



Appeal Decision

Site visit made on 7 December 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/L5810/W/17/3181190

99 Conway Road, Whitton, Hounslow TW4 5LW

- 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 S K Duttani against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/3343/FUL, dated 18 August 2016, was refused by notice dated 12 May 2017.
 - The development proposed is described as the retention of existing conversion of single dwelling house into two separate self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of single dwelling house into two separate self-contained flats at 99 Conway Road, Whitton, Hounslow TW4 5LW in accordance with the terms of the application, Ref 16/3343/FUL, dated 18 August 2016.

Procedural Matter

2. At the time of my visit the development had taken place, and external changes were confirmed as being lawful by the Council. For the avoidance of doubt, I have determined the appeal based on the development as carried out.

Main Issues

3. The main issues are:
 - i) The effect of the proposed development on the living conditions of the occupiers in terms of the quality of internal and external accommodation to be provided; and,
 - ii) Whether the particular contribution sought in respect of affordable housing are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

Reasons

Living conditions

4. The Council does not raise any concerns in relation to the ground floor flat. The first floor flat includes a kitchen, bedroom, separate bathroom and a study area. I note that the overall minimum floorspace is slightly below the Gross Internal Area required for a one bedroom two person flat under the Nationally

Described Space Standards. The Council's Residential Development Standards Supplementary Planning Document (SPD) 2010 states that the footprint and room sizes of all residential proposals should adequately reflect the use and type of accommodation.

5. The rooms in the first floor flat are bright and do not feel enclosed or cramped. There is good circulation space within each of the rooms with appropriate standing room to reach kitchen units and other features. There is additional circulation space between the rooms with hallway space and a small area at the front door. The study room has sufficient space for standing within the middle of the room and moving around. At the time of my visit the study was being used for some storage. I note that the Council consider the potential for the study to be used as an additional bedroom. However, this is not what is proposed and I must deal with what is before me. I am satisfied that the layout and space provides a good standard of internal accommodation for the occupiers.
6. The ground and first floor flats have been provided with external amenity space. The SPD 2010 states that the aspect, 'useability' and sense of enclosure will all be taken into account in assessing whether the private garden provides sufficiently good living conditions. From the first floor flat the amenity space is accessed via the stairs, front door and a small distance down the shared access way. The distance is not significant, and to my mind the arrangement is not inconvenient. The space provided for the first floor flat is private and separate from that belonging to the occupiers of the ground floor flat. It provides enough space for sitting out and safe play should this be needed. I consider that this arrangement is satisfactory.
7. For the reasons given above I conclude that the development provides satisfactory internal and external accommodation which is not detrimental to existing and future occupiers. It is not in conflict with Policy CP7 of the Richmond upon Thames Core Strategy (CS) 2009, and Policies DM HO 4 and DC 1 of the Richmond upon Thames Development Management Plan (DMP) 2011. These amongst other things seek new development that is of high architectural and urban design quality based on sustainable design principles and provide adequate internal space and appropriate external private and/ or communal amenity space to meet the needs generated by the development. It would not be contrary to the SPD.

Affordable Housing

8. The Council indicate that a contribution towards affordable housing would be required in accordance with Policy CP 15 of the CS, and Policy DM HO 6 of the DMP that requires contributions for small sites. A contribution would be calculated based upon the information contained within the Council's Affordable Housing Supplementary Planning Document 2014.
9. I have considered the need for a Unilateral Undertaking to secure the contributions in respect of the requirements set out in paragraph 204 of the National Planning Policy Framework (the Framework). This sets out that any contributions sought should be necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

10. From the information before me I cannot be certain whether the contribution would be for one or two flats particularly as only one additional dwelling has been provided. In addition there is no indication whether the Council consider that the new flat is a one bedroom or two-bedroom flat taking into account their concerns in relation to the internal space. Both of these factors would affect the amount required.
11. In the light of the lack of sufficient evidence whether a contribution has been calculated specifically to the development, I consider that the Council has not demonstrated that it is directly related to the development and fairly and reasonably related in scale and kind to the development. Consequently, and notwithstanding the aims of development plan policy, I am unable to conclude that a planning obligation seeking to provide the contributions would be in accordance with the Framework. In these circumstances, the absence of a planning obligation does not weigh against the development.

Conclusion

12. As the development has been fully completed a condition relating to drawings is not necessary. The Council has recommended conditions relating to the provision of cycle parking and a dustbin enclosure. Although I note that the appellant does not object to the imposition of these, in the circumstances of the development having been fully completed I consider these conditions would be unreasonable. A condition has also been suggested by the Council requiring the dwellings to achieve BREEAM Domestic Refurbishment Rating Excellent. No details have been provided in relation to the standard in order to demonstrate that the condition is necessary, nor is it precise or clear how it would relate to the development permitted. For these reasons, I have not attached the conditions suggested by the Council.
13. For the above reasons and having regard to all other matters raised I conclude the appeal should be allowed.

L Gibbons

INSPECTOR