

Appeal Decision

Site visit made on 23 May 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/F5540/W/22/3312239
103 Berkeley Avenue, Hounslow, TW4 6LF

- 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 Trinder S Kajla against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00111/103/P7, dated 7 June 2022, was refused by notice dated 11 November 2022.
 - The development proposed is reinstatement of a multi-occupation house back into a 1 x 4 bedroom house and 1 x studio flat and a single storey out building in the rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has expressed concern that the Council's decision was based on drawings submitted in relation to a previous application which were subsequently amended. The Council has subsequently confirmed the drawings which were considered and in the interests of fairness to all parties, I am only able to base my decision on those drawings considered by the Council, as listed in their decision notice.

Main Issues

3. The main issues are:
 - Whether the proposal is acceptable in principle having regard to the relevant Local Plan policies and the effect of the proposal on the living conditions of future occupiers, with particular reference to internal and external space;
 - The effect of the proposal on the living conditions of the occupiers of nearby dwellings; and
 - The effect of the proposal on pedestrian and highway safety.

Reasons

Principle / Living conditions of future occupiers

4. The appeal property is a two-storey, semi-detached dwelling. Whilst it is presently in use as a nine-bed House in Multiple Occupation (HMO), the Council advise that this use is unauthorised and that the lawful use of the property is as a single-family dwelling. The appeal proposal is to subdivide the property to form a four-bedroom house and a studio flat.
5. Policy SC6 of the London Borough of Hounslow Local Plan 2015-2030 (2015) (LP) provides a set of criteria in relation to the subdivision of existing houses. It states, amongst other things, that development proposals will be expected to: Have a minimum 130sqm net original floor area to be considered suitable for conversion; provide at least one family sized unit at ground floor, except in locations not suitable for families; and have regard to the internal and external space standards.
6. The existing property has been previously extended by way of a front porch, two storey side extension and single storey rear extension. However, the Council confirm that the original dwelling had a floor area of approximately 70sqm, which is significantly short of the minimum 130sqm net original floor area set out in Policy SC6 as being suitable for conversion. The proposal therefore fails to satisfy the requisite provisions to be eligible for conversion as set out in Policy SC6.
7. The appeal proposal would provide for a four-bedroom family sized dwelling, with part of its overall floor space provided on the ground floor, thus enabling access to external amenity space. Whilst the studio flat would also be accommodated on the ground floor, in providing for a family dwelling I consider that the proposal would comply with this particular requirement of Policy SC6.
8. However, Policy SC6 also requires that proposals have regard to internal and external space standards which are set out in Policy SC5 of the LP. In respect to internal space, development proposals are expected to comply with the Nationally Described Space Standards¹. The proposed studio flat would have an internal floor area of about 33.5sqm, which, assuming that it would be occupied by a single person, falls significantly short of the required 39sqm minimum gross internal floor area for a 1 bed, 1 person flat. The proposal would therefore fail to provide sufficient internal space for future residents of the studio flat.
9. Policy SC5 of the LP also sets out external space standards which development proposals are expected to comply with. For a house with five habitable rooms or more, at least 75sqm of usable amenity space should be provided. For flats, at least 5sqm of private outdoor space is expected where there are 1-2 occupants, together with the provision of 25sqm of communal amenity space (less a reduction for the area of private space for each flat).
10. Both the four-bed house and the studio flat would have direct access to the rear garden of the property. However, the rear amenity space would be shared, with no private space provided which in my view, would be detrimental to the

¹ Technical housing standards – nationally described space standard (March 2015)

living conditions of future occupiers. Moreover, the overall amount of external space provided would fall significantly short of that required by Policy SG5.

11. I therefore conclude that the proposal would be unacceptable in principle and would have a harmful effect on the living conditions of future occupiers, with reference to internal and external space. Accordingly, the proposal is contrary to Policies SC5 and SC6 of the LP as described above, and Policy CC2 of the LP which amongst other things, states that development proposals should have a positive impact on the amenity of future residents.

Living conditions of occupiers of neighbouring dwellings

12. The Council contend that the proposal would result in harm to the living conditions of the occupiers of neighbouring dwellings through noise and disturbance. Whilst the appellant states that the level of noise and disturbance would be less than that which occurs in relation to the 9-bed HMO, I place little weight on this argument since the current use does not appear to benefit from planning permission or a lawful development certificate.
13. I agree that the provision of a studio flat in addition to a family sized dwelling would be a more intensive form of occupation likely to have a greater degree of comings and goings compared to a single family house. However, the studio flat would only be suitable for occupation by a maximum of two occupants and there is no substantive evidence before me to suggest that the provision of a studio flat in this residential location would result in unacceptable levels of noise and disturbance.
14. Thus, I conclude on this issue that the proposal would not have a materially harmful effect on the living conditions of neighbouring occupiers with particular reference to noise and disturbance. It would therefore comply with Policies CC2 and SC6 of the LP insofar as these policies seek to protect the amenity of neighbouring occupiers.

Pedestrian and highway safety

15. The proposal shows the provision of 3no parking spaces to the front of the property. The Council confirm that this level of provision would be an over provision although they accept that the frontage of the dwelling is already hardsurfaced and used for parking so there would be no change in this regard. The Council's main concern is therefore in relation to pedestrian and highway safety.
16. Most of the front gardens along Berkeley Avenue are hard surfaced and are used for parking. The road is heavily parked on both sides of the road and is subject to a 20mph speed limit.
17. The existing forecourt is served by a partial dropped kerb to the front of car park space 3 with the remaining two spaces presumably accessed by vehicles mounting the kerb as the front boundary is open. There is a hedge along the side boundary with the adjacent dwelling which partly obscures visibility to the north. However, the hedge is adjacent to the part of the site's frontage which benefits from an existing dropped kerb. Based on the evidence before I am not convinced that the current proposal would lead to any significant worsening of the existing situation with regard to pedestrian and highway safety.

18. In conclusion on this issue, given the existing parking arrangement and the low speed limit along Berkeley Avenue, I am satisfied that in the absence of any substantive evidence to the contrary, the proposal would not have a harmful effect on pedestrian and highway safety and as such, would not be in conflict with the Policy EC2 of the LP which amongst other things, seeks to ensure that proposals do not result in adverse impacts on the transport network.

Other Matters

19. I also acknowledge that the appeal site is sustainably located close to public transport opportunities, shops, schools and employment opportunities and that the provision of one additional dwelling would make a small contribution towards local housing supply. However, these considerations do not outweigh the harm that I have identified.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR