inspector. The reason given for the direction was that *'the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities'*.

The Inquiry

4. At the end of the Inquiry proceedings on 23 November 2012 I adjourned the Inquiry until 11 December 2012 pending the submission in writing of the closing submissions for the Windmill Road Action Group (WRAG), the Council and the appellant in accordance with a timetable I had set. It was also agreed that a certified copy of an agreement between the appellant and the Council (an uncertified copy had already been tabled) would be submitted. The requisite documents having been duly submitted, I closed the Inquiry in writing.
5. I made an unaccompanied pre-Inquiry inspection of the area around the site in the early evening. After the sittings I observed traffic conditions in Windmill Road and at its junction with the A4 Great West Road in the morning peak hour before the extensive accompanied visit to the site and its surroundings.

Planning Obligation

6. A Deed between LG (Brentford) Ltd, the Mayor and Burgesses of the London Borough of Hounslow and Capita IRG Trustees Ltd was entered into on 26 November 2012¹. In summary it provides for:
 - Developer contributions to local services, facilities and infrastructure;
 - Construction training;
 - A Travel Plan;
 - Compliance with the Considerate Contractor Scheme;
 - A Car Club scheme;
 - A Controlled Parking Zone permit prohibition;
 - A residential units details plan;
 - Affordable housing; and
 - Council covenants in respect of use of contributions, payment of Transport for London contributions to that body, deferred payment and the residential units details plan.
7. I have had regard to the Deed as a planning obligation under s.106 of the Act.

¹ Inquiry doc. INQ/3

Statement of Common Ground

8. A Statement of Common Ground (SoCG), prepared jointly and agreed by the appellant and the Council has been submitted². It sets out the following:
- Site description;
 - Planning history;
 - The appeal proposal;
 - The reasons for refusal;
 - Planning policy;
 - Matters in agreement;
 - Planning obligations;
 - Community Infrastructure Levy; and
 - Planning conditions.
9. By the close of the Inquiry the positions of the parties regarding planning obligations and conditions had moved on, and are reflected in further documents submitted³ and submissions at the Inquiry. I address these matters below.

This report

10. In this report, after the preliminaries I set out the gists of the cases for the parties who appeared at the Inquiry and summarise the written representations. Following this I set out my conclusions, followed by a recommendation. Lists of abbreviations, appearances at the Inquiry, documents and conditions that might be attached to a planning permission in the event that the Secretary of State allows the appeal are appended.

The Site and Surroundings

11. The site is as described in the SoCG⁴. Briefly it mainly comprises an approximately rectangular area entirely occupied by buildings and hardstandings. After many years in various industrial uses, since the 1960s the buildings were mostly used by the BBC for archive storage. Now almost all of them are vacant (as I saw, 3 smaller buildings near the southern access are still occupied, but leases on these are being terminated⁵). It is surrounded on all sides by development mainly in the form of terraced houses and flats (mostly 2-3 storeys with one 4-storey block adjacent to the southern corner) two schools and a church. Two accesses onto Windmill Road (B452) are the only means of entry and exit for vehicles and pedestrians. A short distance to the south Windmill Road crosses the A4 dual carriageway Great West Road at a signal-controlled junction beneath the elevated M4 motorway.

² INQ/2

³ INQ/3; C/11

⁴ INQ/2, section 2

⁵ A/15 paras 5.3-4

Planning History

12. The planning history of the site is set out in the SoCG⁶. In summary, various permissions have been granted over the last 50 years or so, primarily for storage/warehousing and related uses. However, permission was granted in 1998 for a Class B1 light industrial building.

Planning Policy

13. The SoCG lists the policy documents and policies that are relevant to the appeal proposal⁷. National policy is set out in the National Planning Policy Framework ('the Framework'). The development plan comprises the London Plan (LP), saved policies in the Hounslow Unitary Development Plan (UDP), the Employment Development Plan Document (EDPD)⁸ and the Brentford Area Action Plan (BAAP).
14. The emerging Hounslow Core Strategy Preferred Strategy is relevant, but the appellant suggests that only limited weight should be attached to it at this stage⁹ and neither the Council nor any other party places any reliance upon it.
15. The UDP is accompanied by supplementary planning guidance (SPG) and a supplementary planning document (SPD) on planning obligations.
16. Relevant extracts from all these policy documents were submitted with the Questionnaire and are included in a bundle submitted by the appellant¹⁰.

The Case for the Appellant

17. The material points¹¹ are as follows.
18. Planning permission was refused by the Council for five reasons. Now three main issues remain:
 - (a) the effect of the proposals on the character and appearance of the area;
 - (b) the effect on living conditions, on and off the site; and
 - (c) the effect on traffic and parking locally.The other effects of the proposal (education, health and affordable housing) are all agreed by the main parties to be covered satisfactorily by the submitted s.106 agreement¹².

⁶ INQ/2, section 3

⁷ INQ/2 section 6

⁸ Incorrectly described in the CoCG (INQ/2 p.18) as a Supplementary Planning Document (SPD)

⁹ A/15 para 4.63

¹⁰ A/2

¹¹ Based on closing submissions (doc. A/19) and evidence as indicated

¹² INQ/3

19. The essence of the appeal is that the main parties have different approaches to the optimisation of the site. But the evidence points very firmly in the appellant's favour. For the Council, it was said that if the three apartment blocks were reduced by a single floor (amounting to the loss of some 40 units), then concern over excessive height and bulk would disappear¹³; its transport witness expressed 'concerns' over parking and additional queuing at the Windmill Road/A4 junction, but had done no survey or modelling work and had reached a view contrary to that expressed by the highways authority for the relevant junction (TfL) and to the GLA in relation to parking standards¹⁴.
20. Overall, the Council's case is rather brittle. It lacks a realistic, nuanced appreciation of the context for the development, is somewhat strident and full of unfounded assertions of harm, and gives far too little weight to the major benefits that the scheme would bring, in line with planning policy at all levels. It was acknowledged that this is a site which the Council would be likely to allocate for housing in due course if permission is not granted, and upon which the Council already relies in formulating its housing land supply¹⁵. It simply must be optimised to ensure it makes the best possible contribution to policy objectives.

What the appeal scheme would deliver

21. Although the site has no specific allocation in the Hounslow UDP¹⁶, there is no disagreement between the Council and the appellant that it is suitable in principle for re-development for housing¹⁷. The matter has been the subject of marketing and commercial reports, which amongst other things point to the unsuitability of this site to meet modern requirements for storage and its unattractiveness for other commercial uses¹⁸, and has been accepted for a considerable period of time.
22. Furthermore, the majority of the buildings on the site are semi-derelict; they detract from the character and appearance of the area and form an ugly backdrop in many local views. The decline of warehousing and storage on the site therefore presents an opportunity to give the site a radical facelift.
23. The site is previously-developed land in what the London Plan defines as an 'urban' area¹⁹. Its reuse is highly sustainable and should not be squandered.
24. The need to provide more homes, including affordable housing, in London is made clear in the National Planning Policy Framework (the Framework) and in the London Plan²⁰.
25. Against that background, the appellant brings the appeal scheme forward in outline, with access and layout for determination. It would provide up to 275 units of accommodation, in a mix which would accord with the local needs of

¹³ Mr Baker in oral evidence

¹⁴ Mr Woods in oral evidence

¹⁵ Mr Baker in oral evidence

¹⁶ A/15 para 4.39

¹⁷ A/15 para 5.1

¹⁸ A/15 paras 5.8-5.13

¹⁹ A/15 para 4.19

²⁰ A/15 paras 4.2-4.3, 4.13-4.25

the area. 25% of the units – some 68 of them – would be affordable, with an agreed tenure split. As was acknowledged for the Council²¹, given the very serious affordable housing shortfall in Hounslow, this amount of provision should be given significant weight in the overall planning balance.

26. The housing needs of the area are pressing. The Council does not have a 5 year supply of housing, in line with the requirements of the Framework. These submissions deal with that topic below.
27. In summary, therefore, this is a windfall site which would in due course be allocated for housing, on which the appellant proposes 275 units against a shortfall in the 5 year housing land supply. Between 60 and 70 affordable housing units would be delivered, and a mix overall which is tailored to the area's needs. The imperative to support the economic recovery of the country as far as possible through planning for growth applies directly to this site and to this scheme.
28. The Council and others advance, in essence, an 'overdevelopment' case against the appeal scheme. Unless the points made are cogent and clearly demonstrate real harm, then an acceptance of the Council's objection would represent a failure to deliver against the imperatives of national policy.

The character and appearance of the area

29. As was acknowledged for the Council²², the Framework (para 59) requires a contextual assessment of urban design, and makes it clear that this should not take place simply by reference to the buildings which neighbour a development site, but should address the character of the 'local area more generally'.
30. In this case, the Brentford Action Area Plan ('BAAP')²³, adopted in 2009, contains an assessment of the character of the local area more generally. The site lies in its character zone 7, with very tall buildings on the M4 in character area 6 and the 2-3 storey terraces to the north of the site (including those on Windmill Road itself) in zone 8. This appraisal gives rise to the following points, readily observable on site:
 - (1) The site lies in a character area which is varied: it contains an array of land uses (residential, office, storage/industrial, educational), and plot sizes, arrangements and grain show marked differences.
 - (2) Building heights in zone 7 vary from 1 to 7 storeys – the Paragon building immediately adjoining the site is made up of 4, 5 and 8 storey elements. As was noted for the Council²⁴, there is a characteristic juxtaposition of higher and lower buildings within area 7.
 - (3) Visually, the elevated M4 is dominant, with very substantial buildings of up to 19 storeys in height exercising a marked effect over the area.
 - (4) There is a sharp distinction between the character of areas 7 and 8. The latter is homogenous, comprising terraced housing of the

²¹ Mr Baker in oral evidence

²² Mr Baker in oral evidence

²³ In A/2

²⁴ Mr Baker in oral evidence

Victorian and Edwardian periods, in general rising to between 2 and 3 storeys in height. Windmill Road marks the boundary between the two. This is why the Council's heavy reliance on the generality of a Borough-wide description of two to three storeys²⁵ is misplaced.

- (5) One ought to be careful to distinguish between character and appearance, despite an element of overlap. In this case, the character of areas 7 and 8 is referred to in the BAAP. Area 8 is characterised by the uniformity of use, building type and grain. Area 7 by complete contrast is characterised by variety, complexity and contrasts.
- (6) The appearance of the general area, however, includes the visual effects of the built form in area 7 upon views from, and within, area 8. Darwin Road and Whitestile Road rise appreciably as they go away from Windmill Road, and afford clear views of the disparate, higher-scale buildings in area 7. Some of the character of area 7 therefore forms a backdrop in many views from area 8, signposting the different type of area which area 7 comprises, including its proximity to the elevated M4. The relationship between the buildings in areas 6 and 7 and those in area 8 forms a part of the character of the latter
- (7) The Council's case ignores these more complex interrelationships. It argues that the tall buildings, including the Paragon development, are part of an 'M4 corridor' and therefore distinct from the character area in which the BAAP locates them. Any views of them, or of any type of development which is not of a similar height and mass to the terraces in area 8, is thereby seen as harmful to the character and appearance of area 8.

One bears in mind that this is not a case involving any Listed Building or conservation area settings. The Council's point is over-stretched. The BAAP does not analyse the character of the area as including a hermetically-sealed character area called 'the M4 corridor', because the sheer scale and wide-ranging effect of the road and nearby buildings, some within area 7, affects a much wider area than a corridor either side of the elevated carriageway. GSK's (GSK's) offices, and the Paragon scheme, including the 4, 5 and 8 storey element right next to the site, play a role in the character and appearance of the wider area, including area 8.

The error is carried forward into the Council's closing submissions, where the appellant's architect is criticised on the basis that the larger scale buildings are a 'small element of the surrounding area'. The site visit (and the photographs, by all parties) show that simply not to be the case.

- (8) The artificiality of the Council's case is clear from its planning witness's oral evidence that the appeal scheme would be rendered acceptable by removing a storey from the three apartment blocks, to make slightly less of the built form visible in some views. But the buildings would be clearly visible, even in such a reduced form, from

²⁵ A/2, UDP tab, para 4.4 (p.87)

area 8; they would still be of a different type and height from the terraced housing, and would still represent 'area 7' type development visible over the ridgeline of Windmill Road, from area 8. This is urban London, where such juxtapositions of character areas are commonplace, as the BAAP analysis shows.

31. By contrast to the Council's black and white view of the context, the design approach of the appellant's architect²⁶ has been to strike a balance between the different elements in the area:
- (1) He has designed a scheme which is reflective of the terraced housing in the wider area, stitching the scheme into the setting by the use of perimeter terraces adjoining similar development.
 - (2) He has reflected the character and appearance of the area by including three taller buildings, at 5, 6 and 7 storeys in height, juxtaposed to the terraces. This is like the character of area 7 as it exists today.
 - (3) He has not sought to extend the heights of buildings on the site to match the very high buildings right next to the M4 (GSK, main Paragon building, both of very substantial scale and at least 19 storeys). Rather, he has reflected the element of the Paragon building which lies next to the site in area 7, thereby continuing the transition between M4 and the areas to the north.
 - (4) He is comfortable with taller blocks being visible from area 8, since that is part of the character of the area. Inherent in that character is that buildings in area 7 are taller than the 2-3 storey housing in area 8 and can be seen as a backdrop to them in some views. The heights and distances involved however mean that the essential character of area 8, and its character/visual relationship with area 7, would not be altered.
32. The appellant asked the Council's planning witness²⁷ in terms what the design harm would be. His answer boiled down to what he described as the 'over-dominance' of the three flatted blocks. His evidence was that this was due to them being too high by one storey. He therefore seemed to wish the apartment blocks barely to break the Windmill Road ridgeline in views from the streets to the north.
33. But that point of view simply fails to acknowledge the character and appearance of the area as it is at the moment, and seeks to impose a kind of restrictive rule on the re-development of the site which is quite unwarranted by a fair contextual analysis. By contrast, no direct questions were put to the appellant's architect alleging that his scheme would cause harm of one kind or another to the character and appearance of the area. In the light of the Council's evidence, that is perhaps understandable. But it leaves a lingering suspicion that the Council's case is hollow.
34. The appellant would simply like a fair assessment of the actual effect. Plainly, if one proposed a 12 or 19 storey block on the site, that would be a completely

²⁶ Mr Hindle

²⁷ Mr Baker

different matter, because the juxtaposition with the terraces to the north would be so harsh that the latter would suffer harm to its visual qualities and to its character. Such buildings would be much higher than the distance they would lie away from Windmill Road. But looked at realistically, that would simply not be the case with three buildings of 5 to 7 storeys (i.e. a maximum of 24.6m high), set some 60 to 75 metres away from Windmill Road. In most cases, the buildings would be three times further away from Windmill Road than they are tall; they would be well over a hundred metres away from the nearer parts of Darwin and Whitestile Roads. The sketch aerial view²⁸ shows this point clearly.

35. The likely relationships are also illustrated on the 'verified views'²⁹. The methodology underlying the red wire line illustrations has not been challenged by the Council. It is unfair to criticise them as not mimicking the surface treatment of buildings when that has not yet been designed. The views confirm the central point in dispute – the way the height of the central three proposed blocks would appear in some views from the north. They would be visible, but not to the extent that they would be over-dominant or denude area 8 of some of its vital characteristics.
36. On the contrary, the difference between the character of areas 7 and 8 would be reinforced, without the former coming to over-dominate the latter. Some views of the behemoths of the M4, ie the 19 storey Paragon block and GSK, would be removed, in others, their vast height and scale will appear behind the proposed blocks, which would in terms of height and scale mediate between them and the lower height areas to the north, as intended. The Council's planning witness accepted that the proposed apartment buildings would not be fairly described as being of 'inhuman' scale, a description with which its advocate in his opening, closing and cross examination occasionally flirted.
37. The appellant's architect was asked about views towards the proposed development from the south, including the M4. The 5-7 storey apartment buildings would be visible in the context of the taller buildings on the Paragon site and Thames Valley University (TVU). It is self-evident that the buildings would not appear alien, or divorced from the surrounding context. The architect was correct to say that the 5-7 storey blocks would not be out of scale with their surrounds, or for the purposes of UDP policy ENV B.1.1 'significantly exceed the height of their surroundings', let alone cause 'significant harm' within the words of that policy.
38. Three other very important points touch on this issue. First, the allegation of overdevelopment of the site is undermined by the fact that the proposals lie within ('well within', according to the GLA³⁰) the range of sustainable densities for a site like this in an urban London location. As the Council's planning witness recognised, falling within the London Plan density range³¹ is an indicator that the scheme is not an example of site-stuffing or over-development, to be seen along with the other design aspects of the proposal.

²⁸ Design and Access Statement (within A/16 appx 5) p.28

²⁹ A/16 appx 10

³⁰ Response in A/16 appx 4, para 36

³¹ A/2 London Plan, table 3.2 (p.85)

A fair assessment would bear that in mind, because the density is the starting point for a judgment.

39. Second, the GLA itself has not objected on the basis that the proposal is too tall or bulky; it carried out a detailed assessment of the proposals and would surely have said if it felt that the effect of the scheme would be to harm the character and appearance of the area. It was put to the appellant's architect that the GLA felt that because the scale of the proposals is large, then it must be justified through exceptional design which had not in every respect been demonstrated³². However, the GLA did not comment that the buildings were too high. Indeed, the GLA's judgment, in commenting on the impact of the proposed height and scale on area 8, was that such a relationship 'is not necessarily detrimental'³³.
40. In other words, the GLA's view about height and scale is fundamentally different from the evidence expressed by the Council. The GLA's recommendation is that the design of the scheme is 'broadly acceptable'³⁴ – again, in conflict with the Council's position at the Inquiry – but that 'specific details, such as the dominant appearance of the car parking area' needed attention (which can be dealt with through the landscape details that will be submitted at reserved matters stage).
41. Moreover, no urban design expert has recorded their objection to the height of the proposed scheme, either in the GLA's team or – so far as one can gather from the Council's committee and delegated reports on this scheme – from the Council's urban designer. Surely otherwise the relevant Council officer would have been called to give evidence.
42. Third, it is regrettable that the Council did not factor into its analysis the very high design quality that the scheme's appearance is aiming to produce. If the key point of objection involves the degree to which the middle blocks' upper storey or two would be seen, then it is relevant – as the Council rightly acknowledged³⁵ – to consider whether the appearance of the building would add or detract in views. The existing views of the site are negative and the buildings are harmful. One may have one's own views about the design quality of the Paragon key worker block next to the site. But what it is absolutely clear, again as the Council recognised, is that the design approach in this scheme is capable of producing a very high standard of architectural quality.
43. Very high quality appearance of that kind would have three effects: it would add to the character and appearance of the area in a positive way, raising the bar in terms of design quality; it would mean that the distinction between the types of buildings in area 7 and area 8 would be maintained, but without the harmful effects of a low-quality employment building; and finally, such views of the upper storeys as would be gained from nearby roads would be of a high quality building.

³² Response in A/16 appx 4, para 58 of GLA response

³³ Response in A/16 appx 4, para 61 of GLA response

³⁴ Response in A/16 appx 4, para 114 of GLA response

³⁵ Mr Baker in oral evidence

44. Moving on to fringe points:

- (1) The views into the site down through the entrances, would afford views of the flanks of new terraced houses, but they would not reveal blank facades. They are illustrated as active flank walls; this could of course be ensured at the reserved matters stage.
- (2) Car parking would not dominate the central areas of the site. Most of it is tucked away inside the podium. The on-street spaces are not unrelieved – the layout shows intervening planting between rows of spaces. They are 'off carriageway' and therefore one would not be viewing the kind of car-crammed streetscene that one finds at the moment to the north of the site.

45. In short, it is unnecessary to reduce the scheme's central blocks by one storey as the Council alleges. The effect, while clearly visible, would not introduce an alien type of juxtaposition in the area (such height and storey variations already occur), but would reinforce character differences in the local area more generally. The buildings would be seen as a higher element backdrop in some views from the north, but to say they would be unacceptably dominant is an over-exaggerated response that does not bear proper scrutiny. The character and appearance of the area would be improved.

Living conditions

46. On the site: first, the illustrative 275 units have all been demonstrated to accord with internal space standards, as the Council noted. Second, the buildings would be highly sustainable (Code Level 4) and would be of a very high architectural quality.
47. Third, the amount of private amenity space would be acceptable. Substantially diminished weight should be given to the Council's SPG on residential standards because it is old (1997 at its youngest, but potentially much older), out of date by reference to the Framework, former PPS1 and PPS3, and the currently saved UDP (it was adopted as part of the former UDP process). It has been left behind by the increase in the size of units through compliance with Lifetime Homes guidance, for instance. There is no cogent argument to the contrary in the Council's submissions.
48. The Council has known since the *Campion House* decision³⁶ in 2009 that the view of the Inspectorate was that the SPG should be accorded very limited weight. Apparently the decision was not reported to the Council. It was not challenged and there have been no decisions since on which the Council relies, where the *Campion House* Inspector's view has been reversed. It would be inconsistent to reach a different conclusion against that background. The Council's planning witness said³⁷ that the Council considers that the *Campion House* Inspector erred because he did not understand the adoption process of the UDP, but there is no evidence of that whatever in the *Campion House* decision letter.

³⁶ A/16 appx 9

³⁷ Mr Baker in oral evidence

49. In short, it was inconsistent and inappropriate for the Council to rely on the SPG in support of its 'over-development' case. Again, the GLA did not suggest that space standards were failed or that residential amenity on site would be unacceptable.
50. The units would all have an appropriately high level of quantitative and qualitative provision³⁸.
51. Two detailed points:
- (1) The two terraced units proposed in the southern corner adjacent to the four storey element of the Paragon scheme would have a degree of overlooking of their gardens. However, that would not reach unacceptable proportions, because there would remain a strip of planting outside the gardens but within the control of the development's management company, where new planting could be introduced via the landscaping condition to screen or filter views. In any event, the Council's objection would be removed (as was confirmed for the Council³⁹) if the area occupied by one of the houses in question were to be kept free of development and replaced with landscaping (as illustrated in the plan submitted to be considered along with any such condition⁴⁰).
 - (2) The terraced houses backing onto those in Windmill Road need not have overlooking balconies/terraces. The building can be handed to place these at the front, thereby removing any risk of overlooking the Windmill Road gardens, as the Council acknowledged.
52. As for communal space, the remaining issue is shadowing. The GLA do not suggest that any quantitative space standard would be breached. The site does not lie in an area of public open space deficiency (as the Council confirmed⁴¹), and a large park lies within walking distance of the site.
53. The shading objection was based on the sketch sunpath drawing in the application pack; the BRE guidance has been applied to the proposed scheme and it has been conclusively demonstrated that the BRE standard of at least 50% of the area gaining at least 2 hours of sunshine on 21 March would be met⁴². The Council's planning witness had no response in his oral evidence to that work, accepting that such was its finding.

Highways

54. There are two points: sufficiency of parking and effects on the A4/Windmill Road junction. The evidence of the Council's witness on this matter⁴³ does not betray any attention having been given to the new test in the Framework, paragraph 33 – that schemes should only be refused on traffic grounds where the residual effects would be 'severe'. A bizarre attempt is made in the Council's closing to suggest that the plain wording of the Framework is unclear

³⁸ A/8

³⁹ Mr Baker in oral evidence

⁴⁰ A/18

⁴¹ Mr Baker in oral evidence

⁴² A/9

⁴³ Mr Woods

and means something other than it says. It is time for Hounslow to come up to date, and face up to the fact that national policy is pro-growth, and does not consider that it is appropriate to reject proposed development on highways grounds unless there is severe residual harm.

55. When taxed with this change of policy, the Council's witness claimed that he 'had this at the back of his mind', but there is no indication that is the case – he suggests that his 'concerns' about parking and traffic impact ought to be treated as standalone reasons to dismiss the appeal. 'Concerns', especially ones as flimsy as those expressed in the Council's case, are not the basis for a highways refusal. The Council's evidence was untenable, for the following reasons.

Parking

56. Dealing first with parking, the proposal is for 241 spaces, which is lower than the Council's standard. The policy standard is a 'maximum' – ie, it restricts parking levels higher than the level stipulated. The Council's transport witness's position was that the policy entitles Hounslow to refuse permission where parking is proposed below the maximum level unless there were exceptional circumstances. That is a misapplication of the Hounslow guidance, indeed a reversal of its true meaning – it is surely only where there are exceptional circumstances that one should refuse permission for a proposal where fewer than the maximum spaces are proposed.
57. The appellant has been placed in an impossible position in relation to this scheme. The grant or otherwise of planning permission lies with the Council, but the GLA (via TfL) is a consultee in relation to parking. TfL consider that the 241 space provision is acceptable, based as it is on a ratio of 0.78 spaces per unit. They had previously objected to a ratio of 0.9 spaces per unit in an earlier scheme. So, to accord with more up to date London Plan guidance and with TfL's view, the appellant was driven to keep parking as is proposed; only to find that the Council's application of the Hounslow policy led to a reason for refusal.
58. Either the London Plan policy and the UDP guidance are out of step, or the application of the two policies is being carried out differently. If the former, then the more recent and hierarchically superior London Plan approach ought to be preferred. If the latter, then (as submitted above) the TfL approach to maximum parking standards ought to be preferred. Either way, the dispute over the application of parking standards ought to be resolved firmly in favour of the appellant.
59. Moreover, there is no evidential basis for requiring more than 241 spaces. The Council put forward no evidence of its own on this point whatever; WRAG suggested that there might be fewer available spaces in the locality than had been assessed by the surveys commissioned for the appellant, but had similarly carried out no surveys of its own.
60. Against that, the appellant's transport witness⁴⁴ provided evidence that the car ownership likely in this part of Hounslow would accord with the type and

⁴⁴ Mr Marshall

number of units proposed⁴⁵. He assessed the provision against the guidance in DCLG's Residential Car Parking Provision⁴⁶, which is an extant document. It gives a figure of 239 spaces⁴⁷. Whilst that guidance is general and not Hounslow-specific, the car ownership data from the Borough itself corroborated it – yielding a figure of 234 spaces⁴⁸. The combination of evidence is compelling.

61. However, even if contrary to that data there were ever a need for overspill parking, the evidence again shows that this would not cause any difficulties, let alone any identifiable harm. Parking surveys showed that in Windmill Road – which is where any residential overspill would obviously go, given its direct proximity to the site – there is plenty of parking available even in the evening. In 2012 there were between 65 and 70 free spaces⁴⁹. The Council's transport witness queried whether there might be some parking restriction involved, but that would only relate to the daytime, not to the night when the parking stress in the area is greater and when residents might want to park.
62. The Council's case is reduced to suggestions about potential future changes to the parking regime in the area. No weight should be given to those points, because there is no evidence that they will come forward and recent discussions have led to a rejection of a CPZ in the immediate area of the site.

Traffic impact

63. The Council and WRAG allege that there is congestion at the A4/Windmill Road junction and that the proposed development would worsen it to the extent that planning permission should be refused. Again, attention is drawn to the way that the new national guidance in the Framework has not formed part of the way that the Council has addressed this point in its evidence. The junction in question is controlled by TfL which does not object to the proposal, subject to a £100,000 section 106 contribution towards a range of measures likely to improve the junction in question. On that basis, the Council ought not to be objecting at all on this point. It is an assessment of residual effect which is required by the Framework.
64. No modelling has been carried out of the way the junction would perform with and without the traffic from the proposal, because neither the Council nor TfL requested it. The additional traffic from the proposal would be swallowed up in the daily variation of traffic flows on Windmill Road, and whilst this is not an infallible measure of likely effect, it is a good reality check on the point.
65. It is a little difficult to be clear as to exactly what harm the Council is alleging. There would certainly be extended queues at the junction in the morning peak; however, the extent of those additional delays would be very modest, even for those who are intending to turn right at the junction. It is not realistic to ascribe to them a material additional detriment in terms of rat-running through adjacent roads or reduction in highway safety. Aberrant episodes such as cars

⁴⁵ A/13 paras 3.13-16

⁴⁶ A/13 appx C

⁴⁷ A/13 table 3.3

⁴⁸ A/13 table 3.4

⁴⁹ A/13 table 3.5

mounting the pavement will not become more or less likely to occur with the proposals in place.

66. Local to the site, there is an issue over the sightline for those emerging from the southern access, due to the presence of a tree which grows in the highway (footway). It may be that at detailed stage the Council as highway authority agree that the tree should be removed, since (as will have been seen on the site visit), it leans outwards into the carriageway where buses and other taller vehicles pass. However, were the tree to remain in situ, then the proposals would operate as a one-way system, with access through the southern entrance and egress through the northern (unrestricted visibility) entrance.
67. No other material points going to highway safety and free flow were made at the Inquiry.
68. It is submitted that there is little or no justification for an adverse finding on highway or parking grounds, let alone the kind of harm which might justify the withholding of permission for the proposed development.

Five year housing land supply

69. It is obviously important for the Secretary of State to know whether the Council can demonstrate, in line with the Framework, a five years' supply of housing. If it cannot, the lack of housing becomes a freestanding material consideration in favour of the grant of permission, whether or not there are implications for the housing policies in line with para 49 of the Framework.
70. In this case, the policies for the supply of housing are not determinative of the issues between the parties – however, it is right to note that an overly prescriptive or restrictive design approach on the part of the Council does not sit well with a failure to provide sufficient housing. The appellant's planning witness⁵⁰ said, one needs to take a flexible approach to policies like ENV.1.2 in the UDP which suggest that no proposed development should exceed the heights of its neighbours or to suggest that the character of Hounslow is 2-3 storeys in height, as if that provided a reasonable yardstick against which to judge this proposal.
71. The evidence is clear that there is no 5 year housing land supply:
 - (1) The Council's one page note⁵¹ says so – with the 5% addition required by Framework, the Council accepts it has below 5 years supply.
 - (2) Its Annual Monitoring Report (AMR) does not demonstrate, as required, a 5 year supply of deliverable sites. It is not a valid defence for the Council to say that the Framework only emerged after the December 2011 AMR, because the burden and the tests of deliverability were very largely the same under PPS3.
 - (3) The failure to demonstrate the supply stems from the reliance on a substantial number of sites the details of which are not in the public domain – they are in fact referred to by Hounslow as the 'unpublished sites data'. The Secretary of State can have no confidence,

⁵⁰ Mr Rowley

⁵¹ C/8

particularly in today's market, that any such proposals will come forward. Hence the importance of the Framework requirement to demonstrate a 5 year supply in a way that can be properly scrutinised.

- (4) Further problems surround the Council's reliance on small sites, or windfalls. In the Framework, that is permitted if there has been produced compelling evidence as to local circumstances. No such evidence has been produced.
72. The Council says, by reference to historic data, that it has been 'performing' and 'delivering' housing. The trend in fact shows a tremendous drop-off in completions during the recession, and no obvious recovery. The fact that the Council has to rely on 'unpublished sites data' is cogent evidence of the real difficulties that it is in.
73. On the basis of the evidence before the Inquiry, the Secretary of State is requested to make a finding that there is no demonstrable 5 year housing supply, to take that into account in the planning balance, and to accord it significant weight. This is an area of London which needs greater housing delivery if it is to achieve the aims set for it by Government.

s.106 agreement and conditions

74. The section 106 obligation⁵² is in bilateral form and has been executed by the parties. It has been considered by the Council which has no objection to the way that it deals with the contributions sought. The Council has provided a schedule setting out the derivation of the figures in the s.106 from adopted UDP policy and supplementary guidance⁵³.
75. Of particular note are the affordable housing and mix provisions, which are agreed to provide certainty of delivery of those important aspects of local policy. Also, the contribution of £100,000 has been the subject of further discussion with TfL, which has given details of the likely purposes to which the money will be put⁵⁴. The A4/Windmill Road junction is under ongoing investigation to develop a package of improvements, and TfL's view, shared by the Appellant, is that a contribution of £100,000 is a proportionate one in the light of the size of the proposed development and its relatively limited effect on the junction.
76. There are no technical objections to the s.106 and its contributions are compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. They include health and education contributions.
77. Conditions were fully explored at the conditions session. Local concerns over flooding (sewerage/drainage issues) are addressed by a proposed condition as requested by Thames Water.

⁵² INQ/3

⁵³ C/12

⁵⁴ A/10

Overall conclusions

78. The proposed development:
- (1) Seeks to optimise re-use of previously developed land in an urban part of London, at a density well within the London Plan density range. The re-use of the site for residential is agreed to be appropriate by the Council and offers the opportunity to address the unsatisfactorily poor townscape of the site (and the wider area as a result).
 - (2) Has been developed over a lengthy period of time with substantial input from the Council's officers, GLA/TfL and from locals who have expressed their views about the future re-development of the site.
 - (3) Would comprise terraced houses (over the appropriateness of which there appears to be no dispute), and flats in three blocks. The blocks would be visible to some degree from neighbouring properties and streets. However, it is a gross exaggeration to say that they would be alien or out of character with the area (which is partially characterised by juxtapositions of building heights and type, and by layered views of those buildings), or to say that the blocks at 5-7 storeys would seriously harm the character or appearance of neighbouring areas.
79. No evidence was given that the flats would not be capable of very high quality design as to their appearance. It was merely the storey height that formed the basis of that Council's objection on this point; its flimsiness was clear from evidence for the authority that the removal of one storey would render the scheme acceptable. Since that would still leave blocks (a) higher than the 2-3 storey terraces to the north, and (b) which would be seen over the ridges of the terrace in Windmill Road in pretty much the same way, one wonders what the force of the objection really is. This would be a well-designed scheme that would remove harmful buildings from the area and replace them with high quality contemporary design that would enhance the area without being over-dominant.
80. Relationships between the neighbouring residential units and between units on the proposed scheme would all be acceptable. The only standards that are alleged to be broken are the garden size standards from the UDP which date to the 1990s and which have been given limited weight by a previous Inspector faced with exactly the same kind of over-reliance by the Council on outdated standards.
81. Similarly, there is no substantial evidence of any lack of parking. The maximum standard would not be exceeded, and evidence provided – without real challenge – that the likely car ownership would accord with the parking provided and plenty of overspill parking on the immediately neighbouring street would exist if need be. The amount of parking provided is supported by TfL.
82. As to impacts on the highway, it is true that there would be some additional queuing at the A4/Windmill Road junction, but the scale of that increment would be very modest. TfL, which controls that junction, is not concerned that the proposal would be harmful and has asked for the s.106 contribution that

has been provided. There was no real evidence provided by the Council or any party that the scale of likely additional traffic would materially worsen the highway safety or journey times in the peak hours at that junction, let alone cause a 'severe' residual impact per the Framework.

83. There does not appear to be a 5 year housing land supply in Hounslow. These proposals are not reliant on that fact for the principle of their acceptability, but it does underline why the proposal is timely and appropriate. It would remediate the harmful appearance of the site whilst providing a substantial affordable housing yield, and assisting Hounslow towards meeting their housing targets. It would therefore consist of sustainable development for the purposes of the Framework.
84. The Framework stresses that planning decision-making ought to be positive, and to be about trying to encourage sustainable development, finding solutions rather than placing obstacles in the way of development. The appellant has a simple request of the Secretary of State – please apply that policy, even if Hounslow do not wish to.
85. For those reasons, and subject to the s.106 agreement and the conditions as thought fit, the Secretary of State is requested to grant permission for the proposed development.

The Case for the Local Planning Authority

86. The material points⁵⁵ are as follows.

Introduction

87. The remarkable aspect of the appeal proposals is that they do not even meet the Key Design Principles of the Appellant's own Design and Access Statement (DAS). That is so in at least in three important respects, as detailed below.
88. The scheme architect⁵⁶ offered no sensible or convincing explanation as to why this was so. This is the very architect who has previously put forward 10 storey blocks (for a 314 unit scheme) on the appeal site and plainly thought that they were justified.
89. The Secretary of State is understandably keen to approve housing schemes where possible. However there are problems inherent in the scheme, in considering its compliance with Government planning policy. That policy does not support just any additional housing. The National Planning Policy Framework ('the Framework') is expressly and specifically in support of 'high quality homes'. It is clear, as was agreed for the appellant⁵⁷, that residential development has to be of high quality to be considered.
90. There is a common factor underpinning each of the three outstanding grounds of refusal. That is that the appeal proposal is for too much development. That is not to overlook that it is not just the quantity of development, but its form

⁵⁵ Based on closing submissions (doc. C/13) and evidence as indicated

⁵⁶ Mr Hindle

⁵⁷ Mr Rowley in oral evidence

and layout that will determine its impact. However, there is too much development proposed for this site as reflected in an unacceptable form and layout.

91. Justification for the development is sought by the appellant from the Framework and from the Ministerial Statement. However, that statement does not change the approach in the Framework. Key elements relevant to the correct approach to the issues in this case include:
- (1) The support for development in the Framework is for sustainable development, which is seen as having three roles – economic, social and environmental (para. 7). The social role includes creating a ‘high quality built environment’.
 - (2) Thus the presumption in para. 14 relates to ‘sustainable development’.
 - (3) One of the 12 core planning principles (set out in para. 17 of the Framework) to achieve sustainable development is:
‘always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings’.
 - (4) Section 7 of ‘Delivering sustainable development’ is titled ‘Requiring good design’. Reliance on the advice in section 6, ‘Delivering a wide choice of high quality homes’ has to be applied consistently with section 7. An early clue comes from the reference in the heading itself to ‘High quality’ homes.
 - (5) The statement in para. 56 could not be clearer:
‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’.
That is robustly reinforced by the paragraphs that follow (paras.57-66). That applies whether there is 5 year Housing Land Supply or not and it is significant that the appellant relies in this context on paras. 47 and 48 but not 49⁵⁸.
92. Although the development plan pre-dates the Framework, the approach to design is consistent with the advice contained within it. The only specific elements that the appellant’s planning witness⁵⁹ suggested were not consistent with the Framework were the design standards, relating in particular to amenity space including garden sizes.
93. Each of the three main issues identified by the Inspector at the outset of the Inquiry is now addressed:
- (1) The impact on the character and amenity of the surrounding area⁶⁰;
 - (2) The impact on the living conditions of those in the new development and nearby; and

⁵⁸ As confirmed by the appellant’s advocate during cross-examination of Mr Baker

⁵⁹ Mr Rowley

⁶⁰ Inspector’s note: the issue I identified related to the character and *appearance* of the area.

- (3) Effects on the traffic and parking in nearby roads.

Impact on the character and amenity of the surrounding area

Overview

94. There are two key flaws in the appellant's stance. Firstly, it is proposing too much development, particularly reflected by the three central apartment blocks, having regard to the context of the site. Secondly, the appellant significantly understates the likely impact of those oversized central blocks, which range from 5-7 storeys. That understatement is exemplified by the following:

- (1) The very late submission of the additional photographs⁶¹ by the appellant's architect was no doubt an attempt to counter the Council's and the Windmill Road Action Group's evidence. Many of the photographs are clearly an unfair representation of the position, particularly photos 04, 05, 06, and 07, which are selective.

It is very surprising that the appellant did not point this out or even acknowledge it. It is also revealing, but understandable given the evidence in the proofs of those opposing these proposals, that the appellant felt compelled to go outside the area previously referred to (photo 16) in order to emphasise the impact of taller buildings beyond the site⁶².

- (2) The few view points used for 'verified' views for the Visual Impact Assessment⁶³. That is particularly true of the views from the residential areas to the west and east. Yet, the latter is from the very area that the appellant's architect considers demonstrates 'very successful urbanism'. It is also revealing that he referred to the terraced housing, in Brentford Action Area Plan Character Area 8 lying immediately adjacent to the appeal site, as 'the very human-scale terraced housing'⁶⁴.
- (3) Views are not usually static. Nor do they only occur when the trees are in leaf.
- (4) There is only one verified viewpoint from the west and, significantly, no elevations from that direction.
- (5) There would be views of the development from the side streets (particularly from Whitstile Road and Darwin Road), from the upper floors of the properties in Windmill Road adjacent to the site; from the area to the west, including from Our Lady and St. John's Primary School. There would be views from the wider area too (e.g. photos 10 & 11); there will be very clear views from the motorway (photos 17 & 18) from which the incongruous scale of the proposals, in contrast to

⁶¹ A/6

⁶² Mr Baker in oral evidence

⁶³ A/16 tab 10

⁶⁴ Mr Hindle in oral evidence; A/2

the generally low level development beyond the taller elements of the Paragon development closer to the M4, would be very visible.

- (6) The Appellant appears to have taken no account of seasonal differences in the views. That is particularly important in the views from the side streets to the east of the site. It is also important in views from the motorway. The appellant's planning witness completely ignored what would be the very significant seasonal differences in considering the view shown in additional photo 18⁶⁵.
 - (7) It is important to recognize that the Visual Impact Assessment⁶⁶ (only produced with the evidence and not as part of the appeal application) was not, and in fairness does not purport to be, a formal visual impact assessment in accordance with the Guidelines for Landscape and Visual Impact Assessment⁶⁷. This was confirmed at the Inquiry for the appellant⁶⁸. There was no attempt at an 'objective' assessment of the impact of the development in accordance with the methodology in those Guidelines.
 - (8) Moreover, only a red line is used to represent the proposals and this seriously understates the impact of a 'live' building. It is noteworthy that the Design and Access Statement did not include sketch views from Whitestile or Darwin Road, which had been included for the previous application. Even allowing for one storey less than previously proposed on the Whitestile Road view, it is not surprising that the Appellant has not produced that sketch for this scheme as it would fully endorse the concerns of the local planning authority, of the London Borough of Ealing and of a very high number of local objectors.
95. The weakness in the appellant's approach is also, and most critically, exposed by its failure to fully and accurately evaluate the context. Undue weight has been placed in the assessment on a small element of taller development clustered around the M4, in order to justify a greater scale of development on the central part of the site.
96. That weakness is also evident in the appellant's reliance on the broad range of densities in table 3.2 of the London Plan⁶⁹ (of 55-145 for this development), without responding to the factors that need to be taken into account in finding an appropriate density and design.
97. That density range is for an urban area with a Public Transport Accessibility Level (PTAL) of 2-3. This derives from a Public Transport Accessibility Index (PTAI) range of 5.01 to 15⁷⁰. The (TA) indicates that the appeal site has a PTAI of 7.53⁷¹. If one applied a numerical approach to the density range the density would be 78 u/ha and not the 115 proposed here, yielding a total of 186 units and not 275. That would have the critical benefit of allowing a much

⁶⁵ Mr Rowley in oral evidence

⁶⁶ A/16 tab 10

⁶⁷ Landscape Institute & Institute of Environmental Management and Assessment, 2002

⁶⁸ Mr Hindle in oral examination

⁶⁹ A/2 p.85

⁷⁰ Transport Assessment table 2.5

⁷¹ Transport Assessment para 2.20

more sensitive development that would have much more potential to be sustainable as actually meant by the Framework.

Character

98. A full and accurate understanding of the context of any proposed development is of course critical to establishing an appropriate and policy compliant design. To understand the Council's concerns in this respect, a useful starting point is the approach of the appellant:

- (1) Evidence for the appellant⁷² refers, as in the Design and Access Statement (DAS), to the scale 'to the south' being 'dramatically bigger'. It refers to tower blocks of 4-17 storey. The DAS also refers to the site sitting 'between two different scales of development'. That is how the appellant has approached the design solution to the site; but it is not an accurate description of the actual position.
- (2) That is because that larger scale development in fact only makes up a small element of the surrounding area, as is clear from the storeys height plan and DAS⁷³. There is a cluster close to the elevated M4 that are taller and larger scale buildings, and physically separate from the townscape further north owing to a lack of permeable pedestrian and vehicle routes. Aerial photos show clearly that the predominant character of the surrounding area is of lower-rise development⁷⁴. The lower elements of the Paragon development, including the 4-storey element adjacent to the site, are physically separate from the remaining, taller part of that development, which itself is an integral part of the cluster around the M4.
- (3) In the DAS (p.10) the lower part of the Paragon development is erroneously referred to as 5-storey. The diagram there (on the bottom of p.10) is clearly misleading – as is the one in the appellant's architect's proof⁷⁵. Quite extraordinarily they miss out the 4-storey element (or indeed any lower element) altogether, in a drawing section that clearly should reveal this. It demonstrates a failure to acknowledge the true context – that true context would not of course support the taller blocks. The part of the Paragon development adjacent to the site is 4 storey and not 5.
- (4) The extent of that 4-storey element is seen clearly from the aerial photographs⁷⁶. It is far from an insignificant or irrelevant component.
- (5) That position is testified to in the appellant's Statement of Case, which states:

'The site is bordered to the north east by 2 storey terraced housing on Windmill Road and to the south west by 3 storey flats and 2 storey houses on Manor Vale. On the southern point of the site is a

⁷² A/11 para 4.2.1.2

⁷³ A/3; Design and Access Statement pp.27-28

⁷⁴ C/4 paras 7.28-7.31 & appx 3; W/1 appx 1

⁷⁵ A/10 p.10

⁷⁶ C/4 paras 7.28-7.31 & appx 3; W/1 appx 1

modern 4 storey block of flats, which is part of the Paragon development' (emphasis added).

That is an accurate description. The appellant makes no reference there to the taller elements of the Paragon development, which it now has to rely upon to justify the scale of the proposed apartment blocks. The appellant's view of the position was confirmed in the evidence of its planning witness⁷⁷. For him to say, under cross-examination, that this was a "mistake" does him no credit but exposes the flaws in the appellant's approach. It cannot be a mistake as it is plainly an accurate description of the position. It, unfortunately for the appellant, confirms the assessment of the Council's planning witness, which he was criticized for under cross-examination.

- (6) Even if the lower element of the Paragon development adjacent to the site was 5 storeys, it is difficult to understand the justification for 5-7 storey heights of the central 3 blocks. These are claimed to be transitional or mediating. However, to come down from 17-10-4 storeys then to rise to 5, 6 and 7 storeys (plus the additional ½ storey from the podium to accommodate the basement parking), with the surrounding development being predominantly 2-3 storey, itself confirms the scale of the central blocks as patently incongruous with the predominant characteristics of the surroundings.
- (7) Thus the proposals do not comply with one of the key design principles of the DAS (p.13) of mediating between the different scales and conditions found on site.

99. Fundamentally, however, the scheme does not implement one of the Appellant's own key design principles:

*'The development will be mediating between the different scales and conditions found on site. The higher buildings will be located in the vicinity of the taller developments alongside the M4 corridor; whilst low terraced housing will complete the urban structure of the block on the other areas of the site.'*⁷⁸

That simply is not the case with these proposals.

100. Moreover, the DAS states (at p.24):

'.....The blocks range in height from a maximum of seven storeys, and drop down to five and three storeys in various areas....'

The blocks proposed are for 5-7 storeys (which would be in fact 5½ – 7½ storeys with the podium). The appellant's architect's attempt to argue that the 3 storey refers to the town houses is utterly untenable, since the town houses are dealt with separately in the next sentence.

101. Further, the proposals also fail in respect of one of the other design principles in the DAS. It is stated (on p.16) that

'the site must have a central focus, a green heart to the site that helps to mediate the different scales, and typologies found in the scheme'.

⁷⁷ Mr Rowley's proof, doc. A/15 para 2.1

⁷⁸ Design and Access Statement p.13

However, the central area indicated on the accompanying diagram is dominated by the tallest of the three apartment blocks.

102. These critical flaws are further exposed by the failure of the Appellant to fully demonstrate or take into account the true impact of those proposals, as detailed above. This unacceptable impact would clearly conflict with relevant policies of the development plan, as detailed in the reason for refusal and in the Council's planning evidence⁷⁹. It would not be high quality development as meant by the National Framework. In particular:

- (1) Policy ENV –B.1.2 of the UDP says that tall buildings, which are those that significantly exceed the height of their surroundings, will normally be refused in residential areas. It was categorically confirmed for the appellant that the site sits within a predominantly residential area⁸⁰. The reasoning to this policy (and ENV – B.1.3) states that Hounslow is generally characterised by low-rise developments of 2 and 3 storey residential properties, with many of the taller buildings being out of character. Residential areas are rightly considered to be sensitive areas in this context.

Moreover, the notes to table 3.2 of the London Plan refer to urban areas (which there is no dispute this is) as those with typically buildings of two to four storeys. It is of note that policy B1.2 is not one that the appellant's planning witness suggested in his proof is not consistent with the Framework⁸¹. Although he made some attempt to argue otherwise at the Inquiry, there is no conflict with the Framework in this policy seeking to protect residential areas in the way it does. Para. 59 of the national document indicates what matters are relevant in design terms.

- (2) The three central blocks will jar with the existing predominantly low-rise buildings⁸².
- (3) There has been no comprehensive assessment of the visual impact of the development, and in particular the blocks as detailed above.
- (4) The additional photographs, commented on above, and storey height plan also submitted two working days before the Inquiry have the air of an attempt at post-hoc justification⁸³. In fact the storey plan submitted by WRAG⁸⁴ would seem to be a clearer representation of the position.
- (5) The appellant's additional photographs are no doubt an attempt to counter the careful and comprehensive photographic survey presented by the Council⁸⁵, which is far more helpful in demonstrating the full

⁷⁹ C/4, particularly section 7

⁸⁰ Mr Rowley in oral evidence

⁸¹ A/15 para 4.38

⁸² C/4 para 7.42

⁸³ A/6 & A/3 respectively

⁸⁴ W/1 appx 2

⁸⁵ C/6 appxs 3, 4 & 5)

impact of the proposals on the local area and neighbouring properties. In particular the Council's photographs show:

- (i) How minor in extent the taller cluster around the M4 is in terms of the relevant area. That relevant area, which includes both character areas 7 and 8, does include the Paragon development. However, the physical separation of that from the cluster more immediate to the M4 can be seen.
- (ii) The extent of the 4-storey block of the Paragon development, which the appellant's architect in reality has overlooked.
- (iii) The potential for clear views of the development from the area round the site.

103. There is also clear conflict with the requirements of the London Plan:

- (1) Policy 3.5 states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are stated to be 'key Mayoral priorities'. Policy ENV –B1.1 of the UDP similarly requires that development relates well to its site and scale, nature, height, massing, character and use of adjacent townscape.
- (2) Policy 7.4 Local Character requires development to have regard to the form, function and structure of an area and to build on the positive elements. The appellant's design witness⁸⁶ identified the positive elements as the terraced housing in Windmill Road and the side streets, as noted above. This policy also refers to the development being 'human in scale'. Again, the witness identified that terraced housing as 'very human scaled'. It is hardly surprising that the local residents clearly do not feel 'comfortable with' the scale of what is proposed. Policy 7.4B(c) requires a high quality design response that ensures people feel comfortable with their surroundings.

Existing Residential Amenity

104. There would be clear views of the tall blocks from the upper floor of the properties close to the site in Windmill Road. There would also be views from those in Manor Vale to the west.
105. From the rear of Windmill Road the blocks would loom and present an oppressive feature out of character with this immediate area. The appellant relies upon the distances from the blocks, including reliance upon the 20m spacing requirement in Appendix 1 to the UDP. That deals more with privacy than outlook and in any event takes no account of the storey height of the new development.
106. Houses and flats on Manor Vale (82-84 Manor Vale, 8-14 Davmor Court) would experience an outlook towards industrial buildings replaced with buildings further away (9m to 16m further from nos. 82-82 and 20 from Davmor Court).

⁸⁶ Mr Hindle in oral evidence

However, these would be between 5½ and 7½ storeys in circumstances where:

- This location is already dominated to the south by tall buildings, which is not an 'excuse' for exacerbating that situation but every reason for ensuring that it is not made worse in that respect.
- There is inadequate space for any meaningful landscaping – the road adjoins the boundary with an approx 1-2m space for a retaining wall and the basement itself would restrict deep rooted planting.

107. It is hardly surprising that the appellant has been parsimonious in relation to providing material to illustrate the impact from this westerly direction. The distances simply are not adequate to provide a satisfactory outlook and relationship given the scale of the blocks.

The lack of quality of the development for new residents

Domination by car parking

108. This is clearly seen from the plans. Although this is an outline application, there does not seem to be scope for increasing the underground parking. That leaves a significant number spaces to be accommodated at surface level.

109. To the north and south blocks (A and C) there would 36 and 35 cars respectively (of the 101 at surface level). Even with the proposed landscaping, there would still be long expanses of parking spaces as seen from the layout and parameter plan (O11/P1) which would not be consistent with a high quality environment.

110. This concern was supported by the Greater London Authority (GLA). There is no evidence before the Inquiry as to whether the potential landscaping would satisfy their concerns. It is not easy to believe that this was something they would have overlooked.

Overlooking of southernmost rear gardens

111. The rear gardens in question would be overlooked by the adjoining four-storey block of flats to the south (of the Paragon development) that is only 12m away from the closest proposed garden. The two closest gardens in particular would be affected unduly by overlooking and therefore lack of privacy. All would suffer to some degree from the perception of overlooking from the large number of overlooking windows and roof terrace⁸⁷.

112. Therefore, if permission is otherwise to be given, the Council strongly urges a condition requiring removal of the closest proposed property in the southern terrace, which would allow for a greater area of landscaping. This would address satisfactorily the above concerns.

Size of gardens

113. The Council's standards for these are set out found in the UDP supplementary planning guidance (SPG)⁸⁸. For 4 habitable rooms a minimum 60m² is

⁸⁷ C/6, appx 5, photos 1-5

⁸⁸ C/4 para 7.57 (SPG extracts submitted with Questionnaire; also in A/2)

required, and for 5 habitable rooms or more the minimum is 75m²⁸⁹. It should also be noted that paragraph 57 of the Framework states that high quality design requires high quality private spaces.

114. The deficiency is understated in the reason for refusal 2, as all but four of the 54 houses fail to meet either the 60 or 75 m² standard⁹⁰.

Transportation implications

Approach

115. Reliance is placed by the appellant on para. 32 of the Framework to argue that account should only be taken of transport considerations if the impacts are severe. However, that would seem an absolute approach that would be surprising, if that was intended.
116. It is not accepted that a sensible balanced approach to congestion and highway safety is intended to be thereby jettisoned. 'Severe' has to be interpreted and applied in that context. The advice, in any event, appears to relate more to, and fit more comfortably with, the general transportation aspects, particularly in terms of sustainable development.
117. In fact a closer scrutiny of, and proper interpretation of, the wording is not consistent with the claimed approach. The actual wording refers to 'where the residual cumulative impacts of development are severe'. That precludes arguments that the increase in traffic from the development itself would cause no material impact, although when cumulatively with the existing circumstances these can properly be considered to be severe. This 'no material increase' argument is employed by the appellant in this case with regard to the congestion issue. These submissions now address first the parking issue and then the congestion issue.

Inadequate Parking

118. The assessment should be based upon the existing UDP policy T.4.1. The appellant does not suggest that this is not consistent with the Framework. Indeed it is clear that it is consistent with para. 39 of the Framework, as appeared to be accepted by the appellant⁹¹.
119. Policy T4.1 and appendix 3 of the UDP require a maximum of 349 spaces. As is clear from appendix 3, less than the maximum is only allowed where:
- (i) Public transport accessibility is high;
 - (ii) Car ownership levels are proven to be low; and
 - (iii) the site is, or will be, within a controlled parking zone.
120. The London Plan requires a maximum of 317 spaces. However, the Framework post-dates the London Plan and gives more flexibility to local authorities with respect to parking provision.

⁸⁹ C/6 appx 6

⁹⁰ C/4 para 7.58; C/6 appx 6

⁹¹ Mr Marshall in oral evidence

121. The proposals are for 241 spaces for the 275 units, or 0.88 spaces/unit. However, that includes 30 spaces for visitor spaces and the Car club. Thus it really equates to a ratio of 0.77 (211 ÷ 275) for residents.
122. As none of the three provisos in appendix 3 is met, it was made clear for the Council⁹² that there is no justification for such a significantly lower parking provision than 349. The appellant could not in substance argue against that. Its transport witness⁹³ at one point contended that, although the PTAL was only 2-3 (indeed with an index of 7.53 in a range of 5.01-15.00), there was in fact 'high' public transport accessibility. However, as he had to acknowledge, that position was contrary to his own Transport Assessment. In that document, he only went as far as to say that the public transport accessibility was 'reasonable', notwithstanding the poor/moderate PTAL rating.
123. There is no up to date census information for Brentford. The appellant's witness nonetheless relied upon the DCLG report on Residential Car Parking Research (2007)⁹⁴. However:
- (i) This is not Government policy;
 - (ii) It warns that it is a generalization and that local authorities will want to consider whether it is an appropriate generalization when developing car parking policies for their area⁹⁵.
 - (iii) The later National Framework allows authorities to adopt their own standards, as noted above.

This document therefore cannot be a justification for departure from the Council's adopted policy.

124. Further, the London Travel Demand Survey results, upon which the appellant also places reliance⁹⁶, are average figures for the whole of Hounslow and are not specific to Brentford. So, again, there is no basis for departing from UDP policy T4.1.
125. However, the appellant contends that in any event if there is overspill parking that would not be a problem, as there is, he contends, plenty of space available on Windmill Road⁹⁷. However, that fails to take into account the existing road conditions. If such parking were to happen it could impede the free flow of traffic and particularly the regular buses travelling along Windmill Road, and there might then need to be further restrictions on parking. It has to be remembered that, as was conceded by the appellant, Whitestile, Darwin, Murray and Carlisle Roads do not have an existing or proposed CPZ⁹⁸.

Addition to existing peak our traffic congestion

126. It is quite remarkable that the appellant failed to report, in either the Transport Assessment or in the evidence of its transport/highways witness, the existing congested conditions on the road network and in particular those at

⁹² Mr Woods in oral evidence

⁹³ Mr Marshall in oral evidence

⁹⁴ A/13, paras 3.11-13, table 3.3 & appx C

⁹⁵ A/13, appx C, bottom para

⁹⁶ A/13, paras 2.13-15 & table 3.4

⁹⁷ A/13, paras 3.20-26

⁹⁸ Mr Marshall in oral evidence

and leading south to the junction of Windmill Road with the A4. It is equally remarkable that the evidence completely ignores the morning peak, which is where the greatest problem would arise. The development would lead to a 6.6% increase of traffic making the right turn from Windmill Road southbound onto the A4 westbound⁹⁹. That was not challenged and indeed is consistent with the TA, which the appellant's witness did not dispute¹⁰⁰. The TA indicates that the morning peak departures for the proposals are agreed as 64 vehicles, compared to 12 for the authorized B1/B8 use. Of these, 42 (67%) are estimated to go south along Windmill Road¹⁰¹.

127. The appellant's transport/highways witness contended that the increase would be within the daily variation. That ignores the facts that existing operation of the junction is at capacity and that incremental increases would be added to the peak. To ignore this would be contrary to the very paragraph 32 of the Framework that the appellant is relying upon, as it would be to ignore 'residual cumulative impacts'.
128. Further, to contend that the increase over the lawful use of the site (for 16,000 m² of B1/B8) would have no material impact is contrary to the appellant's acceptance of the payment of a significant sum as required by Transport for London (TfL). TfL noted that the direction of flow would be reversed, where the majority of the vehicles would be departing in the morning peak and returning in the evening; where the existing site use would generate vehicles travelling into the site during the morning and leaving in the evening. Further, TfL considers that the additional traffic could contribute towards the cumulative impact of queuing on Windmill Road or delay to traffic on the A4.
129. Whilst TfL does not object to the proposals subject to the payment of the sum required (£100,000), the Council is concerned that there are no firm proposals for how the problem at this junction would be addressed. This uncertainty was exemplified by the email dated 21 November 2012 from TfL ('as new ideas emerge')¹⁰². This merely serves to underline the difficulties with this junction and why any increases should be minimized as far as reasonably possible.

Overall assessment

130. This is not a case where the Council is resisting the principle of residential development on the site. It has made its position very clear on this. It is acting consistently with the Framework in seeking a high quality residential development, as meant by that policy guidance.
131. Achieving sustainable residential development on this site does not mean that anything within the London Plan density range is necessarily acceptable¹⁰³. To simply rely upon the argument that the proposal is 'well within the range' and not to move on to consider the other factors would of course both a failure to comply with section 38(6) of the Act and in any event not good planning. Indeed such an approach would not be consistent with the Framework itself which recognizes the importance of local character (para. 58) and overall

⁹⁹ C/2 para 3.3.14

¹⁰⁰ Mr Marshall in oral evidence

¹⁰¹ Transport Assessment, tables 5.8 & 5.9 (p.29)

¹⁰² A/10

¹⁰³ A/2, London Plan, table 3.2 (p.85)

scale, density, massing, height, landscape and layout and access of new development in relation to neighbouring buildings and the local area more generally (para. 59).

132. In particular:

- (1) As the London Plan itself states '*a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, not the end*'¹⁰⁴.
- (2) It is not appropriate to apply Table 3.2 of the Plan mechanistically. Its density ranges are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important.

133. As demonstrated above, there are real problems with the scale of development proposed. Put simply, the appellant has failed to translate its own key design principles into the proposed design. In particular those principles require the higher buildings (i.e. the apartment blocks) to be located '*in the vicinity of the taller developments alongside the M4 corridor*', whilst low terraced housing would complete the urban structure on the other areas of the site. The proposals are for the higher buildings in the centre (proposed 'green heart') of the site.

134. This is far from just some empty criticism. It goes to the heart of the acceptability of, in particular, the proposed central apartment blocks. This failure of the design to execute its own 'transition' role explains the concerns and shows them to be fully justified. The high quality design required by policy at all levels would not be achieved. The GLA considers that the scale of the proposed development is large, compared with its surrounding, existing residential development. The GLA goes on to advise '*and as such must be justified through exceptional design that is sensitive to the context of the site and surrounding development*'. That has not been achieved.

135. The Council's planning witness, giving his own professional view and not necessarily that of the Council, suggested one lesser storey on each of the blocks may be acceptable¹⁰⁵. Whether a scheme on that basis would be acceptable will depend upon the overall application, which is not before this Inquiry.

136. However, if it is to be suggested that this difference is in itself not material, the Council would strongly disagree. Even a single storey reduction would make significant differences in the various view points and outlooks of concern. These differences underline why the appeal proposals should be rejected. It would also reduce the additional pressure on a congested road network, allow for less surface parking and potentially improvements on the amenity space. The fact of the current (revised) application¹⁰⁶ indicates the appeal proposals do not represent an all or nothing position. It has not been contended by the appellant that there is no viable alternative smaller scheme.

¹⁰⁴ A/2, London Plan, para 3.28 (p.84)

¹⁰⁵ Mr Baker in oral evidence

¹⁰⁶ A/16 appx 5

137. Of course a scheme of fewer units would deliver less affordable housing. However, as already made clear and accepted by the appellant's planning witness¹⁰⁷, the National Framework does not anywhere suggest delivery of general housing or affordable housing that is other than of high quality design.
138. For the same reason the appellant's reliance on an alleged absence of a 5-year housing land supply is simply not understood. It is not surprising that the appellant's case on this is itself confused, with it being made clear by its advocate (during the Inquiry) that paragraph 49 of the Framework is not relied upon, whereas its planning witness did wrongly try¹⁰⁸ to place reliance upon it. None of the policies in question could on any fair basis be said to be 'relevant policies for the supply of housing'. If that were to apply to 'design' policies, such an approach would run directly contrary to good design being a key aspect of sustainable development, indivisible from good planning and contributing positively to making places better for people, as required by paragraph 56 of the Framework.
139. For the record, the Secretary of State is asked to note that this Council has a very good track record for delivering housing generally well above its target, as the Notes produced by the Council show¹⁰⁹ (and as put by it to the appellant's planning witness). The Notes also make clear why there is no basis for thinking that there is likely to be a problem when the Housing Land Supply, which is required to be updated annually by paragraph 47 of the Framework, is updated shortly.
140. Rejection of this particular scheme would also help to achieve many of the objectives in the Framework and the London Plan through an alternative scheme. The local planning authority has in this case very carefully balanced the need for residential development and the merits of the proposals with the unacceptable impacts and concerns of local residents. Their concerns relating to the unacceptable impact on the character of the area and outlook of local residents are very well founded and supported by the Council. It is right that localism means more than just taking those concerns into account and then nonetheless allowing development to proceed. As the London Plan states, the importance of housing supply to the economic, social and environmental dimensions, must take into account more bottom-up, participative and consensual approach. That Plan also emphasises the importance of local character and the role of the community in setting goals for their area¹¹⁰.
141. For all the above reasons, the Secretary of State is respectfully asked to dismiss the appeal.

The Case for the Windmill Road Action Group (WRAG)

142. The material points¹¹¹ are as follows.

¹⁰⁷ Mr Rowley in oral evidence

¹⁰⁸ A/15 para 4.14

¹⁰⁹ C/8 & C/9

¹¹⁰ A/2, London Plan, policy 7.4 & para 7.14 (pp.214-5)

¹¹¹ Based on closing submissions (doc. W/6) and evidence as indicated

Introduction

The site

143. Reynard Mills is a landlocked employment site with two restricted entrances/exits on its eastern boundary. There are no other means of accessing the site. The entrances/exits are located in a residential area and are positioned at either end of an Edwardian terrace on Windmill Road. They face towards a homogenous and extensive area of low rise Edwardian terraced housing.
144. Much of the site is vacant, following the departure of a major tenant (the BBC) with specialised storage needs. The remainder of the site, consisting of recently constructed buildings at the south-east side, continues to be occupied by employment tenants.
145. The site is surrounded by residential, educational and religious uses on all sides. These are contained in buildings of mainly 2 storeys and in a few instances 3 storeys in height. At the extreme southern corner, the site is boarded for a small stretch by the 4 storey Paragon B key worker housing.
146. The existing buildings on the site are low rise and separated by extensive areas of hard standing and vehicle parking spaces at ground level. The majority of the buildings are 2 or 3 storeys in height and constructed in a traditional style with ridge roofs. Many of the roofs are capped by glazing along their ridge lines. None of the roof ridges of the existing building on the site exceed the 4 storey height of Paragon B.
147. The most recently constructed buildings on the site have emulated the local character by being limited to 2 storeys in height and capped by a ridge roof. These new builds, which are a consequence of the land swap needed to bring forward the Paragon development, are clad in brick on their visible frontages.

Use of the site

148. There is widespread concern over the decision by the current site owners to discontinue all employment uses on this site. As owners they are spared the substantial cost of site acquisition, and it is regretted that a development embracing a mix of uses has not been brought forward. Amongst the uses proposed by residents are:
 - construction of a primary school - to meet the current shortage of provision in the area;
 - releasing part of the site to the primary and secondary schools which border the site, so that they could expand their intake;
 - retaining some employment use on the site, possibly in the form of small units and/or starter workshops;
 - retirement/sheltered housing;
 - a mix of all or some of the above uses.
149. It is a matter of concern that the site owners have only sought to market the existing bespoke and worn-out buildings for rent. It was acknowledged by the

appellant¹¹² that this was the only marketing of the site which had been undertaken by, or on behalf of, the owners.

150. No attempt has been made to bring forward either a scheme which would involve the reconstruction and/or refurbishment of employment buildings on the site or one which would embrace a mix of uses. Nor has any evidence been provided that the current owners have sought to sell the site to another landlord who would be prepared to bring forward an employment redevelopment of the site.
151. WRAG therefore suggests that the planning requirement that a change of use should be supported by marketing evidence has not been complied with and that the application should be refused on these grounds alone. It is not enough to attempt to market some worn-out buildings. The marketing test is based on the consented planning use, and should therefore embrace attempts to market schemes for replacing the employment buildings on the site.

Physical infrastructure

152. The application and appeal documents only appear to refer to precipitation on the site and the provision of a SUDS facility. This ignores the far more serious problem posed by sewage and waste water. Local residents and members of the primary school community have set out their concerns over the lack of capacity in the local sewage/waste water drainage system in their consultation responses and submissions. There are frequent floods, often associated with heavy precipitation, when sewage and foul water enters the surrounding homes¹¹³.
153. An account from the BBC website sets out how the Reynard Mills site used to flood repeatedly during their occupancy¹¹⁴. It recounts, '*Internal drain manholes blasted out of their mountings and swept along by the torrents of rainwater backing up from the nearby roads as the local drains failed to cope.*'
154. Thames Water has written to the planning authority stating that, '*No discharge of foul or surface water from the site shall be accepted into the public system until drainage works referred to in the strategy have been completed*'¹¹⁵. This is in accordance with Policy 5.14.B of the London Plan¹¹⁶.
155. This issue arises as the time constraints associated with the wholesale upgrading of the surrounding local sewage and waste water drainage network would have a major bearing on the timescale over which the redevelopment of the site could take place.

Refusal Reason 1

156. A number of issues are raised in this refusal reason, and are addressed below.

¹¹² Mr Rowley in oral evidence

¹¹³ W/1 section 10

¹¹⁴ W/4

¹¹⁵ Council Officers' report to Committee, para 5.8 (in Questionnaire documents)

¹¹⁶ A/2 internal p.156

Density

157. The Transport Assessment (TA) confirms that the site has poor public transport accessibility, falling at the midpoint of PTAL band 2¹¹⁷.
158. The London Plan (LP) states, '*Where connectivity and capacity are limited, density should be at the lower end of the appropriate range.*'¹¹⁸ This would mean that the density should be close to 200 units per hectare, rather than the 368 proposed by the Appellant¹¹⁹. In effect, the appellant is proposing a density that is nearly double that indicated by the LP density policy. The undesirable consequences of this attempt at over-development become apparent when other aspects of the proposal are considered.

Neighbourhood Character

159. Policy 7.4 of the London Plan provides explicit guidance that developments should have regard to the character of the local area and should both improve it and build on its positive elements. In the case of the area surrounding Reynard Mills, the 2011 LP guidance is also supplemented by the earlier 2009 Character Area studies contained in appendices to the 2009 Brentford Area Action Plan (BAAP)¹²⁰.
160. Although the site itself is almost all in BAAP character area 7, the Edwardian terrace on Windmill Road straddled by the entrance/exits to the site is in BAAP character area 8. The entrances face directly onto the extensive and homogeneous network of Edwardian side streets which make up character area 8. In changing the use of the Reynard Mills site from employment to residential, considerable importance should be attached to the nature of the residential local character area it would be effectively united with, i.e. the low rise, low density nature of character area 8.
161. The description of character area 7 in the BAAP identifies it as an area of residential streets and also observes that, "*The townscape itself has the sense of an area that has been interrupted and overwhelmed by the major roadways at its centre.*"
162. In the case of the Reynard Mills site, it is important to note two key facts. Firstly, the Reynard Mills site is set back from the A4/M4 and does not occupy a block with a frontage on these major roads. Secondly, the Reynard Mills site is surrounded by low rise housing and school buildings on all sides.
163. The surrounding buildings include the following:
- To the north, the 2 storey housing in Clitherow Road and the south side of The Ride.
 - The buildings of Gunnersbury Secondary School are 2 storeys in height and occupy an open site which is interspersed with playgrounds and sports pitches.

¹¹⁷ Transport Assessment, para.2.21

¹¹⁸ London Plan, para.3.30 (in doc A/2),

¹¹⁹ Planning Statement, para.5.31. *Inspector's note: the densities cited in both documents are actually in habitable rooms, rather than units, per hectare.*

¹²⁰ In doc A/2

- To the west, the 2 and 3 storey housing developments of: 1-18 Manor House, 1930's flats at 1 -75 Manor Vale, the 2 storey houses with a variegated footprint in Manor Vale, and the two 3 storey blocks of Davmor Court.
 - At the southern end of the western boundary, Our Lady and St John's Primary School, which rises to 2 storeys in height at the centre of its wigwam shaped roof.
 - At the southwest corner, the 4 storey Paragon B block which is occupied by key workers.
 - Along the southern perimeter, the 2 storey vicarage, single storey church hall and the Victorian St Faith's Church.
164. In summary, the Reynard Mills site is surrounded by low rise housing or school or religious buildings. The majority of the buildings are either 2 or 3 storeys in height, with only the small portion of the Paragon B block which borders Reynard Mills rising to 4 storeys. It is these surrounding buildings which set the context of the density, height, bulk and massing against which any redevelopment of the 2 to 3 storey employment buildings on the Reynard Mills site should be assessed.
165. It was agreed for the appellant at the Inquiry¹²¹ that BAAP Policy 4: The Great West Road applies to sites fronting onto the A4 and not to Reynard Mills.

Height, Bulk and Scale Massing of proposed development

166. WRAG is opposed to the height and elongated nature of the tower blocks proposed for the centre and western edge of the Reynard Mills site. These would result in unacceptable height, bulk and massing which would be inconsistent with the low rise character of the residential housing surrounding the Reynard Mills site.
167. From most viewpoints the three elongated tower blocks would appear as a single mass. The separation of the tower blocks would be identifiable only from the north-east or the south-west. The height of the proposed buildings would also be inconsistent with the height of the buildings currently on the Reynard Mills site.
168. At up to seven storeys in height, and built on raised ground above the basement car park, the proposed tower blocks would be between two and three times the height of the surrounding housing and the buildings currently on the site.

Stepping Down of Building Heights

169. The Appellant has sought to justify the insertion of tower blocks on the Reynard Mills site on the grounds that it would, *"provide a gradual stepping down in term of building height, mediating the 14-storey Paragon site through to the 2-storey properties on Windmill Road and beyond."* WRAG does not accept this assertion. Both the buildings on the site and those surrounding it are currently 2 or 3 storeys high, with the nearest Paragon building being only 4 storeys high.

¹²¹ Mr Rowley in oral evidence

170. The mediation proposed by the Appellant is already achieved within the Paragon development before it reaches the Reynard Mills site. The insertion of tower blocks on the Reynard Mills site would serve to reverse the stepping down in building heights which has already been achieved to the southwest of the site.
171. There is a pronounced and defined 'break point' along the service road to Our Lady and St John's Primary School, between the lower rise eastern portion of the Paragon development and the far taller western portion containing the short stay student accommodation¹²².

Design of Proposed Buildings

172. An explicit requirement of LP Policy 7.4 is that new buildings should make a positive contribution to their local area. Existing local redevelopments either adjoining the site or in its immediate vicinity include a range of low rise apartment blocks and terraced housing which have both respected the surrounding built environment and sought to enhance it¹²³.
173. At the Inquiry the appellant's design witness drew attention to the barely visible glazed roof ridges of the existing buildings on the Reynard Mills site, when viewed from Whitestile Road¹²⁴. This unobtrusiveness is due to the low height of the building in question, its sloping vernacular ridge roof and the translucent/obscured glazing of the upper parts of its roof. This example supports the concerns over the unsatisfactory design of the proposed residential buildings, both flats and houses, for the site. Their design, as shown in the Design & Access Statement, is box-like with a prominent external skeletal structure. This fails to reflect local building styles, as noted above, and would also make the development far more visually intrusive than would otherwise be the case.
174. It is appreciated that the details of the design would be reserved for a later application; the current concern is with the rigid angularity of the envelope of the proposed buildings as set out in the Design & Access Statement and in their unimaginative footprint, when compared to the footprint of 1-18 Manor House and 82-105 Manor Vale.

Visual Impact on Neighbours

175. The proposed tower blocks would have a pronounced and detrimental impact on the amenity of the surrounding residents. A particular concern is the decision by the appellant not to construct low rise buffer terraced housing along the south-western boundary of the site. This is despite the claim in the Planning Statement that, "*Smaller scale townhouses are located at more sensitive locations to respect existing residential premises.*"¹²⁵
176. At the Inquiry evidence for the appellant clarified the distance of the nearest tower block to the nearest residential or school building¹²⁶. It is a matter of

¹²² C/6 appx 3, photos 1 & 2

¹²³ W/1 appx 3

¹²⁴ Mr Hindle in oral evidence

¹²⁵ Planning Statement, para.6.7

¹²⁶ Mr Hindle in oral evidence

concern that a far greater separation distance exists on the frontages where terraced housing is proposed, than where the Appellant has chosen to omit it. The following separation distances were advised by the appellant's witness:

Eastern end of north and south tower blocks from rear of Windmill Road terrace	52 metres
Eastern end of central tower block from rear of Windmill Road terrace	76 metres
Northern side of north tower block from Gunnersbury Secondary School buildings	83 / 93 metres
Eastern end of Manor House apartments to western end of north terrace	127
Eastern end of 1930's Manor Vale to western end of north tower block	14 metres
Eastern end of Davmor Court to western end of central tower block	40 metres
Eastern end of Primary School building to western end of south tower block	25 metres

177. It is essential that the proposals are either refused or modified in order to ensure the insertion of low rise buffer housing along the western edge of the Reynard Mills site.
178. A further concern is the absence of elevation drawings of the proposed development from Manor Vale. In the absence of these drawings, or verified views, attention is drawn to photographs in WRAG's evidence¹²⁸.
179. Some 3 storeys of the north tower block would be visible above, and directly behind, the end block of the 1930's Manor Vale flats¹²⁹ and the upper 4 storeys of the central tower block would be visible above the right-hand corner of the same end block¹³⁰. As a consequence, the height and bulk of these two tower blocks would be visible to all the residents of Manor Vale as they enter or leave the complex.
180. Loss of amenity would be suffered by the residents of Manor House¹³¹ and Davmor Court¹³², both of which were the subject of the site visit. In both instances the only living rooms of these apartments are east facing and look out across the Reynard Mills site. If the proposed development goes ahead, the residents of Manor Vale would look out at the end of the 3 storey western end of the proposed north terrace, while the residents of Davmor Court would be directly facing the western side of the tallest tower block.

¹²⁷ Dimension not given by WRAG, but scales at approx 10m on plans.

¹²⁸ W/1, photos in para 3.10 and on p.5 of appx 4

¹²⁹ W/1, top left photo in para 3.10

¹³⁰ Ibid, top right photo in para 3.10; also W/1 appx 4, upper photo on p.5

¹³¹ Ibid, bottom left photo in para 3.10

¹³² Ibid, bottom right photo in para 3.10

181. Also, the corner windows of both wings of the 1930's Manor Vale flats look out over the Reynard Mills site¹³³. Their close proximity to the site boundary is shown in appellant's Design & Access Statement¹³⁴.
182. A number of perspective drawings and photographs have been taken from Whitestile and Darwin Roads . Note should be taken of the sides of these roads from which these views have been taken and that the upper storeys of the tower blocks would be more prominent if they were viewed from the other sides of these streets.
183. In the case of Darwin Road the building shown as a faint red outline on a photograph in the appellant's Visual Impact Assessment¹³⁵ is shown as obscured by the leaves of a deciduous tree, but this screening will be absent for much of the year and is absent from other viewpoints.
184. It was clarified for the appellant that many of the photographs, including those in the Visual Impact Assessment, were taken at a lower height than adult eye level¹³⁶. A consequence of this is that the ridge line of the Edwardian terrace in Windmill Road would appear to screen more of the tower blocks than would be the case if they were viewed by an adult standing at that location.

Overlooking from the site

185. The overlooking of habitable rooms and rear gardens of the Edwardian terrace facing Windmill Road is a concern. The busy nature of Windmill Road and the western aspect of the rear of this terrace mean that the primary 'places of retreat' in these houses are the rear rooms facing Reynard Mills. At present these rooms and rear gardens are not overlooked from the buildings on the site. Introducing three storeys of accommodation in the proposed eastern buffer terrace, coupled with a possible roof terrace would significantly reduce the amenity currently enjoyed by the residents of the existing terrace.
186. In the case of Our Lady & St John's Primary School, unsatisfactory consequences would arise from the proximity of the western end of the proposed southern tower block to the school and its early years play area. The school already suffers the impact of the university buildings to its south and has sought to arrange itself in order to minimise the adverse impact of these tall buildings and the overlooking from their occupants. It is therefore particularly unfortunate that, having located so many sensitive activities as far away as possible from the tallest Paragon buildings, the school now finds itself facing a tower block along its eastern frontage. This problem would have been substantially ameliorated if the appellant had chosen to introduce low rise buffer housing along the western side of the Reynard Mills site.
187. The apparent reluctance of the Appellant to accept a planning condition which would prevent the construction of opening and unobscured windows on western end of the southern tower block is a concern. Such a condition would provide significant privacy for the youngest pupils in the school. It was accepted for the appellant that such a treatment is technically possible through

¹³³ Ibid, appx 5, p.5

¹³⁴ Design & Access Statement, p.5, photo 4

¹³⁵ A/16, appx 10, View 1, 'AVR1:Proposed Development'

¹³⁶ Mr Hindle in oral evidence

the use of bays with the opening windows facing north and south, and that it would not result in the loss of dual aspect flats at the primary school end of the tower block¹³⁷.

188. Overlooking would also result if the stepped down ends of the tower blocks were allowed to be used as roof terraces. In the absence of low rise buffer housing along the western edge of the site, this would be a particular concern for the residents of Manor Vale. The proposed step downs at the western and eastern end of each of the three tower blocks should be conditioned so as to forbid access to them, other than by maintenance staff.

Refusal Reason 2

Publically Accessible Open Space

189. Reynard Mills is some distance from publically accessible open space. The annotated aerial photographs in the Design & Access Statement¹³⁸ are potentially misleading. The areas numbered 4 and 5, and shaded pale green, in the bottom left hand illustration are not accessible to the public. Area 5 is the grounds and buildings of Gunnersbury Secondary School; area 4 consists of the Glaxo Sports and Social Club and the playing fields of Durston House private school.
190. The nearest publically accessible open spaces are either Boston Manor Park (area 7) which is most directly accessed by walking up Windmill Road to The Ride and then along The Ride to the park's entrance on Boston Manor Road. The alternative public open space is Blondin Park (area 2) which is accessed by walking northwards up Windmill Road.
191. Both Boston Manor Park and Blondin Park are a significant distance from the housing proposed for Reynard Mills and are unlikely to appeal to parents or carers with young children because of the time it would take to walk to and from them. It is also unlikely that parents would allow younger children to visit these parks unaccompanied.
192. The current UDP defines the area immediately outside the Reynard Mills entrances as one of open space deficiency¹³⁹.

Internal Amenity Space on site

193. There is a proposal to use the space between the tower blocks for amenity space. The appellant's Shadowing Study¹⁴⁰ shows that much of the proposed amenity space would be in shadow for much of the year, and is therefore unlikely to prove attractive to residents.
194. The study also shows shadows from the proposed tower blocks reaching the fronts of the proposed northern and eastern terraces for much of the year. This is a consequence of the elongated design and height of the tower blocks.

¹³⁷ Mr Hindle in oral evidence

¹³⁸ Design & Access Statement, p.4

¹³⁹ W/3

¹⁴⁰ A/9

195. Potential safety issues associated arise from the extensive roadside parking on either side of the service road which would provide access to the basement garage. This is likely to prove a hazard for young children seeing to cross between the tower blocks to the southern 'green'. Much greater thought needs to be given to surface parking and road safety in the area surrounding the 'green'.

Overlooking from outside the site

196. WRAG shares concerns about the overlooking of the rear gardens of the southern terrace from Paragon B, which it is proposed to resolve by the deletion of the westernmost house of this terrace.
197. It is surprising that the similar overlooking problems of the rear gardens of the western houses of the northern terrace have not been addressed in a similar way. These would be overlooked from the 3 storey living rooms of Manor House, which are in close proximity to the site boundary¹⁴¹. A similar solution should be adopted for the northern terrace as has been proposed for the southern terrace, namely the deletion of the westernmost houses nearest Manor House.

Refusal Reason 3

Modal Split

198. The appellant has not prepared a modal split showing means by which the proposed 995 residents of the 275 units would leave and enter the site during the peak morning and evening periods¹⁴². The appellant has only sought to project the peak period movements of less than 20 percent of the projected occupants of the site¹⁴³.
199. A comprehensive peak hour modal split analysis should be considered an essential requirement for the granting of planning permission for a development with such a poor PTAL value.

Underestimation of peak hour vehicle movements

200. The projections of peak hour vehicle movements entering and leaving the site are surprisingly low for a development that appears to be intended for residents in employment, rather than a retirement community.
201. These concerns are reinforced by the Census commute by car percentages for Brentford which have been cited by the Appellant. In percentage terms these are twice those projected for the site¹⁴⁴.
202. A further concern is the appellant's dismissal of Grand Union Village as a comparator. The Transport Assessment indicates that the morning peak departures from that site are twice those of the other sites¹⁴⁵. In the event

¹⁴¹ W/1, appx 4, photos on p.4

¹⁴² Mr Marshall in oral evidence

¹⁴³ W/1 section 6.7

¹⁴⁴ W/1 section 6.8, particularly para 6.8.5

¹⁴⁵ Transport Assessment, table 5.4, p.28

that it was the most accurate predictor, this would reinforce the Brentford Census usage and suggest double the number of vehicle movements.

Consultation with London Borough of Ealing

203. LB Hounslow and LB Ealing share responsibility for Windmill Road and its residential side streets. The northern area is the responsibility of Ealing while the southern part is the responsibility of Hounslow.
204. In its responses to the consultation on the planning application LB Ealing has advised that Windmill Road, 'currently operates at capacity during peak periods'. This opinion, which includes other concerns, was contained in a submission dated 21st December 2011¹⁴⁶. Despite the length of time that this submission has been available to the appellant, and the location of the Reynard Mills northern entrance facing Ealing side streets, it was acknowledged at the Inquiry that the appellant had not consulted Ealing officers on any aspects of the development's transport or parking¹⁴⁷.

Rat-Running

205. Numerous submissions by local residents about extensive 'rat-running' through minor roads east of Windmill Road have been confirmed by the 'leakages' between the count locations. Despite this information, it was confirmed at the Inquiry that the subject and the implications which the location of the site entrances could have on any increase in rat-running had not been investigated.

Tidal Flow

206. The change of use on the Reynard Mills site would result in a change in the 'tidal flow' of vehicle movements. As an employment site vehicles arrived in the morning and left in the evening. This was the reverse of the commuter movements by the surrounding residents. Following a change to residential use, the residents of Reynard Mills would arrive and depart at the same time of day as the residents of the surrounding side streets. This would compound traffic, rat-running and on-street parking problems.

Off-site car parking

207. There is widespread concern that the quantum of on-site parking spaces would be insufficient to accommodate the expectations of the residents of Reynard Mills. It is feared that this would compound existing parking pressures on the surrounding residential streets.
208. At the Inquiry concerns were raised with the appellant's transport and highways witness over the on-street parking surveys included in his evidence¹⁴⁸. It was noted by the Council's highway witness that the parking survey failed to accurately record parking restriction on certain of the surveyed

¹⁴⁶ Inspector's note: The formal response by LB Ealing is dated 4 January 2012 (included in Questionnaire documents).

¹⁴⁷ Mr Marshall in oral evidence

¹⁴⁸ A/13

roads¹⁴⁹. It was also noted that the claimed daytime vacancies were inconsistent with the appellant's photos of cars parked 'bumper to bumper'¹⁵⁰.

209. The reported night-time vacancies were inconsistent with a very large number of resident representations stating how difficult it is to find a parking space in the evening. A further concern was the inconsistency from road-to-road in the reported results for the September 2012 parking surveys, as it is counterintuitive for widely differing percentages of parking spaces to exist in adjoining roads. Examples are the percentages of 5% for Murray Road, 41% for Carlyle Road and 19% for Darwin Road shown in evidence for the appellant¹⁵¹. In an informal survey of these roads the night before WRAG presented its evidence, its witness was unable to replicate the number of vacancies¹⁵².
210. In the light of the inconsistencies between the experiences reported by residents and the parking survey results, and the other concerns raised above, it is significant that the appellant's transport and highways witness advised that he had not undertaken any personal actions to assure the accuracy of the parking survey. In particular he had not walked the streets of the survey area at night at any time since he had become involved in the Reynard Mills project¹⁵³.

Controlled Parking Zones

211. Traditionally administered Controlled Parking Zones (CPZs) may not provide any protection for the surrounding residents from on-street parking by Reynard Mills residents and visitors. The reason for this is that CPZs traditionally provide protection for residents from day-time commuter parking.
212. In this instance the residents of and visitors to Reynard Mills would follow the same parking pattern as the residents of the surrounding side streets. In particular, both categories of driver would arrive home from work at around the same time. This would result in increased competition for a scarce and finite number of on-street parking spaces.
213. As traditional CPZs are only administered during the mornings and/or afternoons, the absence of evening administration would not provide any protection to the surrounding residents. The only effective protection for the surrounding residents would be for them to incur the extra cost of a CPZ which would be administered during the evenings, and therefore require antisocial hours payments to the staff involved.
214. The necessity for the surrounding residents to bear these costs when the problems are a consequence of the over-development of, and insufficient parking provision in, the Reynard Mills development is questioned.

¹⁴⁹ Mr Woods in oral evidence

¹⁵⁰ A/6

¹⁵¹ A/13, table 3.5 on p.7

¹⁵² Mr Guest in oral evidence

¹⁵³ Mr Marshall in oral evidence

Site entrances/exits

215. After some two years of work there continue to be inconsistencies over the operation of the two site entrances.
216. The appellant's planning witness anticipates that the southern 'entrance' would be exclusively used for entry while the northern 'entrance' would be exclusively used as the vehicle exit. Such a one-way system would simplify the operation of Windmill Road at both entrances and avoid the need to fell trees by the bus top outside St Faith's church. However, both the design and highways witnesses advised that both entrances should be used for entry and exit. The inconsistency between these approaches needs to be resolved.
217. There would be insufficient space in the centre of Windmill Road for 'ghost islands' in which vehicles entering or leaving the site can wait pending a gap in the traffic. The absence of pedestrian shelter islands in Windmill Road is a further concern.
218. The proximity of Carlyle Road may encourage vehicles leaving the Reynard Mills site to choose to follow Carlyle Road and the South Ealing Road as a means to reach the westbound A4. This choice seems likely if drivers observe southbound congestion in Windmill Road as they leave Reynard Mills.

Refuse and recycling and access to and from basement garage

219. During the site visit it was noted that maintenance staff at both the Paragon development and the 1930's Manor Vale flats had wheeled their large refuse containers forward from their normal storage location to a more accessible location for the Council's refuse truck.
220. The basement floor plans for the proposed development show 35 containers. 10 would be stored under the northern tower block, 9 under the central tower block and 16 under the southern tower block. With the exception of those stored under the central tower block, the remaining 26 bins would be stored a considerable distance from the single bay which has been marked out as the waiting area for the refuse lorry.
221. There does not appear to be space in the sunken service roadway for the bins to be temporarily moved to on the day that the refuse is collected. It therefore seems highly likely that manoeuvring the bins from their permanent storage locations is likely to obstruct the sunken service road and block access to, and possible exit from, the basement garage. As the recycling storage area is further from the sunken service roadway, similar problems can be expected.
222. This suggests that the configuration of the proposed service road is inadequate to meet the demands that would be placed upon it, and as its layout is determined by the footprint of the tower blocks, this matter needs to be resolved at this time.

Refusal Reason 4 -Local Infrastructure

Schools

223. There is a serious shortage of school places in the local area. This can only be resolved by the construction of additional school capacity. While Section 106

contributions may assist in the funding of a small number of incremental school places, the constraint is the lack of sites for school expansion.

224. It is therefore a matter of considerable concern to the community that this windfall site has not been reserved in whole, or in part, to meet the need for the construction of additional school provision.

Medical

225. As with local educational provision, there is also a shortage of medical provision with local residents having to wait for up to three weeks for an appointment with their GP. These waiting lists are compounded by the students from the university which occupies the Paragon site.
226. Again the shortage of physical provision is the constraint and the release of part of the site for community facilities would considerably ease matters.

Conclusion

227. The opportunity for bringing forward a mix of uses on the site has been missed.
228. Numerous problems have been identified during the Inquiry, all of which directly relate to appellant's proposal to over-develop this backland site. As well as being visually unacceptable, overdevelopment on the scale proposed would impose unacceptable pressures on the overstretched local services (schools, medical) which are already operating at capacity.
229. A direct consequence of the proposed change of use on the Reynard Mills site from employment to purely residential, is that the resulting development should conform to the density and character of the surrounding residential accommodation and built environment.
230. As well as being expected by the London Plan, these requirements are set out in the Brentford Area Action Plan. The decision to change the use of a backland site which can only be accessed from a homogeneous low rise residential character area places a strong obligation on the development site to conform to the characteristics of the surrounding area.
231. In the case of Reynard Mills this expectation is reinforced by the low rise, and in the main vernacular, character of the housing which surrounds it on all sides and in particular the western side of Windmill Road, in Clitherow Road, Manor House, Manor Vale and Davmor Court.
232. The constraint imposed by the lack of capacity in the surrounding sewerage and drainage system means that it would not possible to bring the site forward for redevelopment in the foreseeable future.
233. WRAG therefore urges the Secretary of State that this appeal should be dismissed and that the appellant should be asked to bring forward a development which would be compatible in both density and design with the surrounding low rise residential neighbourhood.

The Cases for Interested Persons/bodies¹⁵⁴

234. The material points are as follows.

Brentford Community Council¹⁵⁵

235. This is an independent body, funded by member subscriptions and voluntary work.

236. In each of the successive schemes for this site the applicants have been asked:

- to retain employment uses where possible;
- to renovate and market the site for small-scale serviced employment;
- to make the site available for educational uses, as there is already a shortage of school places locally.

237. In the event that all or part of the site were to be used for housing, that scheme should include sheltered housing, old people's homes and housing for dementia cases. The low PTAL indicates that there are long walks to tube stations for busy adults, but the E2 bus route would give elderly residents easy access to the facilities they need in Brentford town centre.

238. The proposed scheme fails to meet the needs of the community and is out of character with the area. There has been much new development in Brentford, and there are unbuilt housing schemes with planning permission for over 3,500 units that would house over 7,000 people in an area where infrastructure is already overstrained.

239. The Secretary of State is asked to dismiss the appeal.

Peter Dijkhuis¹⁵⁶

Introduction

240. This proposal has come forward in various forms over the last two years. The fact that this is the third or fourth application, a variant on a similar theme, continues to illustrate just how unresolved many of the critical aspects of this development are.

241. It is inappropriate to consider this by way of an outline planning application with all matters other than access and layout reserved. On the basis that this is a small, infill site surrounded by residential properties, objectors need to be able to comment on all aspects of the scheme. The piecemeal approach of an outline application allows the applicant to gain permission in principle before all development issues are resolved.

Change of Land-use

242. The Design and Access Statement (DAS) and other supporting documents state that this is a derelict, brownfield site. This is incorrect and creates the perception that this site is ready and would benefit from re-development. The

¹⁵⁴ In alphabetical order

¹⁵⁵ P/1 (Mr Browne)

¹⁵⁶ P/2

site is unkempt simply because the owner is not maintaining the site; this is a maintenance rather than a planning issue.

243. The site is an employment site and has not been designated in the SHLAA as a residential site. No sequential test has been undertaken to identify more suitable sites for housing, although an oversupply of housing above planning policy targets is noted. There appears to be an incomplete justification for change of use.
244. The site is currently used on a day-to-day basis as an employment site with sitting tenants, buildings, and site infrastructure¹⁵⁷. Consequently it needs to be viewed in terms of a loss of employment, rather than the development of a derelict site.
245. The DAS and Land Agent's report refer to efforts to market the site and the lack of market interest, and on this seek to justify redevelopment of the site for residential use. However, no tenant will take a long-lease in the knowledge that a site is up for redevelopment. Various planning applications have been made on this site since 2010, suggesting that no long-lease has been offered to new tenants and hence the total lack of market interest.
246. In the last 14-years, no proposals have been put forward to provide new office accommodation on the site, consequently this option has not been market tested.
247. The DAS and Transport Assessment (TA) state that the site is unsuitable for employment partially because of restricted access for HGV vehicles. There is no logic in this argument; other forms of smaller delivery vehicles could service an employment use.
248. The appellant draws considerable reference to the successful re-development of land along the Great West Road over the last 15-years and infers an acceptance of tall building in this area from these developments, without at the same time inferring that this is a reasonably successful employment destination.
249. The appellant draws reference to various planning policy (most superseded by the National Planning Policy Framework) and Hounslow's Employment Study (2008) to support a change of use without recognising that other employment uses would be suitable on the site. There is an urgent need to provide space for small start-up practices that need a mix of warehouse, industrial and office space located within the broader Great West Road employment corridor. The DAS does not demonstrate how employment could be retained on the site per policy EP8 in the Employment DPD and the Brentford Action Area Plan¹⁵⁸.

Site Massing and Height

250. Insufficient information has been submitted in the application to adequately review the true massing proposed on the site. The Ecological Report gives a site level but nowhere in the application are the new made-ground site levels

¹⁵⁷ Inspector's note: As a matter of fact, only a small part of the site is currently in such use; most of the buildings are vacant.

¹⁵⁸ In A/2

given in relation to the surrounding properties. Various site cross-sections are provided, but these are not referenced to site datum levels.

251. The DAS refers to a height relationship with surrounding properties but does not provide a simple plan of all surrounding properties to illustrate this point; only highly beneficial cross-sections that support the appellant's argument are provided. Actual roof heights of existing and proposed buildings are necessary to enable review of the massing.
252. This proposal should be viewed as a sizeable development within a traditionally two-storey Victorian residential environment. No Landscape Visual Assessment report has been submitted to assess the impact of the three towers from areas outside the immediate site area.
253. The DAS and TA state that there is a reduction in overall footprint, suggesting a reduced site massing from that of the current industrial buildings. A reduction in building footprints does not necessarily create a reduced impact; in some cases the impact is increased. The current industrial buildings are two and three storeys; those proposed are five and six storeys.
254. In the DAS, the design process that leads to the final building arrangement is discussed. The Courtyard Buildings, Parallel Blocks and Terraces, and the Square and the Green, all appear to have an identical masterplan arrangement. The appellant's comment:

'A Scheme of reduced building height and long courtyard blocks was produced. This generated a building that would be perceived as a significant mass from the neighbouring properties, and would block any views from the neighbours into the landscaped spaces and vegetation. A very large facade of flats facing the primary school would generate overlooking and acoustic issues. Some of the buildings and cores would be very far from the public road'¹⁵⁹.

contains the very objections of surrounding residents and appears not to have been resolved in the final masterplan.

Environmental Issues

255. It is proposed to remove two mature street trees in Windmill Road as they obstruct site lines for egress and access into the site. No arboricultural report has been submitted to classify the status of the trees, but experience would suggest that they are healthy and could be Category B in BS 5837: 2005 (Trees in Relation to Construction – Recommendations) which would require retention. This issue remains unresolved yet impacts on the very potential to develop the site at all or not.
256. The scheme mentions the inclusion of SUDS to address winter flooding in Windmill Road, but no further details are included. It is thus not known how attenuation on site would be addressed.
257. The Ecological Report, noting that a bat survey has been done on site, is dated October 2010. As this site has been partially vacant for more than two years,

¹⁵⁹ Design and Access Statement, p.14, captions to figs. 2 & 3

a more up-to-date survey would be required to ensure that there has been no relocation of bats to the site.

Transport Issues

258. The appellant notes that the site is well located in terms of local facilities, namely, Brentford High Street and Hounslow (though the retail facilities along South Ealing Road would appear more attractive to the cohort that the appellant is trying to attract to this development). It notes the access to local buses and tube stations. It further mentions a proposed cycle network through Northfields to improve accessibility to facilities.
259. What the report does not note is that this is an isolated, infill site with access only onto Windmill Road. The site is isolated by the elevated M4, the dual carriageway of the Great West Road, and the Grand Union Canal: the site orientates eastwards rather than westwards. Brentford Town Centre is not the key transport hub and local centre as asserted in the report. Large retail stores are located to the west, attainable only by private vehicle, but the natural site linkage, and hence greatest impact, is east and north into Northfields (Ealing).
260. This is a car-based environment, as stated in the TA which notes that Hounslow has a high private commute (44-53%) and daytime journey to work (63%). The Site's PTAL is 2 ('poor').
261. The current public realm along Windmill Road is poor, with narrow pavements, cars parking on the pavement, and at times restricted one-way traffic to allow busses to pass along this road – this is not a pedestrian-friendly environment.
262. These issues would suggest that the development would attract a high car ownership that would attract a high out-commute in the morning and a reverse pattern in the evening (229 units¹⁶⁰ at 63% commute equates to 145 movements at the site access). The TA simply equates current movements on the site rather than reflecting that industrial traffic movements are usually off-peak, whereas the scheme will generate peak traffic movements. This position in principle is supported by Hounslow in their refusal of the last application.
263. The assessment does not correlate the pedestrian travel routes with the actual physical environment. The footways north towards Northfields tube station are narrow along the entire length of Windmill Road; the gravel track towards Boston Manor tube station uncomfortable; and, the pedestrian route to Brentford Station across the A4 is highly dangerous as evidenced by the highest rate of accidents at this junction. The applicant encourages the modal shift to pedestrians (UDP policy T.2.1), and offers s.106 funding to this purpose, but the vast majority of pavements that will be used by this development that need improvement are in Ealing which will not get any of this funding to make these suggested improvements.
264. While planning policy supports sustainable transport, the isolation and low PTAL of the site suggest high car ownership by potential residents. The scheme proposes 229 units with 220 parking spaces¹⁶¹ (2 of which are car

¹⁶⁰ Inspector's note: this figure relates to a later application that is not the subject of this appeal.

¹⁶¹ Inspector's note: these figures relate to a later application that is not the subject of this appeal.

share) which is well below the Council's standard. While the applicant and the local residents support green travel planning, the 63% commute figure suggests that the reduction in parking spaces will simply be relocated into the surrounding residential streets (in Ealing).

265. If the applicant wanted to support travel planning, then they should be advocating CPZ in all surrounding roads in both Hounslow and Ealing; furthermore, in combination with the CPZ, they could offer to provide say only 10% parking on the site for disabled, blue badge holders and car-share spaces, requiring all purchasers to sign-up to a 'no car' policy. This approach has been demonstrated in other London boroughs.
266. Alternatively, if the appellant recognises that the PTAL is low and commute high, then it should provide sufficient parking spaces, recognising that the townhouses will attract two cars. This figure, and traffic movement patterns generated, should then be used to address access issues and loading along Windmill Road. Currently, the scheme sits between these two options which means that on-site lack of parking will be addressed in the surrounding residential streets. This issue is not addressed in the TA in sufficient detail.
267. The Council, where appropriate, expects all new developments to contribute to improve the accessibility of the Great West Road through non-car modes in accordance with the recommendations in the Brentford Transport Study 2007. This issue would similarly apply to Windmill Road.
268. In terms of parking, it is of concern that there is no planning obligation to sell units with parking bays. Most developers sell these separately so that the direct association between units and parking bays provided is not in reality what always happens. This should be made a condition of any planning permission on this site to address off-site parking concerns.
269. The appellant states that it has addressed the Council's traffic objections and consequently this should not be grounds for refusal. However UDP policy T.4.3 notes that the Council will not support any development that would increase danger, unacceptable noise, congestion, or environmental intrusion in the surrounding area. The appellant states that the scheme would generate a lower impact than if this were a fully-operational industrial estate. This comparison is not asked for; the need is to demonstrate the impact of the proposals on the surrounding road and pedestrian network. This has not been done in the reports submitted so far.

Congregation of St Faith's Church and the Parochial Church Council of the Parish of Brentford¹⁶²

270. The increase in population due to the proposed development would have a serious impact on the community in a number of ways.
271. Healthcare provision is already over-stretched, and local schools are at capacity. The Victorian sewerage system is already overburdened, and is frequently subject to heavy flooding (reaching the tops of cars in one event a few years ago).

¹⁶² P/3 and oral submissions (Rev'd Durkin)

272. Windmill Road already carries heavy traffic. It is congested at many times of day, and pedestrians find it difficult to cross. The road is narrow with problems often caused by cars parked on both sides. The extra traffic from the development would add to the problems. Queues on Windmill Road would pose difficulties for vehicles leaving the Reynard Mills site, and there is insufficient road width for right-turn lanes. Additional delays to through traffic would lead to increased diversion onto rat-runs.
273. Already it can take up to 10 minutes to join the traffic on Windmill Road from the church drive. This has a detrimental effect on users of the church hall, including a nursery school. The drive is adjacent to the southern access to the site, and the development would make this situation worse.
274. There have been numerous accidents, some fatal, at the junction of Windmill Road with the A4. Additional traffic would add to the congestion and risk of accidents.
275. The proposed development would provide fewer parking spaces than dwellings. As many households run two cars there is a real risk of additional parking pressure on local streets where residents already have difficulties in parking their own cars.
276. The proposed tower blocks and town houses would fail to respect the character of the locality. This is unfortunate as recent developments have striven to reflect the low rise and vernacular style of the surrounding Edwardian housing. The proposed development would not enhance the area in any way.
277. Some of the proposed buildings would be three times the height of the neighbouring 2 and 3 storey buildings. The appellant's claim that the heights of the more distant GlaxoSmithKline and Thames Valley University buildings renders the proposed tower blocks on the Reynard Mills site acceptable is nonsensical. The 2-3 storey buildings nearer the site should set the precedent for replacement buildings on the appeal site. The existing buildings on it, including the most recently constructed one, are mainly 2-storey with ridge roofs.
278. Much of the site would be dominated by the substantial footprint of the elongated tower blocks, some of which would extend across almost the whole width of the site. These are of excessive scale, out of character with the surrounding development, and would appear as a continuous mass from almost every angle, dominating the skyline and surrounding low-rise housing.
279. The height and mass of the proposed tower blocks would result in significant loss of amenity, privacy and outlook for surrounding residents. They would suffer overlooking and loss of natural light and direct sunlight.
280. The density of the proposed development significantly exceeds that of the surrounding residential area. This is particularly inappropriate in view from the distance from public open space. With both entrances being onto Windmill Road residents, especially young children, would have to follow a lengthy route along busy roads to reach the nearest parks. In these circumstances a far greater proportion of the site should be reserved for open amenity space, with the density of housing reduced.

281. A residential development would be welcome here, but not of the scale and form proposed. Parts of the site should be used for healthcare and schooling to avoid increasing the burden on already overstretched services. Any developer contributions should be used to improve this locality rather than being spread across the Borough.

282. The Secretary of State is asked to dismiss the appeal.

Alan Melville¹⁶³

283. The Windmill Road junction with the A4 is hazardous and congested. In peak hours there are long tailbacks on the southbound approach, beyond the accesses to the appeal site. This makes right turns out of roads east of Windmill Road hazardous, and parking on that road often reduces it effectively to single, narrow lanes that make the passage of buses and lorries difficult.

284. Additional traffic from the proposed development on this road, which is already operating over capacity, and measures to mitigate this would be necessary.

285. If the site accesses were to operate one-way it is likely that some traffic leaving the site would use Murray and Carlyle Roads as rat-runs to avoid the Windmill Road/A4 junction, as is already the case with Junction, Enfield and Eastbourne Roads, increasing safety concerns.

286. Turning to parking, parking spaces on roads off Windmill Road are severely limited at most times, particularly in the evenings and at weekends. It is not realistic to suggest that overspill parking from Reynard Mills development could be accommodated there.

287. The appellant claims that the section of Windmill Road adjacent to the secondary school is available for overnight parking, but this raises additional safety and congestion issues. It is not safe to park here, especially because it is close to where the road bends, and vehicles are prone to collision damage.

Cllr David Millican¹⁶⁴

288. Many residents have written to Northfield Ward Councillors regarding this proposal. Typically they support the principle of development of new housing in the area but object to the density of housing proposed for the Reynard Mills site. Principal concerns are as follows:

Parking

289. Development will provide over 275 units with only 211 spaces, which is 64 spaces less than the maximum allowable. There has been a steady increase in the number of households with two or more cars. Parking displacement into Ealing's roads is a major issue. Observations indicate parking space occupancy rates of over 90% in Murray Road, Carlyle Road and Darwin Road. This is a clear indication of parking congestion. Obstructive parking at junction corners is common in these roads.

¹⁶³ P/4

¹⁶⁴ P/5 and oral submissions

290. The surrounding area has a low PTAL score, the proposed level of parking provision is considered inadequate. In consultation in 2008/9 a clear majority of residents across Darwin, Murray and Carlyle Roads did not want a Controlled Parking Zone (CPZ), but parking pressures would make such a designation inevitable if this scheme were to go ahead.

Road Safety

291. There have been 9 accidents (8 slight and 1 serious) in the section of Windmill Road between Swyncombe Avenue and the borough boundary in the last 3 years. Vehicle trip generation from the development will increase traffic flows on Windmill Road and thus add to any potential road safety risks. There was a terrible accident to a well-loved street cleaner involving a driver attempting to avoid the traffic jam on Windmill Road.

Traffic Congestion

292. Windmill Road is a classified road, served by E2 buses, scheduled every 7/8 minutes in each direction and used as a through route by heavy goods vehicles. Windmill Road is too narrow for buses and lorries to pass each other easily.
293. There are long tailbacks up Windmill Road as traffic enters/crosses the Great West Road. LB Ealing introduced waiting restrictions a couple of years ago in response to complaints from bus operators of delays to services due to bottlenecks on Windmill Road near Ealing Park Gardens. The new restrictions operate on weekdays mainly. At weekends, there is still a build-up of traffic where parking creates a bottleneck in the road. Additional trip generation from the development can only make this worse. Increased traffic congestion will cause inevitable rat-running along streets east of Windmill Road.

Residential density

294. The appeal proposal represents a density of 115 units per hectare and 368 habitable rooms per hectare. London Plan, Policy 3.4, states a 'suburban' site (which this is considered to be) with a PTAL of 2 indicates that developments should provide between 50 and 95 units per hectare and between 150 and 250 habitable rooms per hectare in such locations.

Other pressures

295. Demand for primary school places means that children in Darwin, Carlyle, Junction and Murray Roads cannot usually be placed in the nearest school, namely Little Ealing Primary. Although this is a problem for Hounslow Council, many parents may well choose an Ealing school and be unsuccessful. Pressure for school places could be eased if some of the site were made available for a school.

Conclusion

296. The site is largely derelict and needs to be developed, and it is accepted that there is a need for more housing. However the pressures are a direct consequence of the scale of the development. They would be reduced if the scheme was more in keeping with the surrounding residential community.

Governors of Our Lady and St John's R C Primary School¹⁶⁵

297. The school has 236 pupils between the ages of 3 and 11 on roll. The school building is mainly single-storey but rises to 2 storeys in the centre. There a central atrium lights the circulation spaces and central activity core. Also the glazed external skin floods light into classrooms. Harvesting of light is fundamental to the functioning and environment of the school.
298. The proposed development would affect this greatly. Three 5 and 6-storey buildings only metres from the school boundary would cause unacceptable overshadowing and overlooking to the detriment of the quality of the built environment of the school.
299. There are few drawings showing the relationship between the school and the 17-storey Paragon building (which is sunk 5 storeys below ground level). The latter building is some distance from the school and forms part of the M4 corridor. It and the Reynard Mills site bear no relationship to each other or the impact on the school building. Buffer zones are proposed between the Reynard Mills development and the north, south and east boundaries. No buffer is proposed between the school and the tower blocks; there is merely a service road.
300. Overlooking inhibits free play, and has implications for the safeguarding of children. Both of these matters are taken very seriously by OFSTED. In particular, much of the learning in the Early Years phase is focussed on outside play, and the dedicated play area is mainly used in the morning which is the only period when it receives direct sunlight. There have been issues of objects being thrown from windows of the adjacent Paragon building into the school site. It is noted that in the subsequent scheme before the Council windows are no longer proposed in the western flanks of the buildings.
301. The Governors share residents' concerns about the additional traffic that would arise from the proposed development. In the region of 1,500 children use Windmill Road and surrounding streets daily on their ways to and from school. Increased traffic would pose further danger to them.
302. The Hounslow School Planning Strategy identified a shortfall of 450 entry level places in primary schools and 690 places in secondary schools. The school will not be able to meet the demands from children living close by, and places will have to be limited to those within an even tighter radius – this year the catchment radius was 0.6 miles (1 km).

Written Representations¹⁶⁶

303. The material points are as follows.
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¹⁶⁵ P/6 and oral evidence/submissions (Ms Pritchett)

¹⁶⁶ P/7 & P/8. *Inspector's notes: (1) Because of the numbers of representations, many making similar points, I have not attributed them individually; (2) Any contradictions between points reflect differing views expressed by individuals; (3) A number of representations refer to the alleged inadequacy of consultations at pre-application stage, but I do not report these points as they do not bear on the planning merits of the proposed scheme on which my conclusions and recommendation are based.*

Principle/general

- 304. The site is an industrial one not allocated or identified for residential development in the UDP or BAAP.
- 305. The fact that the new commercial buildings on the site are occupied demonstrates that there is a market demand for employment uses here. The site should be redeveloped for a mix of employment, residential and educational uses.
- 306. The need for new housing in the area is accepted, but the proposed scheme would represent over-development. It would not complement the surrounding area as required by the BAAP.
- 307. There has already been substantial residential development (some 900 units) within 300 metres of the site in recent years.
- 308. The proposed development is supported. People attracted by high quality development will be good for the area.

Scale (including height and density)

- 309. 5 and 6 storey blocks (plus a storey for the podium over the basement car park and plus lift shafts) are inappropriate in an area of low-rise residential development. They would dominate the skyline and be out of character with the area.
- 310. Comparisons with the GSK and TVU buildings are not valid as these are not adjacent to the site but are located on the major A4 arterial route in a very different context.
- 311. The density of the development would be too high for this suburban location and inconsistent with the local context.

Layout

- 312. The closeness of 6/7 storey blocks to the Manor Vale housing would lead to overlooking. Buffer housing should be continued throughout the perimeter of the site.
- 313. The proposed development would surround a primary school with high rise buildings.
- 314. The developer has included space not available to residents of the development in the open space calculations and so does not provide enough green space on site. This is particularly significant in view of the distance from public open space.

Dwelling mix

- 315. Only 20% of the dwellings would be houses. A further 10% would be 3-bedroom flats, but flats are not ideal for families. There would not be enough family homes on the site.

Living conditions of adjacent residents

316. Existing houses on Windmill Road that back onto the site and their rear gardens would suffer severe overlooking from the adjacent dwellings on the site, from windows as well as from balconies, and are set too close. There is no overlooking from the existing buildings on the site.
317. Rooms and gardens of existing houses on Windmill Road that back onto the site would suffer loss of daylight, sky view and direct sunlight.
318. The development would have an oppressive impact on the outlook of existing residents, and they will suffer significant loss of daylight and direct sunlight.
319. Concerned about risks to health and properties during demolition and building works.

Flooding and sewerage

320. The risk of adding to existing problems with flooding due to overloading of the combined sewers, and measures to prevent this, have not been adequately assessed.

Travel, traffic and parking

321. The nearest tube station is very busy, and trains are crowded, in peak hours. The proposed development would add to the number of commuters using these.
322. Windmill Road is already very congested in the peak hours, and buses and lorries have difficulties passing along it. The Windmill Road/A4 junction is also at capacity at such times. Rat-running through residential side streets to avoid queues on Windmill Road and delays at the junction put extra traffic on unsuitable roads and is dangerous. Additional traffic from nearly 1000 new residents on the Reynard Mills site would make these problems worse.
323. Narrow footways and heavy traffic on Windmill Road make it dangerous for pedestrians, especially with children.
324. The lack of road width for right-turn lanes at the access to the site would result in additional congestion as through traffic is blocked by vehicles waiting to turn.
325. Parking in Windmill Road and residential streets to the east is already very difficult, especially in the evenings and at weekends. Residents often have to drive around for some time to find a space, and frequently have to park a considerable distance from their homes. The appellant's figures for available spaces in the vicinity are not credible. Overspill from the proposed development, which would provide insufficient spaces to meet the needs of its residents, would make the situation in surrounding roads even worse.

Education and health provision

326. Local schools are already oversubscribed and do not have the capacity to accommodate additional children from the proposed dwellings. Financial contributions from the developer would not help this situation as there is no room to expand the schools.

327. The health centre in Brentford is already very busy, with long waits for appointments.

Conditions and Obligations¹⁶⁷

Planning conditions

328. A schedule of suggested conditions, and the reasons for them, was submitted at the Inquiry (replacing an earlier draft)¹⁶⁸. It was indicated for the appellant and the Council that the conditions were largely agreed between them, but other parties had not been consulted on them. Those on which material points were raised are addressed below, using the numbering in the schedule.

4) Approved plans: The appellant submitted a revised version of the ground floor plan¹⁶⁹, and suggested that, if it were deemed necessary to require removal of the southernmost house in the south-eastern terrace, this drawing be substituted for the application version. The Council suggested that this be done by amending condition 4 accordingly. WRAG requested that the area to the side of the last remaining house in the terrace be incorporated into its garden to avoid creation of an area that could attract antisocial behaviour. However, the appellant pointed out that the deletion of the end house had been suggested because of concerns about overlooking of gardens there, and that suitable landscaping could prevent antisocial behaviour.

5) Building height and external plant: The Council pointed out that if the upper parts of the houses in the north-eastern terrace were 'flipped' as had been suggested to mitigate overlooking of the houses on Windmill Road, the rear parts shown on the plans as 2 storeys would become 3 storeys. This would affect the layout and parameter plans and the references in the application to 2 & 3 storeys would no longer be accurate. WRAG agreed, adding that the end-terrace houses differ from the mid-terrace ones. The appellant submitted that such a change is not necessary because of the distances between the existing and proposed terraces, but the condition could require the submission and approval of further details to enable such an amendment (or an alternative such as provision of enclosed balconies at the rear) to be considered on its merits. The Council agreed that this would be necessary to meet its concerns.

8) Wheelchair standard housing: It was agreed that the phrase 'shall be evenly provided' is imprecise, and that the condition should require details of the split of provision between the tenures to be submitted and approved.

9) Housing standards: It was agreed that the reference to 'the building' (singular) in the last full line of the condition is inappropriate as the development would comprise more than one building, and that this should read 'each building'.

¹⁶⁷ Oral submissions in a 'round table' session of the Inquiry except where indicated.

¹⁶⁸ C/11

¹⁶⁹ A/18

10) Refuse and recycling: WRAG suggested that reference should also be made to collection locations as it is commonplace for bins to be moved to central locations on collection days. The appellant and the Council submitted that this would be too prescriptive and unnecessary as there would be no off-site impacts from this.

12) Parking layout & 13) Car park management plan: It was agreed that these conditions should be combined or modified to include cross-references in respect of provision of spaces and the management plan. The Council sought a requirement to provide a *minimum* of 241 parking spaces. The appellant suggested that this be specified as a *maximum* to allow for any reduction in the number of dwellings, but the Council still preferred 241 spaces in view of its concerns about overspill parking. It was agreed that the condition should simply specify 241 spaces as proposed.

15) Construction environmental management plan: In recognition of the advice in Circular 11/95: *The use of conditions in planning permissions* that planning conditions are not an appropriate means of controlling the right of passage over public highways, it was agreed that item (iv) re. lorry routing should be deleted. In any event, this is covered by the planning obligation¹⁷⁰.

22) Visibility splay: The Council submitted that in addition to the pedestrian visibility splay provided for by this condition, a driver visibility splay (2.4m x 43m in accordance with Manual for Streets) is also necessary. It was agreed that the necessary visibility could be provided within public highway land as shown in the TA¹⁷¹, though it might necessitate removal one or more highway trees or built-out kerbs. The appellant indicated that if it could not be achieved at the southern access a one-way system would be employed. It was agreed that, to provide for such an eventuality, the visibility splay requirement should apply to 'any access used for egress'.

Contributions to costs of controlled parking zone(s) (CPZ) in Ealing: LB of Ealing has, in its written representation¹⁷², requested that 'informatives' be added in the event of planning permission for this development being granted. These would in effect request financial contributions towards the costs of creation of such a zone or zones in the part of that Borough adjacent to the appeal site. Consideration was given to whether such matters would need to be addressed through planning condition(s) but the Council indicated that the planning obligation provides for contributions for this purpose. These would be paid to LB Hounslow, but it would deal with the creation of any necessary CPZs in conjunction with LB Ealing. The appellant agreed.

Planning obligation

329. A brief outline of the planning obligation entered into by the appellant and the Council¹⁷³ is set out in para 6 above.
330. The appellant's submissions regarding the planning obligation, made as part of its case, are set out above (paras 74 - 76). The Council submitted a note on

¹⁷⁰ INQ/3 schedule 3

¹⁷¹ Transport Assessment, appx C plans STH2599-001 & 002

¹⁷² In P/8

¹⁷³ INQ/3

compliance with the Community Infrastructure Levy Regulations 2010, including the bases for the amounts of the financial contributions¹⁷⁴. There were no further submissions on the matter at the conditions and obligations session of the Inquiry.

331. The SoCG notes that the developers would additionally be liable to pay the Mayor of London's Community Infrastructure Levy¹⁷⁵.

(The Report continues on the next page)

¹⁷⁴ C/12

¹⁷⁵ INQ/2 section 9; C/12 final page

Conclusions

Introduction

Main considerations

332. It seems to me that the following matters are the main outstanding considerations upon which the decision should be based^[3, 17, 93] ¹⁷⁶:
- the effect of the proposals on the character and appearance of the area;
 - the effect on living conditions, on and off the site; and
 - the effect on traffic and parking locally.

I address these and other relevant matters below, but first deal with matters raised concerning land use and the principle of redevelopment.

Land use and the principle of redevelopment

333. The site is not allocated in the development plan for any particular use^[21, 304]. It appears that there is the possibility of it being allocated for housing in the future, but that remains speculative at the moment and I attach little weight to it^[20].
334. The principle of redevelopment of this site in some way is generally, though not universally, undisputed^[8, 21, 130, 227, 233, 236, 242-245, 281, 288, 305, 306, 308].
335. Some of those accepting or supporting redevelopment, particularly local residents, favour a mixed development of housing with facilities such as educational and medical and, in some cases employment uses^[148, 236, 237, 281, 295, 305]. While the desires for educational and medical facilities are entirely understandable, I have seen nothing to indicate that the bodies charged with their provision are willing and able to avail themselves of any opportunities that might be offered here. There is only limited support amongst local residents for solely residential development^[306, 308].
336. Others seek redevelopment of this site for employment uses only^[236, 242-249]. There seems to be a general assumption that in this scenario future use(s) would be similar in nature to the previous main one as an archive store for the BBC. It appears that this was relatively benign in terms of its impacts on those living nearby, generating little noise or traffic, as are the remaining office uses.
337. However, it is material that the site could be re-used for the existing lawful purposes to their full extent, which could involve a use or uses with significantly greater impacts in such terms. For example, they might involve high levels of HGV movements, 24-hour operation and/or noisy activities^[8]. This is a material consideration in the assessment of the appeal scheme as it could arise irrespective of the outcome of this appeal.
338. While the adequacy of the appellant's marketing exercise has been questioned, no evidence has been adduced to counter the assessment that the prospects of

¹⁷⁶ In these conclusions references thus: ^[10] are to previous paragraphs in this Report from which conclusions are drawn.

viable re-use of this site for commercial development are at best limited^[21, 149-151].

339. In any event, the proposal that is the subject of this appeal, for residential development only, falls to be considered on its own planning merits rather than in comparison with other, hypothetical schemes.
340. Policies at all levels reflect the need to meet housing requirements, though at national level this is set within the context of the presumption in favour of sustainable development which, the National Planning Policy Framework ('the Framework') notes, has three dimensions – economic, social, and environmental – that should not be undertaken in isolation because they are mutually dependent¹⁷⁷. Similarly policies in the development plan also seek to balance such needs against other objectives.
341. The appellant and the Council disagree on whether there is a 5-year supply plus a buffer of 5% of deliverable housing sites in the Borough in accordance with the Framework^[69-73, 138-139]. In particular the appellant questions the Council's reliance on unidentified small sites ('windfalls') and points to the lack of evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
342. For its part the Council cites its good record for delivering housing at above London Plan (LP) target rates, exceeding them in every year from 2005/06 to 2010/11, the latest year for which the Annual Monitoring Report (AMR) had been published at the time of the Inquiry^[139]¹⁷⁸. I note that there was a sharp drop in completions in 2008/09, though the annual figures remained above target and it appears that this may have been a reversion to trend after two unusually high years. In any event, no evidence has been adduced to indicate that the drop in completions then was due to a reduction in land availability rather than to other factors such as the financial/economic climate.
343. The precise supply figure depends on the assumptions made with regard to sites without planning permission. It is unfortunate that the latest figures were not available at the Inquiry. Nor was it possible to test the validity of the Council's assumptions regarding 'unpublished sites', though its past record on meeting LP targets provides some comfort in this respect. At worst it appears that the supply is above 5 years but does not meet the 5 years +5% requirement. At best the full requirement is met easily. ^[71-73, 139]
344. In the worst case the advice in the Framework is that the relevant policies for the *supply of* housing (my emphasis) should not be considered up-to-date – not 'the housing policies' as suggested by the appellant at one point. The policies on which this appeal turns do not relate directly to the supply of housing^[69, 70, 73, 139]. Either way, the presumption in favour of sustainable development applies, and the general need to provide housing is largely uncontested^[24, 73, 83, 130, 237-238, 288, 306].
345. The Statement of Common Ground (SoCG) records that the development would provide a mix of dwelling types, sizes and tenures in accordance with

¹⁷⁷ Framework paras 7-9 & 14

¹⁷⁸ At the time of the Inquiry publication of the AMR for 2011/12 was said to be imminent

Section 6 of the Framework, LP policies 3.8 (*Housing choice*) and 3.12 (*Affordable housing targets*) and policy 1.1C of the London Housing Strategy. The mix of types could be secured through approval of the reserved matters, and the sizes through a planning condition. The SoCG also records agreement that 25% affordable units with a mix of units for rent and shared ownership, would be appropriate having regard to viability considerations. This could be secured through the planning obligation. These aspects of the proposal are essentially unchallenged, and I accept that they would be appropriate. [2(4), 6, 8, 18, 24, 25, 27, 75, 83, 137, 330]

346. It is largely undisputed that the appeal site falls within the definition of previously-developed (or 'brownfield') land^[23, 78]. The Framework encourages the effective use of such land provided that it is not of high environmental value, but again within the overall context of all the dimensions of sustainable development.
347. I conclude on this matter that the principle of sustainable residential development on this site would accord with national and development plan policy. However, the main considerations identified relate broadly to the sustainability of the specific development proposed.

Effect on the character and appearance of the area

Density

348. Policy 3.4 in the LP addresses optimising housing potential, taking into account local context and character, design principles and public transport capacity. Through table 3.2 the policy sets out a matrix of 'sustainable residential quality' densities for different types of location¹⁷⁹.
349. The SoCG notes that this site is in an urban setting with a Public Transport Accessibility Level (PTAL) in the range 2-3, and that the indicative mix of dwellings in this scheme would yield an average of 3.2 habitable rooms per dwelling unit (hr/unit). For these parameters the density range would be 55-145 units per hectare (u/ha) and 200-450 habitable rooms per hectare (hr/h). The indicative scheme for this proposal would yield 115 u/ha and 368 hr/ha, which is within the ranges shown in table 3.2¹⁸⁰_[34, 78].
350. Some local residents suggest that this should be regarded as a suburban, rather than urban, area for which lower densities are indicated in LP table 3.2^[294, 311]. However, the area around this site clearly does fall within the definition of an urban area in the notes to the table. Such areas are described as having predominantly dense development such as terraced housing, mansion blocks, and a mix of different uses. This depicts the area of land around this site well. Suburban areas, on the other hand, are defined as having predominantly lower density residential development such as detached and semi-detached houses, which does not reflect the nature of the immediate area.
351. The Council points out that the Public Transport Accessibility Index (PTAI), from which the PTAL is derived, places this site towards the lower end of the

¹⁷⁹ A/2, London Plan table 3.2 (p.85)

¹⁸⁰ Doc INQ/2 paras 7.15 & 7.16; A/2 London Plan, notes to table 3.2 (p.85)

PTAL range 2-3 used in table 3.2. On a strict numerical approach this would indicate a development density of 78 u/ha (yielding 186 units)¹⁸¹_[97]. However, the supporting text to LP policy 3.4 points out that the densities indicated should not be applied mechanistically¹⁸¹_[132(2)].

352. On the other hand, the PTAL of 2 does indicate poor public transport accessibility, and the supporting text also indicates that in such circumstances density should be at the lower end of the appropriate range¹⁸²_[157-158]. This does suggest, in broad terms, that the proposed density is on the high side of that suggested by the table.
353. The supporting text to LP policy 3.4 indicates that densities are set out in table 3.2 as broad ranges to enable account to be taken of other factors relevant to optimising potential, of which local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play¹⁸³_[96, 132(2)]. I address these factors below.

Local context

354. The Brentford Action Area Plan (BAAP) divides the area in and adjacent to Brentford into 38 character area zones to inform urban design principles¹⁸⁴. It indicates that policy BAAP2 (Urban Design) will be implemented by, amongst other things, requiring Design and Access Statements (DASs) for planning applications to demonstrate that the character areas have been addressed¹⁸⁵.
355. The appeal site, apart from the access points, lies within area 7 ('Great West Road/Windmill Road Junction'). This mostly comprises areas of mainly terraced housing south of the A4, the site itself (described as a trading estate) and residential development and schools to the south-west and north-west. Area 7 is bisected by the Great West Road, which is described as 'interrupting and overwhelming' the zone, and the commercial buildings along it. The 15-storey-plus GlaxoSmithKline building is just outside the zone, within the adjacent area 5, and there are further tall buildings just south of the elevated M4 in area 6 which also abuts area 7.
356. Windmill Road, including the terrace of houses abutting the site and both accesses to it, is in area 8 ('Ealing Road North') as are the residential streets to the east. The BAAP notes that this area is characterised by 2-storey housing providing an attractive residential environment in significant contrast to the commercial developments along the Great West Road.
357. It is clear from the BAAP that the commercial development along the Great West Road is regarded as a linear feature and a departure from the generally low-rise, predominantly residential character of much of Brentford and adjacent areas such as area 8. Policy BAAP4 is specific to the Great West Road, supporting its role as a centre for employment and 'a distinctive and

¹⁸¹ A/2 London Plan para 3.28

¹⁸² A/2 London Plan para 3.30

¹⁸³ A/2 London Plan para 3.28

¹⁸⁴ A/2 Brentford Action Area Plan pp.116-124

¹⁸⁵ A/2 Brentford Action Area Plan p.42

worthy gateway to and from London' while also addressing problems that arise from high levels of traffic and some previous developments¹⁸⁶.

358. However, the more general policy BAAP2 also refers specifically to new development *along* the Great West Road and also to the need for all new development to respect the scale and amenity of *surrounding residential areas* (emphases added). The BAAP clearly makes a distinction between the area along the Great West Road and the surrounding areas. There are of course high-rise buildings within the context for the appeal site, but they are only a relatively small part of the context which is mainly characterised by low-rise housing. [30-31, 98]
359. I find nothing in the BAAP to justify extending higher-rise development into residential areas away from the Great West Road. Nor, indeed is there an expression of a requirement for a mediation or transition between the high-rise development along it and the low-rise nature of the areas to either side. To the extent that a transition is necessary or desirable, it seems to me that it is provided here by the Paragon development to the south of the appeal site, which steps down to 4/5 storeys before reaching the boundary of the site. [31(3), 99, 169, 170].
360. The appearance and scale of the development are reserved for subsequent determination, but the number of dwellings and layout of the development would be set by the outline planning permission, if granted^[1]. The proposed building heights shown or otherwise indicated in the submitted material are generally illustrative, but maximum heights could be controlled though a planning condition and the numbers of storeys in the buildings are specified on the Layout and Parameter Plan that would form part of any permission. In any event I have seen nothing to suggest that 275 dwellings could be achieved on this site with the layout proposed other than with buildings of scales, including heights, similar to those indicated.
361. The proposed development would step up again from the 4 storeys of the nearest element of the Paragon development to 5½ - 7½ storeys (including the podium over the basement car park). This would not represent a transition or a continuation of the existing transition between the higher buildings along the Great West Road and the almost entirely 2/3 storey development surrounding the appeal site on the other three sides. It would extend higher-rise development into contrasting low-rise residential areas, imposing upon rather than respecting the characters of those areas as required by the BAAP. [31, 34, 36, 39, 40, 43, 98(6), 100, 102, 134, 163, 164, 276-277].
362. While the townhouses would be consistent with both the height and scale of the surrounding housing, they would be a relatively minor element in the scheme in terms of building scales and the number of residential units. The masses of the apartment blocks, which would form the major parts of the scheme, would be quite at odds with the fine grain of the existing residential areas irrespective of their detailed designs^[166, 252, 254, 276, 278, 309].
363. In these respects the proposed development would not accord with the BAAP. Moreover, I share the view of the Council that it would also be contrary to UDP

¹⁸⁶ A/2 Brentford Action Area Plan pp.54-57

policy ENV-B.1.1 (*New development*) as it would not relate well to the height and scale of the adjacent townscape as a whole. It would also conflict with policy ENV-B.1.2 (*High buildings or structures affecting sensitive areas*), which indicates that permission will normally be refused for buildings which significantly exceed the height of their surroundings^[102(1), 103(1)].

364. The supporting text to the latter policy indicates that high buildings are generally inappropriate in Hounslow, which is characterised by 2 and 3 storey residential developments. An exception to this general rule is made for sites along the Great West Road whose frontage adjoins the elevated section of the M4, but that does not apply to this site. A further exception is where the surroundings are characterised by high buildings but, while there are such buildings in the vicinity, for the reasons indicated above I do not consider that they are the defining characteristic of the locality of the appeal site.
365. The appellant suggests that reliance placed by the UDP on design standards seems to be at odds with the Framework^[102(1)]. So far as the elements of policies ENV-B.1.1 & 2 to which I have referred are concerned, I consider that they accord with the principles of good design which, the Framework indicates, is a key aspect of sustainable development and indivisible from good planning¹⁸⁷. In particular the Framework states that developments should add to the overall quality of the area and respond to local character¹⁸⁸ and that, while design policies should avoid unnecessary prescription or detail, design policies should concentrate on guiding overall factors including height in relation to neighbouring buildings *and the local area more generally* (emphasis added)¹⁸⁹.
366. In the light of this, and having regard to the fact that the UDP was adopted in 2003 (with subsequent amendments¹⁹⁰), I consider that considerable weight should be given to these elements of the policies in accordance with the Framework¹⁹¹^[102(1)].
367. Further conflicts arise against LP policies 3.5 (*Quality and design of housing developments*) and 7.4 (*Local character*)^[103]. The former requires such developments to be of the highest quality in relation to their context. The latter requires development to have regard to, amongst other things, the form, function and structure of an area and the scale and mass of surrounding buildings¹⁹². For the above reasons these requirements would not be met in respect of the overall context set by the surrounding area here.
368. I note the lack of specific objection by the Greater London Authority (GLA) in respect of building heights but, while its response does refer to all elements of the development plan, its overall conclusion appears to relate only to compliance with the London Plan^[39-41].
369. As I have indicated, appearance and scale are reserved matters, and so is landscaping^[1, 360]. Accordingly matters such as the merits of the proposed

¹⁸⁷ Para 56

¹⁸⁸ Para 58

¹⁸⁹ Para 59

¹⁹⁰ A/2 Unitary Development Plan (particularly 3rd amendment)

¹⁹¹ Para 215

¹⁹² Para 59

styles of the buildings are not for determination at this stage, notwithstanding that these aspects are indicated illustratively on submitted plans and in documents such as the DAS_[173].

370. There is some overlap between the implications of the heights of the proposed buildings for the character of the area and for their appearance_[30(5)], but there are two aspects where particular additional visual issues arise. These are views from the Manor Vale area to the west and views of and over the site from streets east of Windmill Road.
371. In views from Manor Vale the juxtaposition between the existing 2-4 (mainly 2-3) storey development and proposed 5-7 storey blocks would be closest, unmitigated by transitional development of intermediate height and with little scope for landscaping. Leaving aside for now the effect on residents' living conditions, which I address below, it seems to me that the abruptness of this transition would be harmful in itself and would emphasise the intrusion of higher buildings into the area of low-rise housing_[106-107, 175, 179]. Similar considerations arise with respect to the primary school to the south of the site_[176, 186, 298-299].
372. Having viewed the site from Whitestile and Darwin Roads east of Windmill Road, I share the concerns of the Council and WRAG about the extent to which some of the photographs and montages submitted by the appellant truly represent existing or prospective naked eye perceptions of the site as viewed from them_[35, 94, 102, 182-184]. I saw that in views from Windmill Road itself (apart from at the access points) and the immediate parts of the side streets the existing buildings on the site are hidden from view behind the houses along the west side of the road. However, the ground rises slightly to the east, and part way along the side streets the upper parts of the buildings on the site come into view.
373. In my judgement, while the proposed houses on the site would not be seen from such viewpoints, the proposed apartment blocks would be more visible, being taller and more massive than the existing buildings though at a greater distance _[34, 278]. They would be screened from some viewpoints, for example by trees while in leaf. However most observers would not be static but either walking or in vehicles travelling along the roads, such that the presence of the buildings would be very apparent_[94]. Views of the taller apartment buildings over the roofs of houses in Windmill Road would again draw attention to the scale of the development and its marked contrast with most of the immediately adjacent housing in character area 7 and that in area 8.
374. The appellant acknowledges that the juxtaposition between a 12 or 19-storey block on the site and the terraces to the north(-east) would be so harsh that the visual qualities of the area would be harmed_[34]. The proposed buildings would of course not be that high, but I cannot accept the appellant's assertion that they would not 'be over-dominant and denude area 8 of some of its vital characteristics'_[35, 45].
375. It is significant that the appellant recognises that the proposed development would reinforce the difference between the character of areas 7 and 8. However, the appellant treats the former as principally comprising the tall buildings along the Great West Road and M4, largely ignoring the residential

streets and housing of which, the BAAP recognises, it is mainly comprised^[36, 98, 103, 310].

376. The tall buildings near the M4 form a backdrop to the existing views from east of Windmill Road, and would continue to do so with the proposed development. However the distance to these, which to me appears foreshortened in some of the submitted photographs, is such that they are currently seen as apart from the appeal site. The greater proximity and the different forms of the proposed buildings to the surrounding dwellings would have a significant adverse effect on the appearance of the area concerned.^[30(6) & (7), 31, 36, 277]
377. It seems that the suggestion that reducing the heights of the apartment blocks by 1 storey might render them acceptable, put orally to and accepted by the Council's planning witness, does not necessarily reflect the view of the authority, and so its status is uncertain^[19, 30(8), 32, 45, 135-137]. In any event, the implications of such a change clearly extend beyond visual impact, bearing on significant matters such as the number of dwelling units. The overall effects have not been fully evaluated or subject to consultations. In the circumstances, I consider that little weight should be attached to any such variation on the proposal that is the subject of the appeal.
378. While much of the proposed parking provision on the site would be provided in the semi-basement beneath the podium, some would be on the surface in bays alongside the internal roads. The visual impact of these might be mitigated to some degree by landscaping, details of which would fall to be assessed at reserved matters stage, but the scope for this without reducing the parking capacity would be limited.
379. I address the proposed level of parking provision below, but it seems likely that the demand for spaces would be such that the demand for these bays would be high, especially in the evenings and at weekends. As a result the environs of the dwellings would be dominated by parked vehicles to an extent greater than indicated by sketches in the DAS, which show only about half of spaces occupied, to the detriment of the appearance of the site. However, this would largely be invisible from off-site so there would be little effect on the character and appearance of the area.^[44(2), 108-110]

Conclusion on this matter

380. I conclude that the proposed development would be harmful to the character and appearance of the area. In particular the scale and layout, especially height, of the proposed buildings and the visual impact that would stem from that would be contrary to the policies I have identified above. In the case of LP policy 3.5 (*Optimising housing potential*) the development would not optimise output within the relevant density range because it would not adequately take into account local context and character for this location.
381. Additionally it would conflict with London Plan policy 7.1 (*Building London's neighbourhoods and communities*) in that it would not help to reinforce or enhance the character of the neighbourhood, and broadly with policy 7.6 (*Architecture*) as it would not make a positive contribution to a wider streetscape and cityscape. However, compliance with detailed elements of the latter policy and policy 7.5 (*Public realm*), and of UDP policy H.4.1 (*Housing*

standards and guidelines) depends largely on matters that are reserved for subsequent consideration.

382. I consider that the requirements in these policies broadly accord with the Framework and that in these respects the proposed scheme would not represent sustainable development as indicated therein.

Effect on living conditions

Nearby residents etc

383. I have already addressed the effects of the proposed buildings on the character and appearance of the area. These would of course be perceived by adjoining residents who might feel that their living conditions would be affected as a result of the change in outlook, but here I consider other aspects of living conditions.
384. Taking first residents near the south-western boundary, as I have already noted there would be little scope for landscaping along this boundary. The eastern end of Manor House would back onto the western flank of the north terrace on the site at a distance of some 10m^[176, 180]. However, as I saw residents here currently have the larger and to my mind more overbearing flank of an industrial building in a similar position so there would be no loss of light or outlook. Windows in the flank of the end house could be precluded or required to be obscure glazed at reserved matters stage to preserve their privacy.
385. The easternmost block of the Manor Vale apartments has a windowless façade facing the appeal site and the parallel blocks to either side of this present flanks with no main windows facing the site. Although the northerly proposed 5/6 storey block would be close to the boundary with only the ramped service road to the basement area intervening, it seems to me that the impact on existing residents would be limited. I do not accept that the fact that the new block would be visible from external areas of the existing development would be harmful beyond the effect on the character and appearance of the area.
^[176, 179]
386. Nos. 82-84 Manor Vale back onto the appeal site, and currently overlook the corner of an existing building on the site, close to the boundary^[106]. In the proposed scheme they would directly face the space between the central and southern blocks though a corner of the latter 5/6 storey block would be close. Given the orientation the effect on daylight would be minimal though there would be some loss of early morning sunshine. Overlooking from the apartments could be avoided or at least mitigated by detailed design, for example by precluding windows in nearest part of the flank, angling windows and/or provision of obscure glazing. Such matters could be addressed at reserved matters stage.
387. Nos. 8-14 Davmor Court would face the flank of the central 6/7 storey block, but at a distance of some 45 metres – considerably further than to the existing industrial buildings^[106, 180]. At such a distance a building even of this height would not significantly affect light or privacy, in my judgement.
388. Although not a residential use, the primary school building near the southern corner of the site would be some 23m from the flank of the southern

apartment block (further away than an existing industrial building), though an important part of the school's external space would be little more than 10m away. Again overlooking could be addressed through detailed design at reserved matters stage, as could measures to prevent objects being thrown from windows into the school curtilage as has occurred from the nearest Paragon building. Concerns about loss of light are understandable but the appellant's evidence on this¹⁹³, which was not rebutted, indicates that the proposed development would not in this respect significantly affect the school or its grounds.^[186, 297-300]

389. The UDP indicates that roof terraces and balconies directly overlooking habitable rooms or gardens are not acceptable¹⁹⁴. It was agreed at the Inquiry that potential use of the flat roofs at the ends of the blocks, which could give rise to overlooking of nearby properties, could be precluded through a planning condition^[188, 328].
390. Turning to the Windmill Road boundary, most of the houses there currently back onto industrial buildings right on the site boundary. These buildings would be replaced with terraced houses of similar height to the existing houses and industrial buildings, further away behind their own rear gardens. While residents' concerns about overlooking where there is none at present are understandable, the intervening distance would exceed the minimum of 21m between windows of habitable rooms recommended in the UDP to ensure adequate privacy¹⁹⁵. The illustrative scheme indicates balconies at the rears of the terrace here and, as above, the UDP states that these are not acceptable. However it was agreed that harm in this respect could be precluded by changes such as reversing the upper parts of these houses to move the balconies to the front. This could be secured through approval of the reserved matters^[51(2)].
391. The proposed terraced houses would largely screen the taller but more distant apartment buildings from view from the existing houses on Windmill Road. Uncontested evidence for the appellant¹⁹⁶ indicates that only the top floor of the 7-storey block would be seen from the first floor windows of the houses, and even less would be seen from the ground floor^[104, 105]. While residents may prefer not to see it at all, given the distances between the buildings I do not consider that there would be any appreciable loss of privacy or overbearing effect.

Within the site

392. The adequacy of the indicated internal space standards for the proposed dwellings and their sustainability are not disputed, though the details are not for determination at this stage^[46].
393. It is undisputed that almost all of the rear gardens for the proposed houses would fall short of the relevant minimum private amenity space sizes indicated in the UDP SPG. The appellant indicates that the houses would each have

¹⁹³ Docs. A/9 & A/16 appx 6

¹⁹⁴ Doc. A/2 UDP appx 1 (p.261)

¹⁹⁵ Doc. A/2 UDP appx 1 (p.261)

¹⁹⁶ Doc. A/7

further space in the form of front gardens and balconies. It is unlikely that the former would provide the required privacy and security, but the latter could be designed to do so. While the combined spaces would still for the most part fall short of the standards, the shortfalls would be considerably reduced. [47, 50, 113, 114].

394. In any event, I share the view of the appellant that the SPG should be accorded only limited weight as it predates adoption of the current UDP and the Framework. As the Council notes, the latter stresses the importance of high quality private spaces rather than their quantum. I have seen nothing to suggest that there is necessarily a correlation between quality and size or that the proposed gardens would be of unacceptable quality (with one possible exception, which I address below). [47-50, 113, 114]
395. The exception is the gardens of the two houses closest to the southern corner of the site which, I agree, would be unduly overlooked at a distance of only 12m from the adjacent 4-storey Paragon building (including, I saw on my visit, its roof terrace). The appellant and the Council agree that this could be overcome by removal of the end house, leaving more space for landscaping to screen the garden of the next house, and I concur with this. It could be secured through a planning condition. [51(1), 111, 112, 196]
396. As WRAG points out, the distance between Manor House and the most westerly houses in the northern terrace is similar. However, there is a significant difference between overlooking from the 4 storeys plus terrace of the Paragon building and from 3-storey townhouses. I visited one of these and saw that its main living rooms are on the first floor. The degree of overlooking here would be typical of situations that are commonplace in urban areas. [197]
397. The adequacy of the communal amenity space within the development in terms of area is not disputed by the Council or the GLA. Nor does WRAG challenge the quantity, though it does highlight the actual accessibility of off-site public open space having regard to the locations of the only accesses to the site (onto Windmill Road). I share its view that this renders theoretical accessibility to open space using 'crow flight' distances misleading and puts the appeal site effectively in an area of identified open space deficiency. This increases the importance of on-site provision. [52, 189, 192, 314]
398. The main concerns about the amenity space relate to its quality, particularly in terms of shading and the effects of parked vehicles. The appellant does not deny that parts of it would be shaded by buildings. Its evidence that the BRE standard of 50% of it receiving at least 2 hours of sunshine on 21 March would be achieved was also not disputed [53, 193]. However, for much of the year substantial parts of it would be in shade.
399. In addition, much of the open space within the development would, as I have already noted, be dominated by parked vehicles to a greater extent than the appellant suggests and the scope for softening this with landscaping would be limited. This would diminish the visual attractiveness of the amenity areas, and WRAG's concerns about the safety of this, especially for children, cannot be dismissed lightly. [44(2), 195]

Conclusion on this matter

400. I conclude that, as far as can be determined at this outline stage, there would be no unacceptable harm to the living conditions of residents off the site or, in most respects, those living in the proposed development that could not be mitigated by conditions. However while the communal amenity space would be adequate, in terms of the quality of the experience for users it would fall short of the positive contribution to making places better for people and of the high quality public space which encourages the active and continual use of public areas, both as sought by the Framework¹⁹⁷.
401. It would further fail to meet the requirement in LP policy 3.6 (*Children and young people's play and informal recreation facilities*) for safe access to good quality, well-designed provision of such facilities. It would also not comply with policy 7.4 (*Local character*) which requires open spaces to provide a high quality response that is human in scale and makes people feel comfortable with their surroundings.

Effect on traffic and parking

Sustainable transport

402. Measures to assist in limiting the use of the car and contributing to use of more sustainable modes of transport could assist in reducing of parking demand and traffic arising from the development in accordance with the Framework¹⁹⁸ and a range of development plan policies_[2(5)]. Provision is made in the planning obligation for a contribution towards this, to be used in the Council's area generally. I am satisfied that it would meet the policy aims in the wider area, but in assessing the demands for parking and car use arising from this site regards must also be had to the local factors such as its low public transport accessibility.

Parking

403. It is undisputed that the proposed parking provision on site (249 spaces) would be less than the maxima of 349 and 317 specified in the UDP and LP respectively_[56, 118-121, 289]. The appellant refers also to the report of a research project undertaken for the Department for Communities and Local Government, but this expressly does not necessarily reflect the view of the Department. I attach no weight to it as a policy document_[60, 123].
404. As the appellant points out, the UDP and LP standards are expressed as maxima and, subject to other material considerations, lower provision would not strictly be contrary to them_[56]. That appears to be the basis on which the GLA (via Transport for London (TfL)) raised no objection in this respect_[57].
405. While UDP policy T.1.4 states that there are no minimum standards except for disabled parking, it is indicated in appendix 3 to that Plan that lower provision (than the standards for residential development) may be appropriate in specified circumstances_[119]. It would not *require* lower than maximum provision in those circumstances, but might justify them.

¹⁹⁷ Framework paras 56 & 69 respectively

¹⁹⁸ Framework para 34

406. However, none of the circumstances specified does exist here. The site has a 'poor' PTAL, there is no evidence of low car ownership and there is no existing or proposed controlled parking zone (CPZ) here. This suggests to me that provision at or near the maximum would be appropriate. Put another way, it supports the view that it is likely that the demand for parking on the appeal site would exceed the supply in the proposed development, leading to overspill parking on nearby roads^[207, 266, 275, 289, 290, 325].
407. The results of the parking surveys in nearby roads carried out for the appellant are questioned by residents, who assert that there are fewer spaces available than the surveys indicate^[289, 208-210, 325]. My own observations in the early evening and in the morning^[5], and photographs submitted showing views along some of the streets, support their view that there are few vacant spaces at those times. It is likely that later in the evenings and at weekends there would be fewer still. In my experience that is a common situation in areas of terraced houses generally without off-street parking spaces.
408. It seems to me that any additional demand for parking on Windmill Road and the streets to the east arising from overspill from the Reynard Mills site would add to the existing pressures there and to the difficulties that residents already report in finding spaces. On Windmill Road it would also add to the impediments to the free and safe flow of through traffic, especially buses and lorries, arising from the narrowness of the road and the existing level of parking. ^[61, 125, 207, 209, 261, 275, 287, 289, 325]
409. The planning obligation provides for contributions towards the cost of creation of a CPZ on the affected streets. This would be a matter for Hounslow and Ealing Councils, and the fact that residents in the area have recently rejected a proposal for such a measure casts some doubt on whether it would be pursued. In any event, as I understand it CPZs are most effective at controlling daytime parking by commuters rather than by residents in the evenings and at weekends. Such a zone here might, therefore, not address problems arising from overspill parking unless residents of the Reynard Mills development were also required not to apply for permits. There is no provision in place to secure this and in my view a condition to this effect would be unreasonable in view of the low PTAL here. ^[62, 125, 211, 213, 265, 290, 328]

Traffic

410. Clearly the proposed development would generate more traffic than the site in its current (largely vacant) state, and it seems that overall it would generate more than the immediately previous use though not necessarily more than the potential re-use. WRAG and others suggest that the appellant has underestimated the increase. Moreover, the pattern of movements would be different with, particularly, more outward movements in the morning peak period. ^[126, 128, 200-202, 206, 262].
411. This would be particularly significant in the case of traffic from the site travelling south to or beyond the A4 Great West Road. Despite the appellant's dismissal of this, I agree that some might cut through minor residential roads east of Windmill Road to avoid the long queues that form there in the morning peaks, adding to the adverse effects of rat-running^[65, 205, 206, 272, 285, 292, 322].

412. However, those vehicles travelling south on Windmill Road itself to the A4 would inevitably add to the queues tailing back from the junction with the A4. In particular the Council's evidence indicates that they would add to the movements through that junction with a 6.6% increase in right-turns there [126]. This is especially significant since, as I saw, the space for right turning vehicles waiting in the middle of the junction is very limited and there are yellow box markings on the A4 carriageway. As a result, additional vehicles waiting to turn right have to wait in the single-lane mouth of Windmill Road, blocking other vehicles intending to go straight across the junction or to turn left onto the A4, further exacerbating the queues.
413. The appellant points out that the increase on Windmill Road would be within the daily variation in traffic^[60]. However, it would be imposed on top of that variation rather than being within it, and would be at peak periods when this arm of the junction is clearly already operating at or near capacity^[127]. In such situations, in my experience, even small variations in the flow can have disproportionate effects on queue lengths, journey times and potentially safety. These would affect existing residents and those passing through as well as residents in the proposed development^[128, 272-274, 283-284, 291, 293, 301, 322].
414. I note that TfL has not objected to this proposal on traffic grounds, subject to payment of a contribution towards improvements on the A4, for which the planning obligation provides^[6, 63, 129]. In considering this I have borne in mind that that body's primary responsibility at the Windmill Road / A4 junction is for the latter road, which is of course a strategic route. TfL also controls the traffic signals at the junction, and it would be surprising if it did not operate them in such a way as to prioritise the free and safe flow of traffic on the A4 rather than on the more minor Windmill Road.
415. Moreover, as the Council points out, no specific measures to mitigate the problems for Windmill Road traffic at the junction have been identified, and indeed TfL views it as part of a corridor improvement along the A4^[75, 129]. Having regard also to the physical constraints at the junction, it seems to me that it is at best uncertain that the effects on it of the additional traffic arising from the proposed development at Reynard Mills would be mitigated. Indeed, TfL itself confirms this¹⁹⁹.
416. Regarding the accesses to the site, it seems to be undisputed that adequate visibility could be achieved at both, without affecting any 3rd party land, and this could be secured through a planning condition. At the southern access it might necessitate the removal of a highway tree but, as I saw, this is leaning over the road and already bears the marks of being hit by high vehicles so it is probable that it would be felled at some stage anyway. [66]
417. I agree that Windmill Road is of insufficient width for the provision of right-turning lanes. However, the resultant delays to through traffic would in my view be minor, and there are already side roads without such provision. I recognise that there are no facilities for pedestrians crossing the road in the vicinity of the site, but that is an existing situation. Additional traffic from the

¹⁹⁹ Doc. A/10

site might make it more difficult to cross but in my view only slightly so having regard to the increase in relation to existing traffic flows. [217, 260, 291, 301, 324]

Conclusion on this matter

418. I conclude in terms of parking provision that, while the scheme would strictly comply with the relevant policies as indicated, the harm I have identified in respect of other material considerations indicates a decision otherwise than in accordance with them.
419. So far as traffic is concerned, I share the Council's view that the appellant has not had regard to the residual cumulative impacts of the additional traffic as required by the Framework. However, while these impacts are harmful, I do not consider that the effects would be so severe as to require this proposal to be prevented (solely) on transport grounds per the Framework²⁰⁰.
420. Nevertheless, the proposed development would be contrary to the requirement of UDP policy ENV-B.1.1 (*New development*) to ensure that traffic generated by it does not prejudice the free and safe movement of pedestrians, cyclists, public transport services or existing traffic, and to the similar aims of policies T.4.3 (*Traffic implications of new development*) and T.4.4 (*Road safety*).
421. As there is insufficient capacity on the road network to cater for the travel generated by the development and no firm plans exist to increase capacity to cater for it, it would not comply with LP policy 6.3 (*Assessing effects of development on transport capacity*). This policy also requires the cumulative impacts on transport requirements to be taken in to account and, as I have indicated, this has not been met.

Other matters

Flooding

422. Local residents have understandably highlighted the problems with flooding from the combined sewers in the locality at times of heavy rain. There is no onus on the developer to remedy existing problems, but it is necessary and reasonable to require that measures be incorporated into the scheme to ensure that new residents are protected from flooding and the situation for existing residents is not made worse. This could be achieved through measures such as a sustainable urban drainage system (SuDS) for surface water drainage and control of flows of foul sewage that could be secured through a planning condition. [77, 152-155, 256, 271, 320]

Local services and facilities

423. Capacity problems in local services and facilities, particularly educational and medical, are also cited by local residents. Again the developer cannot be required to address existing deficiencies – these are the responsibility of the relevant authorities. Nor can the developer be compelled to release part of the site to enable additional provision to be made. However, again it is necessary for the developer to make provision to meet the additional demands arising from the development. The planning obligation provides for financial

²⁰⁰ Framework para 32, 3rd bullet

contributions to be used to provide additional school places and health services provision in the area to meet these demands in accordance with a range of development plan policies^[2(4), 76].

Overall conclusions

424. I have concluded that re-use of this site for residential development with a mix of dwelling types, sizes and tenures and including affordable units, would in principle be acceptable in policy terms. However, the density of development proposed, and the scale and form of buildings to achieve it, would be harmful to the character and appearance of the area. There would be no unacceptable harm to the living conditions of residents within or near the site that could not be mitigated but, while the amount of communal amenity space would be adequate, it would not achieve the high quality required by policy.
425. The number of on-site parking spaces proposed would accord with the relevant policies, but nevertheless it is likely that there would be increased demand for parking on nearby roads, to the detriment of the free flow of traffic, highway safety and the convenience of existing residents. The additional traffic generated by the development would, cumulatively, be harmful to the safety and convenience of road users.
426. Some of the above matters would not individually justify dismissal of the appeal. However in combination they point to overdevelopment of the site, notwithstanding that the density would be within the relevant range indicated by London Plan policy 3.4 (*Optimising housing potential*). Having regard to the requirement of the policy to take into account local context and character, design principles, and public transport capacity, I consider that this scheme does not 'optimise output for [this type of] location within the relevant density range' and so does not comply with the policy. Moreover, it would not support the social and environmental roles of sustainable development as set out in the National Planning Policy Framework.
427. I have had regard to all other matters raised and all other relevant policies, and to the planning obligation that in my view meets the concerns set out in the Council's 4th and 5th reasons for refusal, but have found nothing to lead me to doubt that I should recommend that the appeal be dismissed. I conclude accordingly.

Conditions and obligations

428. Although I shall recommend dismissal of the appeal, I consider below what conditions, in addition to those to which I have referred above, would need to be attached to a planning permission in the event of the Secretary of State nevertheless being minded to allow the appeal. I also address the planning obligation²⁰¹, which would become operative if planning permission were granted and implemented.

Conditions

429. The suggested conditions, and the reasons for them submitted by the Council are largely agreed between the authority and the appellant^[8, 328]. For the

²⁰¹ Doc. INQ/3

stated reasons and additional reasons indicated previously in these conclusions, except where indicated below I agree that these would meet the tests in Circular 11/95: *The use of conditions in planning* subject to minor amendments in the light of the guidance in the Circular.

430. Plans (condition 4): it would be necessary for the avoidance of doubt and in the interests of proper planning to require by condition that the development shall be carried out in accordance with the approved plans otherwise than as set out in the decision and conditions. In this case I consider that this would need to extend to the many documents submitted with the application, as these also set parameters for the development.
431. As I have indicated above (para 395), it would be necessary to omit one proposed house in the southern terrace. An amended plan showing this was submitted, and it would be necessary to refer to it in the condition^[328].
432. In addition a number of illustrative plans were submitted. Those before the Council when it determined the application are listed on its decision notice. These plans essentially relate to matters that are reserved for subsequent consideration, so I do not consider it necessary specify them in an outline permission.
433. Building height and external plant (condition 5): I agree that it would be necessary to specify maximum building heights, but that provision would need to be made for possible variations such as those arising from reversing the upper floors of the houses along the eastern boundary^[52(2), 316, 328].
434. Amount of development (condition 7): The above amendment would reduce the number of dwellings by one (a 3-bedroom unit), but it is possible that this would be offset by an additional unit elsewhere at detailed planning stage. This condition would allow for either possibility as it sets a maximum number of dwellings, but I consider that it should continue to base the dwelling mix on the same total as in the SoCG. In the event of a reduction in the total it might be necessary to secure a variation on the condition in respect of the mix.
435. Wheelchair standard housing (condition 8): I agree that the condition as suggested is imprecise; it should secure details of the split between tenures^[328].
436. Refuse and recycling (condition 10): I share the view of the Council and the appellant that further detailed prescription would be unnecessary^[328].
437. Parking layout and car park management plan (conditions 12 & 13): I agree that these conditions should be combined, and that the quantum of the parking provision would need to be controlled^[328].
438. The scheme has been assessed on the basis of 241 parking spaces. In the light of my conclusions on parking it seems to me that it would be harmful to reduce the level of parking provision if the full number of dwellings proposed were implemented, so I do not accept that the number of spaces should be expressed as a maximum. Any reduction in the number of dwellings would have implications for various matters, of which parking would be one, which would need to be considered on their merits. Expression of the number of parking spaces as a minimum would render the condition open-ended and thus imprecise. I therefore consider that the condition should specify 241 spaces.

It would be open to the developer to make an application for a variation of the condition if necessary.

439. Construction Environmental Management Plan (condition 15): In accordance with the advice in the Circular, the reference in the suggested condition to vehicle routing is inappropriate. As was acknowledged at the Inquiry, the planning obligation addresses this in any event^[328].
440. Visibility splay(s) (condition 22): I agree that it would be necessary in the interests of road safety also to secure provision of visibility splays between vehicles emerging from the site and those travelling along Windmill Road^[328].
441. Contributions to costs of CPZ: Since the planning obligation provides for such a contribution, I agree that a condition or informative on the matter would be unnecessary^[328].
442. My suggested wordings for planning conditions are set out in Appendix D.

Planning obligation

443. The contributions for which the planning obligation provides, and are all agreed between the parties to it, and are explained and justified in the Council's evidence. It is undisputed that the planning obligation would, in most respects, meet the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, and I concur with this. ^[74-76, 330].
444. The exception in my view is the 'junction improvement contribution' towards the costs of improvements at the junction of Windmill Road and the A4. For the reasons indicated above (para. 415), I consider that there is insufficient evidence that the monies to be contributed thus would be used for that specific purpose in such a way as to mitigate the harm arising from the effects of additional traffic generated by the proposed development passing through that junction. In any event, I have found (para. 419) that those effects would not be so severe as to require this development to be prevented solely on this ground.
445. With those findings in mind, it follows that this element of the obligation is not necessary to make the development acceptable in planning terms so, in that regard, the requirements of CIL Regulation 122 would not be met. I therefore respectfully suggest that it cannot be taken into account in the decision on this proposal.

Recommendation

446. I recommend that the appeal be dismissed.

Alan Boyland

Inspector

APPENDIX A : ABBREVIATIONS

AMR	Annual Monitoring Report
BAAP	Brentford Area Action Plan
CPZ	Controlled Parking Zone
DAS	Design and Access Statement
Framework (the)	National Planning Policy Framework
GLA	Greater London Authority
GSK	GlaxoSmithKline (building)
HGV	Heavy goods vehicle
LP	The London Plan
PTAI	Public Transport Accessibility Index
PTAL	Public Transport Accessibility Level
SHLAA	Strategic Housing Land Availability Assessment
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
SUDS	Sustainable Urban Drainage System
TA	Transport Assessment
TfL	Transport for London
TVU	Thames Valley University
UDP	Unitary Development Plan
WRAG	Windmill Road Action Group

APPENDIX C : DOCUMENTS

Procedural and joint documents

- INQ/1 Council's letter of notification of the Inquiry and lists of addressees
- INQ/2 Statement of Common Ground between the appellant and the Council
- INQ/3 S.106 obligation dated 26 November 2012 between the appellant, the Council and another.

Submitted by the Council

- C/1 Opening statement
- C/2 Mr Woods' proof of evidence
- C/3 Mr Woods' summary
- C/4 Mr Baker's proof of evidence
- C/5 Appendices 1-7 to Mr Baker's evidence
- C/6 Mr Baker's summary
- C/7 Copy of letter of representation by the Council of the London Borough of Ealing
- C/8 Note re. 5 year housing land capacity
- C/9 Response briefing on housing land supply
- C/10 Minutes of Isleworth and Brentford Area Committee meeting on 26 January 2012
- C/11 Suggested planning conditions (replacing earlier draft list)
- C/12 Note on CIL compliance
- C/13 Closing submissions

Submitted by the appellant

- A/1 Opening statement
- A/2 Set of relevant planning policy documents (in lever arch file)
- A/3 Building heights plan
- A/4 Note on Hounslow's five year supply of housing
- A/5 Queue length survey (A4/Windmill Road junction)
- A/6 18 additional photographs of site and surroundings, with key plan
- A/7 Sightlines from houses on Windmill Road
- A/8 Plans and schedules of amenity space provision for proposed houses
- A/9 Shadow study
- A/10 Copy of email from Transport for London (TfL) re A4 junction improvements
- A/11 Mr Hindle's proof of evidence
- A/12 Mr Hindle's summary
- A/13 Mr Marshall's proof of evidence
- A/14 Mr Marshall's summary
- A/15 Mr Rowley's evidence
- A/16 Appendices 1-14 to Mr Rowley's evidence
- A/17 Mr Rowley's summary

- A/18 Ground floor plan - 5781 P(03) 011 P5 – amended to show southern-most townhouse in south-eastern terrace omitted
- A/19 Closing submissions

Submitted by the Windmill Road Action Group

- W/1 Mr Guest's proof of evidence and appendices 1-9
- W/2 Mr Guest's summary
- W/3 Map ENV-11 from UDP: *Publicly Accessible Open Space Deficiency*
- W/4 Article from BBC website: *A new home for the BBC Archive*
- W/5 Data from Brentford Parking Survey
- W/6 Closing submissions

Submitted by interested persons

- P/1 Mr Browne's statement
- P/2 Mr Dijkhuis's statement
-
- P/3 Revd Durkin's statement
- P/4 Mr Melville's statement
- P/5 Cllr Millican's statement
- P/6 Ms Pritchett's statement
- P/7 Written representation by Cllr Melvin Collins (Member of the Council of the London Borough of Hounslow - Brentford Ward) submitted at the Inquiry
- P/8 Bundle of written representations by interested persons and bodies submitted prior to the Inquiry

APPENDIX D : CONDITIONS IN THE EVENT OF THE SECRETARY OF STATE ALLOWING THE APPEAL AND GRANTING PLANNING PERMISSION

1) **Time limit for commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2) **Time limit (reserved matters)**

Application(s) for approval of the reserved matters limited to the scale and appearance of the buildings and landscaping (hereinafter called "the reserved matters"), shall be submitted in writing to the Local Planning Authority within three years of the grant of planning permission.

3) **Scale, Appearance and Landscaping**

No development shall take place until drawings and details of the reserved matters referred to in condition 2 have been submitted to and approved in writing by the Local Planning Authority. Details approved shall be implemented prior to occupation of the buildings unless otherwise approved in writing by the Local Planning Authority.

4) **Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans:

5781 P(03) 001 P2	Location plan
5781 011 P1	Layout and parameter plan

as amended by the following plan:

5781 P(03) 002 P5	Ground floor plan ²⁰²
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and the following documents insofar as they indicate parameters for the development:

Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Marketing Evidence Report, Air Quality Assessment, Noise Assessment, Energy Strategy, Ecological Report, Code for Sustainable Homes Pre-Assessment, Flood Risk Assessment, Geotechnical Assessment and Statement of Community Involvement.

5) **Building height and external plant**

No building or any part of the development hereby permitted shall exceed the maximum height of buildings shown in the illustrative elevation drawings nos. 5781 P(05) 001 P2 and 5781 P(05) 002 Rev. 2, received on 15 November 2011 as amended by plan no. 5781 P(03) 002 P5 as indicated in condition 4 above, unless details of any variation have first been submitted to and approved in writing by the Local Planning Authority.

²⁰² Inquiry doc. A/18

6) **Design and external appearance**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7) **Amount of development**

The development hereby permitted shall not exceed a residential density of 368 habitable rooms per hectare, and a maximum of 275 dwellings. The dwelling mix shall be as follows:

<u>Type</u>	<u>Number of units</u>
1 bedroom	81
2 bedroom	111
3 bedroom	83
Total	275

8) **Wheelchair standard housing**

At least 10% of the residential units hereby approved shall be designed to meet the standards of Appendix 3 : *Wheelchair Accessible Housing* of the Mayor of London: London Housing Design Guide (Interim Edition) 2010. Details of compliance with this requirement, including how the units so designed are to be divided between private and affordable tenures, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work. The approved details shall be implemented before each building is occupied and retained thereafter.

9) **Housing standards**

The design of all dwellings shall meet the minimum Baseline Standards for dwellings and 16 Lifetime Homes Standards and aim to meet 'Good Practice' Standards of the draft London Plan: Housing Supplementary Planning Guidance 2011 (as detailed in Annex 2.1 and Annex 2.3 of that document). Details of compliance with this requirement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work. The approved details shall be implemented before each building is occupied and retained thereafter.

10) **Refuse and recycling**

No development shall take place until details of the arrangements for storing of waste and recycled materials for all dwellings have been submitted to and approved in writing by the Local Planning Authority. The arrangements for storing of waste and recycled materials shall not be carried out otherwise than as approved and shall be completed before any part of the accommodation hereby permitted is occupied.

11) **Cycle storage**

Details of secure cycle parking for all dwellings, to meet the standards of Table 6.3 of the London Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential accommodation and the arrangements for cycle storage shall not be carried out otherwise than as approved.

12) **Parking layout**

No development shall take place until:

- (i) details of provision of 241 parking spaces on the site including:
 - (a) a minimum of 1 in 5 spaces with an electrical charging point for electric vehicles;
 - (b) two car club spaces;
 - (c) a minimum of 30 accessible parking spaces for disabled people, with a minimum height clearance of 2200mm where provided inside a building;
 - (d) motorcycle parking; and
 - (e) spaces for visitors and deliveries; and
- (ii) a site wide Car Park Management Plan (CPMP), including full details of the allocation of all car parking spaces

have been submitted to and approved in writing by the Local Planning Authority. The spaces thereby approved shall be available for use prior to the first occupation of the relevant part of the development. Thereafter the approved spaces shall be retained as such and the car parking areas shall be managed in accordance with the approved CPMP.

13) *Not used (to avoid confusion between numbering here and in the Council's suggested conditions)*

14) **Construction Logistics Plan**

No development shall commence until a site-wide Construction Logistics Plan (CLP) has been submitted to the Local Planning authority and approved in writing. The CLP should include for the relevant phase:

- (i) booking systems;
- (ii) consolidated or re-timed trips;
- (iii) secure, off-street loading and drop-off facilities; and
- (iv) using operators committed to best practice, demonstrated by membership of Transport for London's Freight Operator Recognition Scheme (FORS), or similar.

15) **Construction Environmental Management Plan**

No development shall take place until a Construction Environmental Management Plan (CEMP) covering both the demolition and construction stages has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall cover:

- (i) Any external illumination of the site;
- (ii) Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site;
- (iii) Measures to minimise dust nuisance caused by the operations and to ensure that no dust or other debris is carried on to the adjoining properties;
- (iv) Site access and egress arrangements and waiting areas;
- (v) Boundary treatments and measures to ensure they are maintained in a secure and tidy condition; and
- (vi) Considerate Contractor Scheme.

The development shall be implemented in accordance with the approved details.

16) **Hours of demolition and construction work**

No demolition or construction work shall take place on the site except between the hours of 08:00 to 18:00 on Mondays to Fridays and 09:00 to 13:00 on Saturdays and not at all on Sundays and Public Holidays.

17) **Delivery and Servicing Plan**

No occupation shall take place until a Delivery and Servicing Plan has been submitted to the Local Planning Authority and approved in writing. Development shall be carried out in accordance with the approved details.

18) **Hard and soft landscape works (including boundary treatments)**

No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping details shall include hard surfacing materials, proposed finished levels or contours, means of enclosure and boundary treatments, vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. benches, lighting, CCTV, works of art etc.), proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.), walls, gates, fences and boundary treatments.

All hard landscape work shall be carried out in accordance with the approved details prior to any occupation of the development and retained and maintained thereafter.

Soft landscaping details shall include proposed finished levels or contours, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), plant schedules (noting species, plant sizes and proposed numbers/densities) and tree pits and species proposed to be planted therein and measures to ensure protection from services routes. All soft landscape works shall be carried out in accordance with the approved details within 12 months of occupation of any building and retained thereafter.

If within a period of five years from the date of planting any tree or specimen shrub or green roof area that tree or specimen shrub or green roofing or any tree or specimen shrub or green roofing planted in replacement for it is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree or specimen shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

19) **Landscape management plan (hard and soft landscape areas)**

Prior to the occupation of any residential unit a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas including, for the avoidance of doubt, green roofing and 'living walls' shall have been submitted to and approved in writing by the Local Planning Authority. The maintenance schedule shall be for a minimum period of ten years and include details of the arrangements for its implementation.

The landscape management plan shall be carried out as approved.

20) **District heating network**

Details of a district heating network supplying every dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The approved details shall be installed and maintained permanently thereafter prior to the occupation of the development.

21) **On-site sustainability and renewable energy measures**

No development shall take place until a detailed scheme of on site sustainability covering:

- (i) the sourcing of materials to be used in the construction of and fitting out of the building (involving reuse, recycling and other sustainable sourcing);
- (ii) certification that all dwellings would achieve a Code for Sustainable Homes Level 4 rating;
- (iii) the use of passive ventilation; and
- (iv) reducing carbon emissions from the total energy needs (heating, cooling and power) by 20% from the on-site generation of renewable energy.

has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to occupation of the buildings unless otherwise approved in writing by the Local Planning Authority and retained and maintained thereafter.

22) **Visibility splays**

Details of access roads from Windmill Road shall be submitted to and approved in writing prior to the commencement of development. The access roads and visibility splays shall be implemented in accordance with the approved details.

At any access used for vehicular egress from the site the following shall be provided:

- (i) A splay of 2.4m x 2.4m on each side, the depth measured from the back of the footway and the widths outwards from the edges of the access; no fence, wall or other obstruction to visibility exceeding 0.6m in height above the surface of the adjoining highway shall be erected within the areas of such splays; and
- (ii) A splay of 2.4m x 43m on each side, the depth measured from the edge of the Windmill Road carriageway the widths outwards from the centre line of the access along the nearside kerb line of the road; no fence, wall or other obstruction to visibility exceeding 1.05m in height above the surface of the adjoining highway shall be erected within the areas of such splays.

23) **Waste water infrastructure**

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

24) **Water infrastructure**

Development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The approved details shall be implanted prior to occupation of the development

25) **Drainage**

No development shall take place until details of a Sustainable Drainage Scheme, including measures for the harvesting of rainwater, the minimisation of water run-off from the site, by at least 50% of that of the undeveloped site, and the conservation and reuse as appropriate of other water supplies in the building have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out as approved.

26) **Water infrastructure protection**

No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

27) **Contaminated land**

Before the development hereby permitted commences:

- (i) A contaminated land Phase 1 desk study report shall be submitted to, and approved in writing by the Local Planning Authority. Should the Phase 1 report recommend that a Phase 2 site investigation is required, then this shall be carried out and submitted to, and approved in writing by the Local Planning Authority. The site shall be investigated by a competent person to identify the extent and nature of contamination. The report should include a tiered risk assessment of the contamination based on the proposed end use of the site. Additional investigation may be required where it is deemed necessary.
- (ii) If required, a scheme for decontamination of the site, accounting for any comments made by the Local Planning Authority, shall be submitted to, and approved in writing by, the Local Planning Authority, for written approval.

During the course of the development:

- (iii) The Local Planning Authority shall be notified immediately if additional contamination is discovered during the course of the development. A competent person shall assess the additional contamination, and shall submit appropriate 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:

- (iv) The agreed scheme for decontamination referred to in clauses (ii) and (iii) above, including amendments, shall be fully implemented and a written validation (closure) report submitted to the Local Planning Authority for approval.

28) **Roof terraces to blocks of flats**

With the exception of the roof of the five-storey, central parts of Blocks A and C, the roof areas of the three blocks of flats shall not be used for roof terraces, balconies or amenity space.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.