
Appeal Decision

Site visit made on 23 March 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15 April 2021

Appeal Ref: APP/R5510/W/20/3261430

3 Newlyn Close, Uxbridge UB8 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Sally Hargreaves against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 42457/APP/2020/390, dated 5 February 2020.
 - The development proposed is a change of use from a single dwelling (Use Class C3) to a house in multiple occupancy (Use Class C4).
-

Decision

1. The appeal is dismissed and planning permission is refused for a change of use from a single dwelling (Use Class C3) to a house in multiple occupancy (Use Class C4).

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

3. The appeal property is a semi-detached dwelling located within a residential cul-de-sac of 13 similarly designed properties. It is claimed by local residents that 9 Newlyn Close is already a House in Multiple Occupation (HMO). Although the appellant's comments concerning valuation records have been noted, there are no reasons to doubt that local residents would know the type of occupancy of the property.
4. The morning site visit during the Covid-19 pandemic identified that the area was the subject of some background traffic noise but the number of vehicle movements observed around the turning head of the cul-de-sac was minimal. There were a greater number of vehicle movements associated with the veterinary practice at the junction Field Heath Road with Newlyn Close.
5. The proposed development is a change of use to a small HMO which would limit the occupancy to 6 people and the maximum occupancy could, as suggested by the appellant, be the subject of a planning condition. By reason of an Article 4 Direction precluding changes of use from Class C3 to Class C4, planning permission is required for the proposed development. This appeal has been determined on this basis and assessed against the relevant development plan policies.

6. The Council and appellant have referred to appeal decisions¹ which are claimed to support their respective cases for this appeal being allowed or dismissed. Based upon the limited information provided, these other appeals were determined based upon their individual planning circumstances and this is the approach being adopted in the assessment of the proposed development.
7. Policy DMH 5 of the Hillingdon Local Plan: Part Two Development Management Policies (LP) refers to a change of use to a HMO being acceptable where there are less than 15% of properties within 100 metres of a street length either side of the subject property being in HMO use. In this case, because of the proposed development and the claimed use of No. 9 this threshold would be exceeded by 0.38% if calculated by the 13 properties fronting Newlyn Close.
8. However, this cul-de-sac is not 100 metres long either side of the appeal property and this affects the outcome of the calculation when it is only applied to the properties fronting this road. Further, there would not be an unbalanced community created if the appeal succeeded whereby HMOs, of whatever type, would be detrimental to the predominant character of this residential cul-de-sac. Accordingly, in this specific case, the degree by which the threshold is exceeded is de minimis and, on its own, does not amount to a reason for this appeal failing. It is a factor which could contribute to this appeal failing if other harm related to the relevant development plan policies may also exist.
9. LP Policy DMH 5 also requires there to be no adverse impact on the amenity of neighbouring properties. The appellant has identified that the existing property has 5-bedrooms which could be occupied by 7 members of the same family. The appeal scheme is for a 6-bedroom HMO. There is the potential for a greater turnover of the occupiers of the property as a HMO when compared to a family's occupation.
10. There would, as claimed, by the Council be an intensification of use and activity associated with this property in a residential cul-de-sac. Unlike a family dwelling, the occupiers of the proposed HMO would not be related to each other. There would be a greater potential for increased comings and goings by the future occupiers whether on foot or in vehicles, including later at night. The increase in movements would not just be limited to the future occupiers but also their visitors, including those delivering goods and services.
11. An increase in comings and goings associated with a HMO could be acceptable in some circumstances. However, the property is located around the turning head of the cul-de-sac and is, as such, sited in close proximity to other family dwellings. The cul-de-sac in this location is also quieter than the area around the veterinary practice. By reason of the relationship of the property to the other dwellings enclosing the turning head, the occupiers of these neighbouring properties would be more susceptible to noise and disturbance associated with the intensification of activity and increased number of movements created by the proposed HMO use.
12. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with LP Policy DMH 5. LP Policy DMHB 11 is not considered to be of direct relevance to the

¹ APP/R5510/A/14/2226729; APP/R5510/W/17/3178166; APP/R5510/W/17/3179484 & APP/R5510/W/18/3218579

determination of this appeal because it is principally directed at the design and layout of development rather than matters related to living conditions.

Other Matters

13. Although the concerns of local residents have been noted and there are daytime parking restrictions operating along the cul-de-sac, no objections have been raised by Highway Officers to the level of off-street parking proposed within the existing surfaced area of the front garden. The use of front gardens for off-street parking is a feature of the streetscene.
14. No specific evidence has been provided concerning the likelihood of the proposed development resulting in anti-social behaviour by the future occupiers. Further, no objections have been raised by the Council to the nature and level of accommodation provided for the future occupiers.
15. However, these other matters collectively do not outweigh the unacceptable harm which has been identified and, for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR