

Appeal Decision

Hearing held on 1 November 2016

Site visit made on 1 November 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 05 December 2016

Appeal Ref: APP/F5540/W/16/3154161

32-34 Heston Park House, New Heston Road, Hounslow, TW5 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Amba Properties against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00798/32-34/P4, dated 8 October 2015, was refused by notice dated 15 January 2016.
 - The development proposed is a change of use from mixed office/education to residential use x 10 units.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address is given as Heston Park House, Heston Road, TW5 0QJ on the application form. It was, however, confirmed at the hearing that the correct post code is TW5 0LJ. It is also clear from the evidence before me that the site is on New Heston Road. This is therefore reflected in the banner heading above and those of the costs decisions.

Applications for Costs

3. At the hearing an application for costs was made by the Council of the London Borough of Hounslow against Amba Properties. An application for costs was also made by Amba Properties against the Council of the London Borough of Hounslow. These applications are the subject of separate Decisions.

Main Issues

4. The main issues are:
 - The effect of the proposed change of use on the provision of education facilities within the borough;
 - The effect of the proposed change of use on the living conditions of occupiers of neighbouring properties, having particular regard to privacy;
 - The effect of the level of parking provision on the use of alternative modes of transport;
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- The effect of the proposed change of use on the character and appearance of the street scene;
- The effect of the proposed change of use on the living conditions of future occupiers of the development in terms of outlook, privacy, noise and amenity space, and;
- Whether the proposed change of use should make a contribution towards affordable housing.

Reasons

Education Facility

5. The appeal site comprises a two storey building with a flat roof. The site has a planning history which includes planning application 00798/32-42/P1 which granted permission for the retention of the use of the whole of the building as a college (use class D1). A condition was attached to this permission requiring the premises to be used for no other purpose than that of non-residential education. However, only the ground floor of the building is currently in use for educational purposes, providing additional tutoring for young persons undertaking sixth form studies. The first floor is largely vacant, although there is a small area in office use which does not have the benefit of planning permission.
6. The proposed change of use would result in the loss of an educational facility. The Council refer to Policy CI2 of the Hounslow Local Plan 2015-2030 (LP) but this policy is aimed primarily at new provision of primary, secondary and special needs school places, and further and higher education facilities. In my opinion, the educational use before me does not fit with this policy as it is to do with the loss of existing education facilities. Policy CI1 of the LP, however, seeks to protect existing community facilities which allow residents of the borough to lead a healthy, prosperous and socially cohesive lifestyle. The definition of a community facility includes education facilities. I therefore consider Policy CI1 to be more relevant in the consideration of this appeal.
7. Policy CI1 sets out that where a scheme will result in the loss of a community use which is not re-provided elsewhere at an equivalent capacity that suits existing and future needs and has been agreed with the Council, a set of criteria must be met. These include demonstrating that the facility has been vacant or significantly underused for a continuous period of 18 months and is not appropriate for any other community use as demonstrated through evidence of sufficient marketing. Or, robust evidence is provided to show that the use is no longer required.
8. The appellant makes the case that the educational use at the appeal site is underused, hence it being reduced to only the ground floor of the building. However, no compelling evidence of continuous underuse has been demonstrated. The appellant also suggests that the existing educational facility could be re-provided at The Vista Centre, Salisbury Road, Hounslow. Very limited information regarding this alternative site has been provided such as a site plan, floor plans and its planning history in order to make a meaningful assessment of this site. In any event, although I understand the appellant wishes to lease the ground floor of The Vista Centre as the current

tenant wants to relocate, this is by no means a definite arrangement, and there is nothing to secure the re-provision of the existing educational facility here.

9. Whilst I note comments that the premises need upgrading and that it is not suitable for young persons with disabilities I have no clear evidence that the existing building could not be adapted to meet these needs. I therefore find that the proposal would conflict with Policy CI1 of the LP in that it would result in the loss of an education facility which has not been demonstrated as being significantly underused or as not appropriate for any other community use. Nor am I convinced that suitable re-provision of this facility could be secured.

Living Conditions of Occupiers of Neighbouring Properties

10. A communal roof garden is proposed on the roof of the existing building. To the west is 44 New Heston Road which is a single storey bungalow with a deep rear garden. The roof is not currently an accessible space and is therefore not used in conjunction with the existing use of the building. Whilst I note the potential for overlooking from existing first floor windows and an existing fire escape on this side, the use of the roof as an amenity area for future residents would materially increase the amount of overlooking afforded to the garden of No 44.
11. The appellant has suggested that a screen could be provided. There are no details before me showing the siting, design, dimensions or height of such a screen. Nevertheless, the roof space is sufficiently large to accommodate an imposed set back by way of a barrier or screen which would provide adequate privacy for the occupiers of No 44 and would not affect character and appearance. Details relating to this could be secured by condition.
12. The fire escape, comprising an external catwalk and stairs proposed on the west side of the building, would not result in any harmful overlooking as this would only be used in case of emergency and by its very nature would not be somewhere future residents would linger or spend an extended amount of time. I also find no harm with respect to overlooking from the proposed roof garden to 28 and 30 New Heston Road as the rear spaces to these properties are largely covered and in commercial use.
13. Taking the above points together I find no conflict with Policy CC2 of the LP which requires development proposals to provide adequate levels of privacy with any direct overlooking to be minimised through the layout and design of buildings and spaces.

Parking Provision and the Effects on Other Transport Modes

14. The application form stated that 23 parking spaces were proposed but at the hearing the appellant said that 15 was a more accurate figure to allow for sufficient turning areas and to meet general parking standards. The Council, however, consider that only nine spaces should be provided in line with the standards set out in Policy 6.13 of The London Plan (2016). The appellant indicated that they were happy to provide nine spaces and that these could be located to the rear of the building. A suitable parking layout could be secured by condition were the appeal to be allowed. I therefore find no conflict with Policies EC2 of the LP or 6.13 of the London Plan which seek to maximise opportunities for walking, cycling and using public transport.

15. A Unilateral Undertaking relating to a Travel Plan is before me but as it is undated it has not been brought into effect. In any event, there is no evidence to suggest such an obligation is necessary.

Character and Appearance

16. The existing building has a functional, box like appearance and the extensive hard standing across the frontage does little to soften it. Very limited changes are proposed in respect of the external appearance of the building. Policy CC1 of the LP seeks to improve and enhance character where appropriate, therefore the Council make the case that the appearance of the building should be improved or enhanced to better reflect its residential use.
17. The reduction in the number of parking spaces to be provided, as discussed above, would free up the front of the building for more landscaping. This would enhance the appearance of the site and street scene and could be secured by way of a suitable condition. That the existing building would not be significantly altered does not, in itself, justify a refusal of planning permission. I therefore find no harm to the character and appearance of the surrounding area as a result of the proposed change of use and consequently no conflict with Policies CC1 or CC2 of the LP.

Living Conditions of Future Occupiers

18. The plans show a communal roof garden and, in light of my findings above, there is the possibility that further amenity space could be provided on the ground. There is no dispute that the amount of communal space proposed is sufficient. Concern is raised, however, regarding the safety of the roof terrace due to a lack of balustrade or setback, but these matters could be resolved by way of a suitable condition as discussed above. Nevertheless, no private amenity space has been indicated. Policy SC5 of the LP requires a minimum 5m² of private outdoor space for one to two person dwellings with an additional 1m² for each additional occupant.
19. Any subdivision of the roof garden or landscaped areas around the property might be impractical and/or harmful to character and appearance and there is nothing before me to demonstrate that this could be successfully achieved. I take the appellant's point that it is harder to provide balconies on a converted building, but there is no evidence that this option has been considered in any detail. In any event, Policy SC5 does not differentiate between conversions and new build residential accommodation. On the evidence before me, therefore, I find no compelling reason to conclude that the proposal should not provide private amenity space in accordance with Policy SC5. For this reason it would be harmful to the living conditions of future occupants.
20. Bedroom 2 on the ground floor easternmost flat would have no window due to an external storage building abutting the rear elevation. It would therefore have no outlook or natural light. The appellant, however, has stated that this could be removed and a suitable condition would ensure this was done. Concern is also raised that a front ground floor bedroom window near the main front entrance would have a limited outlook. However, this window would be enlarged from the existing high level window in-situ and its outlook would not be significantly impeded by the adjacent entrance which is not overly large.

21. The Council also raised more general concerns that the front flats would have only a single northerly aspect. I note the Council's comment that the London Plan requires, where possible, that residential properties have a dual aspect, but as this is the conversion of an existing building, I do not consider that this would, in itself, justify a refusal of planning permission.
22. Finally, the Council consider the proximity of parking to the front and rear elevations would adversely affect the outlook and privacy of future occupants, and cause noise disturbance. In light of the reduced number of parking spaces discussed above there would be space for the parking to be located away from the building and for landscape buffers to be introduced, which would overcome these concerns. In light of the above there is nothing before me, therefore, to conclude the proposal would conflict with Policies CC2 or SC6 of the LP. This does not, however, override my concerns regarding the provision of private amenity space.

Affordable Housing

23. Policy SC2 of the LP seeks an overall quantum of 40% of additional housing from all sources to be affordable, and all sites with a capacity to provide ten or more homes are required to provide affordable housing. The appellant states that one unit (10%) of affordable housing could be provided but four (40%) would be unreasonable and unviable. Policy SC2 goes on to explain that the maximum reasonable amount of affordable housing on such sites will be sought. However, development proposals are expected to provide an open book financial viability assessment and any supporting evidence to demonstrate the maximum provision of onsite affordable housing proposed.
24. There is no evidence before me to support the appellant's proposal of providing a 10% contribution towards affordable housing. Therefore, I am not persuaded that this would be the maximum reasonable amount achievable. In any event, even if this were acceptable, there is nothing to secure this.

Conclusion

25. In consideration of the above appeal I have found no harm to the living conditions of occupiers of neighbouring properties, character and appearance of the street scene, or the living conditions of future occupiers in terms of outlook, privacy or noise. I also do not consider that the proposal would discourage the use of alternative modes of transport. However, it would result in the loss of an education facility for local residents, which has not been adequately justified nor has suitable alternative provision been demonstrated. I have also found harm to the living conditions of future residents due to a lack of provision of private amenity space. In addition to this, on the evidence before me, the proposal fails to make adequate provision for a contribution towards affordable housing.
26. I have had regard to all matters raised, including the fact that the proposal would add to local housing supply, but I conclude that this does not overcome the harm I have found. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stefan Boboleckie	Director of Framberg
Sudhir Sharma	Director of Amba Properties

FOR THE LOCAL PLANNING AUTHORITY:

George Clarke	London Borough of Hounslow
Ciarán Coughlan	London Borough of Hounslow
Melek Ergen	London Borough of Hounslow
Robert Coomber	London Borough of Hounslow

DOCUMENTS:

1. Letter of notification confirming the date, time and location of hearing
2. Statement of Common Ground
3. Decision notice and Existing Ground & First Floor Plan for application ref 00798/32-42/P1
4. Policy 3.5 of The London Plan (2016)
5. Policy 7.6 of the London Plan
6. Red line plan of the site showing a parking layout for 13 cars
7. Policy 6.13 of the London Plan
8. Mayor of London's Housing Supplementary Planning Guidance (2012)
9. Unilateral Undertaking
10. Suggested condition relating to minimising carbon dioxide emissions
11. Policy 5.2 of the London Plan
12. Suggested condition requiring a car park management plan
13. An application for costs made by the Council against Amba Properties