



Appeal Decision

Site visit made on 12 May 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/F5540/W/24/3357352

61A Kingsley Road, Hounslow, TW3 1QB

- 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 Mrs Shama Jaswal against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is P/2024/2135.
 - The development proposed is described as 'Change of Use from residential (C3) to House of Multiple Occupation (C4) for up to 4 persons.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The appellant and the Council have had the opportunity to comment on any implications for this appeal through their submissions. I have taken any comments made into account in my reasoning.
3. The appellant states that the scheme would not result in a material change of use or constitute 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. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 192 of the Act. I have assessed the appeal accordingly.
4. The case officer report references an emerging local plan. The decision notice however only cites policies from the adopted Local Plan. The Council are therefore not seeking to rely on any emerging local plan policies. Whilst emerging local plan policies are material considerations, they are not determinative in this instance. I have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring properties, with particular reference to disturbance;
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to the amount of outdoor space; and

- the effect of the proposed development on the character and residential amenity of the local area.

Living conditions of neighbouring residents

6. The appeal site is part of a two-storey mid terrace property. It consists of a betting shop on the ground floor and a two-bedroom flat on the upper floors. The site is located within Hounslow Town Centre and there are a range of retail uses on the ground floors and residential uses on upper floors. On my site visit, it was evident that some upper floors are also occupied by various businesses such as solicitors etc.
7. The proposal would provide three bedrooms and has the potential to house four unrelated individuals (albeit if a double room were to be occupied by two individuals, they would likely be known to each other). Although no external changes are proposed, the use of the property as a House of Multiple Occupancy (HMO) may generate more activity and thus noise than its current use as a conventional single-family flat as people would be living independently. They would have differing independent lives and living, working and social patterns, with comings and goings at different times of the day and night.
8. However, the appeal scheme would likely only result in a small increase in the amount of people residing on the upper floors of the building given it would only provide one extra bedroom in comparison to the existing use. I am not of the view that this limited increase would result in significant additional comings and goings and associated noise and disturbance.
9. Importantly, the appeal site is located within a busy town centre, where there is a mix of uses, some of which are likely to be open late at night and early in the morning. The site is also situated in close proximity to Hounslow East Station. Therefore, there is already a certain level of background noise which can be expected living in such an area. On my site visit, the area was busy with different comings and goings such as people shopping, commuting and deliveries being made to shops. Given the above considerations, I am not of the view that any additional noise or disturbance from the proposed development would be readily discernible to neighbouring residents.
10. The Council have made specific reference to the lack of a management plan. Paragraph 3.9 of London Borough of Hounslow- Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) states that a management statement should be submitted with a planning application setting out how the property will be managed to ensure, amongst other things, that an HMO will not have an adverse impact on the amenity of neighbouring residents.
11. However, given the size of the proposed HMO which would only likely involve a small increase in the amount of people residing inside the building, and the location of the site within a busy town centre, I am satisfied that a management plan is not necessary in this instance. Furthermore, as outlined by the HMO SPD, a management statement would be required for a license application for an HMO, to ensure that the property is managed appropriately.
12. For the reasons given above, I therefore conclude that the development would not harm the living conditions of neighbouring occupiers, with particular regard to disturbance. The scheme is in accordance with Policy SC10 of the London

Borough of Hounslow Local Plan (2015-2030) (LP) in this regard. It would also be in accordance with the aims and objectives of the HMO SPD in this regard.

Living conditions of future occupiers

13. The Council's refusal reason references Policy SC10 of the LP. However, it is clear from the case officer report that they also have concerns regarding the schemes noncompliance with Policy SC5 of the LP.
14. Policy SC5 of the LP and the guidance in the HMO SPD requires specific areas of external amenity space to be provided. The proposal does not provide any external amenity space. This would be detrimental to the living conditions of future occupiers. Such outdoor space is important for relaxation, as well as essential activities such as storage and is identified in Policy SC5 as a means of achieving high quality development.
15. I acknowledge that the site is situated within an accessible area, in close proximity to a number of public open spaces. It also provides an acceptable standard of internal amenity space. However, these factors do not outweigh the need for future occupiers to have access to high quality useable private amenity space.
16. The appellant explains how the Mayor's Housing Supplementary Planning Guidance states that in certain circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. I have however not been provided with a copy of this document, I can therefore not be sure of the context in which this is stated, or the document's status. As such, I have afforded this consideration limited weight.
17. It is also stated that there are many flattened developments within the immediate area which do not provide on-site external amenity space. However, no details of these developments have been provided so I cannot determine whether they are directly comparable to the appeal proposal, which I have in any event evaluated on its own planning merits.
18. For the reasons outlined above, the proposal would fail to provide acceptable living conditions for future occupiers, with particular reference to the amount of outdoor space. The scheme is therefore contrary to Policy SC5 and SC10 of the LP. Collectively, amongst other matters, these policies seek to ensure that development is situated in appropriate locations and provides adequate external amenity space for future occupiers. It would also be contrary to the HMO SPD in this regard.

Character and residential amenity

19. Policy SC10 of the LP and the guidance in the HMO SPD requires proposals to demonstrate that, together with other similar developments in the surrounding area, a scheme will not have a serious harmful cumulative impact upon residential amenity and character. Paragraph 3.21 of the HMO SPD expands on this, outlining how issues can become more acute where the building has a large number of occupants or where there is a localised cluster. Such issues can include anti-social behaviour and negative impacts on the physical appearance of properties. The HMO SPD explains that the impact upon neighbouring properties of comings and

goings and the cumulative effect on a local community will be taken into account in any planning decision. The Council will also consider any known issues or history within an area in which an HMO is proposed.

20. On my site visit I was unable to decipher if there were any other HMOs in the surrounding area. As outlined previously, the site is located within Hounslow Town Centre and whilst many upper floor units appeared to be in residential use on my site visit, there was also evidence of several businesses occupying upper floors.
21. The appellant outlines how there is no evidence of other nearby HMOs, or that these cumulatively cause deleterious impacts on the character of the area. The Council have any not provided any evidence relating to known issues or history within the area. As outlined previously, the scheme would house up to four unrelated individuals. This would only represent a small increase from the existing use of the upper floors and any additional comings and goings would be limited.
22. The site is located within a busy town centre and in close proximity to Hounslow East Station. Therefore, there is already a certain level of background noise to be expected in the area. I am therefore not of the view that any additional noise and disturbance would be readily discernible to neighbouring residents. I also did not witness any of the potential issues listed in the HMO SPD such as anti-social behaviour or poor appearance of properties on my site visit.
23. As noted, there are a range of uses within the surrounding area and the surrounding area is not predominately residential in character. If anything, the predominant use is for retail and businesses. Given this, the above considerations and the lack of evidence to outline existing issues or history, I am not of the view that the scheme would result in a localised cluster of HMO uses or cumulatively have a serious harmful impact upon residential amenity and character.
24. For the reasons outlined above, I therefore conclude that the scheme would have an acceptable impact upon residential amenity and character of the local area. The scheme is in accordance with Policy SC10 of the LP and the HMO SPD in this regard.

Other Matters

25. There would be no contravention of the Council's housing strategy. The scheme would result in acceptable living conditions for future occupiers with regards to internal space. It would not harm neighbouring living conditions. There would be no external changes to the property, and it may be the case that there would be no environmental effects of any consequence. These considerations are however neutral and do not weigh in favour of, nor against, the appeal.

Conclusion

26. Notwithstanding my favourable findings regarding the living conditions of neighbouring residents and the cumulative impact of the development on the character and residential amenity of the area, the harm that would be caused in relation to the living conditions of future occupiers is such that the proposed scheme would not comply with the development plan considered as a whole. Therefore, the appeal should be dismissed.

S Burch

INSPECTOR