



Appeal Decision

Site visit made on 11 October 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/F5540/W/22/3297308

108 Hibernia Road, Hounslow TW8 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 Link Estates Ltd against the decision of London Borough of Hounslow.
- The application Ref 00603/108/P9, dated 17 December 2021, was refused by notice dated 17 March 2022.
- The development proposed is change of use of ground floor from D1 use together with the change of use of 1st and attic floors from C3 to Sui Generis House in Multiple Occupation (HMO).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development description above has been taken from the application form. I have used this instead of the Council's description in the refusal notice. That refers to the development being retrospective. Whilst the HMO is currently operating without planning permission, the submitted drawings indicate several changes in terms of the accommodation's layout. The proposed changes would not be retrospective in the terms described by the Council; therefore, my assessment will be based on what is described in the application form.
3. An appeal for a similar development was dismissed at the site in 2021¹ (the previous appeal). I have had regard to that decision in my assessment, as well as the background that has led to this case. A further appeal² at the site relating to the Council's failure to determine the application is currently pending.
4. The premises has a licence to operate as an HMO, but that does not authorise the change of use of the land in planning terms. The proposal therefore seeks to regularise this.

Main Issues

5. The main issues are:
 - The effect of the proposed development on community facilities in the area; and

¹ Appeal Ref: APP/F5540/W/20/325558, dismissed on 19th July 2021.

² Appeal Ref: APP/F5540/W/21/3288952, decision pending.

- Whether the proposed development would provide adequate living conditions with particular reference to internal living space and external amenity space.

Reasons

Community facility

6. The appeal property is a large detached building formerly used as a Doctors surgery. The surgery's closure, according to the appellant, followed the retirement of its general practitioner in 2015, and was further precipitated by the opening of a large medical centre in 2016, a short walk away at Bath Road.
7. Policy CI1 of the Local Plan³ notes the importance of community facilities with an emphasis on their protection. Proposals that lead to a loss of those facilities will be expected to meet specific criteria. Amongst these are the requirement that the facility has been vacant or underused for a period of at least 18 months and is not appropriate for any other community use as demonstrated through sufficient marketing evidence. In addition, robust evidence must be shown that the use is no longer required to serve the catchment area.
8. The marketing details submitted show an advert for the appeal property with suggested community uses listed. Whilst the advert indicates when the property was listed there is no information indicating the duration of the marketing and whether any interest in community facilities was received. There are no details of sale or lease price and whether those figures reflected market conditions at the time. This information is somewhat limited and is insufficient in my view for the purposes of demonstrating that the community use is no longer viable at the site.
9. The appellant considers that the loss of the Doctor's surgery at the appeal site has been addressed by the much larger medical centre nearby. However, and notwithstanding the large number of local surgeries referred to by the appellant, I have no evidence that the larger facility at Bath Road, has been able to consolidate and absorb the patients from the redundant surgery, and was an intended replacement surgery. There is also no information indicating if the new facility directly inherited patients previously using the Hibernia Road surgery. Therefore, I am unable to confirm with certainty that the former community use at the appeal site has been able to continue as before, through its re-provision at a new facility.
10. The appellant refers to the upper floors of the surgery previously being in residential use and that community facilities would not be compatible on those upper floors. Yet, as indicated by the Inspector in the previous appeal, it is not unusual for a community use to be contained close to or within a building with other uses, including residential. I share that view and accordingly give limited weight to the appellant's point.
11. In his assessment of the previous appeal, the Inspector had similar concerns regarding the loss of a community use. From my reading of that case and the evidence submitted with this appeal, there are no new material considerations on this issue that would persuade me to conclude differently.

³ London Borough of Hounslow Local Plan 2015-2030 (the Local Plan)

12. Based on the above, and the lack of convincing evidence presented, I conclude that the development would lead to an unacceptable loss of a community facility in the area and fail to accord with the provisions of Policy CI1 of the Local Plan. Similarly, it would fail to comply with the National Planning Policy Framework (the Framework) which seeks to guard against the loss of valued facilities and services.

Living conditions of future occupiers

13. The proposed development comprises a large HMO providing 10 rooms with bed spaces for 19 people.
14. The earlier scheme, dismissed at appeal, included self-contained studios. Those rooms would now have their layout altered through the removal of the kitchens. Further changes include a new communal kitchen and common room, laundry room and a smaller caretakers office.
15. Policy SC10 of the Local Plan outlines considerations for HMO developments. The policy recognises that HMOs are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals and families in the Borough. The policy will support proposals where they help meet housing need and comply with the required standards. The policy does not specify which standards, although it is reasonable, in this respect, to refer to the *Hounslow Standards for Houses in Multiple Occupation, May 2018* ('the Standards'). These set out space and facility requirements for HMOs.
16. HMOs according to the Standards, include Houses or Flats where there is sharing of one or more amenity (e.g. toilet, washing and cooking facilities) or where the amenities are lacking.
17. During my site visit I observed that the existing rooms included kitchen areas incorporating a sink, cooker, storage units and a worktop. Apart from the attic bedroom, the kitchen facilities, within all the rooms, would be removed and replaced with a sink, fridge and microwave unit covering a much smaller area. For cooking, dining and additional storage requirements occupiers would have access to the communal kitchen and common room. Additional shared facilities include the ground floor laundry and store rooms, while all occupiers, other than those in studios, would share bathrooms.
18. The Council has assessed the proposed studio rooms against the minimum internal space standards for new dwellings set out in Policy D6 of the London Plan (2021). However, those rooms have very basic food storage and preparation areas, moreover, they would not meet the requirement for a cooker (with oven, grill and 4xhobs) and worktop, as required by the Standards. The units would not therefore be wholly self-contained as occupiers of the studios would rely to a great extent on the shared communal kitchen for most of their cooking needs. Clothes washing would also be carried out in a shared laundry room facility. Therefore, I have not assessed the studios as self-contained dwellings or against the terms of Policy D6.
19. Similarly, the requirement for dual aspect dwellings outlined in the London Plan would not relate to the proposal, as the rooms in dispute are not self-contained housing units.

20. Accordingly, and despite the Council's position, I have found the proposed rooms would not be self-contained dwellings, as occupiers would, in some form or other, share facilities. In addition, the rooms sizes and the scale of the facilities provided would meet the guidelines outlined in the Standards.
21. A garden area is provided at the rear of the building. This is modest in size, yet large enough for some typical outdoor paraphernalia such as seating and clothes drying areas. The shape and size of this space would allow for some basic and functional activities to be carried out by the residents, whilst the enclosures around the garden would permit some privacy. Although the garden is unlikely to be of sufficient size to address residents' exercise or outdoor play requirements, those needs could be met by the many parks and playgrounds, I observed, within a short walk of the site (e.g. Midsummer Park, Lampton Park and Inwood Park).
22. The garden's modest size would be unlikely to meet the benchmark space requirements set out in Policy SC5 of the Local Plan. However, the appeal proposal is for an HMO and there are no specific requirements outlined by the Local Plan for this type of accommodation. In any case I am satisfied that the garden's size would accord with the policy's broad requirements of meeting the demands of everyday life for the intended occupants.
23. The absence of a management statement setting out how the HMO would be managed is noted, however, were I to allow the appeal, this could be obtained through a planning condition. A condition could also be used to re-locate the bike store, proposed at the front of the property, elsewhere. This would remove any perceived loss of outlook to occupiers of the studio rooms.
24. In conclusion the proposed development would provide adequate living conditions with particular reference to internal living space and external amenity space. It would accord with Policies SC5 and SC10 of the Local Plan, insofar as they require schemes to meet the demands of everyday life for the intended occupants and comply with the required standards.

Other Matters

25. The appellant asserts that the marketing requirements of Policy CI11 are not in the spirit of the Framework's emphasis on the development of under-utilised land and the creation of new homes. There is also an additional cost incurred by owners of empty properties. However, the Framework also indicates that communities need to be sustainable with sufficient access to services. My conclusion on the main issue has regard to that need and the unacceptable loss of a local community facility in this respect would not be outweighed by the new housing accommodation.

Conclusion

26. I have found that the development would provide adequate living conditions for future occupiers with particular reference to internal living and external living space. However, the lack of harm in that respect does not outweigh the significant harm attributed to the loss of a community facility in the locality. For the above reasons I conclude that this appeal should be dismissed.

RE Jones INSPECTOR