



Appeal Decision

Site visit made on 27 June 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/M5450/W/22/3311098

93 Headstone Road, Harrow HA1 1PG

- 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 Qasim Gulamhusein, ATF Construction against the decision of London Borough of Harrow.
 - The application Ref P/3196/22, dated 6 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is change of use from C4 small house in multiple occupation for upto 6 people to large house in multiple occupation (Sui Generis).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Qasim Gulamhusein, ATF Construction against London Borough of Harrow. This application is the subject of a separate Decision.

Preliminary matters

3. The appeal property comprises an extended end terrace house. The appellant has confirmed that this property is in use as a house in multiple occupancy ('HMO') for up to 6 persons.
4. However, based on my visit, the common kitchen was located on the ground floor and the communal lounge area was being used as a bedroom. Therefore, the existing plans are not consistent with the current arrangement of the property. As such, I have determined the appeal on the basis of my visit and the proposed plans.

Main Issue

5. The main issue is whether the quality of the proposed accommodation would be acceptable.

Reasons

6. The only specific space standards for HMO are set out in the Council's Houses in Multiple Occupation Conditions and Amenity Standards - May 2020 ('HMO standards'). Whilst this document contains general advice and suggested minimum specifications for the licensing of a HMO, this is a useful guide for assessing such proposals for planning purposes. Accordingly, I have applied this as guidance.

7. More significantly, for planning purposes and in light of the development plan, to ensure that the proposed development provides a high-quality environment, it is important that this is also considered in respect of other matters, such as outlook, privacy and amenity.
8. In terms of the heights of the proposed rooms, the Council's HMO standards require that all habitable rooms, kitchens and bathrooms have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.5m above the floor.
9. Based on the submitted section drawings, the internal head height on the ground floor is about 2.85m. The internal head height of the first floor is nearly 2.65m. On the second floor the internal head height also exceeds 2.14m. Consequently, all of the bedrooms are provided with sufficient internal head heights.
10. The HMO standards also specify different internal room size requirements for various configuration of a HMO. This advises that in a HMO with a kitchen which is not a kitchen/diner, and which does not have an additional common room, the minimum bedroom size required is 10m². Furthermore, the kitchen area must be 5m² for the first 3 occupants and an additional 1m² for each additional occupant. For a 7 person HMO, the kitchen should have a minimum internal area of 9m².
11. In this case, the proposed kitchen area would exceed the above size requirement. However, bedroom 7 would be less than 10m². Therefore, overall, the proposed accommodation based on its configuration falls short of the above minimum standards. Even so, because I have applied these standards as guidance, this is not determinative in itself.
12. In terms of outlook, bedroom 7 is served by a single window, the view from this, in part, is over a rear roof and beyond this onto the rear garden area and towards the school at the back of the appeal site. Overall, I found this outlook acceptable.
13. Bedroom 6, as denoted on the proposed plans, incorporates two roof lights. Because of the location of these along the roof plane, the outlook from these is limited. Nevertheless, this room also includes a rear facing window which offers a similar outlook to that for bedroom 7. This, combined with generous size of this room provides an acceptable level of outlook and amenity.
14. Bedroom 5 would not be served by any window and therefore does not provide any outlook. Whilst I find this unacceptable, this is an existing arrangement under the extant use of the appeal property as a HMO. All the other proposed bedrooms would benefit from an acceptable outlook.
15. Given that the proposed accommodation falls short of the minimum HMO standard and the internal communal area would be limited to the proposed kitchen, some additional communal space is necessary and important for the amenity and wellbeing of residents. For example, to provide a space for socialising and seating, in particular if residents have guests. This could be in the form of a communal lounge and/or outdoor amenity space.

16. As part of the proposal, the garden to the rear of the appeal site would be allocated as a communal outdoor space for all the residents of the larger HMO. Indeed, Policy DM27 of the Council's Development Management Policies document ('DMP') which relates to all residential schemes, says that proposals that would fail to provide appropriate amenity space will be refused.
17. I have not been provided with any specific size requirement for amenity space for a HMO. Nonetheless, and even though the proposed amenity space is also likely to be used for cycle storage for about 7 cycles, on the information before me, the proposed amenity space would still be of a sufficient size, for example to provide a drying out area and an outdoor seating space for residents and any visitors.
18. The outdoor amenity space would be largely accessed via the existing side access. As such, most of the residents and any visitors of the larger HMO would need to leave the building via the front entrance and walk to the side access via the public footpath. Given that this building is an end terrace property and the proposal mainly utilises the existing layout, it would be difficult to provide shared, direct internal access for all residents.
19. Using the side access would involve walking past the window for bedroom 2. From the access this window is in part, screened by existing fencing and is also recessed from the proposed outdoor amenity space. As such, this arrangement would not have an unacceptable impact on the privacy of the occupier of bedroom 2.
20. In contrast, the rearmost ground floor bedroom (bedroom 3) has doors and windows which directly face the outdoor amenity space. Although the appellant has suggested that a condition could be used to secure a scheme to safeguard the privacy for this bedroom, in the absence of a detailed scheme, I cannot be certain that this would be satisfactorily achievable.
21. Therefore, whilst the quantum of the proposed outdoor amenity space and its accessibility would be acceptable, its arrangement and use would unacceptably harm the privacy for the occupier of bedroom 3. Furthermore, because the outdoor amenity space would be directly overlooked from bedroom 3, this would undermine its useability for residents.
22. Whilst no bin storage area has been identified on the submitted plans, it would appear that the frontage of the property would be utilised for this. This arrangement would result in residents walking in close proximity of the front bay window for bedroom 1. Whilst this could result in some noise and disturbance and potential loss of privacy, this is not dissimilar to the existing arrangement for the property. Therefore, the bins and activity arising from one additional occupant, over the extant use is unlikely to unacceptably impact on the living conditions of the occupier of bedroom 1.
23. Nevertheless, the proposed ground floor arrangement would unacceptably compromise the privacy of the occupier of bedroom 3 and the useability of the proposed outdoor space to the detriment of the amenity of the residents of the larger HMO. As such, the overall quality of the proposed accommodation would be unacceptable.
24. Consequently, the proposal is contrary to the design aspirations of DMP Policies DM1 and DM30, which amongst other things require that all proposals must

achieve a high standard of design and layout and provide satisfactory living conditions for the intended occupiers with regard to privacy, outlook and amenity. Accordingly, I also find conflict with similar aims of Policy D3 of The London Plan. For the reasons given above, the proposal would also fail to accord with DMP Policy DM27.

25. The Council's reason for refusal also refers to policies D6 and H9 of The London Plan, the standards referenced within Policy D6 relate to new self-contained dwellings. Policy H9 relates to safeguarding the loss of existing HMO. Because the proposal before me is for a new larger HMO, these policies are not relevant.

Other Matters

26. As already stated, the appeal property is in use as a HMO for up to 6 persons without any communal outdoor space ('the fallback'). Nonetheless, the proposed HMO would be a home that could cater for a larger number of residents and overall fails to provide high quality accommodation. Therefore, the fallback does not weigh in favour of the proposal.
27. The appeal property also has planning consent to be converted to two flats for up to 9 residents. However, the quality of this type of self-contained accommodation is assessed under different standards. Moreover, on the limited information before me, both of the proposed flats would have independent outdoor amenity space. Therefore, I do not consider the approved scheme for flats and the proposal to be comparable.
28. The appellant's submissions also refer to other Houses in in Multiple Occupancy in the area. In particular, 76 Headstone Road, which I am advised is smaller than the appeal property with 8 rooms and is occupied by 10 persons. Even so, I have insufficient information in relation to the configuration of this property to compare its quality to the scheme before me.
29. Houses in Multiple Occupancy are a form of housing which are supported in the development plan and the National Planning Policy Framework. This type of housing also makes efficient and effective use of land. Nevertheless, this should not be at the expense of failing to secure high quality living environments.

Conclusion

30. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR