



Appeal Decision

Site visit made on 20 June 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/F5540/W/19/3226003

5 Granville Avenue, Hounslow TW3 3TF

- 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 Piyush Patel against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00502/5/P2, dated 22 September 2018, was refused by notice dated 20 November 2018.
 - The development proposed is conversion of existing dwellinghouse into 2no.self-contained units and associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a revised proposed internal floor area drawing 301-PROP-01-D with the appeal, that shows flat B would be made into a 2-bedroom/4 person flat (instead of 3 bedrooms) by making one bedroom a living room. The appellant also states that the external rear garden area would now be communal for use by both flats. I am not aware that this plan has been considered by the Council or third parties. Therefore, in the interests of fairness I have determined the appeal against the plans considered by the Council at the time it made its decision.
3. At the time of my visit the property was in use as three flats, as shown on drawing 301-EX-01.

Main Issues

4. The main issues are:-
 - The effect of the loss of a family size dwelling on the provision of housing,
 - The effect on the living conditions of the future occupiers of the proposed upper floor flat (Flat B) with particular regard to the internal floor area and outdoor garden space, and
 - The effect on the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance.

Reasons

5. The appeal site comprises a semi-detached two-storey dwelling that has been extended to include accommodation in the roof. There is a rear garden accessed from the existing two ground floor flats and from the side of the property through a side gate from the front. At the front, gravel hardstanding has been laid and space for bins is provided. This area could also provide some off-street parking as there is a dropped kerb. Granville Avenue is a residential road with mainly semi-detached dwellings, located in a predominantly residential area. The road is narrow with on-street parking demarcated for vehicles to park half mounted on the pavement, although most properties have some on-site parking.
6. The proposal would be to create 2 flats accessed from a communal front door leading to a small lobby. Flat A would be a ground floor 3 bedroom/6 person unit that would have direct access to a private rear garden, annotated on the plans to be approximately 108.5sqm. Flat B would occupy the upper two floors. The plans show this would be a 3 bedroom/4 person flat, with no access to outside private or communal garden area.

Local housing mix

7. Policy SC6 of the Hounslow Local Plan 2015 (LP) requires a property to have a minimum net original floor area of 130sqm before it will be considered suitable for conversion or sub-division to houses or flats. This is for the Council to manage the subdivision of properties to ensure they contribute to the housing stock without having an adverse impact on the character of an area or residents' amenity.
8. Even though the property has been considerably extended, there is no dispute between the parties that the original dwelling had a floor area of approximately 94sqm. This falls short of the minimum requirement of 130sqm and the property is not deemed large enough for subdivision into smaller living units.
9. I therefore conclude its conversion to smaller units would result in a loss of family housing, which would adversely affect the provision of housing contrary to LP Policy SC6 whose aims are outlined above.
10. Although the property holds an HMO licence for 3 households, this is under different legislation. There is no dispute between the parties that the proposal would create a family-sized unit on the ground floor. But I have not been presented with any substantive evidence of a housing need for smaller properties that would justify the sub-division of a property deemed too small for conversion or a departure from the development plan.

Living conditions of future occupiers of upper floor flat B

11. The Technical Housing Standards – Nationally Described Space Standard (NDSS) requires a 3 bed/4 person flat over two storeys to have a minimum gross internal floor area of 84sqm. Flat B would have an internal floor area of 85.60sqm and hence would comply with the NDSS standards.
12. However, the single bedroom in the roof on the second floor would have a floor area of 14.8sqm with headroom over 1.5m. This would make it big enough to be used for a double or twin bed room as the floor area exceeds the NDSS

double-bedroom standard of 11.5sqm. Whilst I consider that the use as a single bedroom could potentially be controlled by condition it would be difficult to enforce. Furthermore, I concur with the Council that the en-suite bathroom would make the bedroom more likely to be occupied by two people. As a consequence, I consider there is a greater than theoretical possibility that the flat would be a 3 bedroom/5 person flat.

13. Therefore, the total floor area of 85.60sqm would fall short of the NDSS standards of 93sqm for a 3 bedroom/5 person flat over 2 floors. I note the Council refer to this threshold as being 90sqm, which I take to be a typographical error.
14. With regards outdoor garden area, LP Policy SC5 sets out benchmark space standards. A minimum of 5sqm of private outdoor space should be provided for each 1-2 person flat plus an extra 1sqm for each additional occupant. In addition, a flat with up to 3 habitable rooms should be provided with 25sqm of communal outdoor space and a 4-habitable room flat with 30sqm.
15. The submitted plans show the ground floor flat would be able to directly access the entire 108.5sqm rear garden from the dining/kitchen and a bedroom. However, the proposed upper floor flat B would have no access to a dedicated private garden area and no access to communal outdoor space. This would result in substandard accommodation detrimental to the living conditions of future occupants.
16. For the reasons above I conclude that flat B would have inadequate internal floor area and inadequate outside space, both private and communal, that would harm the living conditions of future occupants. Accordingly, the proposal would fail to meet the requirements of LP Policies CC2, SC5 and SC6, which collectively seek to ensure high quality housing with the highest quality of internal and external space to meet the demands of everyday living. It would also not comply with the internal space standards set out in the NDSS.
17. There is no dispute between the parties that the ground floor family-sized flat would meet the internal space standards set out in NDSS and the external space standards in LP Policy SC6.

Living conditions of existing neighbouring occupiers

18. As already discussed, the floor area of a property is a policy criteria for assessing its suitability for sub-division into flats. As it is too small, in close proximity to other properties including being semi-detached, this indicates to me that there would also be associated concerns with the effect on the amenity of existing neighbours with regard to noise and disturbance.
19. From my site observations, Granville Avenue was mainly single dwellings with little evidence of properties as flats. I appreciate that a property of this size could be occupied by a large or extended family and there would be some associated noise and disturbance. However, the use of the property as two flats would introduce different activity patterns. With more separate and unconnected people coming and going in close proximity to other properties there would be less control over noise generation. As a result there would likely be an associated increase in general noise and disturbance that would cause harm to the living conditions of existing occupiers of neighbouring properties. Accordingly, the proposal would be contrary to LP Policies CC2 and SC6 that

collectively seek to ensure that new housing, including by subdivision, maintains the amenity of neighbours as well as having a positive impact on their amenity.

Other matters

20. The appellant refers to the provision of on-site parking and that there would be no resulting adverse impact on amenity or on-street parking. From my observations on-site parking would be limited and two flats could increase demand for on-street parking, even though the property is located within an urban area within walking distance of nearby services. The Council advises that the site has a Public Transport Accessibility Level (PTAL) of 1b (very poor) but has not raised parking as a reason for refusal. If planning permission was granted the Council has suggested a condition be imposed requiring details of parking layout. Cycle parking and refuse/recycling provision could also be secured by condition.
21. There would be no external alterations so there would be no change to the external appearance of the property. Furthermore, both flats would have acceptable outlook, daylight and sunlight. I accept that the proposal provides one-family sized unit on the ground floor, but this does overcome the inadequate internal and external space provision of the upper floor flat. The matters in favour of the proposal do not outweigh the harm I have identified above.

Conclusion

22. For the reasons set out above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

K Stephens

INSPECTOR