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## Appeal Decision

Site visit made on 12<sup>th</sup> December 2016

**by Jonathan G King BA(Hons) DipTP MRTPI**

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

**Decision date: 22 December 2016**

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**Appeal Ref: APP/F5540/W/16/3156122**  
**542 Great West Road, Hounslow TW5 0TQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr T Takhar against the decision of the London Borough of Hounslow.
  - The application Ref 00505/542/P7, dated 6<sup>th</sup> June 2016, was refused by notice dated 25<sup>th</sup> July 2016.
  - The application sought planning permission for the change of use to a nine-bedroom house in multiple occupation, with two living room areas, one kitchen and a cycle store/communal storage located in the outbuilding without complying with a condition attached to planning permission Ref 00505/542/P6, dated 15<sup>th</sup> February 2016.
  - The condition in dispute is No 1 which states that: *The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted (Location Plan, Existing Floor Plans received 16/12/2015, Proposed Floor Plan (T1457-002-8 REV D) received 12/02/2016) therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.*
  - The reason given for the condition is: *To ensure the development is carried out in accordance with the planning permission.*
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### Decision

1. The appeal is dismissed insofar as it relates to the revised plan for the ground floor layout and allowed with respect to the revised plan for the first floor layout. Planning permission Ref 00505/542/P6 for the change of use of 542 Great West Road, Hounslow TW5 0TQ to a nine-bedroom house in multiple occupation, with two living room areas, one kitchen and a cycle store/communal storage located in the outbuilding granted on 15<sup>th</sup> February 2016 by the Council of the London Borough of Hounslow is hereby varied by:
  - (a) substituting in the description of the development "*communal lounge and TV room*" for "*two living rooms*"; and
  - (b) deleting condition 1 and substituting for it the following condition:

*The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the following plans: the Location Plan and Existing Floor Plans received 16/12/2015; the Proposed Floor Plan (T1457-002-8 REV D) received 12/02/2016, with respect to the ground*

*and first floor; and the Proposed Floor Plan (T1457-002-8 REV E) received on 6<sup>th</sup> June 2016 with respect to the first floor, or as shall have been otherwise agreed in writing by the Local Planning Authority prior to the carrying out of the permitted works.*

### **Main Issue**

2. The main issue in this case is whether the proposed revised internal layout would provide an acceptable standard of accommodation for future occupiers of the property.

### **Procedural matters**

3. The appellant wishes to vary the condition by replacing reference to floor plan T1457-002-8 REV D received 12/02/2016 with Revision E, received on 6<sup>th</sup> June 2016.
4. The main differences would allow:
  - the retention of the internal walls separating the ground floor lounge and TV room, replacing the existing windows with archways;
  - the use of the existing bathrooms that flank the ground floor lounge and TV room to be used as a library and cloak room respectively, once the bathroom facilities have been removed; and
  - the retention of a bedroom at first floor for use as landlord storage.
5. At the time of my visit, the revisions to the layout shown on the approved plan had not been carried out.

### **Reasons**

#### *Policy*

6. Policy 3.5 of the London Plan *Quality and design of new housing developments* states that new homes should have adequately-sized rooms and convenient and efficient room layouts which are functional and fit for purpose. I take the view that this provides a succinct and generally applicable approach to take to the design of any accommodation.
7. The related Supplementary Planning Guidance (SPG) on housing produced by the Mayor of London says that developments that include self-contained accommodation and additional communal / amenity space should be considered as self-contained accommodation and thus adhere to the housing standards set out in Policy 3.5. It is clear that this includes Houses in Multiple Occupation (HMOs). However, that policy does not itself contain any relevant standards. It refers in turn to the standards contained in the Nationally Described Space Standard, (DCLG, March 2015) (NDSS).
8. Policy SC5 of the Local Plan *Ensuring suitable internal and external space* also seeks to improve the quality and design of housing. Developments will be required to be of the highest quality internally and externally, and meet the demands of everyday life for the intended occupants. This policy also refers to the NDSS. The Council is satisfied that the proposal complies with the NDSS insofar as it relates to the present proposals.

9. Policy SC10 *Housing in multiple occupation, hostels and bed & breakfast accommodation* does not set out any planning requirements in relation to shared facilities in HMOs, but indicates that the Council operates a HMO registration scheme that amongst other things seeks to ensure that suitable facilities are provided in accommodation. Though Policy SC6 *Managing building conversions and sub-division of the existing housing* clearly relates to sub-division, it does not add anything further of relevance to this appeal

#### *Ground floor revisions*

10. The approved plan (Rev D) shows that on the ground floor it is proposed to combine the existing Rooms L and J, together with a short corridor to a side entrance that separates them, to form a communal lounge / TV room. Under the appeal proposals, elements of the intervening walls would be retained, together with the small enclosures for the present shower rooms, shown for use as a cloakroom and a library. A roof-light would illuminate the area between these parallel remnant walls.
11. I agree with the Council that the retention of these walls in the centre and at the ends of the room would be wasteful of space and lead to an awkward and cramped layout for this communal area. The narrow space between the walls that presently comprises the side access way would be small and of little practical benefit to the residents, while reducing the ability to use the remaining space flexibly. I acknowledge the appellant's argument that the separation of the TV area and the lounge might provide some degree of distinction between the 2 uses if some residents preferred to have a quieter area away from the television. However, even if that could be justified, there is no good reason other than convenience to retain parts of both walls in the manner proposed. The cloakroom and library would provide some additional facilities, though this would be at the expense of functionality for the remainder of the space. Overall, while I recognise the value of providing communal facilities of this kind, space, the design and layout is seriously flawed.
12. Against the background of the London Plan, the Local Plan and SPG, and notwithstanding that the development would comply with the NDSS, I agree with the Council that this communal area would fail to be of high quality internally or provide a convenient and efficient room layout which would be functional and fit for purpose. In short, it is a poor design. The fact that living at the property is a matter of personal choice is not a good reason to provide poorly designed accommodation.

#### *First floor storage*

13. At the front of the property on the first floor are 2 rooms: Room D, presently occupied as a bedroom, with an ensuite bathroom; and Room C, a currently unoccupied bedroom. The approved layout envisages combining these rooms to provide a single, larger bedroom 7. However, under the appeal proposal, the rooms would remain separate, with room D becoming bedroom 7 and Room C being used as storage for the landlord. The size of the proposed bedroom 7 would remain the same as at present. There is no doubt that, if it were to be combined with Room C, it would provide a significantly larger room for the occupier, but the Council does not claim that the present size would fail to meet any recognised standard. Moreover, it is plain from the layout plan that it is broadly similar in size to a number of the other bedrooms which have been approved, and larger than some, for example Nos 1,2 and 3 on the

ground floor. I have been given no reason to believe that it would lead to unacceptable living conditions for an occupier.

14. The Council asserts that no justification has been made for the proposed storage facility. The appellant agrees that there is no special need for it, but he does not need to provide any such justification in the absence of any demonstrable harm. The provision of such storage could in any event be useful, for example for storing furniture that is not required by tenants. I am satisfied that the proposed distribution of space would be acceptable by reference to London Plan and Local Plan policy and standards.

*Overall conclusion and the revised permission*

15. I conclude overall that the proposed revisions to the layout are acceptable with respect to the first floor, but are unacceptable so far as the ground floor is concerned. As the 2 elements of the proposal are clearly severable, it is in order to issue a "split decision", allowing the former part of the appeal but dismissing the latter. I have varied condition 1 to reflect this decision.
16. I have also revised the wording at the end of the condition which refers to the possibility of the development being carried out other than in accordance with the approved plans, subject to Council approval in writing prior to the building being used. This is because the premises are already in use. I have substituted reference to the need for approval *prior to the carrying out of the permitted works*.
17. Finally, in order that the description of the development is consistent with the condition and the plans, I have also amended it to remove reference to *two living room areas*. Neither Revisions D nor E of the submitted plans include two living room areas. I have therefore substituted reference to *a communal lounge / TV room*. This is in the interests of accuracy and certainty and does not disadvantage either main party.

*Jonathan G King*

Inspector