



Appeal Decision

Site visit made on 3 October 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023.

Appeal Ref: APP/R5510/W/23/3318771

16 Victoria Lane, Hayes, Hillingdon UB3 5EW

- 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 Guv Panesar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75939/APP/2022/3043, dated 5 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as change from 6 bed HMO to 8 bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change from 6 bed HMO to 8 bed HMO at 16 Victoria Lane, Hayes, Hillingdon UB3 5EW in accordance with the terms of the application, Ref 75939/APP/2022/3043, dated 5 October 2022, subject to the conditions set out in the attached Schedule.

Applications for costs

2. The appellant's statement of case refers to costs. In accordance with Paragraph 035 Reference ID: 16-035-20161210 of the Planning Practice Guidance, the costs application must be made in writing by any party not later than the final comments stage. No costs application was made and therefore I have determined the appeal on this basis.

Preliminary Matters

3. It has been brought to my attention that the proposed bedrooms are occupied, but at my site visit I observed that the rooms were used for storage. In any event, for the avoidance of doubt, I have determined this appeal based on the plans which accompany this submission.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of the future occupiers of bedroom 5 and of bedroom 6, with particular regard to outlook and privacy;
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - whether the proposal would make adequate provision for car parking, electrical vehicle charging points and cycle storage.

Reasons

Living conditions of future occupiers

5. The appeal site comprises a two-storey semi-detached dwelling which has a lawful use as a 6-person house in multiple occupation (HMO). During my site visit I observed that the Certificate of Lawfulness has been implemented. There is no dispute between the parties that bedroom 5, bedroom 6 and bedroom 8 have lawful use.
6. Bedroom 5 and bedroom 6 have windows facing the property's driveway. However, the shared parking area is limited in size and therefore it is unlikely that the proposal would lead to more cars parked within it. Further, views of parked cars are not uncommon. As such, despite there being no defensible space to these windows, the proposal would not be more harmful in terms of outlook than the existing situation.
7. The proposed increase in number of occupants within the property would be limited and, consequently, so would be the associated number of comings and goings through the front door when considering the existing situation. As such, the proposal would not be more harmful than the current circumstances in terms of privacy.
8. Bedroom 7 and Bedroom 8 would have their windows directly facing the property's rear garden. However, is not unusual for shared accommodation such HMOs with a shared garden space to have a degree of overlooking. In addition, given the limited increase in the number of occupants, the proposal would not be more harmful than the existing situation.
9. Two internal rooms would be converted to bedrooms, however these are used for storage and therefore they could not be used by the occupants as communal space in any event. As such, overall, the internal space would be acceptable and the HMO's occupiers would have access to a suitable private garden.
10. Therefore, I conclude that the proposal would not be harmful to the living conditions of the future occupiers of bedroom 5 and of bedroom 6, with particular reference to outlook and privacy. The proposal would accord with Policy D6 of the London Plan 2021 (LP) and with Policies DMH1, DMH5 and DMHB11 of the Local Plan Part 2 – Development Management Policies 2020 (DMP). Collectively, these policies support developments that provide satisfactory living conditions for the intended occupiers, amongst other matters. Further, the proposal would be in line with the National Planning Policy Framework (the Framework), where it seeks to create places with a high standard of amenity for existing and future users.

Living conditions of adjoining neighbours

11. The site is located within a short walking distance of the High Street, which comprises a mix of residential and commercial uses. There is a public house adjacent to No 14 Victoria Lane (No 14). As such, there are a number of uses and activities nearby which are capable of generating noise and indeed I observed this during my site visit.
12. The appeal site has a wide frontage and is attached to No 14 to one side. On the other side it abuts an open and substantial garden area used in association

with a block of flats. This neighbouring building is substantially set back from No 16's front elevation.

13. Concerns have been raised regarding noise. Whilst more residents would increase the potential number of comings and goings using the front access to the dwelling, the appeal site has a wide frontage with its door occupying a central position within the plot. This would reduce the noise and disturbance to No 14 and to the block of flat's garden.
14. The rear garden of No 14 and of the block of flats are of good size and therefore the level of activity associated with the proposal would not be discernible, due to the limited increase in number of occupiers. Further, the existing shed on the boundary between the site and No 14 would assist in shield the noise. Similarly, the appeal building is set back from the side elevation of the block of flats, which assists in protecting these neighbours from undue noise. Additionally, the overall density of development in the area is such that there is likely to be activity throughout the day and evening. Consequently, the increase in occupants would be small in the context of the existing use and character of the surrounding area.
15. The HMO's internal layout comprises the kitchen and living area set against the common boundary wall with the attached dwelling at No 14. The increase in the number of residents would be limited, and I have no substantive evidence before me to demonstrate that the use of the property as an 8-bedroom HMO would result in any materially different effects on odour, noise and disturbance than that from its existing lawful use. As such, I am not persuaded that sound insulation measures would be required to attenuate the noise levels to make the development acceptable in planning terms.
16. The proposed new bedrooms (bedroom 4 and bedroom 7) would not be off the common wall with any neighbours. This would minimise any impacts on the closest neighbours in terms of noise and disturbance, as well as odour, should these rooms be fitted with kitchenettes.
17. I have considered the representations from third parties in respect of anti-social behaviour and poor waste management at the site. Whilst this is not pleasant, and I sympathise I have no evidence that this has been directly attributable to the appeal property, and it seems largely related to the behaviour of individuals and so carries limited weight.
18. The Council raises concerns with some bedrooms being double, which would allow for additional occupants. However, the Design and Access Statement clearly states that the purpose of the application is to add two more people to the house. Although there could be visitors, they would not be permanent residents and therefore are unlikely to cause additional disturbance.
19. In conclusion, the proposal would not be harmful to the living conditions of the neighbouring occupiers, with particular reference to any noise or disturbance which may arise. The proposal would accord with Policy DMH5 of the DMP, which seeks to ensure that no adverse impact on the amenity of neighbouring properties will arise from HMO proposals.

Car parking, electrical vehicle charging points and cycle storage

20. The proposal would provide three parking spaces within the property's frontage, which is laid to block paving. Although concerns about parking are

not reflected in the reasons for refusal, the officer report states that there would be a deficiency in the number of parking spaces provided to serve the HMO. Although a Transport Appraisal and Travel Plan have not been submitted, there is sufficient evidence before me to make a decision on this appeal.

21. However, there is no evidence before me to demonstrate that the proposal would lead to additional parking pressure in the vicinity and indeed during my site visit I observed that there was on-street parking available in close proximity to the appeal site. Further, the site is well located within walking distance of a parade shops and bus routes, which would reduce the reliance on vehicles to carry out day to day activities as acknowledged in the Officer's Report. As such, I find it unlikely that the proposal would result in increased parking stress. On this basis, a legal agreement restricting future occupiers from applying for permits is not necessary.
22. Although details of electrical vehicle charging points have not been provided, there is sufficient space within the existing driveway to install these apparatus. Such a scheme could be secured by planning condition.
23. The Design and Access Statement indicates that cycle storage would be provided within the property's rear garden. The Council finds the location in the rear garden to be unsuitable and not fit for purpose. However, the property's rear garden is large and has sufficient space to accommodate the required cycle storage whilst still providing adequate outdoor space for the occupiers. The details of a cycle storage scheme could be secured by planning condition.
24. In light of the above, I conclude that the proposal would make adequate provision for car parking, and conditions would secure electrical vehicle charging points and cycle storage. The proposal would accord with Policy T6 of the LP and with Policies DMT2 and DMT6 of the DMP, where these policies seek to ensure highway safety. The proposal would further accord with the Framework, where it seeks to promote sustainable transport.

Other Matters

25. The Council sets out that it has not been demonstrated that the site could adequately provide waste storage facilities. However, this information can be secured through a planning condition, as sufficient space is available for waste and recycling containers to be stored out of sight in a fenced area. Subject to such a condition, the development would not result in harm to the character of the area or to the living conditions of the adjoining neighbours as a result of inadequate waste and recycling provision.
26. In terms of drainage, the site is not located within Flood Zones 2 or 3, nor does it lie within a critical drainage area or area known for surface water flooding. As such, the existing drainage would be acceptable. On this basis, a condition requiring a drainage management plan is not necessary to make the development acceptable in planning terms.
27. In reaching this view I have had regard to the representations made by third parties. The matters raised have been considered above and can be adequately dealt with by the imposition of conditions, thus, those matters raised do not alter my decision to allow the appeal.

Conditions

28. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. I have imposed two further conditions requiring the submission of details regarding cycle storage, electrical vehicle charging point and refuse storage and their implementation, which are necessary to make the development acceptable in planning terms.
29. The Council suggests a condition requiring the provision of a landscape scheme and hard surfacing materials, seeking to minimise overlooking to bedrooms 7 and 8. However, it is not unusual for shared accommodation such as HMOs with a shared garden space to have a degree of overlooking. In addition, the lawful use of bedroom 8 has been established by the Certificate of Lawfulness. Therefore such a condition would not be justified in this case.

Conclusion

30. For the reasons given above, I conclude that the proposal would comply with the development plan read as a whole. There are no material considerations, including the Framework, that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, XEVA/16VL/200 Issue A and XEVA/16VL/203 Issue A.
- 3) Prior to the first occupation of either bedroom 4 or 7, details of the type and location of secure cycle storage facilities for at least 8no bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the approved details before first occupation of these rooms and retained thereafter.
- 4) Prior to the first occupation of either bedroom 4 or 7, details of at least one electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The apparatus shall be installed in accordance with the approved details before first occupation of these rooms and retained thereafter.
- 5) Prior to the first occupation of either bedroom 4 or 7, a detailed scheme for the provision of waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed in accordance with the approved details before first occupation of these rooms and retained thereafter.