

Appeal Decision

Site visit made on 7 June 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/F5540/W/22/3310343

645 Great West Road, Hounslow, Isleworth TW7 4PZ

- 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 Hanan Shapira against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00505/645/P2, dated 29 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is Change from an HMO of 6 bed to a sui generis of 8 bed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal revised plans have been submitted which show the layout of the kitchen, the reduction in the parking arrangements from two off street spaces to one and revisions to the layout of the front garden, including provision of boundary treatment, revised positioning of bin and bicycle storage and the provision of landscaping. The revised plans are numbered and dated identically to the originally submitted plans, as follows: PR-L001, PR-P001, PR-P002, PR-P003, PR-E001. The remaining plans are unaltered. A management plan has also been submitted.
3. The changes are minor and relate to matters which could have been required by condition in any event. The Council have made further comments on the appeal which take account of the new plans and management plan. Accepting these plans would not prejudice the Council's position, or that of any other party. I have therefore had regard to the contents of the revised plans and management plan in coming to my decision.
4. At my site visit I saw that the property was already in use as an 8 bed House of Multiple Occupation (HMO), however I have determined the appeal on the basis of the development applied for and the submitted drawings.

Main Issues

5. The main issues are:

- whether the appeal site is a suitable location for the development having regard to the need to protect the Borough's stock of smaller family houses and access to town centre facilities; and
- the effect of the development on living conditions of the occupiers of nearby properties, with particular reference to disturbance.

Reasons

Suitable location

6. The appeal site comprises a two-storey semi-detached house, accessed directly off Great West Road (the A4) within a predominantly residential area. A two-storey side extension and first floor rear extension approved in 2019 have been constructed. The site was in use as an HMO of 6 bedrooms however a former storage room and dining room are now used as two additional bedrooms, creating a total of 8 bedrooms, capable of accommodating up to 12 people.
7. Policy SC10 of the London Borough of Hounslow Local Plan (LP) 2015 – 2030 Volume 1 sets out a list of criteria which new HMOs will be expected to comply with. The LP explains that the purpose of these is to avoid harmful impacts to residential amenity and the character of the surrounding area. This includes a requirement at criterion (e) that for houses to be eligible for conversion into a HMO, they must have a minimum 'original' floor area greater than 130sqm. The Hounslow Houses in Multiple Occupation Supplementary Planning Document (Adopted November 2017) (HMO SPD) further outlines that the purpose of the minimum floor area requirement is to preserve the Borough's stock of smaller family houses. There is some debate between the parties regarding the original floor area of the appeal property, however it was between 110 – 123 sqm and therefore below the minimum required by Policy SC10 and the HMO SPD.
8. The property has already been extended and was already in use as an HMO, albeit one with 6 rooms. However, as a small HMO the effects of the use would have been similar to that of a family dwelling. In any event, the Policy is clear that the size limit applies to the original dwelling and that the conversion of properties to a large HMO (6 or more occupiers) that only achieve a total floorspace of more than 130sqm because of previous or proposed extensions will not be supported. As such, the development does not comply with the criteria set out in Policy SC10 and results in a reduction in the stock of family houses in the Borough.
9. Policy SC10 at criterion (d) requires HMOs to be located within walking distance of town centre facilities and good transport links. The HMO SPD states that this means that proposed HMOs should have at least a 'good' Public Transport Accessibility Level (PTAL) of 4 and should be within a 400m walk of town centre facilities. This is to ensure that residents have good access to facilities and services given that car ownership is generally low amongst HMO occupiers. The development would be provided with 12 cycle parking spaces, and is a short walk from Osterley station, bus links and car sharing facilities. However, it has a PTAL of 3 and is considerably more than a 400m walk to the nearest town centre of Hounslow. Therefore, because of

the poor access to town centre facilities the proposal conflicts with Policy SC10.

10. Although not forming part of the reasons for refusal, the Council contend that the appellant has not demonstrated that the development does not have a harmful cumulative effect on the character of the area. Whilst change to the character could occur through the incremental conversion of family properties to large HMOs, in the absence of any substantive evidence regarding similar developments nearby I am unable to conclude that the proposal results in harm to the character of the area. However, in any event I have found conflict with Policy SC10 in respect of criteria (d) and (e) as outlined above.
11. The appellant contends that Policy SC10 is not applicable as the property was already in use as a small HMO and that this took place prior to the introduction of an Article 4 direction limiting permitted development rights for changes of use. I have been provided with limited details regarding the Article 4 direction, however the development is for more than 6 occupiers and as such required planning permission in any event and the Policy is applicable. The appellant also contends that the development provides spacious, affordable accommodation with outdoor amenity space. However, these benefits do not outweigh the conflict with the LP that I have identified.
12. The appeal site is not a suitable location for the development having regard to the need to protect the Borough's stock of smaller family houses and access to town centre facilities. The development is therefore in conflict with Policy SC10 of the LP and the HMO SPD which seek to ensure that only larger properties with good access to facilities and services are used as HMOs.

Living conditions

13. As described above the appeal site is located in a residential area and the neighbouring properties are detached or semi-detached houses with driveways and rear gardens. Noise is generated by comings and goings from houses, cars leaving driveways and residents using their gardens, as well as traffic noise from the adjacent A4.
14. In this context the additional occupants have increased the frequency of comings and goings along with increased activity within and outside of the property. However, the increase in noise and disturbance associated with the occupants of the 2 additional rooms provided by the development is minimal bearing in mind the existing activity and noise in the area.
15. In support of the appeal, a management plan has been submitted which outlines measures to prevent individuals cooking in their rooms, cleaning and gardening arrangements, approach to sourcing of tenants and encouragement of tenant interaction. The Council confirms that this addresses the second reason for refusal, and I see no reason to disagree.
16. Consequently, the development does not have a harmful effect on living conditions of the occupiers of nearby properties, with particular reference to disturbance. Therefore, the development accords with Policy SC10 of the LP

and HMO SPD insofar as they seek to ensure that HMOs do not result in a harmful impact on the amenity of the neighbouring residents and the area.

Other Matters

17. A number of matters were raised by the parties, although not forming part of the reasons for refusal, including the parking layout, waste and recycling storage facilities, cycle parking and fire safety information. These are matters which could have been addressed via suitably worded conditions had I been minded to allow the appeal.

Conclusion

18. The proposal does not accord with the development plan as a whole and there are no other considerations that indicate that I should take a different decision other than in accordance with this. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR