

Appeal Decision

Site visit made on 24 January 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 07 February 2017

Appeal Ref: APP/F5540/W/16/3162816

2/2a Cranbrook Road, Chiswick, London W4 2LH

- 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 Dsovinar Araxie Azirian against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 0312/2-2A/P1, dated 14 June 2016, was refused by notice dated 21 October 2016.
 - The development proposed is conversion of the property to form 2 flats and a B1 (c) unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice cites Policy EC2 of the Hounslow Local Plan (adopted September 2015) ('the Local Plan') in one of its reasons for refusal. However, it is clear from the Officer Report that the relevant policy on which the planning application was determined is Policy ED2. This is acknowledged in the appellant's statement. Consequently, I consider that no prejudice would occur to any party as a result of my consideration of the appeal against Policy ED2, rather than Policy EC2.

Main Issues

3. I consider the main issues in this appeal to be firstly, the effects of the proposed development on the supply of employment land in the borough; and secondly, whether the proposed development would provide an acceptable standard of living conditions for its future occupiers in terms of light and outlook.

Reasons

Employment Land

4. The appeal site comprises two addresses on the corner of Cranbrook Road, close to Chiswick High Road. Although empty at the time of my site visit the appeal site's established use is commercial at ground and first floor with an element of residential accommodation at first floor. The site is located in Chiswick Town Centre for the purposes of the Local Plan, and also within an area designated as a Key Existing Office Location (KEOL).
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5. The proposed development would change the use of the space within the appeal site reducing the amount of commercial floor space on the ground and first floors to provide additional residential accommodation.
6. Policy ED2 of the Local Plan is directed to maintaining the Borough's employment land supply. Development proposals that would lead to a loss of B1 (c) uses in KEOLs are required to provide evidence of active marketing for employment uses for at least two years. Moreover, such proposals are required to provide an assessment demonstrating that the introduction of non-employment uses is necessary to achieve sufficient viability to deliver a development scheme. Preference will be given to the provision of new alternative employment uses.
7. No substantive evidence has been provided by the appellant to demonstrate that marketing has been progressed in line with the requirements of Policy ED2. Furthermore, I have not been supplied with any evidence to demonstrate that the continued use of the existing employment floorspace for its current use or for another form of employment generating use would be unviable.
8. I am mindful of the appellant's comment that Policy ED2 does not specifically refer to a loss of employment floorspace but rather the loss of employment uses. However, whilst the proposed development would retain an element of employment use, it would constitute a significant reduction of floorspace from that within the existing arrangement, from around 138 SqM to around 59 SqM according to the Council's Officer Report. Moreover, the policy's requirement for viability evidence to support a proposed mix of non-employment and employment uses is indicative that a reduction in employment floorspace could be considered appropriate once the marketing and viability requirements have been met. The proposed development, in failing to demonstrate that the appeal site has been actively marketed, or that employment use of the existing quantity of commercial floorspace would be demonstrably unviable is thus clearly contrary to Policy ED2.
9. I note that the appeal site had been vacant for around 9 months at the time of the production of the appellant's statement, and indeed I saw that it was unoccupied at my site visit. However, this period of vacancy in itself does not establish conclusively that there is a lack of demand for the appeal site or demonstrate that employment use of the existing quantity of floorspace is unviable.
10. Residential use is present at the appeal site, and indeed within its immediate surroundings. However, this matter does not justify an expansion of the residential use, or a departure from the development plan policy in this regard. Whilst the reduction in commercial floorspace could consolidate the arrangement of this use internally within the appeal site, and within part of the appeal site closer to the commercial part of the town centre and away from residential uses, I consider that this would not meet the requirements of paragraph (d) of Policy TC2 of the Local Plan, which refers to consolidating the range and quality of shopping provision in the town centre.
11. The proposed development would retain an active frontage in the commercial part of the appeal site; however, this would be a neutral effect that would not weigh heavily in favour of the scheme. Study space would be provided in the residential units proposed, but I have no substantive evidence before me to

suggest that this provision in itself would necessarily facilitate start-up businesses.

12. For the reasons given above, the proposed development would result in a reduction of the supply of employment land within the Borough, Chiswick Town Centre and the KEOL. The proposed development would thus conflict with Policies ED2 and TC2 of the Local Plan. Taken together, and amongst other matters, these policies seek to ensure that new development provides an appropriate variety of non-retail uses in Chiswick town centre to maintain the centre's role in terms of business activity, and maintains an appropriate supply of employment land in the Borough.
13. However, as the policy is directed to changes of use from retail to residential, I cannot discern a conflict with Policy 2.15 of The London Plan: The Spatial Development Strategy for London- Consolidated with Alterations Since 2011 (adopted March 2016) (the London Plan). However, this does not outweigh my conclusions regarding other clear conflicts with the development plan.

Living Conditions

14. The bedroom of one of the proposed development's residential units would be served by a rooflight in the flat roof of a single-storey element to the rear of the building and no other fenestration. The rooflight would be located to one end of quite a deep room; and it would be positioned close to tall walls to the rear and sides of the roof. These factors, taken together, would restrict the penetration of daylight and sunlight into the bedroom, and as a consequence, provide a very gloomy environment for its occupants. Moreover, due to its location and placement the rooflight would offer very little to the proposed development's occupants in terms of outlook. The bedroom would thus fail to provide acceptable living conditions for its future occupiers in these regards.
15. I note comments that bedrooms generally require less lighting and outlook than other habitable rooms and the references to technical advice to this effect¹. I am also cognisant that rooflights in loft conversions are generally considered to be acceptable bedroom windows. However, the location of the proposed rooflight adjacent to taller structures is a feature in this case that would restrict both the level of sunlight and daylight available, and its consequent penetration into the depths of the room. The extremely limited lighting and outlook available in this respect would not be offset to any great degree by the availability of light and views in other rooms in the proposed dwelling, or their potential compliance with Policy 3.5 of the London Plan in terms of home as a place of retreat.
16. Consequently, the proposed dwelling would not provide an acceptable standard of light and outlook for its future occupants in terms of the proposed bedroom and would thus be of harm to their living conditions. In this respect the proposed development would conflict with Policy CC2 of the Local Plan, which amongst other things seeks to ensure that new developments have a positive impact on the amenity of current and future residents.

Other Matters

17. The proposed development would provide additional residential space, in an area with a high Public Transport Accessibility Level rating. However, due to

¹BRE *Site Layout Planning for Daylight and Sunlight*

the modest scale of the additional residential accommodation provided, these matters would not weigh heavily in favour of the proposed development in the overall planning balance.

18. The appeal site is on the boundary of the Chiswick High Road Conservation Area; however, details of the minimal external changes proposed could be controlled by condition to ensure that they would preserve the character and appearance of the area. However, this is merely indicative of a lack of harm caused by the proposed development and would not add any weight to arguments in favour of the scheme.
19. I note comments regarding traffic and parking concerns caused by previous uses of the site, and that rats may have been in the appeal site whilst empty. However, these considerations do not weigh heavily in favour of the scheme in the overall planning balance.
20. I received comments from interested parties regarding other on-going planning applications at the appeal site. However, this appeal has focussed on the details relating to the development proposed in the application referenced in the banner heading above. Considerations relating to the Party Wall Act are essentially private matters that have not been determinative in my assessment of the planning merits of the appeal.

Conclusion

21. With the exception of Policy 2.15 of the London Plan, the proposed development would conflict with the policies of the development plan insofar as they are relevant and have been brought to my attention. No material considerations have been demonstrated sufficient to outweigh this conflict. Consequently, 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