



Appeal Decision

Site Visit made on 1 July 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/M5450/W/20/3263875

219 The Ridgeway, Harrow HA2 7DE

- 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 Mrs L Hayat against the decision of London Borough of Harrow.
 - The application Ref P/2891/20, dated 28 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is Change of use from C3 residential to 9-bedroom (15 person) HMO & single storey infill side & rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effects of the proposed development on the living conditions of occupiers of neighbouring properties with regard to privacy in respect of 217 The Ridgeway, and noise and disturbance in respect of adjacent properties;
 - Whether or not the proposed development would provide acceptable living accommodation for future occupiers, with particular regard to quality and quantity of internal living accommodation and outlook; and
 - Whether or not the appeal site is an appropriate location for the development proposed, with particular regard to access to services and facilities.

Reasons

3. The appeal property lies within a predominantly suburban residential setting. The Ridgeway was, I saw at the time of my visit to the site, a reasonably busy road but those leading off it, such as the adjacent Elm Drive, have a quieter residential character and setting. Houses are predominantly semi-detached but the appeal property, like that on the opposite side of the entrance to Elm Drive, is a detached house. A large forecourt frontage turns the corner of The Ridgeway and Elm Drive to which, although not directly served by a dropped kerb, vehicles are able to access.

Living conditions - neighbours

4. Although the appeal proposal is described as a change of use from a residential use falling within Use Class C3, there is broad agreement between the main parties that the property could be converted / is being converted / is being

occupied as, a smaller House in Multiple Occupation (HMO) falling within Use Class C4. This means, the appellant states, that the appeal proposal's starting point for comparison is with such a use, rather than a family dwelling.

5. However, the proposed plans show the appeal property laid out to provide accommodation across 9 bedrooms of which, using the '*Technical housing standards – nationally described space standard*' (NDSS) and the London Plan¹, five would be of sufficient size to constitute double bedrooms. A further room (bedroom 9) in the roof space would provide sufficient floorspace to also constitute a double bedroom, albeit with limited headroom. However, whether the starting point for comparison is as a smaller HMO or a larger family dwelling, occupation of the appeal property as a 9-bedroomed HMO would be a significantly more intensive form of occupation compared with that of either a smaller HMO or a larger family dwelling.
6. Initially submitted with reference to occupation by up to 15 residents, the appellant has subsequently indicated that a lower number of residents would instead be more likely. To this end, confirmation of a successful HMO licence for occupation of the appeal property by a maximum of 9 households and 10 occupants has also been submitted. However, even at the lower maximum occupancy level of 10 residents, this would be significantly and materially greater than that which would be expected as a smaller HMO and also, in all likelihood, greater than if occupied by a larger family.
7. It is, of course, not solely a matter of how many additional occupiers might be expected to be resident at the property, but also the nature of any increased occupation. The proposal would, after all, amount to residential occupation of a property built for residential occupation in a predominantly residential area.
8. However, a maximum of 10 people from 9 households living independently of each other could occupy the appeal property. Despite the potential for a large family to occupy the dwelling, in my judgement and experience such independent occupation of a large property such as this by up to 10 people would result in a materially different level and pattern of comings and goings, and consequential noise and disturbance arising from that pattern of occupation. So too, in comparison with the comings and goings associated with occupation by up to 6 people independently within a smaller HMO.
9. I accept that the appeal property lies within a reasonably generously sized plot and that the Council have no objections to the amount or quality of shared accommodation within the building. I also saw that The Ridgeway is not some tranquil suburban residential backwater and that the road, busy at the time of my visit to the site, is also likely to be busier than nearby residential streets leading off The Ridgeway. However, the surrounding area is nevertheless residential in character and whilst many properties have no doubt been extended and altered over time, occupation of the appeal property in the manner and at the quantum proposed would be likely to result in a materially different level of comings and goings than those conventionally expected at a dwelling, even one occupied by a large family, or a smaller HMO. Nor is The Ridgeway likely to be so busy at other times of the day, that the comings and goings of a large number of independent occupants, and a considerably greater number than might otherwise be expected from a house of this size, would not

¹ Policy D6

go unnoticed or without harmful impact upon occupiers of neighbouring properties.

10. Although the direct impact of these materially increased movements on neighbours would be mitigated to an extent by the appeal property's location on the junction of Elm Drive and The Ridgeway, I am not persuaded that these impacts would not be inconsequential upon occupiers of neighbouring and nearby properties, particularly with regard to, but not limited to, the directly neighbouring property at No. 217.
11. The Policy DM1 of the Development Management Policies Local Plan (DMP) sets out the Council's approach to achieving a high standard of development, design and layout in all proposals. DMP policy DM30 refers specifically to proposals for larger HMOs. Amongst other factors, proposals will be required to demonstrate that there will be no adverse impact on occupiers of neighbouring properties.
12. Although initially intended to accommodate up to 15 residents, the subsequently approved HMO licence would limit this figure to 10. This would nevertheless still represent a substantial intensification of the occupancy of the property over-and-above that expected from a family house occupied by a large family, or as a smaller HMO. Such a large group of adults living independently of each other would have a materially different pattern of occupation to these other scenarios and, notwithstanding the nature and character of The Ridgeway, I am not persuaded that it has been adequately or robustly demonstrated that this proposal would not cause harm to the living conditions and amenities of occupiers of nearby and neighbouring properties. As such, the proposal is contrary to DMP policies DM1 and DM30.
13. With regard to the side windows serving bedrooms 2 and 6, I have noted that there are already windows serving rooms in these locations. Although there is a difference between the submitted plans and the appellant's Statement of Case in the description of which rooms these side windows currently serve, I am satisfied that the nature of the use of the rooms they serve would not be materially different and that existing site circumstances such as intervening structures would mitigate any potential privacy issues.
14. Even if I were to conclude that materially harmful overlooking going beyond natural inter-visibility between neighbouring properties would occur, these rooms are effectively dual-aspect spaces and a suitably worded condition to ensure obscurely glazed windows would satisfactorily address such matters whilst not resulting in an unreasonable impact upon occupiers of bedrooms 2 or 6. Such an approach would not, however, overcome the other harm to the living conditions of occupiers of neighbouring properties that I have identified above.

Living conditions – future occupiers

15. The accommodation proposed for bedroom 9 (second floor) would be constrained in terms of overall height and usable floorspace by the roof structure. At its highest point, the ceiling height falls just short of the 2.5m minimum floor to ceiling height set out in the London Plan² and the '*Technical housing standards – nationally described space standard*' (NDSS). For the majority of the space, it falls well below.

² Policy D6

16. I accept that this space is currently (indicated as being) used as a play-room. Even if used as a bedroom in a large family house, its form, floorspace and ceiling height and location on the top floor would, in reality, mark it down as only an occasional room. However, as a room in an HMO it would be an occupant's only private living space. I see no reason why expectations of acceptable floor to ceiling heights, as expressed in the London Plan and the NDSS, should not provide a guide for acceptable living standards for HMOs as they do for new dwellings. This room would not provide an acceptable balance between usable floorspace and floor to ceiling height and would, as a consequence, result in a cramped living environment for the occupant of this room. As such, this element of the proposed accommodation would fail to accord with DMP policies DM1 and DM30 or London Plan policy D6.
17. The windows to what would become bedrooms 2 (ground floor) and 6 (first floor) are located on the rear corner of the existing house, one facing towards the side of the plot and the other to the rear. The rear facing windows would also, as a consequence of the rear extension, be immediately adjacent to the extension's flank. However, the rooms in question would essentially be dual-aspect rooms and, despite the proximity of the extension's flank and No. 217, would not experience an unacceptable poor exposure to outlook or daylight. As such, I see no conflict with DMP policies DM1 and DM30 or London Plan policy D6 in this respect. Nor do the Council object to the size of the rooms, or the quality or quantity of communal accommodation proposed. However, these factors do not outweigh the poor-quality accommodation provided by bedroom 9 and add weight to my conclusions in respect of the effects and implications of the level of occupation proposed.

Location

18. The site lies within, but close to the edge of, PTAL zone 2. As such, this makes the area a poor location in relation to accessibility of services, facilities and transport links. The appellant states that HMO residents are less likely to have access to a car than the general population and that they choose to live in or close to town centres for easy access to services and facilities. No evidence has been provided, however, to support these statements.
19. However, the site's PTAL2 rating confirms that the appeal site is not in, or indeed particularly close to, town centre services and facilities. Even if the proposal is considered to be on the basis of 10, rather than 15, residents, the low PTAL rating may suggest a greater need for car access than the appellant anticipates. The likelihood is that up to 10 independent adults living in a single property would place a greater demand on parking provision than might be expected for a smaller HMO or a large family occupation of the appeal property.
20. Access to the generous forecourt area from The Ridgeway is restricted by a grass verge and bollards, whilst there are parking restrictions on the junction of The Ridgeway and Elm Drive immediately adjacent to the appeal site. Elm Drive itself is significantly narrower than The Ridgeway, where on-street parking is limited by parking restrictions and residential accesses to properties along the street.
21. Neither party has substantiated their respective cases regarding parking stress. There were, at the time of my visit to the site, some available parking spaces on The Ridgeway and Elm Drive adjacent to the site but I acknowledge that my observations represent just a snapshot of circumstances at a particular time

and day³. As such, circumstances may very well differ in the evenings and at weekends. I saw too the nature of the parking restrictions and practical impediments limiting on-street parking immediately adjacent to the site and nearby, and which would be likely to displace potential parking demand arising from the proposed level of occupation further from the appeal property.

22. The site's garden area would provide sufficient scope for cycle storage and thus an alternative to car dependency, but it has not, I conclude, been adequately demonstrated that the proposal would not place an unacceptable burden upon the limited on-street parking in the vicinity of the appeal site. The site's PTAL rating demonstrates that there is not good accessibility to local amenities and public transport and, whilst it may be that the site lies close to a PTAL4 area and that the area's rating may be upgraded to PTAL3, neither alter the site's current PTAL2 rating.
23. Cycle storage provision would not, in my judgement, offset the harm arising from the site's location relative to services, facilities and public transport links and the proposal is therefore contrary to DMP policy DM30 in this respect. The appellant notes the synergy between HMO tenants' likelihood of car ownership, the location of HMOs generally and the accessibility of, and to, town centre facilities. However, the site is not within or near to a town centre and the site's relatively poor PTAL rating suggests lower levels of access to a private vehicle, as posited by the appellant, may not be so likely to apply in this instance, particularly given the proposed quantum of occupation. As such, the proposal would be contrary to DMP policies DM30 and DM42 and London Plan Policy T6 (6.1).

Other Matters

24. The proposal includes a single storey, flat-roofed rear extension as an infill at the rear corner of the property, adjacent to Elm Drive. There does not appear to be any dispute between the main parties as to the acceptability of the proposed extension in terms of character and appearance or the living conditions of occupiers of neighbouring properties. From the evidence before me, there is no compelling evidence that would lead me to a different conclusion and I too find no harm arising from the proposed extension. This does not, however, overcome my conclusions in respect of the main issues, nor am I satisfied that this element of the proposal would be clearly severable in physical or functional terms from the other element of the proposal so as to allow me to consider a split decision.

Conclusion

25. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

³ Between 1210 and 1230 on 1 July 2021