



Appeal Decision

Site visit made on 23 July 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/M5450/W/23/3332445

66 Boxtree Road, Harrow HA3 6TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Isaac Jacob Weiss Viger Holdings Limited against the Council of the London Borough of Harrow.
 - The application Ref is P/1931/23.
 - The development proposed is for the change of use from HMO C4 to Sui Generis (Large HMO) for 7 persons.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from HMO C4 to Sui Generis (Large HMO) for 7 persons at 66 Boxtree Road, Harrow HA3 6TH in accordance with the terms of the application
Ref: P/1931/23, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by the appellant against the Council of the London Borough of Harrow. That application is the subject of a separate decision.

Preliminary Matters

3. I have adopted the description of development as set out on the application form.
4. The appeal was made against a failure to give notice of a decision on the planning application within the prescribed period. However, the Council have detailed their concerns within their appeal submissions and advised that had they been in a position to determine the application, it would have been refused.
5. The appellant has submitted an amended plan during the appeal process, which shows an increased width within the proposed new bedroom, as the wall will be narrowed. Given that this is an internal arrangement, there is no substantive difference from the proposal considered by the Council. As such, I have determined the appeal using the amended plan. However, I have not accepted the Fire Safety Strategy as it is not clear whether this was submitted with the planning application, and to do so at this stage would deprive the Council of the opportunity to comment on it.

Main Issues

6. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to internal space and privacy.

Reasons

7. The appeal property is a semi-detached dwelling, which is in use as a House of Multiple Occupation (HMO), providing accommodation for six people. The proposed development relates to alterations and provision of an additional room within the HMO at ground floor resulting in a seven person HMO.
8. The Council considers the overriding principle of development to be in accordance with Policy DM30 of the Harrow Council Development Management Policies 2013 (the HDMP). This relates to proposals for large HMO's and Criterion b) requires satisfactory living conditions for the intended occupiers. Like Policy DM30, Policy DM1 of the HDMP seeks to achieve high standards of privacy and amenity.
9. The Council's concerns arise from the size of two existing rooms on the ground floor not meeting minimum width requirements within Policy D6 of the London Plan (2021). I have not been provided with any measurements by either party of the existing or proposed internal widths of all the ground floor rooms nor has the Council identified which rooms they are referring to. However, these rooms already exist and the Council confirms that the Gross Internal Area (GIA) of all existing bedrooms meet minimum standards.
10. Furthermore, the existing and proposed plans show space for a bed, desk, storage and en-suite. The rooms are a conventional shape, 2.5m high and would provide space to put additional small furniture for domestic items. The rooms have central circulatory space necessary to achieve satisfactory living conditions. There is no evidence from the Council that the size of these rooms cause concerns in terms of any existing licensing arrangements.
11. The Council has also stated that the new proposed rear ground floor bedroom would not fulfil the width requirements within Policy D6 of the London Plan and the Technical housing standards - nationally described space standard¹. Whilst the widths of existing rooms are narrow, and should be exceeded where possible, the overall shortfall identified by the Council is small. That being said, the appellant's amended plan shows an overall width which would exceed 2.15m. The proposed bedroom would also be capable of providing a similar level of accommodation to that of the existing bedrooms referred to above. I am therefore satisfied that the proposed new bedroom would provide future occupiers with sufficient space and would not feel unduly cramped.
12. The existing HMO provides a kitchen on the ground and loft floor. I agree with the Council that their size and shape would not provide sufficient space to socialise or relax. However an additional lounge/dining room is already provided at ground floor and would remain. Together at ground floor these would provide 9.1 sqm within the lounge/dining room and 7.3 sqm within the kitchen. These rooms would be conveniently located for the proposed new ground floor bedroom and would provide additional space for socialising activities.

¹ Department for Communities and Local Government March 2015.

13. Given that residents of the bedrooms on the upper floors have more generous accommodation and a larger kitchen I consider that the occupiers of the upper rooms less likely to use the ground floor facilities. In any event, I have no substantive evidence from the Council regarding the amount of space that should be provided for communal facilities, but the additional person would not in my view harmfully intensify the use within the communal rooms to the degree that they would become cramped.
14. In terms of privacy, the proposed new ground floor bedroom would be located in the corner of the property. The bedroom window would be set back behind the existing rear wall which projects beyond the bedroom window and would provide additional screening. This would afford a more discrete and private aspect to this room. I am of the view that due to this arrangement that individuals or occupiers of other rooms would not naturally congregate or walk past the proposed new window on a regular basis.
15. The existing garden is relatively long and provides ample space for sitting out. Whilst there is no screening for existing ground floor windows, the additional accommodation would not result in such an unduly intense form of occupancy. The configuration and use of the existing rooms have been confirmed through the established lawful use. The existing living conditions, including privacy, that currently exists would not be significantly changed by the increase in occupancy of the building by one person.
16. I therefore conclude that development would provide acceptable living conditions for future occupiers with particular regard to internal space within bedrooms and communal areas and would preserve privacy. The proposal would comply with Policies DM1 and DM30 of the HDMP and Policy D6 of the London Plan whose provisions I have referred to above.

Other Matters

17. I note concerns from nearby residents regarding the residential character of the area and parking provision. The proposed use of the appeal property as a 7-bedroom HMO would only marginally increase the number of comings and goings when compared with its use as a 6-bedroom HMO. However such matters were not transposed to the Council's putative reason for refusal. The Council does not consider that the proposed development would be over-intensive in terms of the surrounding residential character of the area, nor harm the living conditions of neighbouring residents, and due to the scale of the resultant development I see no reason to disagree.
18. Highway safety, parking, cycle storage, refuse storage, flooding and drainage and fire safety would all be acceptable or addressed via the imposition of planning conditions.
19. The Council has referred to two appeal decisions in Harrow. It is clear from the Lyncroft Avenue appeal that proposal related to the change of use from a dwellinghouse to a 10 person HMO. As such it differs from this appeal which is an established HMO. Whilst the Headstone Road appeal was for a similar type of development, it is also apparent that the existing use of the garden area changed from being solely used by the occupier of bedroom-3. I have no evidence that there is no shared use of the appeal property garden already. Furthermore, that proposal only provided one kitchen area. Therefore, it is not possible to draw comparisons to the extent where the weight to be given to

any other development is sufficient to alter my findings. In any event, each case has to be assessed on its individual merits.

Conditions

20. The Council has suggested conditions and the appellant has provided comments on these. I have amended the Council's conditions where necessary in the interests of clarity. A condition specifying the approved drawings is necessary as this provides certainty. A condition limiting the maximum occupancy of the premises to seven people is necessary to align with the description of the development and maintain accommodation standards. I have imposed a condition for cycle storage, which is necessary as the submitted plans do not clearly show whether the stands are secure or covered. I have also imposed a condition to retain two parking spaces, which is necessary in the interests of the character of the area. Although a fire safety was submitted with the appellant's final comments, the condition is necessary as I have not accepted the submission of the document. The Council has identified this can be secured by condition.

Conclusion

21. For the reasons given above, I conclude the appeal should be allowed.

K Williams

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 and documents: BR.66.LP Location Plan; BR.66.EX.101 Existing Floor Plans; and BR.66.PR.101 Rev A Proposed Floor Plans; and BR.66.EX.PR.1SP Existing and Proposed Site Plan (as amended by the internal arrangement on drawing BR.66.PR.101 Rev A Proposed Floor Plans).
- 3) The number of occupants residing at the premises shall not exceed seven persons.
- 4) Notwithstanding the submitted drawings, a scheme for the provision of covered and accessible cycle storage space shall be submitted to the local planning authority for approval. The development shall be implemented in accordance with the approved details prior to being occupied by seven persons and shall thereafter be kept available for the storage of bicycles.
- 5) The car spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of No 66 Boxtree Road and their visitors and for no other purpose.
- 6) A full Fire Safety Statement shall have been submitted to and approved in writing by the local planning authority prior to the occupation of the seventh person. The development shall be carried out and operated in accordance with the approved details in perpetuity.

End of schedule