
Appeal Decision

Site visit made on 15 March 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/H5390/W/21/3284606
68A Dalling Road, London W6 0JA

- 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 Anup Lakhenpaul against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2021/01768/FUL, dated 24 May 2021, was refused by notice dated 3 August 2021.
 - The development proposed is the conversion of the first, second and third floor level into 2 x 1 bedroom self-contained flats; erection of a single storey rear extension at first floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the description of development from the appeal form and decision notice rather than that given on the planning application form, as it is more comprehensive.
3. When I visited the site, accommodation was provided in the loft space and the first floor had been extended like that shown on the proposed layout in drawing 1186 03A. Therefore, the layout of the first, second and third floor level in combination did not match either the existing floor plans or previously approved plan provided¹. However, neither did the layout over the various floors exactly match the proposed layout shown in drawing 1186 03A. Nevertheless, I have determined the proposal based on the existing and proposed plans before me.

Main Issues

4. The main issues are firstly, whether conversion is acceptable in principle having regard to local planning policies, and secondly, whether the development would provide satisfactory living conditions for future occupants having particular regard to the provision of internal space.

Reasons

Whether conversion is acceptable in principle

¹ Drawings numbered 1186 01 & 1186 02

5. Policy HO2 of the Hammersmith and Fulham Local Plan, February 2018 (HFLP) sets out the Council's approach to housing conversion and retention. HO2a permits the conversion of existing dwellings into two or more dwellings subject to four criteria. These are that (1) the net floor area of the original dwelling is more than 120m²; (2) at least 50% of the proposed units consist of two or more bedrooms; (3) housing appropriate for families has access to any garden or amenity space; and (4) there is no adverse impact on on-street parking stress.
6. The justification for policy HO2 explains the importance of retaining accommodation suitable for families and generally seeks to ensure that this stock is not unduly reduced because of conversion into flats.
7. Based on the evidence before me, the proposal would conflict with at least two of these qualifying criteria. Firstly, the appellant states² that the net floor area of the existing dwelling is approximately 86m². Hence, it is considerably below the necessary requirement. Secondly, as the proposal is for two 1 bedroom flats, 50% of the proposed units would not consist of two or more bedrooms.
8. In support of the proposal, the appellant points to the supporting text in paragraph 6.21 of the HFLP. This acknowledges that some areas of the borough are likely to be considered less suitable for family accommodation, including areas adjacent to busy roads where there is little opportunity to provide amenity space, in town centres or where there are residential premises above shops. In these instances, there will be more flexibility in the approach to conversions, although each case will be assessed on a site by site basis.
9. Nevertheless, the supporting text does not form part of the policy wording and therefore, does not override the criteria set out in policy HO2a. As such, I see this explanation as assisting most with the interpretation of criterion (3) listed above rather than a means to discount the qualifying criteria.
10. Moreover, the existing floor plans³ for the dwelling at the appeal site show the provision for two good sized bedrooms, a separate kitchen, living area, utility, bathroom, wc and storage. This would provide a suitable amount and layout of accommodation for a small family with children. I acknowledge that the absence of private amenity space and position above an accountancy practice may be less than ideal, but the area possesses some positive attributes.
11. The neighbourhood in the vicinity of the appeal site has a notable residential component to its character and the local roadwork, although urban, did not appear excessively busy or fast moving. There is little substantive evidence to demonstrate that the amount or nature of traffic experienced is significantly greater or more dangerous relative to the rest of the borough. Furthermore, the site has good access to public transport provision, is close to a nursery and primary school and Ravenscourt Park is less than a 5 minute walk away⁴. Therefore, in this case, I cannot agree with the appellant's assertion that the existing dwelling as shown on the submitted plans is less suitable for family accommodation.
12. The appellant contends that the proposed 1 bedroom units would provide suitable accommodation for single people, couples or potentially students. It

² Page 8, Appellant's Appeal Statement

³ Existing Floor Plans, drawing number 01

⁴ Paragraph 3.16, Council's Planning Report

may also be priced towards the lower end of market housing. My attention is specifically drawn to paragraphs 2.5 and 2.6 of the HFLP which describe the local population and includes reference to the high proportion of single people relative to other boroughs and population projections. However, the description of the borough goes on to inform the strategy and policies of the development plan, one of which is policy HO2. I am not persuaded that this descriptive element of the HFLP can be read in isolation or as a policy. Therefore, it does not provide justification for development that would conflict with policies contained within the same document.

13. Reference is also made to other flat conversions⁵ that have taken place in Dalling Road which the appellant considers sets a precedent for the appeal proposal. However, all the examples given received approval prior to the adoption of the HFLP in 2018. Therefore, it is not shown that they were considered against the criteria in policy HO2. Given this significant difference they carry little weight when assessing the present proposal on its planning merits. If anything, the examples provided reinforce the explanation⁶ for policy HO2 of the HFLP which refers to many houses over the years having been converted into two or more smaller flats which are generally not suitable as family accommodation.
14. The appellant further asserts that the proposal would provide additional affordable housing⁷. Nevertheless, there is nothing before me to show that the proposed flats would meet the definition of affordable housing given in the glossary of the National Planning Policy Framework (the Framework). In the absence of this, I have taken this to mean that the proposed flats would comprise market housing at the lower end of the price range, and I have already taken this into account.
15. Accordingly, I find having regard to local planning policies the proposal to convert the existing dwelling into two 1 bedroom units would result in the loss of accommodation suitable for a small family. Consequently, it would conflict in principle with policy HO2 of the HFLP.

Living conditions

16. Amongst other things, policy D6 of The London Plan, March 2021 (LP) stipulates that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose. It includes reference to minimum internal space standards for new dwellings (set out in Table 3.1). Policy HO4 of the HFLP reiterates that all new housing must be designed in accordance with London Plan internal space policies unless it can be shown that not building to those standards is justified by the circumstances of a particular site. There is no dispute between the parties that the proposed flats would meet the overall minimum gross internal floor areas for the corresponding dwelling type given in Table 3.1 of the LP.
17. Even so, I have concerns that the proposed development would fail to achieve a high quality design as required by policy D6 of the LP, and would fall short of

⁵ Listed on pages 2-3, Appellant's Statement of Case

⁶ Paragraph 6.22

⁷ Pages 3 & 28, Appellant's Statement of Case

the high standard of amenity for future users stipulated in paragraph 130 f) of the Framework. This is due to the following reasons.

18. Firstly, the bedroom for the first floor studio flat is stated⁸ to measure 11.2m². This falls below the recommended 12m² minimum net floor area for a main bedroom given in Key principle - HS3 Internal space provision in residential conversions of the Hammersmith and Fulham Planning Guidance, Supplementary Planning Document, February 2018 (SPD). Although the SPD does not set mandatory standards, its recommendations as to the minimum amount of space for individual rooms carries considerable weight in determining whether proposals would achieve a high quality design that provide adequately-sized rooms.
19. Furthermore, the proposed bedroom has an inset corner resulting in a somewhat awkward shape. In combination with the position and number of windows and doors, this would make it difficult to position a basic amount of bedroom furniture to suitably accommodate sleeping arrangements and clothes storage without blocking circulation space necessary to access the shower room and/or light from the windows. Moreover, the only access to the wc would be via the bedroom which is less than ideal to cater for any visitors that the future occupants may have.
20. In addition, although served by two windows, in order to safeguard privacy to nearby residents, it seems likely that the wider window in the side elevation would need to be obscure glazed⁹. Contrary to the Council's view that the remaining window would preserve the outlook of the flat, its position tight to the side wall and orientation relative to the main space of the bedroom would provide only a limited outlook. This configuration would negatively affect how it would feel to be in the room.
21. Furthermore, the shower room is stated¹⁰ to amount to just over 2.6m². Even considering that a shower rather than a bath would be provided, in proportionate terms it would be significantly below the recommended minimum of 3.7m² for bathrooms in the SPD. Its linear shape and limited width adjacent to the constrained space of the bedroom would make it difficult to have a conventional door opening. This is illustrated on the proposed first floor plan¹¹ where it appears the door opening would be inhibited by the presence of the basin.
22. As a consequence, the day-to-day experience of the future occupant of the studio flat would be cramped and inconvenient. The impression of constrained space would be further compounded by the location of the cycle storage hanging in the lobby and stairwell¹².
23. The appellant suggests that if the partition wall between the storage space shown in the lobby were removed then the studio flat would meet the SPD recommendation. However, that is not what is proposed on the plans before me. Moreover, that could have undesirable implications for the overall layout whereby the principal entrance into the flat would be into the bedroom. In any

⁸ Proposed Plans and Elevations, drawing no. 03A

⁹ Paragraph 3.24 Council's Planning Report

¹⁰ Page 13, Appellant's Statement of Case

¹¹ Proposed Plans and Elevations, drawing no. 03A

¹² Proposed Plans and Elevations, drawing no. 03A & Proposed Cycle Storage Options, drawing no. 04

event, this would not fully address the extent of the harm I have identified in relation to the proposed studio flat.

24. The proposed flat on the second and loft floors has a shower room that is stated to be 3.2m². When account is taken of the clearance required for the door opening, space needed to access into the shower and the sloping nature of the loft roof, the space would feel cramped. The provision of a separate wc on the second floor would not improve the negative experience of being in the restricted space of the shower room.
25. Furthermore, the floorspace would also be below the recommendation in the SPD for bathrooms, albeit to a lesser degree than for the studio flat. The appellant considers that it should not apply to en-suite shower rooms. Nevertheless, the shower room proposed would comprise the principal sanitary facilities provided for the unit. To my mind, in the absence of any further differentiation in the SPD, it would be reasonable to interpret the term 'bathroom' to cover a shower room. Hence, the failure to adhere to the minimum standard recommended in the SPD reinforces my concerns.
26. Finally, policy D6(F)(8) of the LP applies to housing developments including all residential accommodation that is self-contained. It requires a minimum floor to ceiling height of 2.5m for at least 75 per cent of the gross internal area of each dwelling. Based on the evidence before me, no exception is made for housing development that involves the conversion of an existing building. Although the appellant contends that the proposal would meet or exceed the floor to ceiling height in the national described space standard, no reference is made to the LP.
27. The dimensions¹³ given by the appellant suggest that the height of the first floor extension, first floor rooms and loft area would be below 2.5m. Consequently, in the absence of more specific measurements related to the gross internal area of the dwellings provided, there are reasonable grounds to doubt whether both dwellings would achieve the standard set out in policy D6(F)(8) of the LP.
28. Taking these factors together, the sense of space and quality of life of the future occupants of the development would be unacceptably compromised. This would conflict with the importance that the National Design Guide¹⁴ attributes to good quality internal environments as a component of a well-designed home.
29. Accordingly, I find that the proposal would fail to provide satisfactory living conditions for future occupants contrary to policy D6 of the LP and policy HO4 of the HFLP. The Council has also cited policy HO2 of the HFLP in the second refusal reason on the decision notice. However, I do not find further conflict with this policy in relation to this main issue.

Other matters

30. The main benefit of the proposal would be the provision of an additional dwelling towards the overall housing supply in an accessible location that would make more efficient use of the land. Furthermore, some economic benefits would arise from the construction and the economic activity associated with

¹³ Pages 14-15, Appellant's Statement of Case

¹⁴ Paragraphs 120, 123 & 126

future occupants. It is also likely that the development would result in some additional tax revenue for the Council. However, considering the modest scale of the proposal, such benefits would be limited and so attract a commensurate amount of positive weight.

31. Reference is made to the acceptability of the proposal in terms of its impact on the highway, other residents, character and appearance of the area, air quality and public safety. However, the absence of harm in these regards does not amount to a benefit of the proposal as it would be necessitated by other local and national planning policies. As such, these are neutral factors.

Conclusion

32. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise¹⁵. The benefits of the proposal do not attract sufficient weight to indicate that the decision should be taken other than in accordance with the development plan.
33. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹⁵ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.