
Appeal Decision

Site visit made on 10 March 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2020

Appeal Ref: APP/F5540/W/19/3242688
74 New Road, Brentford TW8 0NU

- 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 Oliver Sutton against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00792/74/P4, dated 10 June 2019, was refused by notice dated 7 August 2019.
 - The development proposed is creation of one flat and a four-bedroom house in multiple occupation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that the use of the house as a House in Multiple Occupation does not require planning permission¹. I have therefore determined the appeal on this basis.
3. Whilst I have been referred to the Council's Standards for Houses in Multiple Occupation (May 2018), as these relate to the application of responsibilities under the Housing Act 2004, they are not relevant to the consideration of this appeal under the requirements of the Town and Country Planning Act 1990. I have therefore afforded the document very limited weight in my determination of the appeal.

Main Issues

4. The main issues are: -
 - whether the proposed development provides adequate living conditions for future occupants of the proposed studio flat and existing House in Multiple Occupation (HMO), in terms of internal and external space;
 - the effect of the proposed development on the living conditions of neighbouring occupiers, in terms of privacy and noise and disturbance; and
 - the effect of the proposed development on the free flow of traffic and highway safety.

¹ Within the limits set by Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

Living conditions of future occupiers

5. The appeal site is situated within a residential area and concerns a semi-detached house, licensed as an HMO with five bedrooms (one in the basement, three on the first floor and one in the linked building to rear). The proposal is to subdivide the linked building at the rear to create a separate studio flat.
6. Policy SC5 of London Borough of Hounslow Local Plan (2015-2030) (the LP) requires that development proposals demonstrate through a clear design rationale how the benchmark external space standards contained in the policy have been considered and show how the usability has been considered in external open space proposals to create sufficiently high-quality living conditions. The policy also suggests that the exact area and character of external space will vary according to the size and use of a dwelling unit.
7. The main parties have suggested different approaches to calculating the required external space for the proposal and I note that the element of Policy SC5 that refers to private space mirrors the requirements of Standard 26 of the Housing Supplementary Planning Guidance (2016) to The London Plan (2016) (the TLP). The Council considers that the proposal should be viewed as a house but the appellant suggests that it should be considered as a residential conversion.
8. Even if I were to find the proposed external space compliant with the relevant policies, I am mindful that the access for the proposed studio flat would cross the external space that would be dedicated to the occupants of the existing HMO. Movements by the occupants of the proposed unrelated flat through the external space would therefore be harmful to the occupiers of the HMO. Furthermore, the quality of the external spaces within the site would be significantly compromised by the retained parking space and the requirements for the storage of waste and recycling bins.
9. In terms of the internal space requirements for the proposal, the Council suggests that the linked building is of two-storeys but I note that the bedroom within the building is already accommodated on a mezzanine floor. The proposal would therefore function as a single storey property.
10. Policy SC5 of the LP requires that development proposals demonstrate compliance with the Nationally Described Space Standard (the NDSS). As the bedroom within the proposed studio flat would be less than the 11.5 square metres required by the NDSS for double bedrooms, the proposal should not be occupied by more than one individual. However, I am mindful that the number of occupants could be reduced to one to meet the space standards required for the proposed accommodation. Moreover, I see no reason to suppose that this matter could not be secured with an appropriately worded planning condition. What is more, I observed during my site visit that storage is available under the stairs leading to the mezzanine floor. In light of this, the Gross Internal Area and storage proposed for the studio flat would meet the requirements of the NDSS, so the proposal would comply with Policy SC5 of the LP in this respect.

11. Despite my findings in relation to internal space and storage, I conclude that the proposed development would not provide adequate living conditions for future occupants of the proposed studio flat and existing HMO, in terms of external space. Hence, the proposal would not accord with Policy SC5 of the LP in this respect.

Living conditions of neighbouring occupiers

12. The rooms within the linked building at the rear are currently accessed through the kitchen serving the HMO but also from an independent access taken from the yard serving the building. The mezzanine level within this part of the building already accommodates a bedroom and, in the first main issue, I found that the proposal would be unlikely to lead to an increase in the number of occupants due to the internal space available. Nevertheless, even if there was an increase in occupancy and this would add to the movements to and from the proposed studio flat, the magnitude of this change would be unlikely to have a harmful effect on the living conditions of the occupiers of properties neighbouring the site in terms of their privacy or from noise or disturbance.
13. In light of the above, I conclude that the proposed development would not have a harmful effect on the living conditions of neighbouring occupiers in terms of privacy and noise and disturbance. Hence, the proposal would accord with Policies CC2, SC4 and SC6 of the LP. Together these policies require that development proposals should function well in themselves and in their effect on surrounding areas and have a positive impact on the living conditions of current and future residents, including neighbouring occupiers.
14. I have not found in relation to Policy CC1 of the LP in respect of this main issue, as the policy does not refer to living conditions.

Traffic and highway safety

15. The residential properties in New Road are arranged close to the footpath so there are very few opportunities for off-street parking and on-street parking is controlled through a permitting scheme operated by the Council, who have confirmed that the street is situated within an area with good public transport accessibility levels (PTAL 4).
16. Policy EC2 of the LP refers to the maximum parking requirement for new development set out in the TLP, Table 6.2 of which suggests that all parts of London with good public transport accessibility should aim for significantly less than 1 parking space per unit. However, the table also suggests that up to 1.5 spaces per unit should be provided in PTAL 4 areas.
17. In terms of the appeal scheme, up to 1.5 spaces would be required for both the HMO and the proposed studio flat. The appeal site currently incorporates a single off-street parking space to the side of the HMO. Although additional parking would need to be met on-street, the existing use of the entire property as a small HMO is likely to have resulted in some on-street parking demand. Furthermore, there are opportunities to travel by means other than private vehicle, including from Brentford Railway Station, which is a short distance away and offers services to central London. The use of alternative means of transport should therefore be encouraged.

18. The Council has suggested that the proposed provision of parking would be likely to lead to conditions detrimental to the free flow of traffic and highway safety. However, the evidence before me does not demonstrate that there is a local parking issue or that the proposals would result in a material shortage in parking provision on-street in this location. Nor has it been demonstrated that even if there was a material deficiency it would be bound to have a detrimental effect on the free flow of traffic or highway safety. For these reasons, I conclude that the proposed development would accord with Policy EC2 of the LP, which requires that development proposals demonstrate that adverse impacts on the transport network are avoided and should provide an appropriate maximum number of car parking spaces consistent with the standards in the TLP, providing for existing local need, together with the resulting increase in demand arising from the development.

Other Matters

19. I have been referred to a number of decisions made by the Council for the conversion of existing buildings to flats², particularly in relation to the consistency of the Council's decision-making in terms of the requirements for external space. However, as none of the decisions refer to buildings sited to rear of others with access taken through external space, they are not for development comparable to the appeal scheme before me. In any event, I have determined the appeal on the basis of its own individual merits and found harm for the reasons identified above. The previous decisions would not therefore be compelling reasons to allow development that I have adjudged to be harmful.

Conclusion

20. While I have not found harm in relation to the living conditions of neighbouring occupiers, or future occupiers of the proposal in terms of internal space, or in relation to traffic and highway safety, I have identified that the proposed development would not provide adequate living conditions for future occupants of the proposed studio flat and existing HMO, in terms of external space. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

² Planning References: 00009/16/P3, 01217/121/P2, 00707/538/P1, 00271/A/S2 and 00981/C(U19)/P2.