
Appeal Decision

Site visit made on 5 June 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: 23 June 2017

Appeal Ref: APP/F5540/W/17/3171451
256 Whitton Dene, Isleworth TW7 7LU

- 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 Gurnek Sidhu against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01203/256/P3, dated 22 January 2017, was refused by notice dated 9 March 2017.
 - The development proposed is described as "Convert a 2 Bedroom plus Study Room house to One 2 bedrooms plus Study Room split level apartment and a Studio Flat with 35 square metre gross floor area. Elevations remain completely unchanged. An internal wall will be built to create self contained Studio Flat. Rest would 2 Bedrooms plus Study Room split level apartment meeting Requirements for a family unit."
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Decision

1. The appeal is dismissed

Main Issues

2. I consider the main issues in this appeal to be firstly, the effects of the appeal scheme on the living conditions of its future occupants in regard to the provision of internal and external space, and access to natural light within the proposed development; secondly, whether the proposed development would result in the loss of a smaller dwelling suitable for family housing; and thirdly, the effects of the proposed development on the living conditions of the occupants of adjacent residential properties in terms of noise and disturbance.

Reasons

Site, surroundings and proposed development

3. Situated in predominantly residential environs, the appeal property is a two-storey semi-detached dwelling, set deeply back from the bend in the road, and sharing a vehicular access with its detached neighbour. A flat roofed single-storey extension has been added to the rear of the appeal property, which looks out onto a back garden of modest proportions. The proposed development would convert the appeal building to supply a studio flat within the flat roof element and its attached rear room, with a separate two bedroom element provided in the first floor and the front room of the ground floor. No elevational alterations are proposed.
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Living Conditions of the proposed development's future occupants

4. Policy SC5 of Hounslow's Local Plan (adopted September 2015) (the Local Plan) incorporates the minimum internal space requirements set out within the Government's Technical housing standards- nationally described space standard (the Space Standard). The Space Standard thus applies to proposals for new dwellings within the Borough.
5. I note that the appellant has submitted two differing assessments of the gross internal floor area (GIA) of the proposed studio flat at ground floor of 40 SqM in the appeal statement and 35 SqM in the Design & Access Statement. Moreover, the Council assessment indicates that the studio flat would supply around 32.26 SqM GIA. Given the disparity in assessment of the studio flat's area, I have taken the median figure of 35 SqM in my assessment of the proposed development, and as a result it has not been demonstrated that the proposed development would meet the minimum requirement of 39 SqM set out in the Space Standard. The plans also fail to show how the minimum requirement of 1 SqM of built in storage space could be accommodated.
6. In terms of the proposed two-bedroom unit, whilst the appellant has not supplied an assessment of its GIA, the figure used by the Council, which was not contested by the appellant is around 57 SqM, and this would undershoot the Space Standard requirement of 70 SqM by a considerable degree. Moreover, no space is included on the proposed plan to indicate that 2 SqM of storage space, which is the Space Standard requirement for a unit of this type could be achieved. I note that individual room sizes within this element of the proposed scheme are unchanged from the current layout of the appeal building, and that some of the rooms, according to the appellant's assessments, meet and exceed the Space Standard requirements. However, these aspects of the proposal would not compensate for its considerable shortfall from the Space Standard's minimum overall requirement.
7. I saw within the room annotated as 'dining' on the submitted plans that the penetration of natural light from the windows to its rear was very restricted due to the combined depth of this room and the single-storey extension, and the substantial wall that separates these two rooms. Moreover, the proposed internal wall, between the studio flat and the ground floor element of the two bedroom dwelling would totally restrict the penetration of light from the appeal building's front windows, and this would be a material change from the room's current arrangement. As a consequence of these factors, the proposed room, which due to its size and use would be the principal habitable one in the studio flat, would have a gloomy and oppressive environment, requiring the use of artificial light for extended periods of time, and this would therefore be of harm to the living conditions of its future occupants.
8. Whilst I note that the appellant considers that rooflights in the extension coupled with an alteration in the proposed position of the studio flat's bathroom could improve the availability of natural light, I have not been supplied with any substantive details of these. Moreover, the depth of the 'dining' room, and positioning of the openings within the wall between it and the extension would still limit the penetration of light from these sources. The appellant considers that a window inserted in the flank wall could improve the levels of natural light in the room; however, I saw that the adjacency of the flank wall of the neighbouring property would restrain light penetration to a considerable

- degree. Moreover this would be a substantive change that falls outside the ambit of the planning merits of the proposals as presented at application and appeal stage, which the description of development makes clear would leave the appeal building's elevations completely unchanged.
9. The appeal building's existing garden would provide communal amenity space for both elements of the proposed development. The studio flat would be accessed from the rear immediately adjacent to the amenity space, and moreover its principal outlook would be from the windows that overlook that space. This arrangement would lead to extremely limited amounts of privacy for the future occupants of the scheme when the communal space was in use. As a result, the proposed development would fail to provide external space that supplied a reasonable degree of privacy to the occupants of either the studio flat or the two bedroom dwelling. Consequently, it would fail to meet the day-to-day needs of its future occupants in this regard. The presence of recreation space in the wider environs of the site does not alter my conclusions on this matter.
10. I have been supplied with plans for a proposed residential development within Hounslow at 8 Douglas Road, which show that several of the units undershoot the relevant Space Standard requirements. However, beyond the proposed plans I have been supplied with no decision notice or other details to indicate whether the development has indeed received planning permission, was an application for C3 residential development, or was an application for planning permission as opposed to prior approval of a permitted development scheme. As a consequence this material does not weigh in favour of the proposed development to any substantial degree. I note that the appellant considers that space requirements for houses in multiple occupation should be used in this case; however, I have been supplied with no compelling reasons why this should be so, given that the proposal is for two self-contained dwellings.
11. For the reasons given above, the amount of internal space and the quality of the external amenity space provided by the proposed development would fail to meet the day-to-day needs of its occupants. Moreover, the extremely limited amount of natural light available within the 'dining' room of the proposed studio flat would create a gloomy environment. As a consequence the proposed development would cause considerable harm to the living conditions of its future occupants, and would thus conflict with Policies CC2 and SC5 of the Local Plan, which, taken together and amongst other things seek to ensure that new development is of the highest quality internally and externally, and meets the demands of everyday life for its intended occupants, and has a positive impact on the amenity of its future residents.

Family Housing

12. Policy SC6 of the Local Plan seeks to manage building conversions and sub division of existing housing. It sets a minimum net original internal floor area of 130 SqM in order for a property to be considered suitable for conversion. According to the Council's figures, which are not challenged by the appellant, the appeal dwelling has an original floor area of around 74 SqM. Whilst I am mindful that the appellant considers that there are no reasons for the 130 SqM threshold, it is clear from the supporting text of the Local Plan that this reflects the minimum Space Standard requirement for new developments. The

proposed development due to the size of the original house would clearly conflict with this aspect of the policy.

13. Moreover, my conclusions on the proposed two-bedroom unit's inadequate provision of internal space indicate that the appeal scheme would not supply a family-sized unit at ground floor, and would thus conflict with criterion (g) of Policy SC6 in this respect also.
14. Whilst I am aware of the appellant's comment that the appeal property is in an area with a number of flats, I saw that the general pattern of development in its environs, comprising predominantly semi-detached houses with gardens is one that lends itself more to the provision of family accommodation rather than more intensive residential uses. Moreover, I have been supplied with no substantive evidence regarding the balance of flats to family dwellings in the immediate environs of the appeal property. As a consequence, this matter only weighs in favour of the scheme to an extremely limited degree.
15. I have been supplied with a Design and Access Statement relating to the proposed conversion within the Borough of a commercial unit to provide residential accommodation at 4 Douglas Road. However, whilst the original floor area of the property to which this document relates is given as 110 SqM, as it was not a dwelling prior to conversion, Policy SC6 would not apply, as criterion (a) makes it clear that the policy establishes a "minimum net original floor area threshold for the conversion of houses to flats". As a consequence, this matter does not alter my conclusions in respect of the proposed development's conflicts with Policy SC6.
16. The proposed development would thus result in the loss of a smaller dwelling suitable for family housing contrary to Policy SC6 of the Local Plan insofar as it seeks to manage the subdivision of existing housing stock.

Living Conditions of adjacent residents

17. The proposed development would not extend the amount of floor space at the site, and the amount of residents that could be accommodated in the proposed studio flat would, due to its limited size, be modest. For these reasons, I consider that the proposed development would not exacerbate the amount of comings and goings at the appeal site to a degree that would result in significant additional noise and disturbance to the living conditions of the occupants of adjacent residential properties.
18. Accordingly, in this regard, I find no conflict with Policies CC1, CC2 and SC6 (k) of the Local Plan. Taken together, and amongst other matters, these policies seek to ensure that new development takes into account the context and character of its surroundings and has a positive impact on the amenity of its current residents.

Other Matters

19. I note that the proposed development could provide car and cycle parking, and an area for bin storage. The proposed development would also include the installation of new kitchen equipment and a bathroom, which would help to renovate the property internally. However, these matters attract only minimal weight in favour of the scheme in the overall planning balance.

20. The proposed development would supply an additional housing unit in an area within which the appellant considers affordable houses to buy or rent are in short supply. However, I have been supplied with no substantive evidence to suggest that either of the proposed units would be affordable housing for the purposes of the National Planning Policy Framework, or the level of under-supply of such units within the area. These matters, taken together with my conclusions regarding the harmful effects the proposed development would cause to the living conditions of its future occupants, lead me to the view that the supply of an additional residential unit would be of only modest weight in the overall planning balance in this instance.
21. Accordingly, none of these other matters would alter my conclusions in respect of the main issues or outweigh the proposed development's conflicts with the policies of the development plan.

Conclusion

22. Whilst the proposed development would cause no significantly harmful effects to the living conditions of the occupants of adjacent properties, it would nevertheless cause harm to the living conditions of its future occupants, and in causing the loss of a smaller family dwelling would not meet the requirements of the development plan. In the overall planning balance, these harmful effects of the proposed development combined with its conflicts with the development plan clearly outweigh the lack of harm it would cause to the living conditions of the occupiers of adjacent properties.
23. No other material considerations sufficient to outweigh the conflicts with the development plan have been advanced in favour of the proposed development. Therefore I conclude, for the reasons given above, and taking into account all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR