



Appeal Decision

Site visit made on 2 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/F5540/W/19/3227100

97 Bedfont Lane, Feltham, TW14 9BH

- 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 and Mrs T. James against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 00094/07/P3 dated 19 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is the subdivision of the existing property to create 2 no. self-contained houses, comprising 1 no. one-bed dwelling and 1 no. three-bed dwelling together with associated amenity space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings with regard to the provision of internal living and external amenity space.

Reasons

3. The appeal property is a semi-detached, 2-storey dwelling. It is proposed to sub-divide the dwelling vertically into two separate independent dwellings, with the one-bedroom dwelling occupying a 2-storey extension to the original dwelling permitted in 2003.
4. Policy SC1 of the Hounslow Local Plan 2015-2030 (2015) (HLP) sets out the Council's approach to housing supply in the borough. Whilst the Council will seek to maximise that supply, it expects development proposals to have regard to the design standards of the development plan.
5. Policy SC5 of the HLP sets out the Council's approach to ensuring suitable internal and external space in new housing. Developments will be required to be of the highest quality internally and externally, and to meet the demands of everyday life for the intended occupants. Development proposals will also be expected to demonstrate compliance with the Technical housing standards - Nationally Described Space Standard (NDSS).
6. Policy SC6 of the HLP sets out the Council's approach to managing the conversion of the existing housing stock, expecting development proposals to meet a number of criteria. Criterion (f) requires development proposals to

- have a minimum of 130 m² net original floor area to be considered suitable for sub-division.
7. The original dwelling, excluding the extension, has a Gross Internal Area (GIA) of approximately 113 m² and therefore fails to meet this threshold. The appellants contend that the cumulative floor space of the 'original' house and its now-demolished outbuildings exceeded 130 m². However, criterion (f) of Policy SC6 of the HLP requires the floorspace to be internal. The appellants also argue that the 'original' house is not being subdivided. However, the building that is the subject of this appeal and to which the policy must be applied is the whole house as it stands now ie the original plus the extension. It is common ground that the original house is below 130 m² and so the proposal is contrary to Policy SC6 in this respect.
 8. The NDSS requires that, in order to provide one bed space, a single bedroom should have a floor area of at least 7.5 m² and be at least 2.15 m wide. The bedroom within the proposed new dwelling would measure approximately 8.4 m² and have a width of at least 2.2 m. It therefore meets the standard for a one-bedroom, one-person (1b 1p) dwelling.
 9. However, I note that the original application did not specify the occupancy. The indication of a 1b 1p dwelling first arose in the appellants' appeal statement with their willingness to accept a condition restricting the new dwelling to single occupancy. The Council considers that a condition restricting occupancy to one person would neither be reasonable nor enforceable and draws my attention to the decision of another Inspector in which he opined that such a condition would not be enforceable¹.
 10. Whatever the original intent, there is no mechanism proposed that would restrict the new house to single person occupancy once it was completed. The appellants contend that, given the restricted size of the new dwelling, it would only be capable of single occupancy and, as such, a condition to restrict occupancy is not required. However, due to the size of the upper floor, which is capable of reconfiguration to provide a larger bedroom, I do not find the appellants' argument that the occupancy would be regulated by the floor area of the bedroom as currently drawn a compelling one. The NDSS does not set out a minimum GIA for 2-storey 1b 1p dwellings. Whilst the GIA of the proposed new house, 52 m², exceeds the requirements for a 1b 1p single storey dwelling, it would fall short of the 59.5 m² minimum GIA for a 1b 2p 2-storey dwelling.
 11. Furthermore, the configuration of the new dwelling, at only approximately 2.2 m wide, would not provide practical and convenient accommodation. Whilst the width meets the NDSS for a bedroom, I consider that the restricted width throughout the proposed dwelling, particularly at the point where the useable floor width is severely constrained by the presence of the kitchen units opposite the staircase, would not provide a high-quality living environment. I acknowledge the appellants' reference to the layout, ceiling heights and dual aspect, but I cannot agree that it would be 'spacious'. I consider that the proposed new dwelling would be too confined to provide reasonable living conditions.

¹ APP/Z3635/W/18/3196354

12. Accordingly, I am not satisfied that it would be adequate and suitable accommodation to meet the requirements of everyday life for the future occupiers, as required by Policy SC5 of the HLP. I therefore find that the proposed development conflicts with Policy SC5 of the HLP in respect of internal living conditions for future occupiers of the new dwelling.
13. In respect of private external space, the Council's approach as set out in Policy SC5, is to seek usable, private and secure space with regard to the benchmark external space standards as set out in Figure SC5.2 of the HLP. For houses with 3 habitable rooms, such as the proposed one-bedroom dwelling, the usable amenity space should be no less than 50 m². For houses with 5 habitable rooms such as the 3-bedroom dwelling, it should be no less than 75 m².
14. The proposed development includes the division of the existing curtilage of the appeal property into an area of approximately 43.5 m² for the one-bedroom dwelling and an area of approximately 58.5 m² for the 3-bedroom dwelling. These would therefore fall short of the requirements for usable amenity space in Figure SC 5.2 of the HLP. However, I consider that both outdoor areas would be of a suitable shape and siting and would benefit from adequate daylight and sunlight due to their open aspect. Whilst the external amenity space provision does not meet the requirements of the policy, they would nonetheless provide a reasonable and usable level of external space relative to the size of the dwellings. However, that fact alone would not overcome the inadequate internal space provision and when taken as a whole the proposed development would not provide a suitable level of living space for the future occupiers.
15. The appellants refer to other developments within Feltham being built without any outside space. However, I have no details of these developments and, in any event, I have to determine this appeal on its merits. I accept that some people may wish to live in accommodation of restricted width, such as canal narrowboats, whether by desire or force of circumstances, but I do not consider this of sufficient weight to outweigh my conclusions on the case before me.
16. I therefore conclude that the proposed development would not provide acceptable living conditions for the future occupiers with regard to the provision of internal amenity space. It would not comply with Policies SC5 and SC6 of the HLP.

Other matters

17. The appellants refer to Section 5 of the National Planning Policy Framework (the Framework) on delivering a sufficient supply of homes. The Framework is a material consideration to which I give substantial weight. However, I do not consider that the benefit of providing one additional dwelling outweighs the conflict with the development plan I have identified above.

Conclusion

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

Martin Small, INSPECTOR