



Appeal Decision

Site visit made on 6 June 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/R5510/W/22/3294687

Ground, first and second floor of Nos. 164, 166, 168 and 170 High Street, Yiewsley UB7 7BE

- 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 Nirmal Chawla against the decision of London Borough of Hillingdon.
 - The application Ref 19966/APP/2021/3425, dated 9 September 2021, was refused by notice dated 18 January 2022.
 - The development proposed is described as "single storey upwards extension at second floor level to integrate with the existing house in multiple occupation (HMO) at first floor level to provide an additional 6 bedrooms and communal living/kitchen/dining space with associated external alterations to the building frontage".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the living conditions of existing and future occupiers of the appeal building and proposed development with regards to refuse storage, noise and internal space; the effect of the proposal on the character and appearance of the appeal building and surrounding area; and whether the proposal would provide sufficient cycle storage.

Reasons

Living conditions

3. The application form states that the proposal would create 105.5 square metres (sqm) of internal floor space. The Council have indicated that, given the size of the proposed rooms, the proposal would result in the occupancy being 8 persons in the 6 bedrooms. The internal height of the accommodation is indicated as being 2.3 metres.
4. Table 3.1 of the London Plan (LP) provides minimum internal space standards for new dwellings. This states that accommodation which has 6 bedrooms for 8 persons over a single storey should have 125 sqm of internal floor area. The LP also states that a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is required for accommodation. I note that table 3.1 refers to dwellings and the proposal is for a house of multiple occupation (HMO), nevertheless, these parameters are applicable in terms of gauging acceptable levels of internal floor space for future residents.

5. The proposal would not provide the required internal floor area and ceiling heights for the proposed accommodation. I note the size of the proposed windows, some of which have views over the recreational ground, as well as the approach to keep the massing of the development as minimal as possible. Due to the proposed floor area and heights of the rooms, the proposal would not provide adequate quality accommodation in terms of light penetration and sense of space. The proposal would have an oppressive environment internally that would be to the detriment of the living conditions of future occupiers.
6. The existing HMO at first floor level currently offers very limited facilities with only a small kitchen and laundry area with no reasonable scope for occupiers to interact or socialise. The proposed internal arrangement would lend itself to occupiers of the first floor HMO being able to use the proposed communal kitchen/dining area. Given the restricted floor space proposed for the new accommodation, having additional persons using the proposed communal kitchen/dining area would create a more cramped environment that would be to the detriment of future occupiers.
7. The surrounding area has a number of mix uses including commercial properties fronting onto a highway. The proposal would have windows that look directly onto this commercial environment. Insufficient evidence has been provided which indicates whether noise from the commercial activities near the proposal would be at an acceptable level. General activities from commercial properties, including comings and goings from customers, vehicular deliveries some of which may be at unsociable hours, can have an adverse effect and disturb residential occupants. From the evidence provided, I am not convinced that the living conditions of future residents of the proposal would not be harmed in terms of noise. I note that there is existing residential accommodation in the area including the first floor of the appeal building with no history of noise related complaints. However, there is no substantial evidence indicating whether the noise levels experienced by the occupants of these existing properties are acceptable. I do not consider a condition relating to acoustic insulation would be appropriate as there is no indication that noise levels could be adequately mitigated or the effect that this may have on other matters such as ventilation of the proposed accommodation.
8. The appellant has indicated that they have provided an additional site layout plan¹ showing ample space for refuse storage to the rear of the building. This additional site layout plan¹ has not been submitted as part of this appeal. Nevertheless, from the information before me, I am satisfied that refuse storage could be provided within the curtilage of the appeal site and would be adequate for the needs of future occupiers of the proposed accommodation.
9. Accordingly, the proposal would have a harmful effect on the living conditions of future occupiers with regards to noise and internal space. The proposal would be contrary to Policies DMHB 11, DMHB 16 and DMH 5 of the Hillingdon Local Plan: Part Two – Development Management Policies (HLPDMP) and Policy D6 and Table 3.1 of the LP which seek housing development to be adequately designed, have adequately sized rooms to provide an appropriate living environment and provide satisfactory living conditions for the intended occupiers.

¹ Drawing Ref: 2114 03.01 Rev A

Character and appearance

10. The area surrounding the appeal site is characterised by a mix of mainly residential and commercial properties. The built form in the area is varied with two storey and three storey size buildings visible in the street scene along with various architectural styles, detailing and materials. This varied built form contributes positively to the character of the area.
11. The proposal would introduce a modern addition to the appeal building that would differ from the scale of the buildings adjacent to the site. The proposed addition would not appear out of keeping within the mixed built form of the wider area and street scene which includes three storey high buildings and modern buildings such as the Aldi store opposite.
12. The proposal would be sensitive in design, massing and bulk, being low and set back from the existing front elevation and would not appear at odds with the appeal building or be overly dominant within the surrounding area. The use of modern materials would be in keeping with the varied use of materials on buildings in the area and would not be detrimentally intrusive to the setting of the appeal property or surrounding buildings.
13. Due to the size, scale, massing, bulk and finish of the proposal, it would not adversely disrupt the rhythm and architectural composition of the appeal building and would not be an incongruous feature within the surrounding area, including views from the recreational ground. The proposal would not be a discordant structure and would not have a harmful effect on the character and appearance of the appeal building and surrounding area.

Cycle storage

14. As indicated above, the additional site layout plan¹ has not been submitted. The appellant states that this plan¹ also provides details of secure and accessible cycle storage for use by future occupiers of the proposal. Whilst the exact details are not before me, I am satisfied that there is sufficient space within the curtilage of the site to provide ample amounts of cycle storage, and exact details of the storage could have been secured by planning condition.

Other Matters

15. The proposal would contribute to housing need and be an efficient and effective use of land, using airspace above existing buildings. The proposal would not have an adverse effect in terms of vehicular parking, being in an accessible location with a PTAL level of 3 and being in close proximity to shops, services and facilities, and it would not compromise the living conditions of neighbouring occupiers. The appellant also indicates that the whole of the appeal building would be revitalised as part of the scheme with regularised signage. These are all benefits of the scheme and given the scale of the development I attribute minimal weight to these matters.
16. Given the close proximity of the nearby recreational ground, it is considered that the lack of external amenity space associated with the proposed accommodation would not have an adverse effect on future occupiers of the proposal. This matter would not outweigh the harm I have identified in the main issues.

17. The appellant has indicated that the proposal complies with relevant national and local planning policies including Policies DMTC1, DMH5, DMHB11, DMHB13, DMHB13A, DMHB16, DMCI7, DMT6 of the HLPDMP and Policies D3 and H9 of the LP. These do not alter my findings above and the conflict with identified policies of the relevant development plans that relate to living conditions.

Conclusion

18. The proposal would not have a detrimental effect on the character and appearance of the area, cycle and refuse storage. However, these matters and the benefits described above would not outweigh the harm I have identified with regards to the effects on the living conditions of future occupiers with regards to noise and internal space.
19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
20. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR