



Appeal Decision

Site visit made on 28 February 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/F5540/W/21/3278042

98 Windmill Road, BRENTFORD, TW8 9NA

- 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 Mrs R Dhillon against the decision of London Borough of Hounslow.
 - The application Ref 01217/98/P2, dated 27 February 2021, was refused by notice dated 24 May 2021.
 - The development proposed is the conversion of the house into three self contained flats with minor rear elevational change at first floor, bin and cycle storage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mrs R Dhillon against London Borough of Hounslow. This costs application is set out with a separate decision.

Main Issues

3. The main issues are (1) whether the principle of the development accords with adopted policy; (2) the effects of the proposed development on the living conditions of existing neighbours and future occupiers; and (3) whether the development would meet with the carbon reduction requirements.

Reasons

Principle of proposals

4. The proposal is to convert a house to flats. The 'existing plans' show a dwelling that could be used as a family house. Whilst the proposal would result in flats, the ground floor flat contains two bedrooms with access to the rear garden area. In this regard the proposal meets with the expectations of policy SC6 of the Local Plan.
5. The policy SC6 also requires that the building should have a minimum of 130sqm net original floor area to be considered suitable for conversion. The Council stated that the net original floor area of the property measures approximately 115 square metres. However, the Appellant has argued that the net original internal area of the house (excluding later extensions) is 141sqm and has provided plans of the original floor areas of the building with calculations. The Council have provided substantive evidence to the contrary. From my observations this does appear to be a 'larger house' and as many of

the neighbouring properties appear to be used as flats now and so the proposed conversion would not be out of character with the neighbourhood.

6. The proposal is therefore in accordance with policies CC2 and SC6 in this regard.

Living Conditions (Neighbours)

7. Policy SC6 also has regard to the impact of 'multiple-occupation' on residential amenity. The Council have particularly raised the issues of noise, increased activity and general disturbance. It is likely that a conversion would see more people living within the building than if it were used as a single dwelling house. There would be an increase in activity, particularly likely at the front main entrance. However, any increase in activity and noise would need to be compared to the buildings use as a single dwelling. Whilst there may be some increase in noise and activity, there is a lack of detailed evidence to demonstrate that this would be to such a degree that it would be harmful to the living conditions of neighbours to the site.
8. For these reasons, the proposal is in broad accordance with policies CC2, SC6 and EQ5 of the Hounslow Local Plan. These policies require development to have a positive impact on the amenity of current residents, to provide at least one family-sized unit, and consider noise and disturbance impact, amongst other things.

Living Conditions – Future Residents

9. Policy SC5 of the Hounslow Local Plan states that flats should provide a combination of private outdoor space for every flat and communal open space. A minimum of 5sqm of private outdoor space for every dwelling, with additional for larger units, is needed. Balconies and roof terraces are considered as possible to provide this space. This is reflected in policy D6 of the London Plan which sets a requirement for private outdoor space for dwellings to be provided to a minimum standard.
10. The proposal would provide for sufficient outdoor space for the ground floor flat (Flat 1) but there would be no outdoor private space for the upper flats (flats 2 and 3). I understand that there are limited opportunities to provide amenity space for the upper flats, but I am not satisfied that this could not be provided at all. This would be especially an issue for the larger flat over the first and second floors, which could be occupied by more people, such as a small family. I note that there are public parks in the vicinity but not particularly close to the site. Thus, these public parks would not be used in the same way as an incidental garden/amenity space on site. I note that there has been approved planning applications elsewhere where there has been no amenity space provided for some dwellings, but I have considered the proposals on the merits of this specific case and against the adopted policies.
11. I note from the proposed plans that Bedroom 2 of Flat 2 would have glazed doors to a small light well area, which itself would be enclosed by walls. However, this should be sufficient to allow light into the bedroom. The outlook would not be of a high standard, but I also note that this is a current situation which serves a lounge. As such, there would be significant difference from existing as a result of the proposals in this circumstance.

12. The proposed layout does include kitchens and living spaces above bedrooms, which may cause some disturbance. The Appellant suggests that noise insulation could be used to minimise this disturbance, which could potentially be required by condition. As such, I do not consider this issue to warrant dismissal of the appeal.
13. However, for the reasons above I conclude that the living conditions of the future occupiers of all flats above lower ground floor level would be of insufficient standard due to the lack of any outdoor amenity space. The proposal would therefore be contrary to policy SC5 of the Local Plan and policy D6 of the London Plan which seeks to ensure that development meet the demands of everyday life for the intended occupants, including the provision of outdoor amenity space, amongst other things.

Energy Statement

14. Policy SI 2 of the London Plan requires that residential development should achieve 10 per cent reduction in greenhouse gas emissions through energy efficiency measures. Policy EQ1 of the Local Plan requires all development to meet the London Plan carbon emissions reduction, and policy EQ2 requires incorporation of sustainable construction. The supporting text to policy EQ1 in the notes states that developments should prepare energy statements.
15. In the Officer Report it states in paragraph 5.21 that "Had the application been successful in all other regards, this would have been a necessary document that the Council would have requested and reviewed, if necessary by use of planning condition." If allowed, I would have considered attaching such a condition requiring an energy statement, which could potentially be in accordance with the above policies.

Planning Balance

16. I have concluded that the proposal would not provide sufficient living standards for those living in the upper storey flats where there would be no outdoor amenity space provision, thereby being contrary to Policy SC5 of the Local Plan and policy D6 of the London Plan.
17. However, the proposals would result in a net increase of two dwellings towards local housing supply in what is an accessible area of primarily residential uses. However, the benefits of the proposal would be significantly and demonstrably outweighed by the harm to future living conditions.
18. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. In this appeal there are no material considerations that indicate a decision other than in accordance with the Development Plan policies with this appeal.

Conclusion

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

Mr S Rennie

INSPECTOR