



Appeal Decision

Site visit made on 21 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

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

Decision date: 17 March 2020

Appeal Ref: APP/F5540/W/19/3236708

43 Elliott Road, Chiswick, London W4 1PF

- 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 Stephan Weber against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00395/43/P2, dated 21 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is described as retrospective planning application for conversion of existing dwelling to two separate flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would accord with local policies and national guidance with regard to the subdivision of dwellings, internal and external space standards;
 - The effect of the development on the character of the area and living conditions of local residents, with regards to noise and disturbance; and
 - Whether or not there is adequate provision for refuse and cycle storage.

Procedural Matters

3. The dwelling has been divided into two flats and is currently occupied and therefore this is a retrospective proposal.
4. The internal layout as existing does not strictly correspond with the submitted Existing Floor Plans. In this regard, the ground floor flat, Flat A, contains a bed within the area identified as a living room at the front of the dwelling. I have proceeded on the basis of the proposed plans.

Reasons

Subdivision of dwelling and internal and external standards

5. The appeal site is located within the Turnham Green area of Chiswick. It is close to local amenities and Turnham Green underground station, as well as Chiswick Common. Elliott Road is a short tree lined road of terraced houses

characterised by large ground floor bay windows and small front gardens. The appeal property has a basement level, ground and first floor with residential accommodation within the loft space.

6. Policy SC6 of the London Borough of Hounslow Local Plan 2015-2030 (LP) explains that in order for existing housing stock to be suitable for subdivision, development proposals are expected to meet the following criteria; a minimum size of 130 square metres net original internal floor area; a family sized unit (two bedrooms minimum) to be located on the ground floor; have regard to internal and external space standards; provide a good standard of living accommodation; be of high quality design; and ensure there is no loss of amenity for neighbouring occupiers.
7. Whilst the size of the original property has been accepted by both parties as not being originally built to 130sq.m, the size of both flats A and B meets the minimum spacing standards of the Government's Nationally Described Space Standards (NDSS).
8. Policy SC6 of the LP is explicit in its requirements for existing housing stock conversions to provide at least one family sized unit on the ground floor as well as to have regard to internal and external spacing standards. I am aware of the requirements of the London Plan to provide a minimum of 5sqm of private outdoor space for 1-2 person dwellings and the requirement to increase this size for each additional occupant. This is echoed within LP Policy SC5.
9. Although Flat B is family sized accommodation, it is not on the ground floor, contrary to policy SC6 and there is no direct access to outdoor external space within the curtilage of the dwelling from this flat. I am conscious of the closeness of the appeal site to Chiswick Common a few minutes' walk away, however this is public and not private space. On the basis that the development has no regard to external space to serve this family accommodation, I find harm to arise to the living conditions of occupiers of this flat as its intended use as a quality family unit is in doubt. The proposal does not accord with the relevant criteria of Policies SC5 and SC6 of the LP that seeks to provide a suitable quantity and quality of external amenity space, as well as the external amenity standards of the London Plan.
10. Flat A is located on the ground floor and the occupiers currently have direct access to the rear garden together with an external garden house. Although the space is limited in size to approximately 25sq.m, it provides space sufficient for the occupants of a one-bed flat to sit within, dry clothes and for the purposes of storage, for example, and would be exclusively for their use. It is also semi-private within reason, given the terrace constraints of the site. I find no conflict with LP Policies SC5 and SC6, or the London Plan with regard to the provision of external amenity space for Flat A. However, this does not alter my reasoning with regard to external amenity space for Flat B and the location of the family sized accommodation above ground floor level.

Character of Area and Living Conditions of Neighbours

11. The Council explains the character is largely single dwellings to which this conversion is out of character, and the living conditions of neighbours would be harmed due to the confines of the site and its intensification of use generating noise and disturbance.

12. I agree there would be a level of comings and goings as a result of this development, however in my view, this would be difficult to quantify. The dwelling is located in a reasonably dense area in a terrace of family houses, and neighbouring occupiers will inevitably generate their own level of noise and disturbance from comings and goings associated with their own individual lifestyles. I am not convinced however that the conversion of a single house into two independent flats of 4 bedrooms in total, would generate an intensity of noise and disturbance that would lead to unacceptable living conditions to local residents.
13. Bringing these matters together, I find in favour of the proposal in respect of having a neutral effect on the character of the area, and no harmful effect on the living conditions of local residents. I do not find the development to be in conflict with criteria d) and k) of LP Policy SC6 that seeks to ensure that the character of the area is protected and there is no undue loss of amenity to neighbouring occupiers and the surrounding area.

Refuse and Cycle Storage

14. It is agreed by both parties that refuse storage would be facilitated within the front garden where bin storage is common along Elliott Road. This would meet the requirements of LP Policy EQ7 to incorporate sustainable arrangements for waste management. It is accepted that the site is located within an area close to Turnham Green underground station and close to public bus infrastructure as well as other local amenities and services and is within the PTAL of 5 (very good accessibility to public transport). Flat A currently utilises the rear outdoor space to accommodate a bicycle, and the single cycle storage that would be required for a one bed flat could be reasonably conditioned should the appeal be supported.
15. However, it is not demonstrated how Flat B could acceptably accommodate the two cycle storage spaces required to make the development sustainable. I note the agreement of both parties to the imposition of a planning condition. However, the location of such would appear to be problematic given the front garden is small in size and would be dedicated to refuse storage. Without further assurance that this could be acceptably achieved, the proposal would be in conflict with LP Policy EC2 to maximise opportunities for cycling, and the National Planning Policy Framework (the Framework) that also encourages the promotion of cycling.

Other Matters

16. The appellant brought to my attention that both 49 and 62 Elliott Road have been converted away from their original use, and they consider to be relevant to this case as it has set a precedent. However, the facts of these developments are not provided. In any case, I have determined this proposal on the evidence before me.
17. Although one additional housing unit has been provided as part of the conversion, this in my opinion would not make any meaningful contribution to housing stock within the area. Issues pertaining to supporting the local economy are noted. However, these considerations do not outweigh the harm I have identified.

Conclusion

18. Having considered all the matters before me and whilst I find in favour of the appeal in some respects, I have found that the location of the three-bed unit conflicts with local policy and fails to provide sufficient external amenity space. Moreover, the development would fail to provide appropriate cycle storage. To this end, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR