

Appeal Decision

Site visit made on 20 June 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/F5540/W/17/3168388

8 Hounslow Road, Feltham TW14 9DG

- 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 Ramanik N Pankhania against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 0631/8/P4, dated 7 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is internal alteration in ground floor to make ground floor flat and ramp to the front of the flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has altered the description of the development to "*retrospective application for conversion of property into two self-contained flats including the installation of a ramp for access to the front entrance.*" In his statement the appellant refers to a similar description. This more appropriately and accurately reflects the development. The development has been carried out, although from my site visit I was able to see that it has not been completed fully in accordance with the plans. I have based my decision on the submitted plans.
3. I have relied upon the dimensions and areas of each room as shown on the submitted plans. However, I believe that there is an error in respect of the floorspace figure shown for room G.6 in the ground floor flat. The 2.8 square metres figure (sqm) is too low in my view and it should be closer to the 5.7 sqm floorspace of rooms F.4 and F.6 of the upper flat combined, which sit directly above it. I have used this higher figure in my decision.

Main Issue

4. The main issue is whether the development would provide acceptable living conditions for residents in terms of the provision of internal living space and outlook.

Reasons

Internal living space and outlook.

5. The appeal property is a two storey detached house which has been converted into two flats. It has a ground floor rear extension. It lies on a main road close to Feltham town centre and railway station. The adjacent properties are
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- residential but opposite and in the vicinity, there are numerous commercial premises, including a supermarket and a large hotel.
6. Both flats are accessed through a communal front door. The ground floor flat comprises a living room, two bedrooms, a toilet and shower room, a separate toilet and a kitchen/dining area. The upper flat, accessed via internal stairs, comprises a kitchen/dining room, two bedrooms, and a bathroom. Outside, to the rear, there are two separate private amenity space areas. One of these is accessed via the kitchen of the rear dining area, whilst the other which is designated for the use of the occupiers of the upper flat is accessed via the driveway which runs alongside the house.
 7. Policies SC5 and SC6 of the Hounslow Local Plan 2015 (the Local Plan) are concerned with the provision of external and internal open space in new developments and with setting out criteria for managing conversions and sub-division of existing houses.
 8. Policy SC5 states that the Nationally Described Space Standard¹ (the NDSS) will be used as a measure of the internal space required in new housing in the borough.
 9. In accordance with the NDSS, all of the bedrooms in both flats would be categorised as a single bedrooms in terms of their dimensions and floorspace shown on the submitted plans since they would fall below the minimum 11.5 sqm floor area required for double occupancy by the NDSS. From my site visit I was able to see that the bedrooms had very little storage or circulation space, emphasising their unsuitability as double or twin rooms.
 10. Table 1 of the NDSS sets out the minimum gross internal floor area (GIA) required for a dwelling and provides a definition. Both of these flats would require a minimum GIA of 61sqm.
 11. The parties assessments of the GIA of the ground floor flat are different. The Council's figure² is around 65 sqm and the appellant's figures³ are around 81 sqm for building area and around 69 sqm for living accommodation space. However, both parties agree that the GIA for the ground floor flat exceeds the 61 sqm required by the NDSS.
 12. However, the Council's figure⁴ for the GIA for the upper flat is around 49 sqm and the appellants figures⁵ range between around 56 sqm and around 49 sqm. In adding up the individual room floorspaces as shown on the plans, and adjusting for the presence of internal walls, it seems to me that the actual GIA would be closer to the 49 sqm referred to by the Council. In any case, the figures of both parties show that the GIA of the upper floor flat falls significantly below the NDSS. From my site visit it appeared to me that the upper flat was more cramped than the ground floor flat.
 13. Policy SC6 of the Local Plan requires that to be suitable for conversion into flats, a house needs to have an original floor area of 130 sqm. I note from the section 6 of the appellant's statement that he considers the total floor area, including the extension, to be around 137 sqm. With the extension at around

¹ Technical housing standards – nationally described space standard DCLG March 2015

² Council's officer's report paragraph 5.4

³ Appellants Statement of Case section 6

⁴ Council officers report Paragraph 5.4

⁵ Appellants statement of case section 6

20 sqm according to the plans, this would put the original house floor area at around 107 sqm based upon the appellant's figures.

14. According to the Council officer's report, the original floor area of the property was around 90 sqm. In any case, both parties agree that the floorspace of the original house was below 130 sqm. Furthermore, Policy SC6 (b) of the Local Plan requires that at least one family sized unit should be provided on the ground floor of any residential conversion. In accordance with the NDSS, both bedrooms in the ground floor flat are single bedroom sized and therefore the development does not meet this requirement.
15. The development also fails to comply with that part of the NDSS which requires that a dwelling with two or more bedspaces should have at least one double or twin bedroom. None of the bedrooms are of the minimum size required to be classed as double or twin bedrooms and so the development is contrary to this part of the NDSS.
16. Both flats would have outlook to the street at the front of the property and the ground floor flat would have an outlook to the rear courtyard. The rear bedroom of the upper flat overlooks the roof of the rear extension. The other bedrooms have windows overlooking the driveway and the house on the other side of the drive is dominant in those views. However, I consider overall that the outlook from the proposed development is acceptable given that those are bedroom windows and the front and back outlook from the living room accommodation and kitchen spaces, where occupiers would spend most of their time, is acceptable. I therefore consider that the developments accords with Policy SC6 of the Local Plan in respect of outlook.
17. Nonetheless I therefore conclude that the development would provide insufficient internal space to meet the day to day needs of its occupiers and would be contrary to Policies SC5 and SC6 of the Local Plan. These policies set down requirements for space within new housing development and conversions. It is also contrary to one of the core principles of the National Planning Policy Framework, which requires a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

18. I recognise that the development provides an acceptable level of private outdoor space and could provide an acceptable access for disabled persons subject to conditions and meeting building regulation requirements. I have also taken into account the statements made by the existing tenants. However, I have to consider the position of future occupiers who may not share the same view and whose circumstances may be different. I also accept that there may be existing flats and rooms in the locality with similar space provision, but I have to consider the position now in the light of the evidence before me, the NDSS and the requirements of the current adopted development plan
19. The appellant has made reference in his appeal statement that he considers that he has a lawful use for the first floor flat and also that no planning violation has occurred. The Council dispute this. However this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Conclusion

20. The acceptability of these other matters does not outweigh the significant harm to the living conditions of the occupiers of the flats as a result of the levels of internal living space which fall significantly short of the NDSS and the requirements of the Local Plan.

21. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR