



Appeal Decision

Site visit made on 10 May 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2022

Appeal Ref: APP/A5270/W/21/3288564

25 Greenford Road, Greenford, Middlesex UB6 9AU

- 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 Wilson Sidhu against the decision of the Council of the London Borough of Ealing.
 - The application Ref 215208FUL, dated 11 August 2021, was refused by notice dated 14 October 2021.
 - The development proposed is change of use of existing dwellinghouse to 8 beds 10 people sui generis HMO (house in multiple occupation).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing dwelling house (Use class C3) to an eight bedroom x 10 person HMO - house in multiple occupation (Use Class sui generis) at 25 Greenford Road, Greenford, Middlesex UB6 9AU in accordance with the terms of the application Ref 215208FUL dated 11 August 2021 subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the Council's decision notice describes the proposal as 'change of use of existing dwelling house (Use class C3) to an eight bedroom x 10 person HMO - house in multiple occupation (Use Class sui generis)'. This is also the description used by the appellant on the appeal form, and I consider it a more accurate description of the proposal. I have therefore used it in my formal decision.
3. At my visit, I saw that building works including a rear extension and dormer to the roof which the Council indicate have previously been consented and which did not form part of the appeal proposal were nearing completion on the site. Internally, the current layout of the building did not fully accord with either the existing or proposed layouts shown in the evidence before me, but for the avoidance of doubt, I have determined the appeal on the basis of the development as it is shown on the submitted plans.

Main Issues

4. The main issues are:
 - i) whether or not living conditions for occupiers of the development would be acceptable with particular regard to privacy and the provision of communal space and space for food storage, preparation and cooking; and

- ii) the effect of the proposal on the character of the area and the living conditions of the occupiers of neighbouring dwellings.

Reasons

Living Conditions – Future Occupiers

5. The appeal proposes use of the building as an 8 bedroom House in Multiple Occupation (HMO) for 10 occupiers. The Council is concerned that the size of bedroom 7 means that it would be capable of occupation as a double room, resulting in a potential total of 11 occupiers on the site. Be that as it may, the appellant highlights that it would be possible to restrict the maximum number of occupiers to 10 people by way of a planning condition, and I have no firm reason to find that such a condition would be ineffective or otherwise inappropriate. I have therefore considered the appeal on the basis that the HMO would accommodate 10 occupiers.
6. Policy 7B of the Ealing Development Management Development Plan Document 2013 (DMDPD) includes a requirement that new development must achieve a high standard of amenity for users. Policy D6 of the London Plan 2021 (LP) further stipulates that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose.
7. I note that specific guidance on minimum space standards and the provision of facilities for food storage, preparation and cooking, bath/shower facilities and water closets for HMOs is provided within the Council's 'Standards for Houses in Multiple Occupation' (SHMO). The Council has not raised concerns that the size or quality of the bedrooms or provision of water closets and bath/shower facilities within the development would be inadequate to meet the needs of occupiers. From the evidence before me, I can see no firm reason to take a different view. In addition, the two sets of kitchen facilities indicated on the submitted plans would accord with the standards required by the SHMO for 10 occupiers, and I find that there would be adequate facilities for food storage, preparation and cooking.
8. No separate living room or dining room would be provided. However, the Council accepts that the proposed kitchen is quite generously sized, and while the space would not have windows to provide for natural light or outlook, it would still offer some potential space for residents to dine and socialise outside of their bedrooms. Moreover, the SHMO does not include a requirement for provision of separate living rooms or dining rooms as part of an HMO, and no other policy or guidance indicating a requirement for provision of such space has been drawn to my attention. Given these factors, as well as the size of the bedrooms which would all exceed minimum standards, many by some way, I do not consider that the failure to provide a separate living room or dining room would in this case unacceptably diminish the quality of life of occupiers of the site.
9. Windows serving bedrooms 2 and 3 would face directly onto the rear garden. Noting that it would in any event be shared by occupiers of the site, I do not find that this relationship would result in unacceptable standards of privacy for the garden. In addition, the size of the garden would comfortably exceed requirements for open space according to standards at Table 7D and 7D.2 of the DMDPD referenced in the Council's report. On this basis, it seems to me

that it would be possible to ensure suitable privacy for occupiers of bedrooms 2 and 3 through the layout and landscaping of the garden while maintaining sufficient amenity space for occupiers, with further details and implementation secured by a planning condition.

10. Subject to conditions, I therefore conclude that living conditions for occupiers of the site would be acceptable, and I find no conflict with Policies 3.5, 7B or 7D of the DMDPD or Policies D3, D6 or H9 of the LP insofar as they together and amongst other things broadly seek high quality housing development that meets the needs of occupiers.

Character and Living Conditions of Neighbouring Occupiers

11. The Council suggests that the occupation of the property by up to 11 people would exceed a reasonable limit of what could be expected within a single dwellinghouse of this size and in the area. However, the proposal is for 10 occupiers, and the Council has not provided any substantive evidence to demonstrate that this level of occupancy would be significantly at odds with other nearby properties of similar size. Moreover, I saw that the building is opposite a small parade of commercial units with residential accommodation above, and that there are nearby blocks of flats which provide for some diversity in the nature of accommodation and occupancy of nearby buildings. In this context, I do not find that the proposal would be incongruous or out of keeping, and it would not fundamentally alter the established character of the area.
12. I also have no compelling evidence to show how the proposal would harm neighbouring properties as the Council asserts. The site would remain in residential use, and having regard to the number of occupiers and relationship of the site with neighbouring properties, I do not consider that the development would be likely to result in excessive noise and disturbance so as to cause harm to the living conditions of neighbouring occupiers
13. I therefore conclude on this main issue that the proposal would not unacceptably harm the character of the area nor the living conditions of neighbouring occupiers. Accordingly, I find no conflict with Policies 7.4 or 7B of the DMDPD or Policies D1, D3 or D4 of the LP which include requirements that development complements local character and is appropriate to the site, and that it achieves a high standard of amenity for adjacent uses.

Other Matters

14. The Council's Officer Report comments that the need to take cycles through the appeal building to reach storage indicated in the rear garden could cause problems. However, this is not a reason for refusal, and given the internal layout of the building which would allow a reasonably direct route from the entrance to the rear garden, I do not find that access to storage would be so constrained that this matter solely would warrant dismissal of the appeal.
15. I have taken into account matters raised by interested parties, but no external changes are proposed that would affect the architecture of the building, and the impact on value of surrounding properties is not a matter that would justify withholding permission. There is also no substantive evidence before me indicating a high level of parking stress locally that would be harmfully exacerbated by the proposal. Nor to demonstrate how it would result in

unacceptable levels of traffic or congestion, and given the relatively small scale of the proposal, I consider that such outcomes would be unlikely.

Conditions

16. The Council has not provided a schedule of suggested conditions in the event that the appeal were to be allowed. Having regard to the tests set out within the National Planning Policy Framework, I have nevertheless imposed the standard time limit condition, and a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty.
17. Conditions to restrict the occupancy of the site to 10 people and to require provision for landscaping as noted in my reasoning above are also necessary in the interests of the living conditions of future and neighbouring occupiers. I have additionally imposed conditions suggested by the Council's 'Pollution Technical' consultee to require internal noise insulation and a filtered fresh air system which I consider would be necessary to safeguard the living conditions of future occupiers of the site given the proximity to Greenford Road. However, I have amended the suggested conditions in the interests of consistency and clarity. I have also amended the timescales for the submission of details as I am not persuaded that this would be necessary before the commencement of any works associated with the proposal.

Conclusion

18. 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021-25GR-FP-1 Rev 1.0, 2021-25GR-FP-2 Rev 1.0, 2021-25GR-FP-3 Rev 1.0 and 2021-25GR-FP-4 Rev 1.0.
- 3) Prior to first occupation of the development hereby permitted, a landscaping scheme for the site to include defensible space to the rear of bedrooms 2 and 3 and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details, and shall be permanently retained as such thereafter.
- 4) Prior to first occupation of the development hereby permitted, details of a filtered fresh air ventilation system capable of mitigating elevated concentrations of nitrogen oxides and particulate matter in the external air, and arrangements for continuously maintaining the operational efficiency of the system, shall be submitted to and approved in writing by

the Local Planning Authority. The ventilation system shall be installed in accordance with the agreed details before the development is first occupied, and shall be permanently retained as such thereafter.

- 5) Prior to first occupation of the development hereby permitted, a noise assessment and details of measures to achieve internal noise limits specified in the Noise and Vibration Supplementary Planning Guidance 10 (or equivalent limits if replaced) shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the sound insulation of the building envelope, glazing specifications, and of acoustically attenuated mechanical ventilation and cooling as necessary. The agreed measures shall be installed before the development is first occupied, and shall be permanently retained as such thereafter.
- 6) Prior to first occupation of the development hereby permitted, the sound insulation of the floor/ceiling/wall structures separating communal main entrance/stairs/kitchen/circulation space and bathrooms from bedrooms shall be enhanced by at least 5dB above the recommended Building Regulations value, and shall be permanently retained as such thereafter.
- 7) The development hereby permitted shall be occupied by a maximum of 10 occupiers.