References: P/2010/3205 00083/266-268/P4
Address: 266-268 bath Road, Hounslow, London, TW4 7DF
Ward: Hounslow West
Proposal: Change of use of 266 Bath Road from A2 (financial and professional services) to A3 (restaurant) on ground floor incorporating a rear extension to provide a function room and change of use of upper floors to 266 and 268 to a house in multiple occupancy incorporating rear first floor, rear second floor and rear roof extensions and installation of an extractor flue to the side elevation.

Drawing numbers: BP/VP/171/BR/ 01, 02, 03, 04, 05, 06, 07, 08, 09, 11
Received 08/11/2010
Application received: 08/11/2010

1.0 SITE DESCRIPTION

1.1 The application site takes the form of two terrace properties at the end of a terrace of seven buildings. No. 268 is an off licence at ground floor, with residential units at the two floors above. No. 266 is vacant, but has a lawful A2 (financial and professional services) use at all three levels.

1.2 To the rear No. 268 has a rear extensions and a detached outbuilding. Between these two extensions is a garden area. These extensions have been on site since 2003 (visible on the Council’s 2003 aerial photography), and are therefore immune from enforcement action.

1.3 No. 266 has a range of buildings to the rear, which cover most of the area to the rear of the property. These extensions are also visible on the Council’s 2003 aerial photographs.

1.4 The site is on Bath Road. It is part of the Hounslow West Shopping parade, in a secondary frontage designated in the Unitary Development Plan (UDP). No, 270 is used as a restaurant with residential units above. No 272 is used as a pizza take-away with seats for eat-in customers. No. 274 also has a restaurant use. No. 276 received permission in 2008 to change the use on the ground floor from retail to restaurant with extensions to the rear (00083/276/P6) although this has not yet been implemented. No. 278 has also recently received planning permission to change the use of the front of the unit into a restaurant (00083/276/P6) but this has not yet been
1.5 A number of large extensions are evident of the rest of the parade. These first, second and roof extensions did not gain planning permission, but they appear under construction in the Council’s 2006 aerial photographs meaning that they are now immune from enforcement action.

1.6 The site is within a Controlled Parking Zone (CPZ) because of its proximity to Hounslow West Underground station.

2.0 HISTORY

2.1 00083/266-268/P1 Erection of 1st floor rear extension and change of use of existing 1st and 2nd floors to a bed and breakfast.

Refused 28/03/2000

REASON:

The B&B accommodation would constitute an overdevelopment of premises and substandard living accommodation. Development would also be out of character with surrounding properties.

2.2 00083/266-268/P2 Erection of first floor rear extension and change of use of existing first and second floors to a bed and breakfast accommodation.

Refused 16/10/2000

REASON:

The B&B accommodation would constitute an overdevelopment of premises and substandard living accommodation. Development would also be out of character with surrounding properties, and harm the living conditions of surrounding properties.

3.3 00083/266-268/P3 Change of use of 266 Bath Road from A2 (financial and professional services) to A3 (restaurant) on ground floor incorporating a rear extension to provide a function room, and change of use of upper floors of 266 and 268 to house in multiple occupation incorporating first floor and second floor extension and rear extractor flue.

Refused 09/07/2009

Reasons:

Insufficient parking for future uses, the change of use would harm the vitality of the shopping parade. The HMO use would provide sub standard living accommodation. The extensions and uses would harm
the living conditions of surrounding neighbours.

Appeal Dismissed 06/07/2010

Reasons:

Unacceptable quality of proposed accommodation and visual impact on neighbouring residential occupiers. No objections were raised in relation to the level of parking, noise for adjacent neighbours or effect on vitality of the parade.

3.0 DETAILS

3.1 The application seeks to change the use of the ground floor of No. 266 from A2 (financial and professional services) use to A3 (restaurant) use, complete first floor and roof extensions to the rear of both 266 and 268, and convert the upstairs accommodation to a House of Multiple Occupancy (HMO) comprising 7 bedrooms, a lounge and two kitchens. The scheme is an amended version of the previously refused P3 application that has taken on board the comments of the Inspector’s letter dismissing the appeal. The Inspectors report is attached to this report.

3.2 The extensions would involve a large single storey extension across the rear of both units. This would measure 13.7m in width, 32m in depth from the rear of 266 and 24.3m in depth from the rear of 268, and would be finished with a flat roof to 4.6m in height. This extension would house the proposed function hall, kitchen for the restaurant and toilets. There would be one door to the rear of the function hall leading to the yard at the rear. Three windows are also proposed on the east elevation of the extension giving light to the function hall.

3.3 To the rear of the ground floor extension a new service yard would be created. This would consist of two car parking spaces. There would also be a shared garden area (45m²) for the residential accommodation, a secure cycle area and secure bin storage. This area would also include an access to the residential accommodation at first floor. This would be provided as an external staircase to the rear of the function hall and a walkway across the top of the ground floor extension.

3.4 The other extensions proposed include an extension across both properties at first floor level. This would measure 1.8m in depth and 10.9m in width. Four windows and the entrance door would be included to the rear elevation.

3.5 At the second floor an extension of 1.0m in depth would be placed across the rear of both properties. This extension would include four windows in the rear elevation.

3.6 A rear dormer window is also proposed in this application. This would measure 3.2m in depth, 4.3m in width and 2.6m in height. This would provide two windows to the rear elevation.
At the ground floor, the extensions would allow for the change of use of No. 266 to a restaurant, and the use of the rear of both units as a function hall. No 266 would install a kitchen to the rear of the original building to service the restaurant. The toilets would be placed to the rear of No 268. There would be an extraction flue installed to the side elevation of No. 266 to cater for the cooking equipment of the unit.

The change of use would also involve a change of the shop front of 266 to move the main door to the middle of the shop front and create an access to the upper floors. The new access to the restaurant would measure 1.0m wide. The access to the upper floor accommodation would lead directly to first floor outside room 2. A further access to the upper floor is provided to the rear of the unit, as outlined in paragraph 3.3.

The extensions at first, second and third floor would provide the space needed for the seven residential rooms, four bathrooms, two kitchens, four utility rooms and a lounge/dining room for the HMO.

The first floor would contain:
- Room 1 - 20.66m²
- Room 2 – 17.42m²
- Lounge/dining room – 30.25m²
- Bathroom – 5.1m²
- Shower Room – 6.15m²
- Kitchen – 13.01m²
- Laundry room – 6.51m²

The second floor would contain:
- Room 3 – 17.18m²
- Room 4 – 15.12m²
- Room 5 – 15.70m²
- Room 6 – 14.84m²
- Bathroom – 5.6m²
- Bathroom – 4.5m²
- Utility – 1.5m²
- Utility – 1.98m²
- Storage - 1.78m²
3.12 The third floor would contain:

- Room 7 – 21.52m²
- Kitchen – 7.2m²

4.0 CONSULTATIONS

4.1 Two neighbouring residents were notified on 17/11/2010. Two replies were received, commenting as follows.

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application has not been amended in line with the Inspector’s comments.</td>
<td>This report outlines details of the Inspector’s report. A copy of the report is also attached to this report.</td>
</tr>
<tr>
<td>Concern over loss of A2 use and increase in A3 use</td>
<td>See paragraph 6.2-6.3.</td>
</tr>
<tr>
<td>The function hall would attract more car traffic in the area and put pressure on the limited parking that exists currently.</td>
<td>See paragraph 6.27-6.29</td>
</tr>
<tr>
<td>The Council should look at complete re-development of this area rather than piecemeal development of every plot.</td>
<td>The scheme has been assessed on its own merits and is considered acceptable in its own right in this case.</td>
</tr>
<tr>
<td>The proposal would have a visual impact on neighbouring properties</td>
<td>See paragraph 6.21</td>
</tr>
</tbody>
</table>

5.0 POLICY

Determining applications for full or outline planning permission

When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
The Development Plan

The Development Plan for the Borough comprises the saved policies in the Council’s Unitary Development Plan (‘UDP’), the Employment Development Plan Document, the Brentford Area Action Plan and the London Plan.

The London Plan (Consolidated with alterations since 2004) was adopted in February 2008.

The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by Direction from the Secretary of State.

The Employment Development Plan Document was adopted on 25 November 2008 and has superseded the Employment Policies contained in UDP Chapter 7 and the following Implementation Policies contained in UDP Chapter 2: IMP.4.1, IMP.4.2, IMP.4.3, and IMP.4.4.

The Brentford Area Action Plan was adopted on 27 January 2009 and has superseded the following Implementation Policies contained in UDP Chapter 2: IMP.2.1 and IMP.3.1.

Supplementary Planning Documents

Planning Obligations

Air Quality

These SPDs were adopted on 11/03/08, following public consultation in July and August 2007. The documents form part of the Local Development Framework.

Supplementary Planning Guidance

1997 Supplementary Planning Guidance- The guidance contained within the Supplementary Guidance was subject to formal public consultation and unlike normal SPG were subject to an inquiry process and consideration by a government inspector. The Inspectors report recommended the appendices be removed from the plan, as they added to its bulk, cost and complexity and may well have consumed further resources at the first review of the UDP. He also considered that they could stand alone away from the main plan as SPG. This was the course of action to be taken by the Council. During the consultation process, objections were received from individual house builders and the HBF. The guidance was amended as part of the process. The Council did not therefore consider it necessary to reconsult on this proposed guidance, but simply to use the guidance in light of the suggested amendments and the Inspector’s comments.

Residential Extensions Guidelines- The information contained in the Residential Extension Guidelines underwent 2 months of public consultation
prior to adoption as Supplementary Planning Guidance in August 2003 to Policy H.6.4 of the Council’s 2003 Unitary Development Plan.

5.1 **Unitary Development Plan**

- **ENV-B.1.1** New Development.
- **S.1.3** Non-retail uses in secondary frontages.
- **T.1.4** Car and cycle parking and servicing facilities for developments.
- **H.3.4** Conversion of houses to flats
- **H 6.4** Alterations and Extensions
- **H 4.1** Housing Standards
- **ENV-P.1.5** Noise Pollution

5.2 **London Plan**

- **3D.1** Supporting Town Centres
- **3A.13** Special needs and specialist housing

6.0 **PLANNING ISSUES**

6.1 The main planning issues to consider are:

- The principle of the Change of Use and the use of the property as a HMO.
- The quality of accommodation provided.
- The appearance of the proposal
- Impact on neighbours’ living conditions.
- The parking provision

**The proposed change of uses.**

6.2 Unitary Development Plan policy S.1.3 states that when considering proposals for non-retail uses within a secondary frontage, the Council should consider the likely impacts the proposed use would have on the variety and activity in the shopping parade, the dominance of the use in the parade, and the effect of the proposed use on other properties in the area.

6.3 Although the proposal is for a non-retail use, the unit has as a lawful A2 use. This means that although the Council seeks to retain A1 uses, this change
of use proposal would not actually result in a loss of retail. This viewpoint was supported by the previous Inspector’s decision, which stated:

‘...the representation of Class A1 retail uses in the parade has reached a low level. But that situation would not be caused or exacerbated by the appeal scheme. The shopping parade’s retail function would therefore not be affected’

6.4 It is therefore considered that in relation to the change of use of the ground floor unit, the proposal would be acceptable in principle.

6.5 The Secretary of State removed policy H.3.4a (Houses in multiple occupation) from the UDP stating that it mirrored what was said in PPS3. PPS3 requires local authorities to provide housing choice and encourages a mix of housing types. The proposal would provide non-family accommodation with independent occupants using shared facilities.

6.6 There has been a range of decisions made by both the Council and the Planning Inspectorate in relation to HMO developments in the borough. These cases usually relate to the loss of a single family dwelling and not, as is the case here, change of use from flats or office use. The Council generally resists HMO proposals due to the effect the transient residents have on the living conditions of the surrounding neighbours, and the effect of such intensification of living accommodation. HMOs also rarely meet the housing standards laid out in the Council’s 1997 SPG. However, on this point, the Inspector stated:

‘I accept that bedsitter units of this type could provide low-cost housing, which would help to meet the needs of people on lower incomes. As such, this part of the proposed scheme would accord with the aims of providing a wide choice of types and tenures, and fostering inclusive, mixed communities, as set out in PPS 3. Housing.’

6.7 Although the Inspector went on to criticise the layout and space of the units, this statement confirms that the use of the upper floors of these two units as HMO accommodation would be acceptable in principle.

The quality of accommodation provided

6.8 Section 12 of the Council’s 1997 SPG relates to the internal space provision in conversions. This section outlines the minimum requirements that developments must reach when converting from a single family dwelling to flats. Although this is not strictly the case with the application, the room sizes can be used as a guide to assess the quality of the accommodation provided on site.

6.9 The document states that a main bedroom should measure 12m², and single bedroom 6.5m². Bathrooms should measure 3.7m² and kitchen should measure 5.5m².

6.10 In the previous scheme, none of the proposed rooms met this size guidance. The units proposed here are far larger and would all be in excess of these figures (see paragraph 3.9-3.11).
6.11 The previous Inspector objected to the number of rooms (ten) and their layout, noting that several units would have little natural daylight or ventilation, that the bathrooms would not be adequate for the number of units proposed, that there was no amenity space and no refuse storage. The reduction in the scale of the development means that all the bedrooms proposed in this scheme have direct access to natural light.

6.12 One of the bathrooms at second floor, and the kitchen at the third floor would have direct access to natural light. However, all other bathrooms, kitchens and utility rooms do not. It is considered that the size of these facilities, the fact that none of these are habitable rooms and the number provided would mean that all prospective residents would have adequate to an acceptable level of these facilities.

6.13 This proposal also includes a communal lounge/dining room. Given nature of HMO accommodation being individual rooms, officers welcome this addition to the scheme as it allows for a rest and relaxation area outside the individual rooms.

6.14 In response to the Inspector’s comments noting the lack of amenity space, the current proposal also includes a small garden area at ground level to the rear of the function room. As noted above, it is considered that this area would provide an area for residents to occupy beyond their own bedrooms. Although this area is smaller than the SPG guidance outlines for a scheme of this size, given the location in the Hounslow West Shopping Centre, it is considered that this space would be more than other dwellings in this area, many of which have none, and an acceptable provision.

6.15 It is therefore considered that the reduction in the number of units, the inclusion of a communal lounge and dining area and the amenity space proposed would overcome the previous objections in relation to the quality of accommodation from the Council and the Inspector.

The appearance of the proposal

6.16 The proposal seeks to make a small alteration to the shop front of No. 266. As this change is minor and only relates to relocating one door, it is not considered that this would harm the appearance of the unit as a whole or the general street scene.

6.17 The extensions to the rear of the units would be far more substantial in nature, and in the previous scheme were a key reason for refusal. As the Inspector noted:

‘I appreciate that the new extensions would replace existing outbuildings which are themselves undeniably utilitarian. But nevertheless, the end result of the development now proposed would be an unsightly mass of building, that would be visually unacceptable even in this relatively undistinguished location.’
6.18 The rear extensions have been significantly reduced in scale and bulk from the previous application. The ground floor addition no longer proposes to cover the whole site, and incorporates an outdoor amenity area. The extensions at first and second floor have also been reduced to a more modest depth parallel to the existing rear wall.

6.19 It is considered that these additions would be in keeping with the development that has already occurred, and is now immune, to the rear of the rest of the parade. Although they are extensive, in light of the adjacent extensions and the reduction in size since the previous application, refusal on this reason is not considered to be sustainable.

6.20 The extraction flue would be placed to the side of No. 266. It is considered that the appearance of the flue would be obscured from the street scene of Martindale Road by the building at No. 262. The flue would be visible from Bath Road when looking down the side access of the site, but is small in scale and is not overly bulky. Flues are common along this stretch of Bath Road, and are clearly part of the restaurant use at the ground floor unit. It is considered that this location, although visible, is more preferable to having the flue to the rear of the site due to the effect it would have on the living conditions of residents of the HMO.

Impact on Neighbours’ Living Conditions

6.21 The Council’s UDP policy ENV-B.1.1 states that all development should have regard for the surrounding neighbours and land uses. The proposal to the rear of No. 266 would be directly adjacent to the rear of properties 3 and 3a on Martindale Road. The previous proposal was excessively large and it was the opinion of officers that this proposal would harm the outlook from their properties. This was supported by the Inspector, who noted:

‘...it appears to me that the long flank wall of the extension would be only about 10m from the rear windows of these [3 and 3a Martindale Road] properties. Given its size, appearance and proximity, I considered that the scheme would have a serious intrusive and un-neighbourly visual impact on the outlook from those dwellings and from their gardens.’

6.22 The reduction in depth of the ground floor extension in this proposal removed part of the extension to the rear of Martindale Road, and replaced it with the secure refuse storage and the car parking spaces. These would be significantly lower than the extension (the fence would measure 2.0m in height). The proposed fence and storage area would be a similar height to the boundary fence to the rear of 3 and 3a Martindale Road. In this way is considered that this part of the development would no longer appear excessively large from their rear gardens.

6.23 In the previous scheme, the Council raised objection to the function room part of the proposal and the possible noise and disturbance that could arise and affect the adjoining dwellings in such close proximity. In relation to this point, the Inspector stated:
‘I agree that the proposed function room might be expected to give rise to noise during the evenings and late at night. But noise from the activities within the building could be controlled by insulation, and noise from patrons coming and going could be limited by restricting the opening hours....the site is on a main road, and there are other similar uses already operating within the same parade.’

6.24 With the appropriate safeguarding conditions on noise insulation (condition 4) and opening hours (condition 6), it is not considered that a reason for refusal based on the noise and disturbance produced from the function room would be sustainable.

6.25 Officers also raised concerns with the previous application about the noise and disturbance that would result from the number of rooms proposed within the HMO accommodation, and the nature of the accommodation promoting transient residents. The Inspector disagreed with this point stating:

‘There seems no reason why air-borne noise should be any worse than that from any other type of residential accommodation....I accept that the occupants might tend to be more transient then other residents, but there is no evidence that they would be likely to cause more noise’.

6.26 With the reduction in the number of units proposed, and the Inspector’s comments, it is also not considered that this would now be a sustainable reason for refusal.

6.27 The proposed flue would be located to the side of the original building, adjacent to the office on the corner of Martindale Road. It is not considered that this flue would harm any neighbours amenity due to its hidden location, and the surrounding land uses.

6.28 It is therefore considered that, given the reduction in the sale of the proposal and the Inspector’s comments, the proposal would not have a harmful effect on the neighbouring properties.

Parking, Servicing and Access

6.29 Unitary Development Plan Policy T.1.4 states that car parking that is essential to the operation of the building (i.e. spaces for servicing, loading and unloading) and other traffic directly associated with the function of the premises must be met on site. The proposal provides two car parking spaces and a secure cycle store.

6.30 The Head of Traffic and Road Safety calculated that the restaurant and function room would generate a need of 9 car parking spaces, and that the residential accommodation would require 2 spaces. However, in relation to the parking requirements, the previous Inspector referred to the wording in the PPG13 Transport, at that time which advocated reduced parking for commercial units and car-free housing, and,

‘The proposed residential accommodation would be of a type which might reasonably be expected to attract occupiers with low rates of car usage.’
6.31 In addition, the site is within a CPZ and the surrounding area does have a number of pay and display parking spaces. Notwithstanding the Inspector’s acceptance of a ‘car free’ scheme, the applicants have included two car parking spaces to the rear of the site. It is considered that given these comments, the spaces provided would be adequate to ensure that a parking reason for refusal would no longer be sustainable.

6.32 The applicants have included a secure refuse area to the rear of the site that is accessible to both the commercial units and the residential. Although there is a significant distance from some of the HMO rooms to this area, it is the most logical location for residents accessing the site from both the front and rear.

6.33 In relation to access, the proposed restaurant use and function room at ground floor would have level access and include disabled toilet facilities. However, the HMOs would only be accessible by able-bodied people. The nature of the accommodation being small with shared facilities, and being on the first floor, means that it is unlikely to be attractive to families of others requiring assistance to get up stairs.

6.34 It is therefore considered that given the nature of the proposed scheme and the previous Inspector’s comments, the parking, access and servicing for the scheme are now acceptable.

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

- No other issues other than those outlined in the main body of the report.

8.0 CONCLUSION

8.1 The scheme has been significantly reduced in scale from the previously refused scheme in light of the Inspector’s comments from the dismissed appeal. There is no objection to the change of use, the extensions would not harm neighbours’ living conditions and the parking and servicing for the site are considered acceptable. The application is therefore recommended for approval.

9.0 RECOMMENDATION:

APPROVE

Reasons:

With appropriate safeguarding conditions, it is considered that the change of use of 266 Bath Road from A2 (Financial Office) to a restaurant use (A3) would not harm the retail function of the parade. The proposed extensions and alterations to the building would not harm neighbours’ living conditions, or the appearance of the site. The residential accommodation above would be well laid out and have adequate circulation and communal living space. The proposal is therefore in accordance with ENV-B.1.1, S.1.3 and T.1.4 of the Unitary Development Plan.
**Conditions:**

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<tr>
<td>1</td>
<td>A1a</td>
<td><em>Time Limit for commencement of development</em></td>
</tr>
<tr>
<td>2</td>
<td>B5</td>
<td><em>Detailed Applications</em></td>
</tr>
<tr>
<td>3</td>
<td>C11</td>
<td><em>Separate access to upper floors</em></td>
</tr>
<tr>
<td>4</td>
<td>N/S</td>
<td><em>No development shall take place until details have been submitted to and approved by the Local Planning Authority for a scheme of acoustic insulation of the ground floor restaurant and function area.</em></td>
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**REASON:** To provide a reasonable standard of living conditions for future occupiers.

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<td>5</td>
<td>N/S</td>
<td><em>The kitchen extract system shall be provided before the use is brought into operation, and when at maximum operation shall not result in noise that is more than 10dB(A) below background noise levels for the site. The kitchen extract system shall include the following details:</em></td>
</tr>
</tbody>
</table>

  a) A three-stage filtration system, including grease filters, pre-carbon filters and carbon filters, to be located inside the building.
  b) The point of discharge shall be a minimum of one metre above eaves level or one metre above openable windows of nearby properties.
  c) The ducting shall be circular.
  d) The ventilation duct shall terminate pointing directly upwards and shall not be fitted with a cowl.
  e) The extract system should not cause an increase in background noise level in the vicinity, and when operating at maximum, should not be 10dB(A) lower than the BNL.
  f) The fan shall be isolated from the inlet and discharge ducts using flexible couplings.
  g) The duct shall be isolated from the structure of the building using anti-vibration mouldings and suitable packing material where it passes through solid structures.

**REASON:** To protect neighbours’ living conditions in line with ENV-B.1.1.
6 C25 The use hereby permitted shall not be open to customers outside the following times:

Monday – Friday 11.00 to 23:30
Saturday – 11.00 – 24.00
Sunday – 11.00 to 23.30

REASON: To protect neighbours’ living conditions.

7 N/S The development shall not be occupied until a secure storage area within the site enclosed by a two metre high close boarded fence to house the relevant number of 1100 litre galvanised steel Eurobins has been identified and made available, together with facilities for the separation and storage of glass, metal, plastics, cardboard, food waste and other recyclable materials which shall then be collected and taken to a suitable facility for recycling. The storage area and bins shall be made permanently available before the development is first occupied and no waste shall be stored outside the site or other than in the designated area. The lids of the Eurobins shall be kept shut at all times other than when waste is being emptied into them. Non-recyclable and perishable waste shall be removed from site no less frequently than once a week.

Reason: To ensure that waste from the development is properly dealt with in the interests of neighbours’ living conditions, the appearance of the area, and sustainability

8 N/S Before the development commences, details shall be submitted to and approved in writing by the local planning authority of a scheme to prevent noise breakout from the building, including a noise limiter for any amplification system that is fitted and sound insulation measures for the structure including details of how the premises can be adequately ventilated with all doors and windows shut and measures to ensure that they are kept shut during functions. These details as approved shall be implemented before the development is first occupied and permanently retained thereafter.

Reason: To protect neighbours’ living conditions in accordance with adopted Unitary Development Plan policy ENV-B.1.1 (New Development)

Background papers

The contents of planning the file referred to at the head of this report save for exempt or confidential information as defined in the Local Government Act 1972, Sch. 12A Parts 1 and 2.
Appeal Decision

Site visit made on 23 June 2010

by John Felgate BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Appeal Ref: APP/F5540/A/10/2119722
266-268 Bath Road, Hounslow, Middlesex TW4 7DF

- 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 C S Mann against the decision of the Council of the London Borough of Hounslow.
- The application Ref 00083/266-268/P3, dated 29 January 2009, was refused by notice dated 9 July 2009.
- The development proposed is change of use of No 266 to A3 restaurant use on the ground floor; change of use of the upper floors of 266 and 268 to house in multiple occupancy; rear first and second floor extensions and exhaust flue.

Decision

1. I dismiss the appeal.

Clarification

2. Although the Council’s refusal reason 4 refers to “an overprovision of A2 uses”, this appears to be an error. In the absence of any clarification from the Council, I have assumed that A2 should read A3.

Main issues

3. The main issues in the appeal are as follows:
   - whether the proposed conversion and extension of the upper floors would provide acceptable living accommodation for its future occupiers;
   - the visual impact of the proposed rear extensions on the outlook from nearby properties;
   - the effects on car parking in the area;
   - the effects in terms of noise;
   - and the effect of the proposed restaurant use on the retail character, vitality and viability of the shopping parade.

Reasons

Living conditions of future occupiers

4. The appeal premises currently comprise two shop units, in a shopping parade, with offices and a flat above. The appeal scheme would include the conversion of the upper floors to residential use, with an extension at first floor level, to provide a total of 10 single-room units, with either individual or shared bathrooms, two communal kitchens, and laundry facilities.
5. I accept that bedsitter units of this type could provide low-cost housing, which would help to meet the needs of people on lower incomes. As such, this part of the proposed scheme would accord with the aims of providing a wide choice of types and tenures, and fostering inclusive, mixed communities, as set out in PPS3, Housing.

6. However, units 3, 4 and 6-12 would all be small, and some would be awkwardly shaped. Although some of these might meet the standards for bedrooms in the Council’s supplementary guidance, those standards are evidently aimed primarily at rooms forming part of a larger unit, rather than single-room units where the bedroom also has to serve as the main living space. In addition, Nos 6 and 9 would receive little natural light or ventilation, from their narrow, recessed, north-facing windows. The bathrooms to Nos 3 and 4 would be barely large enough to accommodate the most minimal washing and toilet facilities. The majority of the corridors and stairways, and the first floor kitchen, would also have little or no natural light at all. It therefore seems to me that the proposed development would provide unacceptably cramped and inconvenient living accommodation.

7. Furthermore, the scheme would fail to provide any outdoor amenity space. Nor would it make any proper provision for the storage of domestic refuse awaiting collection. Although there would be a small space to the rear of the ground floor extension, that area would be a considerable distance from the residential accommodation. In my view the most likely outcome would be that bins or bags of refuse would be kept out on the pavement, or rubbish would be disposed of in other unsuitable places.

8. There is also no proposed provision for the safe parking or storage of bicycles. It seems likely that such items would need to be kept by some occupiers; and that the result would therefore be that cycles would be stored within rooms, or in the corridors, causing inconvenience and exacerbating the general lack of internal space.

9. Overall, I conclude that the proposed development would fail to provide acceptable living conditions for future occupiers, contrary to the aims of PPS3 and UDP Policy H.4.1.

Outlook from nearby properties

10. The proposed extension to the ground floor, to provide a function room, would extend for a depth of over 20m, across the full width of the site, to a height of about 4.5m including parapets. At first floor level, the extension would have three sections, projecting between 4m to about 9m, across most of the site’s width. The extension to the second floor would comprise a full-width dormer, replacing the lower part of the existing mansard.

11. Together these proposed extensions would fill most of the site. In my view, they would appear as a series of bulky, flat-roofed, box-like shapes, stacked on top of one another, bearing no relation to the style of the original building. I appreciate that the new extensions would replace existing outbuildings which are themselves undeniably utilitarian. But nevertheless, the end result of the

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1 The Hounslow Unitary Development Plan, adopted December 2003
development now proposed would be an unsightly mass of building, that would be visually unacceptable even in this relatively undistinguished location.

12. The development would be sited directly behind Nos 3 and 3A Martindale Avenue. Notwithstanding the distances suggested by the appellant, it appears to me that the long flank wall of the extension would be only about 10m from the rear windows of these properties. Given its size, appearance and proximity, I consider that the scheme would have a seriously intrusive and unneighbourly visual impact on the outlook from those dwellings, and from their gardens.

13. The scheme would therefore result in unacceptable harm to living conditions at those properties, contrary to the aims of UDP Policy H.6.4.

Car parking

14. The appeal proposals make no provision for any on-site parking. However, the appeal site is located in a recognised local shopping area, where parking is available in nearby public off-street car parks. There is a lay-by directly in front of the appeal premises, which provides loading space for service vehicles, and also some free parking spaces for up to one hour. On-street parking elsewhere in the vicinity is subject to a controlled parking zone. The area is well served by bus and underground services.

15. In such areas, PPG13, Transport advocates reduced or zero levels of on-site parking for commercial uses, and also encourages car-free housing in suitable cases. The Council’s own parking standards are stated in UDP Policy T.1.4 to be maximum requirements, with no minima. The standard for residential conversions also states that each case will be considered on its merits.

16. Despite the fact that extensions are proposed, the appeal proposals relate principally to an existing building, and there appears to have been no on-site parking previously. The proposed residential accommodation would be of a type which might reasonably be expected to attract occupiers with low rates of car usage.

17. In the circumstances, it seems to me that the lack of on-site parking would cause no harm to parking conditions in the area, and would accord with the above policies.

Noise

18. I agree that the proposed function room might be expected to give rise to noise during the evenings and late at night. But noise from the activities within the building could be controlled by insulation, and noise from patrons coming and going could be limited by restricting the opening hours. Since there would be no on-site parking, noise from car engines and doors would not be concentrated near to the site. And in any event, the site is on a main road, and there are other similar uses already operating within the same parade. Had there been no other overriding objections to the proposed development, I am satisfied that these issues could have been overcome by conditions.

19. I note that the Council’s concerns about noise and disturbance also relate to the proposed residential units. I accept that some of the larger bed-sitters might be occupied by more than one person, and that the overall occupancy
level would be greater than if the building were arranged as conventional flats. But the new units would not directly adjoin any existing residential accommodation. Consequently, any sound transmission through the building’s structure would not be likely to cause any serious problems. There seems no reason why air-borne noise should be any worse than that from any other type of residential accommodation. There would be a larger number of comings and goings, but all entry to the building would be via the front, where some noise from passers-by would be expected in any event. I accept that the occupants might tend to be more transient than other residents, but there is no evidence that they would be likely to cause more noise.

20. Consequently, given the nature of the location, and the relationships to surrounding buildings and uses, I consider that the potential noise issues suggested by the Council do not justify refusing planning permission in this instance.

Retail character, vitality and viability of the shopping parade

21. Policy S.1.3 seeks to protect the character, vitality and viability of secondary shopping areas. The appeal proposals include the use of No 266 as a restaurant, and I accept that this would add to the concentration of similar uses that already exists, especially when the unimplemented permission at Nos 276 and 278 is taken into account. But the lawful use of the unit in question is for Class A2 financial and professional services. No existing retail use would therefore be lost.

22. I note the Council’s contention that there would be an overprovision of restaurants, and that this would undermine Policy S.1.3’s aims. But the policy expressly applies only to changes from retail use to non-retail. Changes between different non-retail uses are outside its scope. In the circumstances, I can find no conflict with this or any other relevant policy.

23. I agree that the representation of Class A1 retail uses in the parade has reached a low level. But that situation would not be caused or exacerbated by the appeal scheme. The shopping parade’s retail function would therefore not be affected.

Conclusions

24. For the reasons set out above, I find the proposed development acceptable in terms of parking, noise, and retail policy. However, I find the other objections compelling. Those other matters relate firstly to the quality and adequacy of the proposed residential accommodation, and secondly the scheme’s visual impact on neighbouring residential occupiers.

25. I have taken into account all the other matters raised, but none outweighs these considerations. The appeal is therefore dismissed.

John Felgate

INSPECTOR