



Appeal Decision

Site visit made on 24 October 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/F5540/W/23/3317680

107 Tachbrook Road, Feltham, Hounslow TW14 9PD

- 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 S Patel against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01108/107/P3, dated 8 December 2022, was refused by notice dated 10 February 2023.
 - The development proposed is change of use from 6-bedroom HMO (Class C4) to 9-bedroom HMO (*sui generis*).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr S Patel against the Council of the London Borough of Hounslow. This application is the subject of a different decision.

Preliminary Matters

3. The Council revised the description of development in its decision, but the revision was not agreed by the appellant. Accordingly, I have used the description given on the original application.
4. The appellant states the appeal site is in use as a house in multiple occupation (HMO) for not more than 6 residents, falling within Class C4 of the Town and Country Planning (Use Classes) Order 1987 (UCO). He argues this use has planning permission granted under Article 3(1) and Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.
5. The Council considers the existing use of the appeal site to be a single dwelling house falling within Class C3 of the UCO. I understand the Council intends to withdraw Class L permitted development rights through an Article 4 direction, although I am not aware of the stage reached in its preparation or the area the direction would cover.
6. Be that as it may, the existing lawful use of the appeal site is not a matter for me to determine in the context of a section 78 appeal. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Town and Country Planning Act 1990. Any such application would be unaffected by my determination of this appeal. I have decided the appeal on its merits.

Main Issues

7. The main issues are:

- i. The effect of the proposal on the living conditions of nearby residents, with particular reference to noise and disturbance.
- ii. The effect of the proposal on highway safety, with particular reference to car parking.
- iii. Whether the proposed development would be suitably located with respect to local services and facilities.
- iv. Whether future occupiers would be likely to experience acceptable living conditions in terms of storage for refuse/recycling and bicycles.

Reasons

Living conditions of nearby residents

8. The proposal would not involve significant physical changes to the interior of the building. However, it would increase the number of residents living as separate households, thereby intensifying the use of the building and the number and frequency of comings and goings. There would therefore likely be some increase in unavoidable noise with some potential to disturb nearby residents, particularly given the close proximity of other dwellings, including single family homes. This is notwithstanding that there are no houses on one side of the appeal site, because of its location next to a small river.
9. There is limited information before me about proposed measures to mitigate any increase in noise and disturbance, such as a management plan for the HMO. This is notwithstanding the appellant's assertion that he is an experienced landlord. There is also little evidence about the existence of other HMOs in the area surrounding the appeal site, or about any consequential cumulative effect of the proposal on the living conditions of nearby residents. An absence of comment from the Council's Environmental Health Officer is not sufficient to demonstrate the proposal's effect would be acceptable.
10. The appellant refers to a finding in a report produced by the Building Research Establishment that the perception of harm from the behaviour of HMO tenants is worse than the reality. However, supporting evidence for that finding is not before me, so I am not persuaded the research is directly relevant to the appeal proposal. I have considered the appeal on its merits, based on the evidence before me.
11. I have considered the appellant's argument that Policy SC10 of the HLP is not relevant to the appeal proposal because the premises are already in use as a small HMO. There is nothing in the policy or its supporting text to indicate it should be disapplied in certain circumstances according to the existing use of the premises. Moreover, paragraph 5.29 of the supporting text is clear that the policy is intended to apply to proposals for the creation of larger HMOs with more than 6 residents. Therefore, irrespective of the existing use of the appeal site, I find Policy SC10 of the HLP is relevant to the appeal proposal.
12. Taking all this together, it has not been demonstrated to my satisfaction that the effect of the proposal on the living conditions of nearby residents would be acceptable. I therefore conclude the proposal would have a harmful effect on

the living conditions of nearby residents, with particular reference to noise and disturbance.

13. This is contrary to Policy SC10 of the Hounslow Local Plan 2015 (HLP), which requires development proposals for HMOs to demonstrate that, together with other similar development in the surrounding area, they will not have a serious harmful cumulative impact on residential amenity. It is also contrary to the Council's Houses in Multiple Occupation Supplementary Planning Document (HMO SPD), which seeks a statement from applicants to explain how potential impacts on neighbours would be managed. It is also contrary to the National Planning Policy Framework 2023 (the Framework), which requires a high standard of amenity for existing users.

Highway safety

14. The London Plan states that *sui generis* residential uses should be car free. Policy EC2 of the HLP applies London Plan car parking standards. It also requires development proposals to demonstrate that sufficient public car parking remains. The Council's HMO SPD states that proposals for HMOs in areas with a Public Transport Access Level (PTAL) of less than 4 should be accompanied by a parking stress survey to assess on-street parking capacity.
15. The proposal would not change the quantity of off-street parking but would result in an increase in occupants. I do not know the number of current occupants of the premises, so I am uncertain by how many that number would increase. Nevertheless, even if I accept the appellant's argument that levels of car ownership among HMO tenants are lower than in some other forms of residential accommodation, there is still likely to be some increase in demand for on-street parking from the development. This is notwithstanding the availability of local bus services.
16. The PTAL of the site is 1b. I observed a moderate level of on-street parking during my site visit and the appellant has not provided a parking stress survey. I am therefore unpersuaded on the evidence before me that on-street parking capacity would be adequate to accommodate additional demand. Consequently, there is a risk of added parking pressure near the appeal site, which would in turn jeopardise highway safety.
17. For the above reasons, I conclude the proposal would have a harmful effect on highway safety, with particular reference to parking. This is contrary to Policy EC2 of the HLP. It is also contrary to the Framework, which states that development should be refused if there would be an unacceptable impact on highway safety.

Location with respect to local services and facilities

18. As noted above, Policy SC10 of the HLP is relevant to the appeal proposal. This policy expects development proposals for HMOs to be located within convenient walking distance of town centre facilities and good public transport links. Guidance in the HMO SPD adds that the proposed development site should have a PTAL of 4 or 'good' and be within a 400 metre walk of a metropolitan or district town centre. The nearest such centre in this case would be Feltham.
19. The PTAL for the appeal site is 1b, which is relatively low. Nevertheless, there are several bus stops within a short walk of the site. These offer a choice of bus routes with a good frequency of services. In addition, while Feltham town

centre may be further than 400 metres away, it is nonetheless within easy walking distance by a choice of routes. Feltham railway station is located at a similar distance. There are also some local shops nearer the appeal site. I therefore consider that, on balance, the proposal would be located within convenient walking distance of town centre facilities and good public transport links. Moreover, these services and facilities could also be easily reached by bicycle.

20. For the above reasons, I conclude the proposed development would be suitably located with respect to local services and facilities. Accordingly, I find no conflict with Policy SC10 of the HLP. I also find no conflict with the Framework, which seeks to focus development in locations with a genuine choice of transport modes.

Living conditions for future occupiers

21. The proposal includes bin storage at the front of the appeal premises. I accept there is limited information about the size and appearance of the proposed bin storage facility. Nevertheless, sufficient detail could be secured and approved via condition were the appeal to be allowed.
22. Additional cycle parking would be provided to the rear of the property, with access via the side entrance. I acknowledge this side entrance would be somewhat narrower than the 1.2 metre width sought by West London Cycle Parking Guidance. However, I am not persuaded on the evidence before me that its width would prevent or deter future occupiers from taking their bicycles from the rear storage area to the street via this route. On this basis, the appellant's suggested condition to secure cycle storage at the front of the house would not be necessary.
23. For the above reasons, I conclude future occupiers would be likely to experience acceptable living conditions in terms of storage for refuse/recycling and bicycles. Accordingly, I find no conflict with Policy EQ7 of the HLP, which expects proposals to incorporate suitable arrangements for waste management; or with Policy EC2 of the HLP, which seeks facilities to promote cycling. I also find no conflict with the Framework where it seeks a high standard of amenity for future users and layouts that encourage cycling.

Other Matters

24. The proposal would make effective use of land and contribute to meeting housing need in the area, particularly for lower-income one-person households. Given the scale of the proposal, I give this benefit limited weight. However, this would not outweigh the harms I have identified.
25. The Council is satisfied with the proposed standard of accommodation for future occupiers. I see no reason to disagree, but compliance with the development plan in this regard is a neutral factor.

Conclusion

26. I have found the proposed development would be suitably located with respect to local services and facilities and it would not have a harmful effect on the living conditions of future occupiers. However, the harms I have found to the living conditions of nearby residents and highway safety are determinative.

27. Consequently, the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR