



Appeal Decision

Site visit made on 5 February 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 March 2025

Appeal Ref: APP/F5540/W/24/3350449

66 Catherine Gardens, HOUNSLOW, TW3 2PR

- 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 Trevor Elwood against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is P/2024/1299.
 - The development proposed is Change of use from a single family dwelling (Use Class C3) into a 5 person small House in Multiple Occupation (HMO) (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.

Main Issues

3. The main issues in this appeal are:
 - Whether or not the property is suitable for conversion with particular regard to floorspace and location; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance; and
 - the effect of the proposal on parking provision and highway safety.

Reasons

4. Catherine Gardens is a broadly triangular residential street with properties lining both sides of the road. The appeal property, 66 Catherine Gardens is a two-storey mid-terrace property located on a corner of the triangle.
5. The proposal is for the conversion of the property into a five person House in Multiple Occupation (HMO). Legislation usually allows the change of use of dwellinghouses (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4) without planning permission. However, in September 2023, the Council made an Article 4 Direction to prevent this change of use.

Suitability

6. Policy SC10 of the London Borough of Hounslow Local Plan Volume One 2015 – 2030 (LP) sets out the Council's approach to HMOs, Hostels and Bed and Breakfast accommodation. This policy recognises that HMOs are a responsive and flexible part of the range of housing provision and sets out to support this type of accommodation where a number of criteria are met. The Local Plan is supported by the London Borough of Hounslow Houses in Multiple Occupation Supplementary Planning Document, adopted 21st November 2017 (SPD).
7. Amongst other criteria, Criterion (e) of Policy SC10 states that the development should have a minimum 'original' floor area greater than 130 sqm to be suitable for conversion. The Council state that the original floorspace of the house is around 90 sqm. Though the appellant acknowledges that the floor area of the property as built was less than 130 sqm. However, the property has been significantly extended and is now in excess of the required 130 sqm.
8. The supporting text to Policy SC10 is clear that the conversion of properties that only achieve a total floorspace of more than 130 sqm because of previous or proposed extensions will not be supported. On this basis, I cannot agree with the appellant's contention that the 'original' property should be considered to be the property as it stood, including any extensions, prior to the application to become a HMO. Consequently, I find that the original property is not in excess of the required 130 sqm and the proposal would not accord with the requirements of Policy SC10 in this regard.
9. The criteria outlined within Policy SC10 also includes a requirement that the development is located within convenient walking distance of town centre facilities, according to the policy's supporting text this is considered to be 400m, and good public transport links. The SPD confirms that potential HMOs should have a Public Transport Accessibility Level (PTAL) of 4 which is considered 'good'.
10. The application site has a PTAL of 1b which is considered poor. Though a number of bus stops are located in the vicinity of the appeal site, the PTAL rating is reflective of the overall accessibility of the site using public transport. Indeed, my own experience of reaching the site using public transport further cements my view that the site is not in a location readily served by such transportation.
11. Whilst a number of shops and other facilities are located on Hounslow High Street, these are around a 20 minute walk from the appeal property and are significantly further than the 400m guidance distance specified within the supporting text to the adopted local plan policy.
12. For the reasons set out above, I find that the property would not be suitable for conversion as the original floor space would be less than 130 sqm and the site is not located within convenient walking distance of town centre facilities and good public transport links. The proposal is therefore unacceptable in principle and would be contrary to LP Policy SC10 and the SPD.

Living conditions

13. The supporting text to LP Policy SC10 sets out that where the floor space requirements set out above are only met due to previous extensions, as would be the case in this instance, the multiple-occupation of the property would be likely to

give rise to serious harmful impacts upon the residential amenity of the surrounding area. This is reflected by the Council's Evidence Report: Article 4 Direction for Small HMOs, September 2021 (the Evidence Report) which sets out the Council's evidence base in respect of the Article 4 Direction removing permitted development rights for small HMOs. The Evidence Report is clear that complaints in respect of anti-social behaviour and noise, amongst others, are often linked with HMOs.

14. The appeal property is bounded on either side by neighbouring properties and the area within which it sits is a largely residential side street, away from the hustle and bustle of the town centre. At the time of my site visit the area appeared reasonably quiet.
15. The proposed HMO would facilitate the use of the building to accommodate five people between four individual households. I accept that, at present, the building could be used as a large family home which has the potential to accommodate a similar number of occupants. However, in my view, even were the building to be occupied by a large family with adult children it would be in use as one overall household and the associated comings and goings would be likely to be notably different. This is supported by the evidence before me.
16. I consider that the frequency and nature of the activities associated with use as a HMO in such close proximity to neighbouring properties and in a residential area such as this, would result in undue noise and disturbance for the occupiers of neighbouring properties. In my view, the use of the building for four separate households would result in an intensity of use which would not sit comfortably in this location.
17. I note the appellant's suggestion that a management statement to address how the property would be managed in the interests of ensuring there would not be a detrimental impact on residential amenity, as required by the SPD, could be secured by a suitably worded planning condition. However, in this instance and in the absence of detailed or compelling information setting out how this would be achieved, I am not satisfied that such a management plan would effectively mitigate the harm I have identified and, consequently, such a condition would not be appropriate.
18. The proposal would, therefore, fail to accord with Policy SC10 of the LP and the SPD insofar as they relate to the requirement for proposed HMO developments to demonstrate that they would not have a harmful impact on the residential amenity of the area.

Highway safety and parking

19. Catherine Gardens is a narrow residential road with a number of parking bays along the pavement. Significant sections of the pavement have a dropped kerb to facilitate access to driveways serving the properties which line the road. At the time of my site visit the parking bays were well used and a number of vehicles were parked along the pavement outside of marked bays. The demand for parking appeared high.
20. The appeal property has an area of hardstanding in the front garden area. The hardstanding has a narrow point of access before widening as it approaches the dwelling. The appellant suggests that this area can comfortably accommodate two

vehicles. Whilst in theory this may indeed be the case, the vehicles would be parked one behind the other with the rear vehicle blocking in the front vehicle. The limited size of the hardstanding would not facilitate any manoeuvres to allow the front vehicle to exit without the rear vehicle first being moved.

21. The proposal would result in the creation of four households for five individuals in an area which has a poor PTAL rating and is some distance from facilities. Therefore, in my view, the residents of the proposed HMO are likely to need access to private motor vehicles and it is probable that the proposal would generate a need to accommodate five vehicles. Even if the property could safely and effectively accommodate two vehicles off-street a further three vehicles would potentially have the need to park nearby.
22. Due to the narrow width of the road and the parking arrangements on site, further vehicles parked awkwardly along the pavements would be likely to restrict the free flow of traffic and further limit visibility along a stretch of the road which has a tight corner.
23. The proposal, to my mind, would result in an increased demand for parking in an area with an existing high level of parking stress. I accept that this could also be the case should the occupants of the family dwelling own multiple vehicles. However, I consider it unlikely that one household would own five individual vehicles and, as such, the degree of parking stress and the subsequent effects on highway safety would be lesser.
24. Accordingly, the proposal would have an unacceptably detrimental effect on highway safety and parking. The proposal would, therefore, fail to comply with LP Policy EC2 which, amongst other things, requires development to demonstrate that adverse impacts on the transport network are avoided.

Other Matters

25. The appellant has raised the question as to whether or not the proposal should be categorised as “development”. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission and this consideration falls outside of the scope of this appeal and is a matter for the parties to consider.
26. I note that the Council has not expressed any concerns with regards to the potential effect of the proposal on the character and appearance of the area. However, this consideration is a neutral factor and the lack of harm in this regard does not add weight in favour of allowing the appeal.
27. I note that the proposed development would provide a high standard of accommodation for future occupiers. The addition of high quality new accommodation which would contribute towards the housing supply in the area would be a benefit of the scheme. I also acknowledge the economic benefits of the occupiers of the proposed HMO utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
28. I have given careful consideration to all of the above matters. However, none are sufficient to outweigh the harm I have identified or to dissuade me from the conclusions I have reached and set out above.

Conclusion

29. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR