
Appeal Decision

Site visit made on 20 February 2023

by C Harding BA(Hons) PGDipTRP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/P3040/W/22/3306062

57 Oxford Way, Feltham TW13 6RY

- 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 D Collison against the decision of London Borough of Hounslow.
 - The application Ref 00848/57/P3, dated 27 January 2022, was refused by notice dated 21 June 2022.
 - The development proposed is single storey rear extension and rear roof extension and conversion into a small house in multiple occupation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is indicated on the application form that the development has commenced. I saw on my site visit that the proposed single storey extension and rear roof extension are already in place. Internally, building work was still ongoing and the property was not habitable. Accordingly, I have considered the proposal on the basis of the provided plans.
3. I have used the description of development provided on the application form, however I have removed wording that does not relate to acts of development.

Main Issues

4. The main issues are:
 - whether the appeal property would be a suitable location for a House in Multiple Occupation ('HMO') having regard to access to town centre facilities and public transport, and the size of the property, and;
 - the effect of the proposed use upon the living conditions of occupiers of nearby residential properties, with regard to noise and disturbance.

Reasons

Whether the appeal property would be a suitable location for an HMO

5. Hounslow Local Plan Volume 1 ('HLP') Policy SC10 states that properties subject to HMO proposals should be located within convenient walking distance of town centre facilities and have access to good public transport links. The London Borough of Hounslow Houses in Multiple Occupation Supplementary Planning Document ('the SPD') specifies that in the context of HLP Policy SC10, convenient walking distance would amount to 400 metres, and that access to

good public transport links would be achieved in locations rated as Public Transport Accessibility Level ('PTAL') 4.

6. The appeal site is located within a residential area and is distant from a town centre. There are a limited number of commercial premises within walking distance of the site, and I acknowledge that online shopping and food delivery would be an option for future occupiers of the property. However, given the distances involved and the nature of the proposed use, I consider that the appeal site is not conveniently located with regards to easily accessing on foot the full range of shops and services that would ordinarily be expected to be found in a town or local centre.
7. Furthermore, although there are bus stops located within walking distance of the site, I have been provided with no evidence with regards to specific services that may serve them, or the frequency of any such services. Additionally, it is agreed between the parties that the site is rated as PTAL 2, which is towards the lower end of the PTAL scale. I therefore am not persuaded that the appeal site would have good public transport links for the purposes of HLP Policy SC10.
8. I recognise that the proposal would not comprise a larger HMO providing accommodation for six occupants and would instead provide accommodation for five occupants. Nevertheless, the nature of occupancy would be such that it is likely that each occupant would seek to meet their own individual daily needs in terms of access to employment, shops and services.
9. Accordingly, whilst the use would be less intensive than a larger HMO, it would still result in a greater and more frequent demand for access to local services than would be expected in comparison to a family home. Having regard to this, I consider that the requirements of HLP Policy SC10 are still relevant, and that the suitability of the location for supporting a more intensive form of residential occupation remains an important consideration. Restricting the HMO to five occupants only would not overcome the limitations of the appeal property with regards to these requirements.
10. HLP Policy SC10 also states that properties subject to HMO proposals should have an original floor area greater than 130 square metres (sq.m) in order to be suitable for conversion. The SPD explains that there is a need for smaller family homes in the Borough, and that the HLP Policy SC10 requirement in relation to original floorspace is intended to provide some protection to the supply of smaller houses. It also clarifies that the conversion of properties that would only achieve the required floorspace following previous or proposed extension, will not be supported by HLP Policy SC10.
11. The appeal property comprises a semi-detached property, which it is agreed between the main parties, amounted to less than 130 sq.m of floor space in its original form, before the construction of any extensions. It is also not disputed that when accounting for existing extensions, that the floorspace of the property would still amount to less than 130 sq.m.
12. As the 'original' property amounted to less than 130sq.m, it would have constituted a smaller house for which the Council has indicated that there is an identified need, and this has not been challenged by the appellant. As HLP Policy SC10 is concerned with the original property, it would not be appropriate to consider the floorspace baseline to be that following previous extension. Furthermore, even if following the extension of the property, the shortfall in

floorspace is not significant, the proposal would still result in the loss of a smaller house.

13. I find that the appeal proposal would not be a suitable location for an HMO. It would therefore fail to accord with HLP Policy SC10 which, amongst other criteria, requires HMOs to be located within convenient walking distance of town centre facilities, have access to good public transport links and within properties that have a minimum original floor area greater than 130 sq.m. It would also be contrary to advice contained within the SPD in relation to the location of the proposal and the size of the appeal property.

Living conditions of nearby residents

14. The Council contends that the proposal would result in harm to the living conditions of the occupiers of neighbouring properties through noise and disturbance. Whilst I agree that an HMO providing accommodation for five occupants would be a more intensive form of occupation likely to have a greater degree of comings-and-goings than a family home, there is no substantive evidence before me that would indicate that this would result in unacceptable levels of noise and disturbance.
15. Furthermore, although I have not been provided with any specific evidence in relation to other HMOs in the area, the Council acknowledges that the proposal would be located within an area of mostly single-family homes. Therefore, I consider that it is unlikely that any potential increase in activity as a result of the proposal would result in unacceptable cumulative effects.
16. For the above reasons I find that the appeal proposal would not result in harm to the living conditions of the occupiers of nearby properties. Therefore, in this respect, it would accord with HLP Policy SC10 which requires HMO proposals to not have a serious harmful cumulative impact on the residential amenity of the area. There would also be no conflict with the SPD which also requires consideration of the cumulative effect of HMO development upon the amenity of the area.

Other Matters

17. The appellant contends that the Council has underestimated the level of outdoor space to be provided at the property. Even if this is the case, the Council has not raised concern with regard to level of outdoor space provided and I have no reason to disagree with this assessment.
18. The Council has raised concerns with regards to the size of the kitchen which would serve the occupants of the property, however this matter does not form part of the Council's reasons for refusal. As I am dismissing the appeal for other reasons, it is not necessary for me to consider this issue further.

Conclusion

19. Although I have found that the appeal proposal would not lead to harm to the living conditions of nearby residents, it would nevertheless otherwise conflict with HLP Policy SC10, and would conflict with the development plan as whole.
20. For the reasons set out above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR