



Appeal Decision

Site visit made on 31 January, 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/R5510/W18/3212276

20 Abbotsbury Gardens, Eastcote, Pinner, HA5 1SZ

- 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 Mrs Deepthi Anantharaman against the decision of the London Borough of Hillingdon.
 - The application Ref 32617/APP/2018/1285, dated 4 April 2018, was refused by notice dated 20 June 2018.
 - The development proposed is the change of use from C4 HMO to 6 bedroom Sui Generis HMO
-

Preliminary Matter

1. The appeal site has been in use as a C4¹ House in Multiple Occupation (HMO) for some time and the application form describes the existing use as "6 Bed 6 Person HMO". The description of development as set out above is from the planning application and the appeal form. However, it is clear from the evidence that the proposal is for a 6 Bed 8 Person HMO. The Council decided the planning application in this way. I shall consider the appeal in the same way.

Decision

2. The appeal is allowed and planning permission is granted for the change of use from C4 HMO to 6 bedroom Sui Generis HMO for up to 8 occupants at 20 Abbotsbury Gardens in accordance with the terms of the application, Ref 32617/APP/2018/1285, dated 4 April 2018, and the accompanying plans and subject to the conditions set out in the attached schedule.

Main Issue

3. The main issue is whether the proposed development would make suitable provision for car parking and access with due regard to the safe and efficient operation of the highway.

Reasons

4. The appeal property is a semi detached type property within an area of similar properties. The house is currently occupied as an HMO and such a use for up to 6 unrelated persons can occur without the need for planning permission. The

¹ The Town and Country Planning (Use Classes) Order 1987 describes C4 as use of a dwelling house by not more than six residents as "a house in multiple occupation"

- proposal seeks to enable the property to accommodate 8 unrelated persons and as a result formal change in use is required.
5. The appeal property has a paved frontage that is available for parking. The HMO Supplementary Planning Guidance² (SPG) indicates that up to one off street parking space is required for every two bedrooms but that 1 space may be waived depending on local on-street parking capability and accessibility to public transport and local facilities.
 6. The Council identifies the property's location as within a London Public Transport Access Level (PTAL) 2 area. On a citywide scale, this is considered a low access level. As such, this could lead to a greater reliance on the private car and in turn place a greater emphasis upon the need for in curtilage car parking.
 7. I acknowledge the appellants statement that the appeal property is located on the boundary of PTAL areas 2 and 3 and I notice that the site is within very close proximity to town centre facilities along Field End Road. It is also within a few minutes walk to Eastcote Underground station. This makes the site an accessible location in respect of shops, services and facilities.
 8. Based upon what I have seen and read, two vehicles could be parked comfortably within the frontage of the property and allow enough space to access each vehicle. I also consider that such an arrangement would not impede movement through the front door of the property. I am mindful also of the potential for an on-street parking permit that is cited by the appellant that would allow a vehicle to park nearby.
 9. Following my site visit I saw the existing laying out of the hard standing that demonstrated how a typical vehicle could park fully within the property curtilage without overhanging the public footpath, whilst at the same time allowing what I consider would be enough space to park two more vehicles if necessary, without obstructing access into the property or unduly affecting the outlook for occupants of the ground floor rooms (rooms 4 and 5). This would meet the parking requirement of the SPG.
 10. I have also had regard to the concerns of neighbours nearby with regards to the potential need for extra parking and vehicular movements. However, I consider that the location of the property is one where the need to rely on the private car is lower due to the close proximity of facilities and transport links. As such, although there may be some increase in traffic movements due to extra persons living at the property the space exists to accommodate the required levels of vehicles without detriment to the safe and efficient operation of the highway.
 11. Paragraph 108 of the National Planning Policy Framework (The Framework) as revised February 2019 states that plans and decision should take account of whether safe and suitable access to a site can be achieved. It also goes on to state that development should only be prevented or refused if there would be an unacceptable impact on highway safety.

² Houses in Multiple Occupation and other non-self contained housing, Supplementary Planning Guidance to the Hillingdon Unitary Development Plan (2004)

12. I conclude that the proposal would make suitable provision for car parking and access. I consider therefore that the proposal would not conflict with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two Saved Unitary Development Plan Policies 2012, guidance contained within the SPG or the Framework. These together seek, amongst other things, to ensure satisfactory parking and the safe and efficient operation of the highway.

Conditions

13. I have considered the conditions proposed by the Council in the light of the requirements of the Framework and the Planning Practice Guidance and the comments put forward by the appellant. As well as the standard time condition for the commencement of development compliance with the approved plans is necessary to provide certainty. I have imposed a condition restricting the use to 6 bedrooms and 8 occupants as that is what is proposed by the appellant and as the Council considered the planning application in that way.
14. Screened storage of refuse bins is necessary in order to ensure the appearance of bins does not adversely affect the appearance of the street scene and to protect public health. The provision of storage of cycles is necessary so as not to preclude future residents from owning and using a bicycle should they so wish.
15. A detailed scheme for boundary walls, fences, landscape or other means of enclosure is needed so as to ensure a satisfactory appearance between neighbouring properties and within the streetscene.
16. There are no extensions proposed so there is no need to specify facing materials. The HMO use is existing so I do not consider it reasonable to require soundproofing of internal rooms.

Conclusion

17. In conclusion, the proposed development would be within an accessible location where facilities can be easily reached without undue reliance on the use of the private car. Moreover two vehicles can be comfortably parked to the front of the property, and possibly three, without obstructing access or affecting the safe and efficient operation of the highway.
18. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

A Graham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years of the date of this decision.
- 2) The development not shall take place otherwise than in strict accordance with the approved plans:
 - i) 20ABBOTSBEDREAR 04 Proposed Floor Plan dated 23 August 2017
 - ii) 20ABBOTSBEDREAR 04 Existing and Proposed Elevation dated 23 August 2017
 - iii) 20ABBOTSBEDREAR 04 Proposed Parking Plan dated 21 January 2018
 - iv) Location Plan
 - v) HMO Management Plan and House Rules
- 3) Prior to any occupation by more than six residents details of facilities for the screened storage of refuse bins within the site shall be submitted to and approved in writing by the Local Planning Authority. The screened storage shall be provided in accordance with the approved details before occupation by more than six residents and thereafter shall be permanently retained.
- 4) Prior to any occupation by more than six residents details of covered and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details before occupation by more than six residents and thereafter shall be permanently retained.
- 5) Prior to any occupation by more than six residents a detailed scheme for boundary walls, fences, landscaping or other means of enclosure shall be submitted to and approved by the Local Planning Authority. The boundary treatment(s) shall be provided in accordance with the approved details before occupation by more than six residents and thereafter shall be permanently retained.
- 6) There shall be no more than six bedrooms with no more than eight residents in the property.