



Appeal Decision

Site visit made on 17 March 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/F5540/W/21/3279801
30 Cranmore Avenue, Isleworth, TW7 4QW

- 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 Dr Kyaw Htun against the decision of the London Borough of Hounslow.
 - The application Ref 00318/30/P6, dated 19 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is ground-floor extension, conversion of a dwellinghouse into 3 flats, dormer extension, and de-conversion of an outbuilding to a garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal follows a pre-application submission in which the Council provided observations on an initial version of the scheme.

Main Issues

3. The main issues are (a) the suitability of the proposed conversion to flats in relation to adopted planning policies, (b) the adequacy of the amenity space provisions, (c) the impact of the proposed parking arrangements on pedestrian and highway safety and (d) the sustainability of the proposal in relation to maximising carbon reductions.

Reasons

Conversion to flats

4. The appeal concerns a detached 2-storey house that has been enlarged by ground floor rear and side extensions and a rear dormer. The original net internal floor area of the house was approximately 108 sqm. This is significantly below the minimum of 130 sqm net original internal floor area to be considered for conversion or subdivision set by Policy SC6 of the Hounslow Local Plan (2015) (HLP). The proposal would provide one family-sized unit (two bedroom - four person or more) at ground floor level, another requirement of Policy SC6, but this would not overcome the conflict with the minimum initial size requirement for any residential conversion. The reason for the policy is to manage the conversion of buildings and the subdivision of existing housing stock so as to contribute to housing supply without having an adverse impact on the character of an area, or on residents' amenity. The property is located within an area of mainly semi-detached houses with few apparent conversions.

5. The proposal includes a studio unit on the ground floor with an independent entrance and a 3-bedroom unit on the upper floors benefitting from a larger rear dormer. The appellant indicates that the studio unit would be occupied by a live-in carer for elderly residents who would occupy the other ground floor unit. Whilst this may be the initial intent, it is clear that the proposal is for the permanent creation of 3 independent dwellings with no mechanism for the studio unit to be incorporated within the other ground floor unit on cessation of the caring arrangement. The Council comments that any accommodation which is to be occupied by a live-in carer should not have a separate entrance. Whilst this may be an appropriate arrangement where care is provided, akin to a 'granny flat' where permanent subdivision is not proposed, I have treated the proposal in accordance with the application form for the creation of 3 flats.
6. The appellant has submitted evidence to support the need for a live-in carer, an affidavit and several medical documents, and asserts that these amount to a material consideration that should outweigh the conflict with Policy SC6.
7. Planning legislation states that to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise¹. Planning Practice Guidance comments that the scope of what can constitute a material consideration is very wide but in general the courts have taken the view that planning is concerned with land use in the public interest, rather than the protection of purely private interests. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.²
8. To my mind the personal circumstances referred to by the appellant do amount to a material consideration in the appeal, but they do not outweigh the conflict with the development plan. It is not essential that the property is permanently divided into 3 flats in the manner proposed to enable care to be provided. Policy SC6 sets out an adopted land use strategy in the public interest that should not be lightly set aside. The medical evidence also refers to a care and support plan currently in place.
9. I have noted the appellant's references to "Age" and "Disability" as two of the "relevant protected characteristics" set out in The Equality Act 2010, the Public Sector Equality Duty set out by that Act and to Articles 1 and 8 of the European Convention on Human Rights as enshrined within the Human Rights Act 1998. These considerations do not outweigh the land use planning considerations in relation to the planning merits of the appeal proposal.
10. The National Planning Policy Framework at Paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities). The proposal is not for "extra care accommodation" for the elderly or those with disabilities. It may ease the demand for such specialist housing, but this carries only limited weight in the overall planning balance and does not outweigh the proposal's conflict with the development plan.

¹ S.38(6) of the Planning and Compulsory Purchase Act 2004 & s.70(2) of the Town and Country Planning Act 1990

² Planning Practice Guidance Paragraph: 008 Reference ID: 21b-008-20140306

Amenity space

11. There would be two family sized units. Whereas unit 1 on the ground floor would have direct access and exclusive use of half of the present garden, unit 3 on the upper floors would have no private amenity space provision and only indirect access via the public footway to a communal garden. This would be shared with occupiers of unit 2 who would have direct access to it.
12. The arrangements would be contrary to Policy SC5 of the HLP which states, "*In family sized units, there should be direct and easy access to a good sized private garden*". Furthermore, there should be a minimum of 5 sqm private outdoor space in addition to shared space for family units for new flats. The personal circumstances relating to the initial occupiers of the ground floor family unit do not provide justification for inadequate amenity space provision for unit 3, even in the short term whilst initial occupation arrangements pertain on the ground floor. The proposal is for a permanent subdivision to 3 units and the amenity space provisions for unit 3 would not be satisfactory.

Parking

13. Two parking spaces are proposed, one in the front garden, the other within a garage at the end of the back garden with access from Bassett Gardens. The appellant's parking survey indicates that this level of provision is unlikely to result in undue on-street parking stress. Both parking spaces already exist as do their access arrangements. Whilst the submitted site plan shows a parked car directly in front of the two entrances to the flats, the width of front garden available for parking indicates that a parked car would not unduly obstruct pedestrian access to the entrance doors. The parking arrangements would not result in material conflict with HLP Policy EC2 (Developing a sustainable local transport network), London Plan Policy T6 (Car Parking) or the Residential Crossovers and Off-Street Parking Policy SPD.

Sustainability

14. Policy EQ1 of the HLP sets an expectation for all development proposals to meet the carbon emission reduction requirements set out in London Plan Policy SI2 whilst Policy EQ2 promotes the highest standards of sustainable design and construction in development to mitigate and adapt to climate change. The proposal includes insufficient detail for assurance that these policy requirements would be satisfied. Had the scheme been acceptable in other respects, I would have included sustainability conditions suggested by the Council in the event that the appeal is allowed.

Conclusion

15. The two additional dwellings proposed would make a modest contribution to meeting local housing need but would not be in accordance with the Council's adopted housing strategy. Moreover, the amenity space provision would be unsatisfactory for the upper floor unit. The personal circumstances advanced by the appellant do not outweigh the conflict with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR