
Appeal Decision

Site visit made on 26 April 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/F5540/W/21/3285969

74 Kingsley Road, Hounslow TW3 1QA

- 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 & Mrs J Ahmed against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00667/74/P10, dated 19 July 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described on the application form as, "Conversion of a ground floor office and existing residential floorspace to form a financial and professional services office (Use Class A2) and one (1x) self-contained flat".
-

Decision

1. The appeal is dismissed.

Application for costs

2. The appellants made an application for costs. This application for costs has been dealt with in a separate decision.

Main Issue

3. The main issue in this appeal is whether or not the principle of the proposed development is acceptable, having particular regard to the location of the appeal site and the supply of small family houses.

Reasons

4. The appeal site comprises a mid-terrace property situated in a mixed residential, retail, and commercial area. The Council have stated that the lawful use of the property is Class C3 (residential), and this has not been disputed by the appellants. The property contains an ancillary office.
5. The proposal seeks to change the use of the property to a financial and professional services office and one self-contained flat. The office element would constitute a 'Main town centre use', as defined by the National Planning Policy Framework (the Framework). The site is not located within a town centre.
6. Policy TC3 of the London Borough of Hounslow Local Plan 2015 – 2030: Volume One (adopted 2015) (Local Plan) provides a 'town centres first' rule. Criterion (g) of Policy TC3 provides that, amongst other things, where development is proposed outside of town centres, proposals should demonstrate through a sequential assessment that suitable locations within town centres are not available. Whilst it is true that the proposed office use would be situated within

- a mixed-use location on the periphery of small neighbourhood centres, and fairly close to the Hounslow town centre boundary, no sequential assessment has been submitted. It follows that the proposal would conflict with criterion (g) of Policy TC3 of the Local Plan.
7. The appellants have referred to impact assessments, which are mentioned in criteria (c) and (h) of Policy TC3. However, due to the size of the site, criteria (c) and (h) of Policy TC3 are not relevant to the proposal. Furthermore, the requirement in criterion (g) of Policy TC3 is for a sequential assessment, not an impact assessment. Hence, my finding that the proposal would conflict with criterion (g) of Policy TC3 remains unchanged.
 8. Criterion (f) of Policy SC6 of the Local Plan provides that, amongst other things, development proposals will be expected to have a minimum 130 square metres net original internal floor area to be considered suitable for conversion or subdivision. The Council have stated that the original internal floor area of the property is 76 square metres, and this has not been disputed by the appellants.
 9. Therefore, although the proposal would not result in the net loss of a residential unit, the proposal conflicts with the minimum net original internal floor area requirement found in criterion (f) of Policy SC6. For completeness, I note that it is common ground between the main parties that the existing building does not comply with this requirement. Hence, as the existing property constitutes a small family-sized house, the proposal would reduce the supply of such units in the local area. In this way, the proposal would not contribute towards the aim stated in the supporting text to Policy SC6, which is that the policy supports the conversion of larger existing houses to flats.
 10. I have considered all the examples of previous planning permissions put forward by the appellants¹. In doing so, I have had regard to the case law relating to consistent decision-making², referred to by the appellants. I made observations of the properties in question, from public vantage points, on my site visit.
 11. Based on the documents before me relating to those examples, I note that none of the examples make reference to whether a sequential assessment was or was not submitted in line with criterion (g) of Policy TC3. Hence, none of the examples are explicitly clear as to whether any conflict with criterion (g) of Policy TC3 was found, and if any conflict was found, how that conflict was dealt with. As I have found conflict with criterion (g) of Policy TC3, above, this limits the relevance of all the examples cited to the proposal before me.
 12. In particular, in relation to the appeal decision relating to 37 Kingsley Road³, I note the lack of any direct and explicit reference to the requirement for a sequential assessment in that appeal decision. Indeed, that decision referred to the effect of that proposal on the vitality and viability of town centres, whereas criterion (g) of Policy TC3 refers to the need for a sequential assessment to demonstrate that suitable locations within town centres are not available, which is a different type of assessment. Considering my findings above, this

¹ Including those permissions relating to 5, 11, 15-19, 25, and 37 Kingsley Road, Hounslow

² Including *North Wiltshire DC v SSE* (1993) 65 P & CR 137; *R (Midcounties CoOperative Limited) v Forest of Dean DC* [2017] EWHC 2050; *Cumberlege v SSCLG* [2017] EWHC 2057

³ APP/F5540/W/18/3213008

appreciably reduces the relevance of that appeal decision to the appeal proposal.

13. Similarly, based on the documents before me, I note that none of the examples explicitly identify whether the original internal floor area of the properties met the requirement of criterion (f) of Policy SC6. Considering the significant shortfall of the appeal property in this respect, the lack of clarity as to whether the examples provided grappled with this issue further reduces their relevance to the appeal proposal. Taking all these considerations into account, whilst the examples of previous planning permissions are of some relevance to the appeal proposal, they are not sufficiently comparable so as to change my findings on this main issue.
14. I therefore find that, based on the evidence before me, the principle of the proposed development is not acceptable, having particular regard to the location of the appeal site and the supply of small family houses. As such, the proposal would cause significant planning harm by virtue of the proposal being in direct conflict with the Council's spatial aspirations for the area. The proposal would conflict with Policy TC3 of the Local Plan which seeks to, amongst other things, direct town centre uses to the borough's town centres. It would also conflict with Policy SC6 of the Local Plan which aims to, amongst other things, manage the conversion of buildings and the subdivision of existing housing stock.

Other Matters

15. For the avoidance of doubt, whilst I have taken account of all of the examples of previous planning permissions referred to by the appellants, whether the Council has operated inconsistently or not over a range of previous cases is not something that I can assess in the context of a planning appeal which relates to a specific proposal.
16. I have found above that the proposal would conflict with an up-to-date development plan. In this respect I am mindful of the Framework's requirement that the planning system should be genuinely plan-led. In such situations, the Framework advises that planning permission should not usually be granted. However, it is necessary to consider whether other material considerations indicate that the plan should not be followed.
17. No concerns have been raised by the Council with respect to matters relating to the living conditions of future occupiers or neighbouring occupiers, nor the character and appearance of the site or the wider area. However, even if I were to likewise reason that the proposal would be acceptable in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposal.
18. The proposal would change the type of residential unit on site to a self-contained flat, which would be located in an accessible location, in an existing residential area. As such, the proposal would provide a minimal contribution to dwelling choice and mix in the local area, although it has not been demonstrated that the dwelling typology proposed would meet a significant identified demand.
19. The future occupiers of the proposal would likely contribute to local services and amenities, and to Council tax contributions, although considering that an

existing residential unit exists on site, any contributions in this regard are not likely to be significantly greater than the existing situation. Whilst the proposal would likely generate work for construction professionals involved in the conversion process, and investment would be required to convert, fit-out, and furnish the proposed flat, considering that only one flat is proposed, the economic benefits in this regard would likely not be significant.

20. The proposal would contribute to the growth of small businesses in the area and to the diversity of the local economy, including by way of providing employment opportunities for local people, which would be in compliance with a number of the Council's policies and relevant paragraphs of the Framework.
21. I have carefully considered all the potential benefits of the proposal, summarised above, in the light of the ongoing coronavirus (COVID-19) pandemic and the general economic context, and I recognise that the planning system is required to respond to these circumstances.
22. Nevertheless, considering the lack of any net gain in residential units, and the minimal evidence provided as to the potential economic benefits which would likely be generated via the proposal, I give no more than moderate weight to all the benefits of the proposal. Set against these benefits is the significant planning harm that the proposal would cause by virtue of the proposal being in direct conflict with the Council's spatial aspirations for the area. I therefore find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.

Conclusion

23. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR