



Appeal Decision

Site Visit made on 28 September 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/A5270/W/20/3266191

63 Old Oak Road, Acton, London W3 7HW

- 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 Richard Moore against the decision of the Council of the London Borough of Ealing.
 - The application Ref 203432FUL, dated 28 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is described as 'change of use from single dwelling to large HMO'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single dwelling to large HMO at 63 Old Oak Road, Acton, London W3 7HW in accordance with the terms of the application, Ref 203432FUL, dated 28 August 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council's decision notice describes the proposed development as 'Change of use of single family dwelling house (Use Class C3) to House in Multiple Occupation (Large HMO) (Use Class Sui Generis) for 14 occupants'. However, neither of the main parties has provided written confirmation that a revised description of development from that entered on the original planning application form has been agreed. I have therefore used this original description in the banner heading and my formal decision above.
3. In the period since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties have had the opportunity to comment on any implications for the appeal of the changes, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.

Main Issue

4. The main issue is the effect of the proposal on the character and amenity of the area.

Reasons

5. This part of Old Oak Road is generally characterised by semi-detached properties of similar overall form and appearance. In refusing permission, the Council commented that 17 properties between 17 and 203 Old Oak Road have an HMO licence and that the proposal would result in over a quarter of the host block of buildings being used as HMOs. However, the appellant's evidence indicates a total of 16 current licences between Nos 17 and 203, with only 6 of

these relating to HMOs and the remaining 10 comprising selective licences for privately rented properties. Of the 18 semi-detached properties making up the run of buildings between Armstrong Road and Ashfield Road which includes the appeal site, 3 are indicated to have licences as HMOs. The Council has not disputed these details, and on the basis of the evidence presented it therefore seems to me that the proposal would result in a lower proportion of HMOs on this part of the street than initially asserted by the Council.

6. In any event, I have not been directed to any policy requirement or other guidance regarding a threshold beyond which HMOs would adversely affect the amenity or character of the area. While I acknowledge research referred to by the Council¹ indicating that a high concentration of HMOs can lead to social and physical impacts detrimental to the amenity provided by residential areas, this is not compelling evidence that harm would inevitably occur.
7. In this case, I observed little outward sign of other HMOs in the vicinity of the site, and I have not been provided with records of complaints or other firm evidence of existing detriment caused to the locality by their presence. Accordingly, I can give very little weight to the Council's assertion that impacts would be exacerbated by the development.
8. The proposal would increase the occupancy of the appeal building, but the Council acknowledges that levels would not be significantly higher than could result if the property were to remain as a large dwellinghouse. Given this and the relationship of the building with neighbouring properties, I agree that any increase in activity is unlikely to result in unacceptable noise, disturbance or other harm to the living conditions of neighbouring occupiers. The proposed physical alterations would also be sympathetic to the host building and of modest visual impact within the street scene, and I am satisfied that the character and appearance of the development would remain acceptable.
9. There would be provision for storage of refuse within the frontage of the site, and no firm evidence has been provided that this would be unsatisfactory or inadequate to meet the needs of the development. There is also no substantive evidence that occupation of the building as an HMO would give rise to anti-social behaviour, nor to demonstrate how the development would cause or contribute to other adverse physical or social impacts.
10. From the evidence before me, I therefore see no reason that the proposal would result in a harmful concentration of HMOs, and I conclude that there would not be unacceptable harm to the character or amenity of the area. Accordingly, I find no conflict with Policy 3B of the Development Management Development Plan Document 2013 which includes a requirement that special residential accommodation satisfies amenity objectives.

Other Matters

11. Although not a reason for refusal, the Council's Officer Report comments that the proposal would provide a poor quality of accommodation and substandard living conditions for future occupants. However, the size of all bedrooms and provision of communal spaces would comply with relevant standards, and in my judgement the size and layouts of the spaces would be suitable to accommodate a range of day-to-day activities. The appellant has also provided

¹ Evidence Gathering - Housing in Multiple Occupation and Possible Planning Responses, 2008

indicative details of landscaping that could be provided around the building. This includes suggested planting adjacent to the rear of the building which could prevent direct overlooking into glazing to Room 3 from the communal garden. Given the size of the garden which would remain available, I consider that further details and implementation of landscaping could appropriately be secured by a planning condition, and would ensure suitable privacy for occupiers of the site. Subject to this condition, I am therefore satisfied living conditions for future occupiers would be acceptable.

12. The site is located within a Controlled Parking Zone, and the Council's Officer Report refers to a requirement for a planning obligation to prohibit future occupiers from obtaining parking permits. There is no obligation before me. However, I am obliged to consider this matter in the context of statutory tests at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL regulations) which are reflected at paragraph 57 of the Framework. At the time of my visit, there were a large number of parking spaces available on streets in the vicinity of the site. I accept that this was a snapshot and that my visit was carried out during a weekday morning when some residents may be out at work or engaged in other activities away from home. Nevertheless, there is no firm information before me of a high level of parking stress or insufficient on-street capacity locally, or otherwise demonstrating why the proposal would result in harm so that a restriction on parking permits would be justified or necessary. Consequently, I am unable to conclude that the suggested obligation would be necessary to make the development acceptable in planning terms so as to comply with Regulation 122 of the CIL Regulations. In these circumstances, the absence of a planning obligation does not weigh against the development.

Conditions

13. I have considered suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity.
14. In addition to the standard time limit, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. Conditions to restrict the number of occupiers on the site and the installation of cooking facilities within bedrooms, as well as to require sound insulation and the provision for landscaping as noted above are necessary in the interests of the living conditions of future and neighbouring occupiers. However, to ensure that sound insulation is effective and the condition enforceable, I have altered the Council's suggested wording to require that details are submitted for approval.
15. Conditions to require provision of storage for cycles and for refuse and recycling are necessary to ensure suitable provision and in the interests of the character and appearance of the area. I have however amended the Council's proposed condition to require that details of refuse and recycling storage are submitted for approval as I consider the suggested requirement for provision 'in accordance with Council policies' to lack precision.

Conclusion

16. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do

not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 1816/63HMO-01/SP, 1816/63HMO-02/SP, 1816/63HMO-03/SP Rev A, 1816/63HMO-04/SP Rev A, 1816/63HMO-05/SP Rev A, 1816/63HMO-06/SP Rev A, 1816/63HMO-07/SP, 1816/63HMO-08/SP and 'Bicycle Storage Details'.
- 3) Notwithstanding condition 2, a revised scheme for landscaping of the site to include details of the size, species, planting heights, densities and positions of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. The approved landscaping shall be implemented in accordance with the approved details before the development is first occupied, and shall be permanently retained as such thereafter.
- 4) Before the development hereby permitted is first occupied, refuse storage shall be provided in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority, and shall be permanently retained as such thereafter.
- 5) Before the development hereby permitted is first occupied, details of sound insulation to the floor/ceiling/wall structures separating the communal entrance, stairs, kitchens, living, circulation space and bathrooms from bedrooms to achieve an enhanced value of at least 5dB above the recommended Building Regulations value shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development, and shall thereafter be permanently retained.
- 6) Before the development hereby permitted is first occupied, cycle storage shall be provided in accordance with the details shown on drawing no. 1816/63HMO-06/SP Rev A and the 'Bicycle Storage Details', and shall be permanently retained as such thereafter.
- 7) The maximum number of persons occupying the House in Multiple Occupation hereby permitted shall be limited to no more than 14 people in 8 rooms.
- 8) All cooking and preparation of hot food shall take place within the communal kitchens at ground and first floor level, and no additional cooking facilities shall be installed at any time in any of the other rooms.

End of Schedule