



Appeal Decision

Site Visit made on 10 May 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2021

Appeal Ref: APP/F5540/W/20/3259123

128 Berkeley Avenue, HOUNSLOW, TW4 6LB

- 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 Charanjit Dhillon against the decision of London Borough of Hounslow.
 - The application Ref 00111/128/P2, dated 30 April 2020, was refused by notice dated 11 June 2020.
 - The development proposed is described as: '(Retrospective) COU from dwelling to 10 person HMO (sui generis)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development proposal has been substantially completed therefore I am considering this appeal retrospectively.
3. During my site visit I observed an internal window within Bedroom 2 that faces onto the kitchen / dining room. This is not shown on the drawings before me and I have not considered it in determining this appeal.

Main Issues

4. The main issues in this appeal are: (i) whether or not the proposal is acceptable in principle having regard to the relevant Local Plan Policies; (ii) whether or not the proposal will provide adequate living conditions for existing and future occupiers of the appeal site, with particular reference to internal living space; (iii) the effect of increased activity on the living conditions of nearby residents, with particular reference to noise and disturbance; and (iv) the effect of the proposed refuse, recycling and cycle parking facilities on the character and appearance of the area.

Reasons

Principle

5. The appeal site comprises a two storey mid-terrace property located within a predominantly residential area. A large single storey extension approved in

- 2016¹ is located at the rear and covers the width of the property. The proposal will accommodate up to 10 occupiers across 6 rooms within the property.
6. Policy CS10 of the Local Plan² provides a list of criteria in which proposals for HMOs will be expected to comply with. This includes the requirement for proposals to have a minimum 'original' floor area greater than 130m². The conversion of properties that only achieve a total floorspace of more than 130sqm because of previous or proposed extensions will not be supported.
 7. There is dispute between the parties regarding the existing floor area of the property, nevertheless the key metric in this case is the original floor area, which the Council state to be approximately 86m². The appellant has not challenged this figure with any detailed evidence and based on my assessment of the plans and inspection of the property, I have no reason to dispute the Council's calculation. Whilst it is acknowledged that the rear extension approved in 2016 has increased the overall floor area, it is nevertheless a recent addition that was added after the property's initial construction. Therefore, the floor area of the original property falls significantly below the 130m² requirement in the policy.
 8. The policy also requires that proposals for HMOs are located within convenient walking distance of town centre facilities and good public transport links. In this regard the appeal site, according to the Council, is around 3 miles from the Hounslow and Feltham town centre. Despite this distance, there is a good mix of local facilities at the junction between Berkeley Road and Bath Road to the north, which includes shops, cafes and a pharmacist. These could be accessed easily and conveniently by foot from the appeal site. This group of shops and services is also located close to bus stops with onward routes toward larger centres and toward Heathrow Airport, a big employer within the local area.
 9. It is acknowledged that the proposal does not strictly meet the preferred locational requirements of being accessible to a town centre location and its facilities. Yet, there are a small number of comparable services located a convenient and short distance away that would likely meet the daily needs of occupiers. Therefore, on balance, the proposal is in an acceptable location.
 10. The provision of a 10 person HMO will make a small but important contribution to the range of housing tenures in the area and will offer those with alternative housing needs a viable option. The proposal therefore meets the broad approach outlined in Policy SC10 in respect of contributing to the area's housing mix and supply.
 11. Taking the above into account, I have found that the proposal does not satisfy one of the requisite provisions for HMO eligibility, namely the minimum floor area requirement. Notwithstanding this, the proposal is acceptable insofar as it is in an accessible location close to services and transport connections, as well as contributing to a range of housing needs. However, the lack of harm on these matters weighs neutrally in my assessment of the proposal.
 12. Therefore, I conclude that overall, the proposal will be unacceptable in principle, and fails to comply with Policy SC10 of the Local Plan in terms of meeting the minimum floor area requirements.

¹ Planning Approval Ref 00111/128/PA1 – Ground floor rear extension

² London Borough of Hounslow Local Plan – 2015-2030, Volume 1

Living Conditions of present and future occupiers

13. The Council indicates that the proposed rooms will conform with the floor space requirements set out in its HMO guidance³ (HMOG) as well as the Nationally Described Space Standards⁴ (NDSS). Compliance with the local and national internal standards will satisfy occupiers needs in terms of functional space, nonetheless I do not consider that this precludes a further assessment of bedroom space in terms of the effect on the living conditions of the proposal's existing and future occupiers.
14. Bedroom 2 comprises a two-person room with en-suite facilities. The only source of light that serves the room comes from a small rooflight that is recessed above the ceiling level and partially enclosed by the internal built fabric of the room. The roof light's modest scale and concealed location above the ceiling, results in the amount of daylight entering the room being limited, while its off-centre position focuses the entering light to the rear of the room close to the en-suite.
15. Given that this is a relatively large room for two people the limited amount of daylight entering the space results in a poor-quality living environment that will be gloomy and dispiriting. This will be further compounded by the room having no windows facing the outdoor spaces around the property, meaning that occupiers will have no direct exposure to external views from within the room. As a consequence of the poor outlook and limited daylight entering the room, unsatisfactory living conditions will be experienced by existing and future occupiers of Bedroom 2.
16. The proposal's communal facilities include a kitchen and dining area located within the ground floor rear extension. During my site visit I noted that the room contained a long kitchen worktop incorporating units and appliances straddling one side of the room. In addition, there was a small sofa, table and six chairs, as well as bins and two refrigerators.
17. There could be as much as 10 occupants using the kitchen/dining room, however, there is limited circulation space for them given the presence of the existing furniture and kitchen paraphernalia. The room is also likely to be a crowded and unappealing space during communal activities such as cooking and dining. I also noted that other than a small sofa within the room there was inadequate space where seating could be accommodated comfortably for all the occupiers of the HMO at any one time. More seating could be provided; however, this would likely encroach unacceptably into the kitchen and dining areas and diminish those spaces further. Therefore, the kitchen/dining area represents an unappealing and confined space that will fail to cater for the communal living needs of the development's occupiers.
18. The proposal has two communal bathrooms, while Bedroom 2 has its own washing facilities. These will be adequate for the number of occupiers within the property, as well as complying with the standards set out in the HMOG. Therefore, despite the Council's concerns, I am satisfied that the proposal makes adequate provision for personal washing facilities.

³ Standards for Houses in Multiple Occupation, May 2018

⁴ Technical housing standards – nationally described space standard, March 2015, Department for Communities and Local Government

19. I therefore conclude that whilst the proposed bedrooms meet local and national space standards, the physical characteristics of Bedroom No 2 and the communal kitchen / dining room create a poor quality living area that will be detrimental to the living conditions of existing and future occupiers. The appeal scheme will therefore run contrary to Policy CC2, SC5 and SC10 of the Local Plan, where it requires proposals to contribute to improving the quality and design of housing in the Borough, protect residential amenity and be of the highest quality to meet the demands of everyday life for the intended occupiers.
20. The proposal will also conflict with the HMOG, where it requires adequate seating arrangements within living rooms for all occupiers, in addition to the housing standards set out in the Mayor of London's Housing Supplementary Planning Guidance. Moreover, it will fail to meet the aims of the National Planning Policy Framework (Framework), where in achieving well designed places, developments should ensure a high standard of amenity for existing as well as future users (Paragraph 127).

Character and appearance

21. The rear amenity space comprises a deep area of garden, which extends across the full width of the plot. It's spacious and open appearance is consistent with others at the rear of the terrace. The submitted drawings show an area for the storage of bins and bicycles within the garden close to the dwelling's rear elevation.
22. There are no specific details of the appearance of those storage areas, however the rear garden's ample size could adequately cater for these, as well as maintaining space for other purposes such as outdoor seating.
23. These storage facilities would be unlikely to be large or obtrusive, while the fencing along the appeal property's side boundaries would likely conceal their presence from surrounding dwellings. Furthermore, the positioning of these facilities at the rear would result in there being no visual impact upon the street through clutter along the property's driveway. If I was to allow this appeal further details of the appearance of the storage areas could be acquired through a planning condition.
24. The presence of an alley way between the appeal property and No 130 Berkeley Road would allow bikes access on to the highway, as well as a passage for bins to be wheeled out onto the property's forecourt on collection days. Therefore, I am satisfied that cycle and refuse storage facilities could be adequately stored at the rear of the site and that their presence would not harm the visual appearance of the area.
25. Accordingly, on this matter, the proposal would accord with Policies CC2, EC2 and SC10, which amongst other things require proposals to carefully consider external appearance, accommodate measures and facilities to promote cycling and include acceptable storage for refuse and recycling.

Living conditions of neighbouring occupiers

26. As outlined above the appeal site is located in a residential area and I saw evidence during my site visit that adjacent properties were occupied by families. Therefore, noise will be generated nearby by general comings and

goings from houses, cars leaving driveways as well as residents playing and socialising in rear gardens.

27. In this context up to 10 occupiers at the appeal property will likely increase the frequency of those comings and goings, and there will be expected to be a rise in the general activity within and outside of the property. However, I do not consider that the proposal's occupiers will introduce any harmful levels of noise and disturbance above the existing situation particularly given that the immediate area comprises households containing families where there is already a level of activity and sound that will be experienced between the appeal property and its immediate neighbours.
28. I note that if the Council were in a position to approve the application it would be satisfied with a condition to address noise impacts. In this respect sound proofing at the property would be reasonable and would help reduce noise generated by the increase in residents.
29. Therefore, the proposal will not have a harmful effect on the living conditions of neighbouring occupiers, with regards to noise and disturbance. The proposal will therefore accord with Policies CC2 and SC10 of the Local Plan, which require amongst other things that proposals are designed to mitigate noise and to protect the residential amenity of the area.
30. The HMOG has not been referred to in my conclusions as it contains no specific guidance on noise.

Conclusion

31. Although the proposed development will not have a harmful impact on the living conditions of neighbouring occupiers and the character and appearance of the area, this lack of harm will have a neutral effect. Consequently, it will not overcome my concerns in respect of the living conditions of existing and future occupiers and the proposal's failure to accord with the floor area requirements, and the resultant conflict with the development plan.
32. For the reasons set out above, the appeal is dismissed.

RE Jones

INSPECTOR