



Appeal Decision

Site visit made on 9 January 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/F5540/W/23/3319758

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 Langtons Management Ltd against the decision of the London Borough of Hounslow.
 - The application Ref 00026/38/P13, dated 17 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is a material change of use to 10 bed HMO (sui generis).
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Decision

1. The appeal is allowed for a material change of use to 10 bed HMO at 38 Alexandra Road, Hounslow, TW3 4HN in accordance with the terms of the application Ref 00026/38/P13 dated 17 February 2023 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are whether the property is suitable for use as a 10-bed House of Multiple Occupation (HMO) with particular regard to the size of the original property, the effect on the residential amenities of the area, and the provision of cycle parking and waste facilities.

Reasons

Background and context

3. Alexandra Road is a residential street within close proximity to Hounslow Town Centre. Whilst most of the properties are terraced or semi-detached, No. 38 is a larger detached property located on the western side of the road.
4. Further to the Council's determination of the application, permission was granted on appeal in July 2023 (Planning Appeal APP/F5540/W/22/3307823) for the change of use of the property to an 8-bed HMO. Before this, it had a lawful use as a small HMO for up to 6 people.
5. Policy SC10 of the London Borough of Hounslow Local Plan 2015-2030 (Local Plan) recognises that HMOs are a responsive and flexible part of the provision to meet housing needs and seeks to support more intensive occupancy in suitable locations. It sets out seven criteria (a to g) to achieve this. The Council's concerns primarily relate to (e) the original property having a minimum floor area greater than 130sqm, (f) suitable facilities for the storage of waste, and (g) demonstrating, together with other similar developments,

that there would not be serious harmful impacts on the character and residential amenity of the area.

6. The Council confirm that the property accords with the requirements of Policy SC10 (d) in terms of its location being within walking distance to the town centre, and that the room sizes and facilities meet the requirements of the Council's Housing in Multiple Occupation Supplementary Planning Document (HMO SPD) adopted November 2017.
7. This proposal would facilitate an increase in the number of people living in the HMO. The 10 people would be accommodated in 5, double rooms and 2, single rooms together with communal facilities.

Original dwelling size

8. As set out in the previous appeal decision the 'original' floor area of the property was less than 130 sqm and therefore there was a conflict with Policy SC10 (e) which seeks to safeguard small family houses from conversion to HMOs. Nonetheless, that appeal found the property suitable as a 'non-family' HMO. Therefore, whilst the Council advises that there is no distinction in applying Policy SC10 between a single-family dwelling (Use Class C3 - dwellinghouse) or a small HMO (Use Class C4 which has a permitted change back to a dwellinghouse), a large HMO (sui generis use) is different. As this proposal relates to the intensification of the established use, rather than a change of use, I do not find criterion (e) to be directly applicable.

Disturbance

9. The Council's concerns, that the proposal was not accompanied by a Management Plan and would cause harm to the character and residential amenities in the area, appear to echo the arguments put forward to the 8-bed HMO which were not supported by the previous Inspector.
10. There are no physical changes proposed to the property and the room sizes and communal facilities accord with the specifications in the HMO SPD. Additionally, a separate licence as part of the Council HMO licensing scheme, which is to ensure that the property is managed appropriately and provides an acceptable level of accommodation and facilities, will be required.
11. The appellant identifies a couple of other HMOs along Alexandra Road, although the Council advises that their planning status as such is not confirmed. There is, however, nothing before me, nor were there any obvious visual indications on my site visit (e.g. a proliferation of bins, cycle stores or numerous doorbells) to suggest that there is an unacceptable concentration of HMOs along Alexandra Road. Nonetheless, I appreciate that there can be associated issues with HMOs as set out in the evidence report¹ referred to by the Council.
12. That report also advises that if properly managed HMOs can be provided in a manner which ensures there would be no material harm to the living conditions of neighbouring properties. When I visited the property, I found it was well presented both internally and externally and at the time some of the occupants were working from home with their room accommodating both sleeping and desk areas. There is nothing to suggest that the standard of accommodation would change due to the use of the downstairs room (marked on the existing

¹ Council Statement Appendix - EVIDENCE REPORT: Article 4 Direction for Small HMOs: September 2021

plans as a lounge) as a bedroom, nor have I been directed to any noise or other incidents relating to this specific property or road.

13. No.38 is a large property detached from its neighbour and located at the end of the road. Whilst in a relatively short, time-period the occupancy could increase to 10, from 6, the evidence before me does not persuade me that they cannot be appropriately accommodated, or that the additional 2-bed room would cause a change in activity to result in increased disturbance to the residential amenities of the area. I therefore find no serious harm to conflict with policy SC10 (g) or Local Plan Policy CC2 with regard to achieving well-designed, functioning and liveable places.

Cycle and Waste Storage

14. As I saw on my site visit both cycle and waste storage areas are found at the front of the property. This includes 6 cycle hoops which would accord with the advice in the HMO SPD for one bicycle parking space per tenanted unit/bedroom.
15. There is no information to indicate that these facilities on site have been approved by the Council. Nonetheless, the provision can clearly be accommodated, and I agree with the appellant that the specific details, including any required increase in the waste facilities, are matters which can be secured through conditions. I, therefore, find that provisions could be made to accord with Policy SC10 criterion (f), Local Plan Policy EC2 promoting sustainable travel and seeking to ensure cycle storage is provided, and Local Plan Policy EQ7 requiring developments to incorporate suitable arrangements for waste management.
16. In conclusion, I find that the use of the property as a 10-bed HMO would comply with the requirements of Local Plan Policy SC10 which seeks to manage and support HMOs in appropriate locations, ensure they do not cause serious impacts on the area and have an appropriate level of facilities.

Other Matters

17. It was noted on my site visit that the internal layout is slightly different to that shown on the plans with the upstairs bathroom area formed of three separate rooms each containing a shower, toilet, and sink. This reconfiguration has not altered the size of any of the other rooms but has increased the number of bathroom facilities shared by the occupants. These alterations do not require planning permission and therefore this is not a matter which has affected my consideration of this proposal.

Conditions.

18. In line with the statutory requirements and for certainty conditions are imposed to ensure the scheme is carried out in accordance with the appropriate timescale and the submitted plans. A condition is also imposed restricting occupation to no more than 10 occupants to ensure an adequate standard of accommodation and to protect the residential amenity of the area.
19. The Council has suggested a condition to restrict the occupiers from applying for a parking permit. Such restrictions are not in place for the existing HMO, and it is not an approach promoted in the Council's HMO SPD (paragraph 3.25). The site is in an accessible location to not require a car and I do not

consider that the condition is necessary. Similarly, I see no direct relationship between the increase in occupancy and the removal of the existing vehicular crossover, and agree with the previous Inspector, that it will be of benefit in accessing the cycle storage.

20. Conditions are however required to ensure that the cycle and waste storage are fully secured and maintained. I have amended the wording for the cycle storage requirements to 6 spaces, as referred to above, rather than the 10 spaces proposed by the Council.

Conclusion

21. For the reasons set out and having regard to all other matters raised the appeal is allowed.

G Ellis

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:- 101, 102 and 102 Rev A (Fire Safety).
- 3) For the avoidance of doubt, the HMO use hereby approved shall not accommodate more than ten (10) residents/bed spaces without the specific grant of planning permission from the local planning authority.
- 4) Prior to occupation full details (including manufacturers' specifications) of secure covered cycle parking facilities that accord with the West London Cycle Parking Guidance (for not less than six bicycles) for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use before the development is first occupied or brought into use, The approved facilities shall be thereafter retained for use at all times without obstruction.
- 5) Prior to occupation full 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) have been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.