



Appeal Decision

Site visit made on 30 June 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH July 2023

Appeal Ref: APP/F5540/W/22/3307823

38 Alexandra Road, Hounslow, TW3 4HN

- 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 K. Vhora (Glenlyn Limited) against the decision of the London Borough of Hounslow Council.
 - The application Ref 00026/38/P12 dated 10 May 2022, was refused by notice dated 15 July 2022.
 - The development proposed is the enlargement of a small house of multiple occupation (HMO) to 8no. bed spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the enlargement of a small house of multiple occupation (HMO) to 8no. bed spaces at 38 Alexandra Road, Hounslow, TW3 4HN in accordance with the terms of the application Ref 00026/38/P12 dated 10 May 2022 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Background

2. The scheme before me does not propose any extensions or alterations to the existing building and would not therefore result in any increase in overall floorspace. It proposes to enlarge the capacity of the existing small HMO to 8-bed spaces by using the existing living room as a 2-person bedroom.

Main issues

3. The main issues are;
 - whether the property is suitable for conversion, with particular regard to whether the original dwellinghouse is greater than 130 square metres in floor area;
 - the effect of the development on living conditions, with specific regard to neighbouring residents.

Reasons

Appeal site context

4. The appeal site consists of a mature 2-storey detached house with current lawful use as a 6-person HMO¹. It is located on the western side of Alexandra

¹ Council ref: 00026/38/LAW2: Certificate of Lawfulness for existing use of property as a house of multiple occupation for up to 6 people. Granted 5 January 2022.

Road, which is characterised by late 19th/early 20th century semi-detached and terraced residential properties.

Whether the property is suitable for conversion, with particular regard to whether the original dwellinghouse is greater than 130 square metres in floor area

5. Policy SC10 of the Local Plan² states, amongst other things, that development proposals for HMOs will be expected to have a minimum 'original' floor area greater than 130 square metres. The Council states that the appeal property is below this threshold, which is not disputed by the appellant. As a consequence, I conclude that the scheme would, in principle, conflict with this policy.

The effect of the development on living conditions, with specific regard to neighbouring residents

6. Policy SC10 of the Local Plan states, amongst other things, that the proposed HMO and others already existing in the locale should not have a serious harmful cumulative impact on the residential amenity of the area. To achieve this, Paragraph 3.9 of the Council's HMO guidance³ states that a management plan should be submitted with the planning application setting out how the property will be managed, with specific regard to a range of criteria.
7. Given the current lawful use of the property as 4-bedroom 6-person HMO and that no extensions or alterations are proposed, my assessment has been primarily based on the impact arising from the use being intensified to a 5-bedroom 8-person HMO.
8. The appeal site is located within a controlled parking zone (CPZ) which operates from 09:30am to 6:00pm Monday to Friday and 09:30am to 12:30pm on Saturdays. In view of this, I am satisfied that adequate controls exist to manage local parking pressure and protect the residential amenity of the area. Furthermore, I also consider the site's sustainable location with good access to public transport & town centre facilities and the scheme's provision of secure cycle parking would encourage active travel by means other than the private motor car.
9. I recognise that the proposal would result in 2 further people residing at the property, but am not of the view that this limited increase would result in significant additional comings & goings and associated noise & disturbance to the surrounding area.
10. In view of the above, and because matters relating to waste can be addressed by condition, I am satisfied that a management plan is not necessary in this instance and that the scheme would not harm the living conditions of neighbouring residents. As a consequence, I conclude that when considered with other HMOs in the locality, the proposal would accord with Policy SC10 of the Local Plan insofar as it would not have a serious harmful cumulative impact on the residential amenity of the area.
11. I also find that the scheme would not conflict with Paragraph 130 of the Framework⁴ which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for existing users.

² Local Plan 2015-2030, Volume One, London Borough of Hounslow, Adopted 15 September 2015.

³ Houses in Multiple Occupation Supplementary Planning Document, Adopted 21 November 2017, London Borough of Hounslow.

⁴ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

Planning balance

12. Although the scheme conflicts with the floorspace threshold of Policy SC10 of the Local Plan, I am satisfied that it would not cause any harm to the residential amenity of the area or the character and appearance of the locale and that there remains the lawful fallback position of an existing 6-person HMO use. Furthermore, the proposal would also result in benefits of;- (1) two additional HMO bed spaces in a highly sustainable location to help meet local need from different groups in the community; and (2) two additional occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the borough.
13. As a consequence, I have concluded that the absence of harm and benefits identified above constitute other material considerations that outweigh the scheme's 'in principle' conflict with Policy SC10 and that the proposal should be allowed.

Conditions

14. A condition has been imposed to ensure the scheme is carried out in accordance with the submitted plans, as has a condition restricting occupation to no more than 8-persons to ensure an adequate standard of accommodation and to protect the residential amenity of the area.
15. A condition requiring details of cycle storage is necessary to encourage active travel by means other than the private motor car (for six spaces as per the requirements of Paragraph 3.26 of the Council's HMO guidance). I also consider it necessary to impose a condition for waste facilities to ensure that these are designed and implemented in a manner that is not harmful to the character and appearance of the area. It is not necessary to impose a condition removing the existing vehicular crossover as its continued presence would assist cyclists in accessing the bike storage area in the front garden.
16. I do not consider it necessary to impose a condition restricting future occupants from applying for a parking permit as I am not of the view that 2 additional persons would lead to significant parking stress in the locality and because the site's sustainable location would encourage travel by means other than the private motor car. Neither would I consider it reasonable to do so given the existing lawful use of the property for 6-persons without such restrictions.
17. I recognise that the scheme could lead to a very marginal increase in demand for parking permits, but it is my view that the local highway authority should determine how these are allocated in accordance with its own rules, policies and procedures. In any event, there is no evidence before me that a request by the additional 2 occupiers of the development would result in extra permits being issued above the number ordinarily dispensed by the local highway authority on an annual basis and which the area can reasonably accommodate. As a consequence, I have no evidence that the development would result in a greater amount of on-street parking congestion or more difficult access by neighbouring residents to their properties.

Conclusion

18. In view of the above and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

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:- Drawing nos. 102 Rev C, Fire Safety Strategy received 10 May 2022; 101 Rev D received 25 May 2022.
- 3) For the avoidance of doubt, the HMO use hereby approved shall not accommodate more than eight (8) residents/bed spaces without the specific grant of planning permission from the local planning authority.
- 4) Notwithstanding the submitted plans and for the avoidance of doubt, secure covered cycle parking facilities (for not less than six bicycles) shall be installed in the front garden for occupants of the development and their visitors. The approved facilities shall conform to the current Westtrans West London Cycle Parking Guidance in design and layout (or such other guidance as shall supersede it) and be constructed and/or installed prior to commencement of the approved use and thereafter be retained for use at all times without obstruction.
- 5) Notwithstanding the submitted plans and for the avoidance of doubt, details of the arrangements for the storing of waste and recycled materials (including details of how the placing of waste and recycled materials in a suitable location for collection would be undertaken and managed) shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be constructed and/or installed in accordance with the approved details prior to commencement of the approved use and thereafter be retained for use at all times without obstruction.

End of Schedule