
Appeal Decision

Site visit made on 25 March 2024

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024

Appeal Ref: APP/F5540/W/23/3331734

4 Lismore Close, Isleworth, Hounslow TW7 6QX

- 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 Gabriel Rosculete, GNM Services Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00704/4/P1, dated 28 July 2023, was refused by notice dated 15 September 2023.
 - The development proposed is the change of use from an existing property to a six bedroom House in Multiple Occupation (HMO) and insertion of three roof lights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a first floor maisonette within a 2 storey building, No 3 Lismore Close being at the ground floor. The submitted plans indicate the ownership 'red line' enclosing the entire site occupied by Nos 3 and 4. However, the appellant has clarified that the front garden area is controlled by No 3 but that the rear area is available to occupiers of No 4.
3. The submitted application form states that the works and change of use being applied for have not been commenced.

Main Issues

4. The main issues in this appeal are;
 - Whether the appeal site is in a suitably accessible location for the proposal
 - Whether the proposal is of a suitable size for the proposal and would provide sufficient external space for its occupiers
 - Whether the proposal would have an unacceptable effect on the character and residential amenity of the area
 - Whether the proposal would give rise to an unacceptable increase in on-street parking.

Reasons

Location

5. Policy SC10 of the Council's Local Plan 2015-2030 (LP) recognises that Houses in Multiple Occupation (HMOs) can provide a contribution to meeting the housing needs of the population within the Borough. The policy seeks to support proposals for a change of use to a HMO, subject to certain criteria. Criterion (d) states that proposals should be located within convenient walking distance of town centre facilities and good public transport links.
6. The Council has published its 'Houses in Multiple Occupancy Supplementary Planning Document – adopted November 2017' (SPD) which seeks to support the implementation of the Council's policies in this respect. In relation to the location of such proposals, the SPD states that "*HMOs need to be located within convenient walking distance of town centre facilities and good public transport links. Essentially this means that proposed HMOs that need planning permission should have at least a good Public Transport Accessibility Level (PTAL 4), and should be within a 400m walk of town centre facilities (meaning Metropolitan and District Centres – Hounslow, Chiswick, Brentford, and Feltham town centres)*". Whilst the SPD does not form part of the Policy, it is a clear indication of how the Council will seek to implement the requirements of Policy SC10.
7. The appellant indicates that the appeal site is a short walk from a bus stop and the facilities provided at the nearby shops on Twickenham Road (described by him as a District Centre and by the Council as a small neighbourhood centre). Whilst I accept that these facilities and some employment opportunities within the wider area may be available to residents at the appeal site, they are clearly contrary to the Council's expected requirements as set out in the SPD. In my judgement, the appeal site cannot be said to be within convenient walking distance of a town centre and as having good transport links. Therefore, the proposal is contrary to Policy SC10 in this respect.

Internal and External Space

8. Criterion (e) of Policy SC10 states that such proposals should have a minimum 'original' floor area greater than 130sqm to be suitable for conversion into a non-family HMO. The SPD explains that the Borough has a pressing need for smaller family homes and so seeks to protect them from conversion. It also adds that consideration of the floorspace as 'original' will exclude any existing or proposed extensions. In this context, this is why the Council has excluded the proposed conversion of the loft space from the calculation, although it would still fall short of the policy requirement in this respect.
9. The floor area of the first floor maisonette is around 71 sqm and the loft area which is proposed to be converted as part of the proposal is stated to be about 30sqm. The proposal would be in clear conflict with the aim of Policy SC10 in this respect by the conversion of a small dwelling for which there is a stated need.
10. In relation to the space provided for the proposed residents, Policy SC5 seeks the provision of a suitable amount of internal and external space. With regard to internal space, the policy makes reference to the Nationally Described Space

Standards. The SPD includes standards in relation to rooms sizes and also the layout of the proposal.

11. Whilst the Council appear to be satisfied that the individual bedroom sizes are acceptable (and have assessed 2 of them as double rooms and so totalling 8 occupants) they indicate that the living room and kitchen facilities are unacceptable. The proposed living room is small and is said to have a floor area of 7.3 sqm. Although the appellant has indicated that he would be prepared to accept a condition limiting the occupancy to a maximum of 6, and has included a plan showing seating for 6 within the living room, I consider that this would be unduly and unreasonably cramped and would not represent a comfortable and good standard of accommodation.
12. The proposed cooking/kitchen facilities would take the form of areas within the first floor and second floor landings providing minimal facilities, according to the submitted plans. This would imply that the 4 rooms on the first floor would share one area and the 2 rooms on the second floor would share the other. These would appear to be able to only offer the most minimal of facilities within small areas where circulation between the rooms would take place. I consider this to be wholly insufficient and contrary to Policy SC5 and the SPD.
13. In relation to the provision of external space, the appellant confirms that the rear area would be available to residents of the proposed conversion. Taking account of the size and nature of the area and the requirements set out in Policy SC5 and the SPD, I am satisfied that this aspect of the proposal would be acceptable.

Character and Amenity

14. Criterion (g) of Policy SC10 states that such proposals together with other similar development in the surrounding area should not have a serious harmful cumulative impact on the character and residential amenity of the area. The explanatory text within the LP adds that in making planning decisions the Council will consider the cumulative impact of the proposal together with other similar developments in the surrounding area upon residential amenity and character. Furthermore, within the SPD, it is stated that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the amenity of residents/tenants of the HMO, neighbours or the overall residential amenity of the area. The appellant suggests that the wording of the policy indicates that such a proposal can only be considered as unacceptable if there is already a similar use and their combined effect is unacceptable. I do not agree with this interpretation and my view is that the policy and the supporting text allows consideration of an individual proposal by itself or in combination with other similar uses, if they exist. This is the only logical reading, in my opinion, since the appellant's interpretation would prevent the refusal of an unacceptable proposal simply because there were no other similar uses in the area.
15. The proposal has the potential to place 8 (according to the Council or 6, if the appellant's suggested condition were to be imposed) residents within this very modest sized property. The ground floor of the building accommodates a modestly sized maisonette of a similar layout to the original first floor. In my judgement, the proposal would bring about a level of activity which would be out of character with the small size of the property. It would place toilet and bathroom facilities above the existing main rooms of the ground floor. I

consider that this, combined with the inevitable increase in the levels of activity arising from those numbers of residents and their domestic activities would unacceptably impose on the living conditions of the residents at the ground floor. In this way the proposal is contrary to Policy SC10 and the SPD.

Parking

16. Policy EC2 of the LP states that the Council will secure a more sustainable local travel network that maximises opportunities for walking, cycling and using public transport, reduces congestion, improves the public realm and improves health and well-being. It will do so by, amongst other things, promoting car free or low car development where appropriate, generally using the maximum standards in the London Plan, and expecting developers to demonstrate that they are located appropriately with regard to public transport accessibility. The SPD states that HMOs should normally be located in areas with a PTAL of at least 4. The assumption being that in such areas with good access to public transport and Town Centre facilities (as referred to above), HMOs will not generate a need for car parking. The SPD adds that, whilst proposals for HMOs in areas with a PTAL of less than 4 would be unlikely to be granted, proposals in areas of less than PTAL 4 should be accompanied by a parking stress survey to indicate whether there is on-street capacity in the locality for additional car parking. A Parking Stress Survey should be undertaken in accordance with current guidance.
17. The appellant has not undertaken any such survey and refers to London Plan Policy T6. This states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). The appellant then simply adds that the maximum standards are not breached.
18. It is notable that Policy T6 refers to sites or areas being well-connected by public transport. I consider that this does not apply to the appeal site. It then adds that in other areas, the minimum necessary should be provided. My view is that what may be necessary within this area could only be assessed by the provision by the appellant of more information relating to parking within the area and as referred to by the Council. In the absence of such information, I consider that it has not been demonstrated that the proposal would be acceptable within this area in relation to car parking. Therefore, there is conflict with Policy EC2.

Other Matters and Conclusion

19. The appellant states that there is a fall-back available wherein the use of the property as an HMO for 5 people would not require planning permission and so the proposal, with a limit of 6 people, would add only 1 person to that. In response the Council indicates that they introduced an Article 4 direction in September 2023 restricting the conversion from use falling within Class C3 to Class C4 and therefore it is not considered this permitted development right is a fall-back position relevant to this application. On this basis the fall-back is not available to the appellant and is not relevant to this appeal.

20. I have taken account of all other matters set out by the appellant but find nothing sufficient to outweigh the conflict with the development plan that I have identified above. As a consequence, the appeal is dismissed.

T Wood

INSPECTOR