



Appeal Decision

Site visit made on 21 April 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/F5540/W/20/3255558

108 Hibernia Road, Hounslow TW3 3RN

- 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 Reeve (Link-Estates Limited) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00603/108/P6 dated 6 May 2020, was refused by notice dated 16 July 2018.
 - The development proposed is change of use of Doctors Surgery on ground floor with residential accommodation on first floor and attic to 'Sui Generis' HMO
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development for the proposed development, contained within the application form, I have reworded the description to clearly describe the proposal omitting the word retrospective and abbreviations.
3. At the time of my site visit, the development was in place. The application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issues

4. The main issues in this appeal are:
 - i) The effect of the development on community facilities in the area;
 - ii) Whether the development would provide adequate internal living conditions for future occupants of the appeal property;
 - iii) The effect of the development on the development on the living conditions of the occupants of nearby properties; and
 - iv) Highway safety.

Reasons

The loss of community facility

5. The Appellant suggests that there are surplus of doctor's surgeries in the vicinity of the appeal site and has drawn my attention to the combined health facility a short walk away which opened shortly after the doctor's surgery at the appeal site closed.
6. Policy CI1 of the London Borough of Hounslow Local Plan, Volume One 2015-2030 (the Local Plan), seeks the retention of community facilities however acknowledge instances where facilities are lost and sets out criteria to be met to support this.
7. The appeal site doctor's surgery has been closed for some time, notwithstanding this the Appellant has not provided substantive marketing evidence to demonstrate that the property is not suitable for any other community use. Whilst I acknowledge that there are alternative health care facilities in the area, no substantive evidence has been provided to demonstrate that the facility is no longer required.
8. The Appellant has opined that as the upper floors of the building are residential in use there are no alternative community uses compatible. Community facilities are usually sited within the area in which they serve, it is not unusual for a community use to be contained close to or within a building with other uses, including residential.
9. On the basis of the information before me I conclude that the proposal would lead to a loss of a community facility in the area in conflict with policy CI1 of the Local Plan.
10. There would also be conflict with the National Planning Policy Framework (2019) (the Framework) which seeks to guard against the loss of valued facilities and services.

Living conditions future occupants

11. The development proposes up to 21 occupants, however I noted during my site visit that the ground floor room denoted as a care taker/office on the submitted plan was occupied as a bedroom. The outlook from the window of this room was poor, facing No 106 Hibernia Road. Notwithstanding this should the appeal be allowed; a condition could be imposed to restrict the number of occupants and/or rooms used should this be necessary.
12. The ground floor double room to the rear of the property adjacent the caretaker/office room was not accessible during my site visit. Notwithstanding this I note that the submitted plans denote a small window looking onto the rear outside space, and one window facing No. 106 Hibernia Road, the outlook from the window facing the adjacent property would be poor, similar to the outlook I observed in the adjacent room. The small window facing the outside space would also be limited.
13. My attention has been drawn to the Hounslow Standards for Houses in Multiple Occupation (2018) (the HMO standards) which confirms the requirements for HMO living accommodation with the Borough. The HMO standards confirm that where bathroom/WCs are shared these should be within one floor of lettings and be accessible from a common area. Whilst the proposed attic room would share personal washing and toilet facilities on a different floor, I do not consider this would be an unusual arrangement.

14. The HMO standards notes that persons having exclusive use of a bath/shower or WC will be discounted when calculating the level of shared facilities required. The Council consider that 17 future occupants would not have exclusive use of a bathroom and would share 4 communal bathrooms, citing that this would exceed the HMO standards. I note that the HMO standards for bathrooms do not exceed 15 people, I also note that the Council has granted a HMO license for up to 21 people at the site. I do not consider it unreasonable that 2 bathrooms serving 8 future occupiers of the ground floor and 2 bathrooms serving 9 occupiers of the first floor and attic room would be unreasonable.
15. Local Plan Policy SC5 sets out space standards relating to residential development should comply with the Nationally Described Space Standards (2015) (the NDSS).
16. The Appellant contends that the self-contained studio rooms on the ground floor should not be classified as independent residential units for the purpose of the NDSS drawing my attention to the HMO standards. The HMO standards set out that buildings converted into flats which consist of one-bedroom room with en-suite and kitchen facilities with a maximum of 2 occupants should be more than 16sqm.
17. I have not been provided with substantive evidence to demonstrate that the self-contained studio rooms would comply with s257 of the Housing Act which is the standard which is referred to in the HMO standards. The studio rooms are self-contained, would be occupied by one household, would not share any facilities or living accommodation, on this basis I consider these rooms to be independent forms of accommodation and subject to the space standards as set out in the NDSS, which they fail to meet.
18. I find that the development would not provide adequate internal living conditions for future occupants of the appeal property. The proposal would conflict with Policy SC5 of the Local Plan, which seeks to ensure amongst other things that developments have suitable internal space.
19. The second reason for refusal contends that there would be conflict with Policy SC10 of the Local Plan in terms of quality of internal accommodation. However, I consider that not to be the case, Policy SC10 relates to amongst other things location, waste and recycling facilities and cumulative impact.

Living conditions neighbours

20. A large HMO for up to 21 occupiers would be likely to generate comings and goings in excess of the single family occupied dwellings in the area.
21. The Appellant has not demonstrated that the development together with other similar development in the surrounding area would not have a serious harmful cumulative impact on the residential amenity of the area. Notwithstanding this, the lawful use of the site is as a doctor's surgery with residential use above, which also would have generated relatively high levels of comings and goings.
22. I am not persuaded that the development would be likely to generate a level of noise, disturbance and levels of activity that would harm the occupiers of neighbouring properties.

23. I conclude that the development would not harm living conditions of the occupants of nearby properties. There is no conflict with Policy SC10 of the Local Plan which amongst other things seek to protect the living conditions of neighbouring residents.

Highway safety

24. The appeal site lies within a sustainable location with good access to public transport. The development includes one off street parking space and 11 cycle stands, the final details of which could be controlled by the imposition of a planning condition.
25. Concerns have been raised with regard on-street parking; this could also be controlled through the imposition of a planning condition restricting parking permits. Substantive evidence has not been provided to persuade me that the proposal would put severe strain on the existing parking situation in the vicinity of the site.
26. I conclude that the development would not have an unacceptable effect on highway safety. There is no conflict with Policy EC2 of the Local Plan which seeks to secure a more sustainable transport network.

Conclusion

27. Whilst I have not found unacceptable harm to the living conditions of occupants of nearby properties or highway safety, this does not outweigh the significant harm I have found in respect of the living conditions of future occupants and loss of a community facility.
28. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR