



Appeal Decision

Site visit made on 01 October 2019 by C Brennan BAE (Hons) M.PLAN

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/A5270/W/19/3234079

8 The Bye, Acton W3 7PG

- 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 R Moore against the decision of the Council of the London Borough of Ealing.
 - The application Ref 191498FUL, dated 29 March 2019, was refused by notice dated 21 June 2019.
 - The development is the conversion of a single dwellinghouse (Use Class C3) into a Large House in Multiple Occupation (HMO) (Use Class Sui Generis) for 9 rooms and 15 occupants.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of a single dwellinghouse (Use Class C3) into a Large House in Multiple Occupation (HMO) (Use Class Sui Generis) for 9 rooms and 15 occupants at 8 The Bye, Acton, W3 7PG, in accordance with the application, Ref 191498FUL, dated 29 March 2019, and the plans numbered 2938-05/FP, 2938-02HMO/FP, 2938-03HMO/FP and 2938-04HMO/FP, subject to the following condition:
 1. Within 3 months of the date of this decision, refuse and cycle storage will be provided in accordance with plan numbered 2938-05/FP, and shall be retained for these purposes for the duration of the development.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. For clarity and precision, the description of the development stated above has been taken from the decision notice rather than the application form. The word "retention" has been omitted for further precision.
4. The reason for refusal on the decision notice references Policy 7.4 of the Ealing Development Management DPD (2013), which relates to character and appearance. This policy is not particularly relevant to the main issues and is therefore not considered within this determination.

Main Issue

5. The main issue is the effect of the development on residents' living conditions.
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Reasons for the Recommendation

6. The appeal site comprises a semi-detached, two-storey property situated on the eastern side of The Bye, a residential street. The property has been substantially enlarged with a two-storey side extension and a full-width, single-storey rear extension.
7. The development could accommodate a maximum of fifteen unrelated individuals, each with their own particular schedules, means of transport, social circles and family. As such, it is considered that the potential intensity of residential use associated with the development cannot be directly compared to that of a single family dwellinghouse. Nonetheless, although the appeal property was a more modest dwelling before it was extended, it is still the case that as an extended family dwelling it would be capable of occupation by a large household with similar individual demands for visitor traffic and a high level of general comings and goings. The level of activity arising from the development might be more intensive, but on balance I would not equate this with any fundamental change to the general quality of the surrounding living environment. The appellant confirms that the property has been tenanted since 2016 and that there have been no records of complaints arising from noise or disturbance. Although I do not know if the property has been fully tenanted during this time, on the available evidence, there is little to demonstrate that the additional activity from the HMO would result in material harm to the living conditions of nearby residents.
8. In terms of the living conditions of the occupiers of the converted property, the development provides for nine bedrooms all of which meet the floorspace standards required of the London Plan. There would only be one communal kitchen / dining area, but this would be a generous area of some 37.45 square metres with multiple provision for sinks, fridges and cookers, as well as space for dining. In addition, given the nature of HMO occupation where residents would have variable use patterns, it is likely that occupation of the kitchen would be staggered. In these circumstances, I find that the development would not result in a cramped or poor-quality living environment for its occupants.
9. For the above reasons, I conclude that the development would not be harmful to residents living conditions. It therefore complies with Policies 3.5 and 7.4 of the London Plan (2016), which respectively state that development must be of the highest quality in relation to their context and wider environment, and that development should have regard to the form and function of the surrounding area. The development also accords with Policy 1.1 of the Adopted Ealing Development (Core) Strategy, which states that development should protect and enhance suburban communities. Finally, the proposal complies with Policies 7A and 7B of the Ealing Development Management DPD (2013), which respectively state that development proposals should not erode the amenity of surrounding uses and should ensure a high standard of amenity for users and adjacent users by providing appropriate levels of development on site.

Conditions

10. No conditions are suggested by the Council. However, I note that conditions relating to refuse and cycle storage would have been imposed if the Council had been minded to approve the application. I agree that a condition to secure the provision of cycle and refuse storage is necessary to ensure that the living

conditions of the occupants are safeguarded and that sustainable transport choices are provided. Whilst the proposed cycle storage is not in the form of a secure compound, it would provide for cycles to be securely stored and I do not consider that a separate compound would be necessary to make the development acceptable in planning terms. The Council also refers to the need for a Section 106 agreement preventing occupants from obtaining parking permits. However, as the appeal property is in an accessible and sustainable location with good access to public transport and that there is little evidence of any significant parking pressures in the locality, this would not be necessary.

Other Matters

11. The Council refers to the loss of a family unit for which there is a recognised need within the Borough. Nonetheless, there is no tangible evidence of a specific local need and I note that there is no dispute that the proposal would accord with development plan objectives to increase the choice and supply of homes for Londoners. This is not therefore a determining issue in this appeal.

Conclusion and Recommendation

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

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

P J Davies

INSPECTOR