



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: 13 June 2022

Appeal Ref: APP/F5540/W/21/3285861

2a Myrtle Road, Hounslow TW3 1QD

- 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 Khan against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00782/2A/P11, dated 7 June 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described as, "Change of use of a single dwelling-house to a financial & professional services office (Use Class A2) and one (1x) self-contained flat and external alterations".
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues in this appeal are:
 - whether or not the principle of the proposed development is acceptable, having particular regard to the location of the appeal site and the suitability of the appeal property for conversion;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location and suitability of property for conversion

4. The appeal site comprises a single dwelling-house which contains a room on the ground floor which is described on the plans as a 'study / office room'. The site is situated in a predominantly residential street, although the wider area contains a mix of residential, retail, and commercial uses.
5. The proposal seeks to change the use of the property to a financial and professional services office and one self-contained flat. Demolition to create amenity space and bin and cycle storage is also proposed. The office part of the proposal would fall within the definition of a 'Main town centre use', as defined by the National Planning Policy Framework (the Framework). However, 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. Although the proposed office use would be situated near to retail and commercial uses and Hounslow town centre, 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 appellant has 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 52 square metres, and this has not been disputed by the appellant. The proposal therefore conflicts with criterion (f) of Policy SC6.
9. The appellant has mentioned that the dwelling has been extended over time and now has an internal floor space figure of approximately 134 square metres. In relation to this, the supporting text to Policy SC6 states that, amongst other things, the conversion of residential properties that have been previously extended to create a total accommodation of at least 130 square metres will not be supported. Accordingly, the conflict with criterion (f) of Policy SC6 remains.
10. It is noted that the proposal would not result in the net loss of a residential unit in that it would retain a family-sized dwelling on site, and that the proposal would meet the internal floor space requirements of The London Plan (published 2021) and the government's Technical Housing Standards. Private outdoor amenity spaces would also be created via the proposal.
11. Nevertheless, the proposal clearly conflicts with the minimum net original internal floor area requirement found in criterion (f) of Policy SC6, meaning that the proposal would not contribute to the aim, as stated in the supporting text to the policy, that the conversion of larger existing houses to flats will be supported. Moreover, the proposed layout would result in a long narrow bedroom on the first floor and no separate external entrance would be provided to serve the proposed residential unit. This further confirms that the existing property is not suitable for conversion in the manner proposed, in conflict with Policy SC6.
12. I have considered all the examples of previous planning permissions, submitted by the appellant¹. I have also had regard to the case law relating to consistent

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

decision-making², referred to by the appellant. I made observations of the properties in question, from public vantage points, on my site visit.

13. 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.
14. 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 appreciably reduces the relevance of that appeal decision to the appeal proposal.
15. 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 considerable shortfall of the appeal property in this respect, the lack of clarity as to whether the decision-makers considered this specific policy requirement in detail further reduces the relevance of those examples 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.
16. 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 suitability of the appeal property for conversion. Consequently, 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.

Character and appearance

17. The site is situated in a predominantly residential street, although the wider area consists of a mix of residential, retail and commercial uses. In particular, Kingsley Road contains properties in a variety of different uses, including at ground-floor level.
18. The proposed external alterations to the appeal property would not reduce its contribution to the appearance of the street scene or the character of the area. The proposal would however introduce a fairly small office to the front part of

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

the ground floor of the appeal property. In relation to this, I observed commercial uses near the eastern end of Myrtle Road, close to the junction of Kingsley Road, including a travel agent's office, a pharmacy and a restaurant.

19. In this context, whilst the proposed financial and professional services use would not be completely out-of-place in this location, this use type would not be congruent with the domestic appearance of the appeal property in what is a chiefly residential street with an established residential character. This is particularly so, as the appeal property is very similar in design to many other nearby properties on Myrtle Road meaning that it has a strong visual association with those other properties, which is not the case with respect to the building which contains the travel agent's office, opposite the appeal site.
20. As such, the proposal would result in harm to the character and appearance of the appeal property, meaning that the contribution that it makes to the character of the streetscene would be undermined. In this way, the proposal would cause harm to the character and appearance of the area.
21. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the area. The proposal would conflict with Policies CC1 and CC2 of the Local Plan which collectively provide that, amongst other things, development proposals should respond to the wider context and history of the area.

Other Matters

22. For the avoidance of doubt, whilst I have taken account of all of the examples of previous planning permissions referred to by the appellant, 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.
23. 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.
24. No concerns have been raised by the Council with respect to matters relating to the living conditions of neighbouring occupiers, nor refuse and cycle storage. 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.
25. It is not in dispute that the proposal would provide an acceptable standard of living accommodation for future occupiers of the proposed flat, and additionally it would somewhat improve the living conditions available to existing and future occupiers of the appeal property by the inclusion of private amenity space. However, as this would mainly be a private rather than a public benefit, I have given this matter limited weight in favour of the proposal.
26. 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.

27. 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.
28. 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 development plan policies, and policies in The London Plan (published 2021), and relevant paragraphs of the Framework.
29. 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.
30. 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.
31. 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, and also the harm that would be caused via the proposal's unacceptable effect on the character and appearance of 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

32. 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