



Appeal Decision

Site visit made on 21 September 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2020

Appeal Ref: APP/H5390/W/20/3252576
82 Rannoch Road, London W6 9SP

- 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 Sandeep Krishan (Krishan Property Partnership) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2020/00506/FUL, dated 20 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is Change of Use from 5 Bedroom C4 HMO up to 6 People to a Sui Generis 5 Bedroom HMO up to 8 People, with Associated Cycle Parking and Bin Storage.
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Decision

1. The appeal is allowed. Planning permission is granted for Change of Use from 5 Bedroom C4 HMO up to 6 People to a Sui Generis 5 Bedroom HMO up to 8 People, with Associated Cycle Parking and Bin Storage at 82 Rannoch Road, London W6 9SP subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: BR-03 Rev G & BR-04 Rev G.
 - 3) Prior to the first occupation of the property on the terms hereby permitted, details of the cycle store shall be submitted to, and approved in writing by, the local planning authority. The cycle store shall thereafter be installed in accordance with the approved details prior to occupation of the enlarged HMO hereby permitted and shall be permanently retained for use by the occupants thereafter.
 - 4) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development on the terms hereby permitted.
 - 5) The maximum number of occupants residing at the property within the site at any one time shall not exceed eight.

Procedural Matter

2. The description of the proposal has been altered on the Council decision notice from the application form. I have no confirmation that the revised description has been agreed, and, in any event, the original description of the proposal adequately describes what is before me. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - i. the effect of the proposal on the character of the area and living conditions of nearby residents with particular regard to noise and disturbance; and
 - ii. whether the proposal would cause parking stress in the locality.

Reasons

Character of the area and living conditions

4. The property sits within the Crabtree Conservation Area, (the conservation area) which is partly characterised by established, attractively detailed and well-kept terraced properties. These properties are a defining feature of the character and appearance of this part of the conservation area. I am required to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. The appeal site consists of a two-storey terraced property which includes accommodation within the roof space and a yard to the rear. Five en-suite bedrooms are provided along with a communal kitchen/dining and living area.
6. The site is located on the north eastern side of Rannoch Road. The evidence indicates that the property is already in use as a small house in multiple occupation (HMO) for up to six residents. This proposal seeks to increase the maximum permitted number of occupants to 8.
7. I accept that the proposal would result in a slightly greater potential for noise and activity than is currently the case as a result of the increase in permitted occupants, with the potential for more movement and activity as a consequence. Nonetheless, unacceptable levels of noise or disturbance are not an automatic consequence of HMO's of such a size, but rather a question of individual behaviour and appropriate management.
8. There is nothing substantive within the evidence to indicate that the proposal would cause or exacerbate any problems with noise or disturbance. Furthermore, no objection was raised by the Council's noise and nuisance section. Moreover, if anti-social behaviour, including excessive noise did occur at the property, there are powers available to the local authority and police to deal with such matters.
9. HMO's have sometimes had a reputation of being scruffy in appearance. However, the property appears to be well kept and maintained. It is difficult to differentiate the appearance of the property from any other on the street. This provides an indication that the property is well managed, and I have no reason to believe that this would not be the case as a result of the proposal before me.

10. I therefore conclude on this issue that the proposal would therefore preserve the character and appearance of the conservation area and would not have a detrimental impact upon its significance. Further, I am not persuaded that levels of noise and disturbance as a result of the proposal would be significant.
11. The proposal would accord with Policy HO8 of the Hammersmith and Fulham Local Plan (2018) (HFLP) which amongst other things seeks to manage the impact of HMO accommodation on the locality suggesting that new HMO's may be permitted where they would not have an adverse impact on residential amenity. The proposal would not contravene Policy CC11 of the HFLP which seeks to appropriately manage the noise impacts of development.

Parking stress

12. The appeal site is identified as having a very good Public Transport Access Level (PTAL) rating and as being within a Controlled Parking Zone.
13. Due to the accessibility of the site to good transport links, there is likely to be a reduced reliance on the use of a car by any additional residents. At the time of my site visit, on a weekday afternoon, although only a snap-shot, I observed that whilst there were vehicles parked on the street, there appeared to be available parking capacity. There is nothing within the evidence to suggest that any limited additional parking demand would be to the detriment of highway safety.
14. In any event, the supporting text to Policy T4 of the HFLP relating to parking standards states that the council will only consider the issuing of permits for on street parking in locations where the PTAL level is low. I find it unlikely that any additional residents would wish to permanently utilise on street parking on a pay and display basis with the restrictions, inconvenience and cost which would be associated with this.
15. I therefore conclude on this issue that the proposal would be unlikely to cause any significant increase in the demand for on-street car parking and therefore would not result in parking stress. The proposal would therefore comply with Policy T4 of the HFLP relating to parking standards.

Other Matters

16. I have not identified conflict with policies HO2 or HO4 of the HFLP which relate to housing, nor policies DC1 and DC8 which relate amongst other things to design quality and the protection of heritage assets. I have further identified no conflict with policies T1 and T3 relating to transport and cycling nor Policy CC7 which relates to waste management.
17. Whilst concern has been raised regarding future occupancy by students, my assessment is based on land use planning grounds and not on who may or may not occupy the HMO in the future. In terms of the quality of the accommodation and space within the property, the Council have raised no objection and I have no reason to disagree. Whilst I note concerns raised in relation to drainage capacity, there is no firm evidence that it would not be feasible to adequately drain the property based on the increased level of occupation.

Conditions

18. In addition to the standard three-year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. Although a cycle store is indicated on the plans, details are very limited and Policy T3 requires the provision of convenient accessible and safe secure cycle parking within the boundary of the site, therefore a condition is necessary to secure such provision.
19. I have imposed a condition relating to measures in the Flood Risk Assessment which is necessary in order to protect the safety of the property and occupiers. I have also imposed a condition relating to the maximum number of residents that can occupy the HMO to protect living conditions of occupiers and the character of the area.
20. I have not included suggested conditions relating to parking permits as they would seek to impede the actions of a person and are not a restriction on land or buildings. They would therefore not be relevant to planning and would not meet all the required tests. Sufficient details of waste storage to the rear of the property are shown and I do not consider further details necessary. I do not consider a condition relating to the provision of air source heat pump or electric boilers to be reasonable given the scale of the proposal. Further, the evidence indicates that the property already benefits from a modern and efficient heating system.

Conclusion

21. For the reasons set out above and having taken into account all relevant matters, the appeal is allowed subject to the conditions.

T J Burnham

INSPECTOR