



Appeal Decision

Site visit made on 26 September 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/F5540/W/24/3337407

12 Harlington Road East, Feltham, Hounslow TW14 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sabapathy Elanganathan against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00560/12/P15.
 - The development proposed is described as "internal alterations to existing House in Multiple Occupation (HMO) to accommodate up to 13 persons in same use (Sui Generis)."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a slightly different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the application form.

Main Issues

3. The main issues are:
 - The effects of the proposed development upon the living conditions of neighbouring occupiers with particular regard to levels of noise and disturbance; and
 - Whether appropriate provision would be made for cycle parking and for waste and recycling and the effects of the provision made upon the character and appearance of the area.

Reasons

Living conditions

4. The appeal site, No 12 Harlington Road East (No 12), comprises of a large residential property with a yard and access path at its front, and a garden with outbuilding and shed at its rear. It is a House in Multiple Occupation (HMO) with planning permission for occupancy by 7 people. The adjoining property No 10 is a bed and breakfast. The appellant submits that No 10 has an HMO

licence for 15 occupants. The local area is predominantly residential in character.

5. No 12 is closely positioned to a junction. The roads which meet at it, including Harlington Road East, are main roads, and at the time of my visit they were quite heavily trafficked. Away from these main roads, other residential streets, including Brainton Avenue which the appeal site backs onto, exhibit a quieter character.
6. Upon completion of the proposed development, the occupancy of the host property would more than double to 13 persons. A significant increase in the activities and the comings and goings associated with the property would result from this.
7. At the front of the property, the existing prevailing road noise would be of some assistance in masking the noise of such comings and goings and activities. However, noise generated by traffic is partly characterised by relatively bland continuous and semi-continuous sounds and residents in the area will be used to it. The noise which would arise from increased occupancy, such as more opening and closing of doors, securing bikes, visits to bins and conversations would be different in character. Such noise would be more irregular and therefore, even on the Harlington Road East side, would be likely to be intrusive for the nearest neighbouring occupiers.
8. At the back of the property, where the road noise level is lower, I find that the effects of the proposal would be more acute. There would be clear potential for the garden to be more intensively utilised than at present. Furthermore, as a result of the layout changes proposed at ground floor, the communal living/dining area and kitchen would all be beside the back garden, with access provided to it from those rooms. Altogether, this would form a collection of communal internal and external space on this side of the property which would bring with it the potential for considerable noise generation.
9. Furthermore, given the property next door is already a bed and breakfast, upon completion of the development, a pair of properties would be formed which would be intensively used. This would mean that cumulative noise and disturbance would be likely to take place. Harmful effects upon the living conditions of the nearest neighbouring occupiers would result, including those to the rear within the quieter environment of Brainton Avenue.
10. I have had regard to both the Noise Impact Assessment and HMO Management Plan. Although the former presents predicted noise levels in the host property's back garden, and submits that they would be acceptable, it does not analyse the effects of the noise that would be generated by the proposed development. The latter document includes some sensible neighbourly living advice, but it does not contain any management measures which are specific or robust. Consequently, neither of these submissions allay my concerns.
11. Therefore, I find that the proposal would result in increased noise and disturbance, including cumulative effects, which would harm the living conditions of neighbouring occupiers. Amongst other matters, Policy SC10 of the London Borough of Hounslow Local Plan (HLP) requires development proposals to demonstrate that no serious harmful cumulative impacts on the character and residential amenity of the area would result. For the reasons I

have set out, this demonstration has not been made out, and the proposal would conflict with the policy as a result. I also find that the proposal would conflict with guidance within the Houses in Multiple Occupancy Supplementary Planning Document (SPD) which seeks to ensure that HMO development would not be detrimental to the amenity of residents/tenants of the HMO itself, its neighbours or the overall residential amenity of the area.

Cycle parking, waste and recycling

12. When I visited the appeal site, the front yard was being used for vehicular parking and bin storage, and it provides access to the two doors within the property's front elevation. Upon completion of the proposed development the front yard would be used for access, vehicular parking, bin storage and cycle parking.
13. The plans and other evidence present that the proposed 11-bedroomed development would be served by one 1100 litre waste bin and one recycling bin. The latter bin's capacity is not defined. The appellant submits that this provision accords with the London Borough of Hounslow Recycling and Refuse Guidance, the relevant extract of which has been provided to me. However, this guidance includes specific recycling and residual waste calculations. The single waste bin would not have a capacity which would meet that required by the guidance's calculator, and it has not been demonstrated that, set against the guidance, sufficient recycling capacity is proposed. I have no reason to conclude that the waste and recycling capacity calculators within the aforementioned guidance are not an appropriate way to establish suitable waste and recycling provision.
14. A 13-person occupancy property would generate a substantial amount of waste and recycling. With insufficient capacity being made for this, it would be likely that refuse would accumulate in the front yard or in the back garden. This would have a detrimental impact upon the character and appearance of the area, be unsightly and objectionable for neighbouring occupiers and potentially attract pests and vermin.
15. Cycle storage would be provided for via Sheffield cycle stands. Therefore, the bikes would not be sheltered from the elements. Being visible from the street and not being within a secure housing, the bikes would be vulnerable to theft or vandalism. Whilst such an arrangement may be appropriate for visitors, it constitutes poorly designed cycle parking for occupiers of the host property, and it would fail to encourage cycling as a sustainable transport mode. Furthermore, in the confines of the property's front yard, a concentration of 7 Sheffield cycle stands and potentially up to 14 parked bikes would be visually obtrusive and form an unsympathetic addition to the street scene.
16. I have identified that greater capacity would be necessary for waste and recycling. I have also identified that the cycle parking proposed would be unsightly, whilst well-designed cycle parking would entail a more sheltered and secure design solution. Given these factors, I am not confident that the front yard is either suitable or large enough to cater for the proposal's various storage requirements. The strength of my lack of confidence is such that the use of conditions to resolve the various storage requirements of the property or the screening of them would not be appropriate. Such conditions could unreasonably impact upon the deliverability of the development proposed and for this reason they would fail to meet the tests for the imposition of

conditions as summarised at paragraph 56 of the National Planning Policy Framework (the Framework).

17. For the reasons I have set out, the proposal would fail to make appropriate provision for cycle parking and for waste and recycling. Harmful consequential effects upon the character and appearance of the area would result from this. Thus, the proposal would not be well designed, nor would it function well or be visually attractive.
18. As a result, the proposal would conflict with policies SC10, CC1, CC2, EQ7 and EC2 of the HLP. Together, these policies require development proposals to incorporate suitable waste and recycling storage and facilities, and design measures and facilities to promote cycling. These policies also seek to ensure that development proposals respond sensitively to an area's character and that they function well, including in regard to their effects upon their surroundings. In its third refusal reason the Council has cited the West London Cycle Parking Guidance. However, this has not been submitted in evidence. Consequently, I cannot conclude whether or not the proposal accords with this cited guidance. Nevertheless, given the harm and the development plan policy conflicts I have identified, this is not a determinative matter.

Other Matters

19. HMO's form a part of the range of housing provision necessary to meet the diversity of housing need. Through the proposed increase in the occupancy of the property, the proposal would make a contribution to the supply of HMO accommodation in the area. The proposal would also use suitable brownfield land within an accessible location in a built-up area for the purposes of delivering new homes, the value of which the Framework advises should be given substantial weight. However, the contribution that would be made by the proposal to the delivery of HMO accommodation would, nevertheless, be modest.
20. The proposed internal reconfiguration of the host property, including the replacement of the ground floor bedroom beside the kitchen with a living/dining area may be a logical layout improvement and, furthermore, room sizes would exceed applicable space standards. Occupiers of the property would also likely benefit from the noise mitigation measures, such as new glazing, recommended by the Noise Impact Assessment.
21. However, collectively, these benefits of the proposal would be insufficient to outweigh the harms which I have identified in my main issues.
22. The host property is large, and it contains many rooms. Despite this, in my main issues, I have identified particular and unacceptable harms which would arise from the proposed occupancy increase. Therefore, the development as proposed is not of a form appropriate for the site and, consequently, would not optimise site capacity nor utilise land effectively.
23. It may be, in respect of a range of other planning considerations, that the development would not result in harmful effects. This may include the effects of the proposal upon vehicular parking and the highway network, upon fire safety and its effects upon the appearance of the property's elevations. In such respects, the proposal may comply with certain development plan policies. However, an absence of harm in respect of such matters is a neutral

factor in my decision and does not outweigh the harmful effects that I have identified.

24. Finally, the appellant refers to an earlier appeal decision at the site¹. I have very limited detail before me in its regard. This limits my ability to determine how comparable that case is with that which is before me. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this case having regard to the evidence before me now, my own experience and its particular circumstances. For these reasons, the cited appeal decision is of limited weight in my determination.

Conclusion

25. For the reasons I have given, the proposed development would conflict with the development plan policies I have cited, and I find that it would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR

¹ Appeal Decision Reference APP/F5540/W/18/3196807