
Appeal Decision

Site visit made on 17 January 2017

by David Walker MA MRTPI

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

Decision date: 10th February 2017

Appeal Ref: APP/F5540/W/16/3158789

46 Chiswick High Road, Chiswick, London W4 1SZ

- 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 Mr and Mrs Raithatha against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00248/46/P6, dated 27 October 2015, was refused by notice dated 17 March 2016.
 - The development proposed is change of use of part of the ground floor and basement from Class A2 (print shop) to C3 (residential) including enlargement of existing window.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of future occupants having regard to the availability of daylight and external living space, and the risk of flooding.

Reasons

3. The accommodation would be formed from the conversion of an office located to the rear of an existing shop. It would be formed over two floors and include a bedroom created within an existing basement. With no windows serving the basement a new staircase would be provided that would function as a light well to help deliver additional daylight from an enlarged side window.
4. A daylight assessment¹ submitted with the application indicates that, together with existing rear facing windows, sufficient daylight for the proposed bedroom would be available. I have no alternative evidence available to me to dispute these findings. However, the assessment takes no account of the enlarged window being located at the ground floor level directly overlooking the footway of the adjacent road Cleveland Avenue.
5. With passers-by along the street walking in close proximity to the enlarged window there would inevitably be pressure to install window coverings or obscure glazing to achieve a minimum level of privacy for the basement bedroom and ground floor living spaces. Such measures as would be required at all times of the day and night would significantly reduce the daylight that would be available. The accommodation would accordingly be deprived of a

¹ Daylight provision in a proposed basement bedroom at 46 Chiswick High Road by Limitless Ltd

principal source of natural light. It has not been demonstrated that the accommodation could achieve adequate levels of daylight with reasonable privacy. As a result the proposal would provide a development without adequate levels of natural light that would have a harmful effect on the living conditions of future occupants.

6. With no outside space proposed the accommodation would rely on clothes washing and drying machines, and a reasonable proximity to public open spaces, to go some way toward meeting the external living needs of occupants. I acknowledge there will be other examples of residential conversions that do not make provision for external living spaces. However, it remains the Council's policy that new accommodation must provide a minimum amount of external living space that would not be delivered by the proposal. The inadequacies of accommodation formed in the past or without planning permission do not weigh heavily as a justification for setting aside current policies. The lack of suitable external living space in the proposal would therefore also give rise to harm to the living conditions of future occupants.
7. Turning to flood risk. While the basement level accommodation would be highly vulnerable development under the Planning Practice Guidance I acknowledge that changes of use are not required to be subject to the sequential test set out within the National Planning Policy Framework. With regard to the submitted flood risk assessment, which draws from historical flooding records and the existing flood defences along the Thames, the site is shown to be free of flooding. A dry and safe egress onto Chiswick High Road would also remain during extreme events.
8. The low probability of flooding that has been demonstrated together the potential to accommodate cycles and the provision of an additional dwelling unit are factors weighing in support of the scheme, and would accord with Policies EQ3 and EC2 of the Hounslow Local Plan 2015 (the Local Plan). However, these would not outweigh the significant harm to the living conditions of future occupants that would arise due to the poor availability of daylight and lack of external space.
9. As a result I conclude that the proposal would conflict with Policies CC1, CC2, and SC5 of the Local Plan that require new development to have a positive impact on the amenity of future residents and ensure sufficient sunlight and daylight, and which seek the provision of private external space, amongst other things.

Conclusion

10. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR