
Appeal Decision

Site visit made on 3 November 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/F5540/W/20/3254620

17 Devonshire Mews, Chiswick, London W4 2HA

- 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 John Eades (Toftwood Real Estate Ltd) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01247/17/P5, dated 28 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is described as the 'proposed conversion of single residential unit to two self contained flats, with rear dormer roof extension'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect on the living conditions of future occupiers of the development having particular regard to the internal and external space, and the daylight to and outlook from habitable rooms; and
 - ii) whether the principle of the subdivision is acceptable having regard to the relevant local and national policies.

Reasons

Living conditions

3. The whole of the appeal site is occupied by a 2-storey terraced dwelling. Immediately to the rear of 17 Devonshire Mews is the built form of 1 Glebe Street. Sited perpendicular to the appeal site the 2-storey and single-storey form of No 1 projects along the rear boundary of the appeal site.
4. Policy SC5 of the London Borough of Hounslow Local Plan 2015-2030 Volume One (LP), amongst other aims seeks high-quality design that has a positive impact on the living conditions of future residents with the highest quality internally and externally to meet the demands of everyday life. This complies with the objectives of the National Planning Policy Framework (the Framework) which sets out at paragraph 127 f) that, as part of good design, decisions should ensure high standards of living conditions for future users.

5. The appellant sets out that the proposal would provide two 1-bedroom, 1 person flats to meet the adopted minimum internal space standards within the development plan for the area. However, I note that the plans have been annotated to show that the bedroom to each flat can accommodate a double bed with additional space for furniture. Furthermore, the Council have assessed the proposal as being deficient in space for 2-person units. Based on the appellant's annotations the bedrooms appear to be capable of accommodating two adults. However, the overall internal space provision for each unit would be significantly deficient of the relevant internal space standards for 2-person units. Given such a shortfall the proposal would not represent high-quality design to meet reasonable living conditions.
6. Whilst the existing modest dwelling does not have the benefit of external space, the proposal would result in two units having no external space, rather than just one. The lack of private external space is not mitigated by the proximity of public open space. The appellant highlights that a similar subdivision has been provided at 9 Devonshire Mews. However, that proposal was allowed under a prior approval¹ process and the context to the site is not the same as before me. As such I afford this history limited weight.
7. Within the existing accommodation an additional room is located at ground floor, providing flexibility to occupants, with two rooflights as the only source of daylight. The proposals would provide a similar room. However, this would be the only bedroom to the ground floor flat. The bedroom, albeit principally used for sleeping, is a habitable room. The provision of outlook from habitable rooms is a basic requirement and the lack of it does not reflect high-quality design, especially when concerned with the only bedroom to a home. Moreover, by re-locating the rooflights as proposed, the only natural light sources to this bedroom would be squeezed between the two-storey mass of No 1 and the proposed dormer extension. The proximity of the rooflights to the built form would likely result in limited daylight within the bedroom below.
8. Additionally, the only bedroom to the first floor flat would be located to the rear, served by a single window. This would have a very restricted outlook given its proximity to the two-storey form of No 1 at the rear. Again, this restricted outlook does not represent high-quality design. Whilst I note compliance with Standard 32 of the London Plan 2016 Implementation Framework, Housing Supplementary Planning Guidance (SPG) this does not outweigh the poor standard of living conditions proposed overall.
9. Finally, the appellant has provided details of a 2016 approval for a rear roof dormer at the appeal site². However, I note that this was a proposal to extend commercial premises, rather than the subdivision to provide two dwellings. As such, I consider this to be of limited relevance and afford this little weight.
10. Therefore, in conclusion on the first main issue the proposal would harm the living conditions of future occupiers of the development having particular regard to the internal and external space, and the daylight to and outlook from habitable rooms. As such, the proposal would be contrary to Policy SC5 of the LP and guidance within the SPG, including standards 24, 26 and 27.

¹ LPA ref: 01247/9/PA1

² LPA ref: 01247/17/P4

Principle of development

11. Policy SC6 of the LP seeks to manage the subdivision of existing housing in part to protect the living conditions of the area's occupants. In order to achieve its aims, the policy sets out a number of criteria. These include that the minimum net original internal floor area of any building to be converted or subdivided shall be a minimum of 130sqm. The appellant does not dispute that the proposal would subdivide an inadequately sized building. Moreover, Policy SC6 requires compliance with internal and external space standards and to provide a good standard of living conditions for future occupiers in terms of daylight and outlook. Having regard to such matters, as identified previously the proposal would result in harm to the living conditions of future occupiers.
12. The Council have also referred to the policy requirement for any conversion to provide a family sized unit at ground floor. However, based on the plans before me the existing dwelling does not appear to meet the definition of a family-sized unit set out within Policy SC6, nor would Devonshire Mews represent a suitable location for families given, for example, the lack of outside space. However, the lack of conflict in this regard does not mitigate other harm.
13. In setting these requirements Policy SC6 acknowledges the potential for subdivisions to contribute to housing supply. Furthermore, paragraph 59 of the Framework refers to the objective of significantly boosting the supply of homes. However, the provision of one additional market unit would make little meaningful difference. The appellant refers to the need to promote a choice of homes in an area that they assert is predominated by family sized units. However, I have little evidence to support these assertions or how the proposal would meet an identified need over and above the existing modest dwelling. Furthermore, when judged against some of the core planning principles the proposal would perform well in that it would be in an urban area with reasonable access to services and facilities. However, as set out at paragraph 124 of the Framework, good design is also a key aspect of sustainable development.
14. The appellant asserts that the proposal need only accord with the development plan as a whole rather than each and every policy therein, citing relevant case law in evidence. I have had regard to the development plan as a whole and the Framework as a whole. Whilst I find compliance with a number of policies, the proposal would result in significant harm to the living conditions of future occupiers without any material considerations to outweigh this. The avoidance of such harm is one of the aims of Policy SC6 as well as Policy SC5. These policies go towards the purpose of the planning system which is to contribute to the achievement of sustainable development.
15. Therefore, in conclusion on this main issue the principle of the subdivision is not acceptable having regard to the relevant local and national policies when read as a whole, noting harm against the aims of Policy SC6 of the LP.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR