



## 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: 27<sup>th</sup> November 2020**

---

**Appeal Ref: APP/F5540/W/20/3248583**

**2a Myrtle Road, Hounslow, TW3 1QD**

- 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 G Khan against the decision of the Council of London Borough of Hounslow.
  - The application Ref 00782/2A/P9, dated 12 November 2019, was refused by notice dated 17 January 2020.
  - The development proposed is change of use from a dwelling-house (Use Class C3) to a large house in multiple-occupation (Sui Generis) for up to a maximum of seven (7x) persons.
- 

### Decision

1. The appeal is dismissed.

### Procedural Issues

2. An amended plan (drawing no. KHAN/PLAN/005A) has been submitted to demonstrate reconfiguration of the kitchen/laundry room in order to increase the size of the dining room. I have, on this occasion, taken this plan into account. The Council have, in any case, had the opportunity to comment on this during the appeal process and no third party is prejudiced by its acceptance.

### Main Issues

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

### Reasons

#### *Principle*

4. The appeal site is a two-storey detached dwelling which has been extended as a result of single storey side and rear extensions as well as a first-floor side extension. The floor area of the original property is stated to be in the region of 54 sq./m. With the extensions outlined the property is acknowledged to have a floor area in the region of 150 sq./m.
5. 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. It is

confirmed that the conversion of properties that only achieve a total floor space of more than 130 sq./m because of previous or proposed extension will not be supported.

6. The Hounslow Houses in Multiple Occupation Supplementary Planning Document 2017 (HMO SPD) outlines that this minimum floor area requirement is to ensure that smaller (less than 130 sq./m) family houses are not lost to Houses in Multiple Occupation (HMO) and flat conversions.
7. The appellant states that the proposal would provide a good standard of living for future occupiers, would not result in any material harm to the neighbouring residents and that there is no harm to the character and appearance of the area. Regardless of whether or not the proposal was acceptable in relation to such matters both LP Policy SC10 and the HMO SPD are clear as to the starting point in relation to the size of the original dwelling. The development fails to satisfy the requisite provisions to be eligible for conversion and the principle of the proposal is unacceptable. This approach is consistent with other appeals submitted by the appellant<sup>1</sup>.
8. The proposal would be contrary to both LP Policy SC10 and the HMO SPD which require development proposals to have a minimum original floor area greater than 130 sq./m to be considered suitable for subdivision.

*Living conditions of future occupiers*

9. The communal rooms would be located on the first floor which could cause noise and disturbance for the bedrooms on the ground floor. Despite the fact the appellant suggests that a suitable scheme of sound proofing measures could be implemented no details are submitted. In the event I had found the proposal acceptable in principle, and in relation to other matters, such details could have been secured by condition.
10. Drawing no: KHAN/PLAN/005A amends the proposed first floor layout to increase the size of the dining room. With this alteration the kitchen is stated to still meet the requirement of 11 sq./m for the proposed seven occupants. The amendments I find would address the concern over the dining room, however, this does not address the Council's concerns regarding the size of the living room. I am not convinced, based on the plans before me, that the living room is of sufficient size to enable adequate comfortable seating, such as sofas and armchairs, to accommodate all of the occupiers at any one time with a television and coffee table.
11. The appellant contends that private amenity space standards for flats should be applied, however, I do not find this is the case. The HMO SPD is clear in its intent and requirement that amenity space should be provided in line with LP Policy SC5 (figure SC5.2) which refers to benchmark space standards. The requirement for houses in this case would be 75 sq./m with the HMO SPD stating that for HMOs, given the number of habitable rooms (especially for larger HMOs) the requirement will be 75 sq./m. The proposal falls significantly short of this requirement.
12. The proposal would be contrary to LP Policy SC5 which seeks to ensure proposals provide suitable internal and external space, LP Policy SC10 which

---

<sup>1</sup> APP/F5540/W/19/3238522

supports change of use to HMOs where they comply with the required standards and the HMO SPD which seeks to secure adequate outdoor and indoor amenity space for future occupiers to achieve a good standard of accommodation.

### *Living Conditions of Neighbouring Residents*

13. The appeal site is located close to a junction with Kingsley Road. At the time of my visit I walked up and down Kingsley Road and noted that it is a mixed-use area, close to an underground station, which was busy with both people and traffic. Whilst I appreciate my visit is only a snapshot in time, I found that the appeal site is not located within a quiet residential area.
14. The appeal site benefits from a Certificate of Lawfulness for a small HMO (use Class C4) for up to six persons<sup>2</sup>. 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. LP Policy SC10 does seek to direct larger HMOs to locations such as this i.e. to busier areas with strong transport links and services within walking distance.
15. As a result of this I do not find that the intensification of use, most commonly associated with more comings and goings, would have a serious harmful impact on the living conditions of nearby residents in terms of noise and disturbance. The proposal would 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.

### **Other Matters**

16. I do not find that Covid-19 has a significant impact on the assessment of this appeal. The appeal has been assessed, on its own merits, against the Local Plan policies taking into account relevant material considerations as required by S38(6) of the Planning and Compulsory Purchase Act 2004. It has been found to be unacceptable in principle.
17. I note the appellant's contention that the proposal would bring economic benefits as a result of the construction process and the future occupier's contribution to the local area. Social benefits, such as low-cost living accommodation, are also claimed. Given that the appeal site already benefits from an ability to be utilised as a small HMO, for up to six people, the additional benefit attributable to one additional person, if this appeal was to be allowed, is of very little weight.

### **Conclusion**

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

*Eleni Randle*

INSPECTOR

---

<sup>2</sup> 00782/2A/LAW2