
Appeal Decision

Site visit made on 12 February 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 12 March 2020

Appeal Ref: APP/F5540/W/19/3242266

366 Wellington Road South, Hounslow TW4 5JX

- 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 & Mrs Rajan Gujral against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01181/366/P9, dated 20 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is a change of use of property from use Class C4 (6 person HMO) into 10 person HMO (Use Class Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be acceptable in principle having had regard to development plan policies;
 - whether the proposed development provides an acceptable standard of living conditions for future occupants, with particular regard to internal and external amenity space; and
 - the effect of the proposed development on living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

3. The appeal site is a substantial sized two storey detached property, set back from the edge of the footway with a driveway and rear garden. The building is currently in use as a six person House in Multiple Occupation (HMO) and the proposed change of use would increase this to a ten person HMO.
4. Policy SC10 of the London Borough of Hounslow Local Plan 2015-2030, adopted 2015 (LP) recognises that Housing in Multiple Occupation (HMO) are a responsive and flexible part of the range of housing provision necessary to meet the needs and families within the borough. It supports HMO's (for six occupiers or more) in appropriate locations where it satisfies criteria, which I examine below.
5. Criteria (d) expects HMO's to be located within convenient walking distance of town centre facilities and good public transport links. As I saw on my site visit

- there is a nearby bus stop which provides frequent services to Hounslow town centre as well as other locations. I acknowledge the appellant's evidence of the different bus routes and that the site is served well by public transport links.
6. However, the large Tesco Express on the corner of Hanworth Road and Wellington Road South would only provide a limited option of everyday shopping needs. I do not consider it would meet the day to day essential needs or facilities that would be required by occupants of the HMO, that would be readily available within a town centre location.
 7. Furthermore, the Council's HMO Supplementary Planning Document, 2017 (SPD) sets out that proposals for HMO's need to be located within convenient walking distance of town centre facilities, they should be within a 400m walk of town centre facilities (meaning Metropolitan and District Centres – Hounslow, Chiswick, Brentford and Feltham town centres). The Council's evidence sets out that the site would be over 980m from the closest part of Hounslow town centre and would be some 405m from the closest small neighbourhood centre.
 8. In the absence of any evidence to the contrary, the distance of the site significantly exceeds the policy requirement for what is considered to be 'reasonable' as a convenient walking distance to town centre facilities. The proposal would therefore not meet criteria (d), in this regard.
 9. Criteria (e) requires that HMO's have a minimum 'original' floor area greater than 130sqm. The guidance at paragraph 5.30, supporting the policy states that the conversion of properties that only achieve a total floorspace of more than 130sqm because of previous or proposed extension will not be supported.
 10. The appeal property has been previously extended in 1983. Based on the evidence before me, the property was identified as a bungalow and had an original floor area of approximately 82m². The ground floor extension resulted in the property having an area of approximately 130m² and the first-floor extension results in the property having a total area of approximately 230m².
 11. Moreover, the Council's SPD explains the minimum floor area requirement and those properties that only achieve a total floorspace over 130m² because of previous extensions are not supported by Policy SC10. The impact of such multiple-occupation on the residential amenity and character of surrounding area is likely to give rise to serious harmful impact. Accordingly, and in the absence of evidence to the contrary, I find that the proposed development would be clearly in conflict with Policy SC10(e).
 12. Turning to criteria (f), it requires that proposals demonstrate together with other similar development in the surrounding area will not have a serious harmful cumulative impact on the character and residential amenity of the area. The Council confirm that there are eight other HMO's along Wellington Road South and in the absence of evidence to demonstrate otherwise, I have no reason to disagree with their findings in regard to criteria (f).
 13. For the reasons given above, I conclude that the proposed development would be unacceptable in principle. It would be contrary to Policy SC10 of the LP, in so far it requires an original minimum floor area of 130m² to be considered suitable, the requirement to be in a reasonable walking distance from town centre facilities and the harmful cumulative impact.

Living Conditions

14. Policy SC5 of the LP ensures that new housing development contributes to improving the quality and design of housing in the borough. It requires development to be of the highest quality internally and externally and meet the demands of everyday life for the intended occupants. This is achieved by applying the minimum internal space standards as set out in the Nationally Described Space Standard and reinforced through the Council's HMO SPD.
15. There is no dispute between the main parties that all bedrooms would comply with space standard requirements for the amount of accommodation proposed. The plans also demonstrate that all occupiers would have independent access to all the communal areas. However, Appendix 1 of the HMO SPD sets out that living rooms should be fully furnished, be of sufficient size to enable adequate comfy seating, such as sofas and armchairs. Dining areas should also be of sufficient size to enable provision of a sufficient dining table and chairs. These rooms should be able to accommodate all occupiers at any one time.
16. The appellant contends that there is no pre-requisite to provide a communal living room or dining area. Policy SC5 clearly sets out that quality internal space for people, moving around, their belongings, and a range of activities is required to be provided. Including suitable quantity and quality of space for members of the household, of different ages and mobility, both to be together and to have a degree of privacy and space for activities.
17. The HMO SPD advises that the main impacts of HMO's that can need managing are poor standards of accommodation and conversion and lack of appropriate facilities. It further stipulates that in assessing planning applications, the Council will seek to ensure the change of use will not be detrimental to the amenity of residents/tenants of the HMO and it can be demonstrated that it is appropriate for conversion to provide suitable accommodation.
18. At paragraph 3.9 of the HMO SPD, it requires a management statement to be submitted with the planning application setting out how the property will be managed to address such criteria including layout and design. In terms of communal rooms, it must be demonstrated by justification if the provision would not be appropriate. Nonetheless, I have not seen any evidence of a management statement.
19. From the evidence and plans before me including observations from the time of my site visit, the lounge area would not be of a sufficient size to enable adequate comfortable seating area for the additional occupants at any one time, to avoid incidences where some occupiers are unable to make use of the communal living room at certain times. Particularly, as this room is also identified as an HMO office, which is likely to restrict occupants from accessing the communal area at certain times and for the purposes of relaxation and social activities.
20. Furthermore, despite suitable cooking and washing up facilities, the kitchen / dining room, would appear constrained with the introduction of suitable dining furniture. From the evidence before me, it does not demonstrate that sufficient provision of appropriate space for a suitable dining table and chairs that could accommodate all the occupants at any one time could be provided. Therefore, the proposal would not provide adequate internal living space for all occupants.

21. In regard to external amenity space, the rear garden area has been identified in excess of 200m². Policy SC5, figure SC5.2 sets out that space should be provided to no less than 75sqm for 5 habitable rooms and over. The rear garden is of rectangular shape with both grassed and patio areas and could be accessed by all occupants. Even, if I were to take account of the rear outbuilding reducing the overall size of the garden, the communal amenity area would still be of a suitable shape and exceed the required policy size. As such the external communal amenity area would be acceptable. However, this does not compensate or outweigh the inadequate internal living space.
22. I conclude that the proposed development would not provide an acceptable standard of living conditions for all its occupants, with particular regard to internal space. It would be contrary to Policies CC2, SC5 and SC10 of the LP and the HMO SPD, as set out above and where they seek to ensure compliance with the required standards.

Noise and disturbance

23. The appeal proposal would generate an additional four occupants to the existing six. The Council has not provided any evidence to suggest that there have been any complaints received from neighbouring occupiers concerning noise and disturbance from existing occupants of the HMO.
24. The appeal property is of a substantial size and is currently capable of six occupants living together. Residents of the proposed HMO would most likely be unrelated and the appellant confirms that the number of occupants would be a maximum of ten. I consider the proposed development would not be dissimilar to that of the existing in terms of noise and disturbances and there would be similar coming and goings at the property.
25. Furthermore, the appeal scheme does not propose any external alterations including new openings and the rear of the site is enclosed by fencing. Moreover, the location of the appeal site is directly adjoining a busy main road, where it would be anticipated that the site and nearby properties have already increased noise and disturbances taking place from road traffic.
26. From the evidence before me, I find that it does not demonstrate that the proposed HMO would create additional noise and disturbance than that of the existing residents. I therefore conclude that the proposal would not be harmful to the living conditions of neighbouring occupants and would accord with Policies CC2 and SC10 of the LP and the HMO SPD, in so far as they seek to minimise harm to neighbouring residents including noise, and ensures HMOs are in locations suitable for more intensive occupancy.

Other Matters

27. Whilst the proposal does not include any details of storage facilities for waste collection and recycling, I observed that storing of bins behind the front boundary wall was typical of the street character, and as such a continuation of this arrangement would not have a serious impact on the character and appearance of the local area. It would also be likely that suitable provision of cycle storage and car parking within the site could be made available given the size of the front driveway and garden. These matters do not diminish the concerns I have identified in relation to the proposal in the context of the appeal site nor the harm I have identified in respect of the main issues.

28. The appellant refers to the Framework and that it is supportive of positive planning and ensuring that land is viable as a resource and is put to best use. Whilst this may be the case, it is not without caveats, including that developments are sympathetic to local character and provide a high standard of amenity for existing and future users.
29. I recognise the appeal proposal would have benefits with regard to contributing to additional housing in the Borough and the contribution additional future occupiers of the HMO would make to the local economy. I acknowledge the appellants comments on the importance of meeting the needs of groups with specific housing requirements and it would not cause harm to the living conditions of neighbouring occupiers. These matters, however, do not outweigh my findings in respect to the harm to living conditions of future occupiers nor the conflict I have found with the development plan read as a whole.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR