
Appeal Decision

Site visit made on 6 December 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/F5540/W/16/3158327
100 Crispen Road, Feltham TW13 6QR

- 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 Ms Christine Vincent against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01388/100/P4, dated 13 May 2016, was refused by notice dated 12 July 2016.
 - The development proposed is removal of the existing rear outbuilding; change of use of the existing single house with attached annex into 1x1 bedroom house and 2 x flats with associated internal and external reorganisations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is whether the proposed development would provide an appropriate mix of housing for the purposes of local and national planning policy.

Reasons

3. The appeal property is a substantial detached house located in a principally residential locale adjacent to the A316. Houses in the immediate environs of the site are of varied scale, style and detailing, with differing set-backs from the road, and a mix of plot shapes and sizes. The appeal property appears to have been extended with a large two-storey side element, and a flat roofed single-storey rear element. There is a large outbuilding in the appeal property's back garden.
 4. The appeal scheme seeks subdivision and internal re-arrangement of the property to provide three separate dwellings. One would be over two floors and provide one bedroom in the two-storey element at the side of the appeal property; there would be two flats, one at ground floor, and one at first floor which would provide two bedrooms each. To the rear the existing outbuilding would be demolished, and combined with the existing garden the resultant space would be subdivided to provide amenity space for each of the proposed dwellings.
 5. Policy SC6 of the Hounslow Local Plan (adopted September 2015) (the Local Plan) sets the context for the subdivision of existing housing stock within the
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borough. Amongst other things this policy requires at least one family sized unit (2 bed, 4 person) to be provided on the ground floor of any residential conversion. The policy also sets a minimum requirement of 130 SqM of net internal original floor space in order for a property to be considered suitable for conversion. Moreover, the resultant dwellings should have regard to the internal and external space standards set out in Policy SC5 of the Local Plan. Policy SC6 is based on the Borough's strategic housing market assessment which identified a considerable requirement for family housing, and thus is consistent with the National Planning Policy Framework (the Framework), particularly paragraph 50, which requires local planning authorities to plan for a mix of housing based on current and future demographic trends.

6. The appellant has drawn my attention to building control records relating to the property, which show that it was originally constructed in around 1968, but was extended to the side in around 1972, which increased the internal space from the original figure of around 121 SqM to around 160 SqM. I am aware of the appellant's comment that the size of the property has been around 160 SqM for around 90% of the dwelling's existence, and that the rear extension completed sometime in the early 1980s increased this still further. However, Policy SC6 is clear and unambiguous in its reference to the original house before extensions, and the appeal dwelling clearly does not meet this technical requirement.
7. Policy SC5 of the Local Plan incorporates the Government's *Technical housing standards-nationally described space standard* (the Space Standard). The Space Standard sets the minimum requirements for internal space in new dwellings in terms of the gross internal area (GIA) provided. For the purposes of the Space Standard a 2 bed, 4 person dwelling is required to provide a minimum GIA of 70 SqM. Whilst the proposed ground floor flat would meet this overall requirement, the annotation on the plan and its internal layout make it clear that the ground floor flat would provide a 2 bed 3 person dwelling. Moreover, both of the proposed bedrooms, the single at around 6 SqM and the double at just over 9 SqM would not meet the requirements of the minimum GIAs required for single and double bedrooms given in the Space Standard of 7.5 SqM and 11.5 SqM respectively. Consequently, I consider that despite the proposed flat meeting the 70 SqM minimum, it still could not be considered as a 2 bed, 4 person flat for the purposes of national or local policy in this regard. This once again is a clear breach of Policy SC6.
8. Due to its constrained size the ground floor bedroom would be unlikely to meet the day-to-day needs of its occupants. I note that the proposed development would make reasonably generous provision for study or storage space, but the physical separation of this from the single bedroom would not offset the bedroom's under-provision of GIA to any material degree. I am mindful that the appellant would be willing to alter the internal layout of some of the proposed rooms to meet technical requirements. However, these would be substantive changes to the proposed development, the precise details of which are not before me in this appeal which has focussed on the plans as submitted with the planning application. I thus consider that such substantive changes to the scheme could not be secured via conditions.
9. The proposed development would mean that the currently under-utilised dwelling could be used in a more beneficial way for the current occupant, arranging accommodation over the ground floor, which could enhance

accessibility in line with lifetime homes standards. The reconfiguration of the ground floor would also allow the appellant's mother more convenient access to the property. I am also aware that the appellant has security concerns and that the dwelling has been broken into in the past. However, it has not been conclusively established that the proposed development is the only way to achieve positive outcomes in these regards, and as a result these matters do not weigh heavily in favour of the appeal scheme when balanced against its clear conflicts with Local Plan policy.

10. I have considered comments that proposals to demolish the house and develop three new two bedroom properties on the site may be more acceptable in terms of Local Plan policies than the appeal scheme. I have no substantive details of such an alternative scheme before me, and in any event each planning proposal needs to be considered on its own merits. Thus the merits of a hypothetical example of this nature would not weigh heavily in favour of approval of the proposed development in the overall planning balance.
11. I am aware that a former application at the site for a similar scheme was refused prior to the adoption of the Local Plan and Policy SC6. The appellant comments that the proposed development would meet the technical requirements of the former development plan policies and this should weigh in its favour in the overall planning balance. Whilst I am aware of the frustrations of the appellant in these regards, the Planning and Compulsory Purchase Act 2004 (as amended) makes it clear at section 38 (6) that planning decisions should be made in "accordance with the plan unless material considerations indicate otherwise". Thus the basis of any planning decision is the development plan in place at the time of the decision, and consequently the proposed development's potential compliance with former policy is only a matter of limited weight in my consideration of this appeal.
12. I am mindful that amenity space could be provided that met with the relevant Local Plan policies, and that the parking provision would be adequate. The proposed development would not cause harm to the prevailing character of the area or to the living conditions of the occupiers of adjacent properties. However, these matters are all evidence of an absence of harmful rather than positive benefits of the scheme and thus would not outweigh the proposed development's conflict with the Local Plan.
13. I note that the proposed development would increase housing supply to a modest degree. However, in doing so the proposed development would remove and fail to replace a family-sized dwelling and thus would clearly conflict with Policy SC6 of the Local Plan insofar as it seeks to ensure that an appropriate mix of housing is provided within the Borough. No material considerations have been advanced that would outweigh this conflict. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR