
Appeal Decision

Site visit made on 23 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/R5510/W/17/3170377
85 Haig Road, Uxbridge UB8 3EQ

- 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 Ms Parminder Kaul against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 28718/APP/2016/2454, dated 24 June 2016, was refused by notice dated 30 November 2016.
 - The development proposed is change of use from Use Class C3 (Dwellinghouses) to Use Class C4 (House in Multiple Occupation).
-

Decision

1. The appeal is allowed. Planning permission is granted for a change of use from Use Class C3 (Dwellinghouses) to Use Class C4 (House in Multiple Occupation) at 85 Haig Road, Uxbridge UB8 3EQ in accordance with the terms of the application, Ref: 28718/APP/2016/2454, dated 24 June 2016.

Main Issue

2. The main issue is the effect of the development on the living conditions of occupiers of the building within two particular bedrooms with respect to outlook, light and privacy.

Reasons

3. The appeal relates to a two storey semi-detached house in a road of similar properties. The house is in use as a house in multiple occupation (HMO). The proposed change of use therefore has already taken place. A communal kitchen and living area is provided within a ground floor rear extension. There are five individual bed-sitting rooms, two on the ground floor, two on the first floor and one within the roof space.
4. The rear ground floor bedroom has a large side window, approximately 1.8m in width, with an opening fanlight. The window faces towards a side boundary fence and beyond this to the flank wall of the adjacent house 83 Haig Road. The flank walls to the two houses are not parallel, due to the buildings' frontages following the curvature of the road. The outlook from the side window is over the boundary fence, with a separation distance of approximately 3m to the flank wall of no.83, but also with an aspect to the rear of no. 83. At the time of my site inspection, the room was bright benefitting from direct sunlight, but I accept that at other times of the year and in other

weather conditions the room would be darker. Overall, I am of the opinion that this bedroom would have satisfactory natural lighting levels and outlook.

5. There is a gate at the side of the house leading to a passageway linking front and rear gardens. The side window has a net curtain which helps to safeguard privacy in relation to any person using the side passageway. There are no windows in the flank wall of 83 Haig Road facing the side window. The boundary fence helps towards maintaining privacy in relation to persons in the rear garden of no.83. The ground floor front bedroom has a similar sized front window with a net curtain across to safeguard privacy. Visitors to the house would stand close to this window when entering the building. The level of privacy in the bedroom with the side window would be comparable to that for ground floor front bedroom and in my view is acceptable.
6. The bedroom in the roof space has the largest floor area but sloping ceilings limit headroom in some parts. The room does not have a conventional window but receives natural lighting from two roof lights, one facing the street and the other the rear garden. The roof lights are positioned sufficiently far down the roof slopes to afford views to the ground in both directions. In my opinion, this bedroom benefits from good levels of natural lighting and has a satisfactory outlook for occupiers.
7. The Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016), contain various measures in relation to housing quality and the choice of housing available. The provision of satisfactory HMOs can add to the choice of housing available and I find no conflict with the strategic measures in this Plan.
8. Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), amongst other measures, seek to ensure that adequate sunlight and daylight reaches habitable rooms. For the reasons set out above I consider the proposal to be satisfactory in these respects. The Council's adopted Supplementary Planning Document Houses in Multiple Occupation SPG (2004) provides guidance on a range of issues in relation to HMOs. The proposal complies with the stipulations on minimum room sizes and I find no conflict with the site specific guidance in this document. Overall, I conclude that the living conditions for occupiers of the two bedrooms referred to in the decision notice would be satisfactory with respect to outlook, light and privacy.

Other Matters

9. The change of use to a Use Class C4 HMO (small house in multiple occupation) would normally be permitted development and only requires a grant of planning permission in this instance because of a local 'Article 4 Direction' withdrawing permitted development allowances.
10. I have noted the representations made by local residents against the proposal, including the three page letter with petition attached. Several have objected to the principle of the change of use to an HMO citing problems associated with properties used as HMOs, including the potential for additional parking pressures and anti-social behaviour. Some have referred to issues with those responsible for managing the appeal site. However, I cannot determine who runs or owns the property. I can only consider whether the use in itself would be acceptable. There is also no substantive evidence that the actual

occupation of this HMO is causing problems due to it being alongside other more conventional forms of housing. Moreover, some matters raised, such as covenants and devaluation of property, do not affect judgements based on planning merits. In this context I have had regard to all objections raised but having examined the relevant land use planning issues, my findings are that the property would provide a satisfactory small HMO. Furthermore, I note that the local planning authority has not objected to the principle of the use of the property as a small HMO in that it would accord with its Interim Planning Policy Guidance on HMOs.

Conditions

11. The time condition requiring commencement of work within 3 years is not necessary as the proposal has already been implemented. The accommodation has been laid out in accordance with the submitted plans, so a condition specifying plan numbers is not necessary either.

Conclusion

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

Rory MacLeod

INSPECTOR