
Appeal Decision

Site visit made on 5 December 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/F5540/W/17/3180475

10 Feltham Business Complex, Browells Lane, Feltham TW13 7LW

- 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 Shahabuddin Khan against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00167/L10/P3, dated 27 May 2016, was refused by notice dated 24 February 2017.
 - The development proposed is change of use from existing B1 to C3 residential.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on
 - (i) the loss of an employment use and the surrounding employment uses;
 - (ii) the living conditions of the future occupants of the proposed residential unit with particular regard to the standard of accommodation, private amenity space, light, outlook and noise and disturbance; and
 - (iii) whether the proposal makes appropriate provision for pedestrian access, cycle and refuse storage facilities.

Reasons

Loss of an employment use

3. The appeal site comprises a two storey mid-terrace commercial building with undercover parking bay and storage area at ground floor level and two office units above, in a group of similar commercial premises within an industrial estate. The proposal would involve the conversion of one of the existing office B1 units at first floor level to a self-contained residential unit.
4. Policy ED2 of the Hounslow Local Plan 2015 (LP) requires applications that involve the loss of B1 use in established commercial areas to submit evidence of active marketing of the site for employment uses for a period of at least one year, an assessment demonstrating that the introduction of non-employment uses is necessary to achieve viability and evidence that the surrounding employment uses will not be undermined.

5. The appellant considers that, given the limited space available within the existing unit and the number of business spaces available to rent nearby, the continued commercial use is no longer viable. The appellant outlines that, despite advertising the unit from January 2016 for six months, he was unable to rent it and the proposal would provide the option of a live-in work environment that would give more flexibility.
6. However, I have not been supplied with any evidence or marketing particulars to clarify how and where the site has been advertised and at the time of my site visit, I saw no publicity to that effect displayed at the premises. Limited information has been provided to show what enquiries have been received and what comments have been made by prospective occupiers, apart from the limited space available, to demonstrate why there is a lack of interest in the site. No substantive evidence has been provided by the appellant to demonstrate that the surrounding employment uses will not be undermined. I consider that a residential use in this primarily industrial location would undermine the effective operation of the surrounding employment uses.
7. Consequently, I conclude that the proposal would involve the unacceptable loss of an employment use and would compromise the surrounding employment uses contrary to LP Policy ED2 which seeks to manage and protect the existing employment sites and the employment land supply and ensure that non-employment uses do not compromise the surrounding employment uses.

Living conditions of the future occupiers

8. The appellant's statement sets out that the proposed residential unit would be in excess of the minimum gross internal floor area (GIA) of 37 sqm required for a one bed studio unit (with shower room) for one person set out in the Government's Technical Housing Standards¹ and LP Policy SC5. The Council have indicated that the proposal would only have a GIA of about 24.2 sqm. The appellant points out that this figure only relates to the living room and does not include the kitchen, landing and shower room areas. However, no specific information has been provided by the appellant regarding the total floorspace available with these additional areas included.
9. In the absence of any substantive evidence to the contrary from the appellant, there would be a shortfall in the GIA and as such it would not achieve the minimum standards. I therefore consider a satisfactory standard of accommodation would not be provided to deliver acceptable living conditions for the future occupants of the proposed residential unit in this particular case.
10. Moreover no private amenity space would be provided. The LP Policy SC5 and the London Plan 2016 requires a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings. The appellant has stated that, whilst the proposed unit would not benefit from private external amenity space, it is nevertheless considered appropriate and the site would be close to a number of public open spaces. However, the future occupants would need sufficient space to carry out leisure and household activities such as hanging out their washing if they wish, particularly during the summer months. In the absence of adequate private amenity space within the development, the nearest public open spaces would not be viable alternative options in this case.

¹ Department of Communities and Local Government (DCLG) Technical Housing Standards – Nationally described space standards (March 2015)

11. The proposed residential unit would be designed with a window to the living room on the front elevation and a skylight over the internal landing area. Whilst such design features would reduce the impact of the proposal on the adjacent properties, I consider the proposed design and layout would result in an unacceptable impact on the available light and outlook for the future occupants of the proposed residential unit. It would severely restrict the light and outlook particularly for the kitchen area served solely via the skylight.
12. The proposed residential unit would be located in close proximity to the surrounding industrial and commercial uses in the area. It is therefore likely that the future occupiers would experience significant noise and disturbance from the activities associated with the surrounding uses, which in my view, would result in significant harm to the living conditions of the future occupiers.
13. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed dwelling with particular regard to standard of accommodation, private amenity space, light, outlook and noise and disturbance. The development would be contrary to the overall amenity aims of LP Policy SC5 which seeks to ensure that new housing developments provide a high quality residential environment internally and externally to meet the demands of everyday life for the intended occupants.

Pedestrian access, cycle and refuse storage facilities

14. The proposed residential unit would be located off Browells Lane with a footpath directly outside the site for convenient pedestrian access and movement. I noted on my site visit that a refuse bin was provided at the front of the building on land within the appeal site that the appellant's statement confirms would be available for the proposed residential unit.
15. However, no information has been provided within the appellant's statement regarding the location of the cycle storage facilities. In addition, insufficient information has been provided to demonstrate whether the refuse storage facilities are suitable to cater for the proposed residential unit in this case.
16. Consequently, I conclude that the development would not make appropriate provision for cycle and refuse storage facilities. It would conflict with LP Policy CC2 which seeks to ensure developments make well-designed provision for cycle parking facilities in order to promote sustainable transport and refuse storage facilities in order to minimise the generation of waste and maximise the reuse or recycling of materials.

Other matters

17. I have noted the objections raised by local businesses to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR