



Appeal Decision

Site visit made on 20 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/F5540/D/20/3248197

125 Byron Avenue, Hounslow, TW4 6LU

- 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 B Sidhu against the decision of the Council of London Borough of Hounslow.
 - The application Ref 00189/125/P1, dated 25 September 2019, was refused by notice dated 27 January 2020.
 - The development proposed is Retrospective application for the conversion of the house into a 5 person House of Multiple Occupation and self-contained flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted retrospectively and I have considered the appeal on that basis.
3. I have utilised the Council's description of the proposal as it more concisely describes the development.
4. An amended plan (drawing no. 01 Revision B) has been submitted with this appeal to demonstrate how access can be gained to the garden. I have, on this occasion, taken this plan into account as I do not consider it to be a material change to the proposal. The Council have, in any case, had the opportunity to comment on this during the appeal process meaning no party is prejudiced by its acceptance.

Main Issues

5. The main issues are (i) whether the proposal is acceptable in principle having regard for the relevant Local Plan Policies, (ii) the impact of the proposal upon the living conditions of present and future occupiers and (iii) the impact of the proposal upon neighbouring residents in relation to noise and disturbance.

Reasons

Principle

6. The appeal site is a two storey mid-terrace dwelling. I understand, from the submissions before me (given that my site visit was an unaccompanied visit), that the property benefits from a large single storey rear extension. The property is stated to currently be in use as a five person House in Multiple Occupation (HMO) with a separate, attached, self-contained flat.

7. There are two elements within the development description. The first being a five-person HMO and the second a self-contained flat (for a further two occupants). The latter is stated to be accessed from a shared alley to the side of the property. There is some discrepancy between the plans submitted in that drawing no. 01 Revision A states, "existing house converted to 5 person HMO" and drawing no. 01 Revision B states "existing house converted to 6 person HMO" with a "2 person self contained flat". There is also further discrepancy between the existing layouts on the ground floor.
8. The revised plans create an inner hallway, greatly reducing the bedroom space for the flat, to allow users of the HMO element to access the garden. The degree of separation, as a result of both the original and the revised layout, I find to be limited. Furthermore, the definition of a HMO is defined in Part 7 of The Housing Act 2004 and includes a building that has been converted and does not entirely comprise of self-contained flats. I find that the proposal within this appeal is consistent with this definition.
9. Use of a residential dwelling as a small HMO (up to six people) (Use Class C4) is a form of permitted development¹ and I have no evidence before me to suggest that the property would not benefit from the relevant permitted development rights for this. In this case, taking into account the definition of a HMO, the appellant's statement that the property would be occupied by at least seven people, and the submitted plans, the proposal as submitted within this appeal would be a larger HMO outside the scope of permitted development.
10. London Borough of Hounslow Local Plan 2015 (LP) Policy SC10 is clear that, for houses to be eligible for conversion into a non-family HMO, the benchmark minimum internal space standard of 130 sq./m (as built) must be met. The original dwelling is stated to have a floor area of around 90 sq./m and, even with the extensions, has a floor area below 130 sq./m. LP Policy LP SC10 also requires such development to be within reasonable walking distance of town centre facilities and public transport. The appellant has submitted no evidence within their statement to counter argue the Council's assessment of this point.
11. Based on the evidence before me the development fails to satisfy the requisite provisions to be eligible for conversion and the principle of the proposal is unacceptable. The proposal would be contrary to LP Policy SC10 which requires development proposals to have a minimum original floor area greater than 130 sq./m and be located within convenient walking distance of town centre facilities.

Living conditions of present and future occupiers

12. I am satisfied that the amended plans, (drawing no: 01 Revision B) demonstrate how all occupiers are to access the outdoor amenity space. Despite this it is stated, by the Council, that the plans fail to show a large outbuilding in the rear of the site and that discrepancies in the plans mean it is not possible to assess whether the proposal would provide a satisfactory level of amenity space in accordance with LP Policy SC5.
13. The appellant has provided no comment or clarification on this point so I have no evidence before me to conclude differently.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2 Part 3 Class L

14. Similarly the Council's reason for refusal, and officer's report, outlines concern over room sizes. The appellant has not provided any evidence or comment to demonstrate why the Council are incorrect in their assessment or what minimum standards and/or size requirements they believe the proposal to be consistent with.
15. I note that LP Policy SC10 is stated within the second reason for refusal, however, I do not find that this policy specifically deals with internal and external amenity space. I have, in any case, already found the proposal contrary to LP Policy SC10 in principle for the reasons outlined above. Similarly I do not have a copy of the London Plan Housing Supplementary Planning Guidance.
16. Based upon the evidence before me I find that the proposal fails to demonstrate that sufficient internal and external amenity space is available for the occupants of the development. The proposal would be contrary to LP Policy CC2 which seeks to support high quality design to create liveable places and LP Policy SC5 which requires development to be high quality internally, and externally, and meet the demands of everyday life for intended occupants.
17. The proposal would also be contrary to the guidance in the Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) which sets out minimum standards for room sizes and external amenity space.

Impact of the proposal upon neighbouring residents in relation to noise and disturbance

18. As outlined above, and as stated by the appellant, the site could be utilised as a small HMO under permitted development. The proposal, for seven people, would produce daily movement patterns for work, leisure and shopping purposes which are unlikely to be dissimilar to a small HMO due to only one additional person.
19. Despite this I do not consider the level of overall intensified use is appropriate due to the location. Whilst only a snapshot in time I found that the appeal site, at time of my visit (lunchtime on a Tuesday) was a relatively quiet residential area. LP Policy SC10 does not seek to direct larger HMOs to locations such as this, instead seeking to locate them closer to busier areas with better transport links and services within walking distance.
20. As a result, I find that the intensification of use, most commonly associated within more comings and goings, would have a harmful impact on the living conditions of neighbours through noise and general disturbance. It is noted that there are no objections from neighbouring residents specifically in relation to noise and disturbance, however, a lack of objection on certain matters is a neutral consideration.
21. I find the proposal would result in increased noise and disturbance, which would harm the living conditions of neighbours, through increased comings and goings in a quiet residential area.
22. The proposal would fail to comply with LP Policy CC2, LP Policy SC10 and the HMO SPD in so far as they seek to minimise harm to neighbouring residents and ensure that HMOs are in locations suitable for more intensive occupancy.

Conclusion

23. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR