
Appeal Decision

Site visit made on 26 October 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2020

Appeal Ref: APP/F5540/W/20/3244890

15 Grove Park Road, Chiswick, London W4 3RS

- 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 Bala against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00527/15/P6, dated 16 October 2019, was refused by notice dated 2 January 2020.
 - The development proposed is conversion of the lower ground floor into a self contained flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of clarity and precision, I have taken the description of development from the Council's Decision Notice.
3. Whilst the decision notice only refers to Policy SC5 of the London Borough of Hounslow Local Plan 2015-2030 (Local Plan), I also consider that Policy SC6, which deals specifically with the conversion and sub-division of existing properties, is also relevant.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal upon the living conditions of surrounding and future occupiers; and
 - Whether the proposal provides appropriate flood resistance and resilience measures.

Reasons

Living conditions

5. The appeal site comprises the lower ground floor of an existing end of terrace property. The ground floor is in commercial use, with the upper floors being residential. Access to the appeal site, is via a metal staircase, located within the existing rear yard of the property.
6. Local Plan Policy SC5 requires a suitable level of amenity space to be provided in accordance with set standards. Policy SC6 states that to be considered suitable for conversion or subdivision, a property must, amongst other things,

provide a good standard of living conditions and amenity for future occupiers in terms of privacy, daylight and outlook.

7. The proposal would be served by two existing windows, with one serving the proposed bedroom and the other the bathroom. These windows would face on to the below ground level courtyard area and would provide the principal source of natural light and outlook for the proposed dwelling. Due to their location, these windows would provide a very poor outlook for future residents of the flat, offering very little in the way of natural light, sunlight and natural ventilation.
8. No useable amenity space would be provided, with the only outside space available to the flat being that occupied by the external staircase. I note that there are other dwellings in the area, principally those on the upper floors of the appeal building, which have limited or no amenity space. However, I consider that given my findings in relation to the poor outlook and lack of sunlight, daylight and natural ventilation, the need for private amenity space for this proposal is greater.
9. For the above reasons, I therefore conclude that the proposed development would fail to provide adequate living conditions for future occupants of the proposed dwelling and, in this respect, is contrary to Policies SC5 and SC6 of the Local Plan and the National Planning Policy Framework (the Framework).

Flood Risk

10. The appeal site is located within Flood Zone 3. Policy EQ3 of the Local Plan seeks to ensure that flood risk is reduced by ensuring that developments are located appropriately and incorporate any necessary flood resistance and resilience measures. Furthermore, I note that when assessed against The Framework the existing use is identified as a 'less vulnerable' development, with the proposed residential development classified as being 'more vulnerable'.
11. There is no Flood Risk Assessment before me at this time to show how potential flood risk would be mitigated as part of the proposal. Without this evidence, it is not possible for me to conclude that the proposal would include adequate measures to ensure the provision of safe accommodation for future occupants.
12. For the above reasons, I therefore conclude that the proposed development would fail to include adequate flood mitigation measures and, in this respect, is contrary to Policy EQ3 of the Local Plan and the Framework.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR