



Appeal Decision

Site visit made on 21 November 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/F5540/W/23/3319344

11 St. Stephens Road, Hounslow TW3 2BH

- 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 Link-Estates Limited against the decision of the Council of the London Borough of Hounslow.
- The application Ref 00992/11/P5, dated 8 December 2022, was refused by notice dated 24 March 2023.
- The development proposed was described as “retrospective change of use of vacant garden room to an additional self-contained HMO unit”.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form describes the development as the retrospective change of use of vacant garden room to an additional self-contained HMO unit. The application was advertised through a site notice and press notice containing the original description, later changed by the Council to refer to a self-contained studio flat prior to issuing the refusal notice. I have used the original description of development in my banner heading. Nevertheless, I need to be clear what use I am determining.
3. The description on the application form that I have used above refers to the room being both self-contained and part of a House in Multiple Occupation (HMO). I find this somewhat unclear.
4. The drawings provided with the appeal show that in addition to the studio unit the subject of this appeal, there are 9 self-contained units over ground, first and second floors including 5 studios, 3 one-bed and 1 two-bed flats. I note that the property has been licenced as an HMO under the Housing Act. The last licence on record was issued for 10 households and 19 persons, valid for 5 years from 2018 until 4 February 2023. The appellant states that there is a current application for a renewal of this licence. The HMO licence does not authorise the use of the land in planning terms as the legislation under which HMO licences are issued is entirely separate to planning regulations. The Council state that the arrangement as shown on the drawings does not have the benefit of planning permission. They consider the building as a whole to be comprised of self-contained flats within Class C3, including the studio the subject of this appeal.
5. It is not for me, under a section 78 appeal, to determine what is the lawful use of the building in its entirety. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of

the outcome of the appeal. Given the uncertainty regarding the authorised use of the building as a whole, my reasoning relates solely to the unit the subject of this appeal.

6. The appellant takes the view that the studio is an additional room added to what they consider is an existing HMO use and should consequently be judged by the Council's HMO space standards. The Council's evidence is clear that there is no planning permission or certificate which authorises the use of the entire building under the Planning Acts as an HMO.
7. Based on what is before me therefore, I cannot consider the studio to be an extension to an existing HMO. It is capable of occupation as a self-contained flat and I have considered it on that basis.
8. I acknowledge the appellant's point that their description of development was changed without their authorisation prior to the planning decision being issued. This, along with the other procedural matters the appellant has drawn my attention to, are matters between the parties and have no bearing on my consideration of the appeal.
9. At the time of my site visit, I saw that the development applied for was completed and I note that the application had been submitted retrospectively. I have dealt with the appeal on that basis.
10. The National Planning Policy Framework was updated in December 2023, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issues

11. The main issues are:

- Whether the studio provides adequate living conditions for its occupiers with particular reference to space standards and privacy.
- Whether the studio achieves adequate carbon reduction measures.
- Whether the studio preserves or enhances the character or appearance of the St Stephen's Conservation Area (CA).
- The effect of the studio upon the living conditions of neighbouring occupiers.

Reasons

Living conditions of occupiers

12. The rear garden room has its own external lockable door, though access to this is via either the main entrance to the building or via the side gate. The garden room comprises a brick wall to the lower half of its rear and side elevation, with extensive glazing to the upper half, along with a solid steeply pitched roof. The room comprises around 30 square metres and includes a bathroom, a kitchen area with some cupboard space, a fridge/freezer, oven with a small hob above and a sink. There is sufficient space for a double bed, storage and a small sofa.
13. There is a small communal laundry space on the ground floor of the building containing a washing machine and a dryer, along with a drying rack. The

garden space to the rear is also communal. The appellant states that the heating, electricity, water and fire alarm systems are communal.

14. At around 30 square metres, the studio falls short of the minimum space standard for studios of 37 square metres set out by Policy D6 of the London Plan 2021.
15. The extensive glazing to the studio is clear, and although I noted on my site visit that there were some internal blinds, there is no other means of ensuring occupiers' privacy along the entire width of the studio facing the communal garden. No substantive evidence has been provided to demonstrate how the extent of glazing to the studio would be mitigated to ensure that overheating would not occur, particularly through solar gain in the summer months. Conversely, there would be a risk of heat loss, and consequences for energy efficiency particularly in the winter months given the extent of glazing.
16. Even if I had determined that the studio formed part of an HMO, the issues identified above arising from the extent of glazing would mean that the accommodation would not provide suitable living conditions for occupiers.
17. Taken together, the issues described above have the effect of not achieving a suitable living conditions for occupiers in line with the aims of policy D6 of the London Plan 2021, and Policies SC5 and SC6 of the Hounslow Local Plan 2015, all of which, amongst other things, aim to achieve high quality residential design.

Carbon reduction

18. Policy EQ1 of the Hounslow Local Plan 2015 sets out an expectation for all development to meet the carbon reduction requirements set out in the London Plan. I note that the appellant's original design and access statement accompanying the planning application sets out existing and proposed U values, demonstrating an improvement in thermal performance, which would assist in energy efficiency and a consequent reduction in carbon emissions. However, no additional substantive evidence was submitted with the appeal to demonstrate that an assessment as required by Policy EQ1 has been undertaken.
19. Considering the extent of glazing in the studio and the associated risks of both overheating and heat loss, and consequences for energy efficiency, on the evidence provided, I cannot be satisfied that the development achieves sufficient carbon reduction. The development is therefore contrary to Policy EQ1 of the Hounslow Local Plan 2015 and it has not been demonstrated that appropriate levels of carbon reduction have been, or are capable of, being achieved or appropriately mitigated.

The effect on the character or appearance of the St Stephen's CA.

20. The appeal site lies within the St Stephen's CA. The statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In this instance, the Conservation Area covers the length of St Stephen's Road and is primarily residential in character, with limited exceptions such as St Stephen's Church. It comprises substantial, 2 and 3 storey, largely 19th Century buildings, set back behind front gardens with large rear gardens beyond. The buildings share a

similar palette of stock brick, though there is a range of architectural styles and detailing. I consider the significance of the CA to be derived from the pattern of development, the long line of lime trees planted on each side of the street, and its residential character.

21. The appeal scheme has not externally altered the building; consequently, there is no harm to the appearance of the St Stephen's CA. Given that the studio is a small, single unit of accommodation it does not cause harm to the residential character of the CA though the intensification of residential use, since the studio would likely be occupied by a single person.
22. I conclude therefore that the development the subject of this appeal preserves the character and appearance of the St Stephen's CA and does not harm its significance as a heritage asset. As such, the development is in line with Policies CC1, CC2 and CC4 of the Hounslow Local Plan 2015 (HLP) which relate to matters of character, urban design and heritage. Taken together, and amongst other things, they aim to secure developments that respond sensitively to an area's character and enhance the significance of the borough's heritage assets.

Living conditions of neighbouring occupiers

23. Given its size and single person occupancy, I do not consider that the studio harms the living conditions of any neighbouring occupiers through the intensification of the residential use, with particular regard to noise disturbance to neighbouring occupiers.
24. Consequently, the development the subject of this appeal does not harm the living conditions of nearby residential occupiers in line with the aims of Policy SC6 of the HLP which requires residential conversions to maintain the amenity of neighbours. The Council refer to HLP Policy SC10 in relation to living conditions, but given that it specifically refers to HMO accommodation, I do not consider it determinative in this matter.

Other Matters

25. During my site visit I noted that refuse and recycling storage is often located to the front of the dwellings in the area. Given the significant space is available to the front of the property, I consider that this element of the proposals could have effectively been dealt with by planning condition had the appeal been allowed. On this matter I therefore find no conflict with policy EQ7 of the Hounslow Local Plan 2015 which requires all proposals to include provision for refuse and recycling storage. This matter holds neutral weight in my determination of the appeal.
26. My attention has been drawn to two recent appeal decisions at 108 Hibernia Road, Hounslow¹. Whilst I cannot make a direct comparison since I have limited information before me of the layout or precise circumstances of these schemes, there is a commonality in that there was a dispute as to whether self-contained accommodation could constitute part of an HMO. The context of both appeals is different to the appeal before me, so I have considered this appeal on its individual merits.

¹ Refs APP/F5540/W/21/3288952 dated 6 November 2023 and APP/F5540/W22/3297308 dated 28 November 2022.

Planning Balance and Conclusion

27. I acknowledge that the development has the benefit of providing a new studio flat that contributes to the Council's housing stock. It is in a sustainable location where services and employment can be easily accessed. However, given that the development is a single studio, the benefits described are very small scale.
28. I have found that on the basis of the evidence submitted, the appeal development has resulted in accommodation that does not provide adequate living conditions for occupiers. It has also not been demonstrated that the development has achieved a reduction in carbon emissions as required by the development plan. As such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal should therefore be dismissed.

L Francis

INSPECTOR