



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mrs Jasvinder Bhullar against the decision by the
London Borough of Hillingdon to refuse planning permission for a
change of use from a six person HMO to a nine/ten person HMO
use at 131 York Avenue, Hayes, UB3 2TR

Local Planning Authority Reference: 70082/APP/2022/1202

Appellants Reference: JL14923

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CONTENTS

1. INTRODUCTION
2. THE APPEAL
3. SITE AND SURROUNDINGS
4. PLANNING CONSIDERATIONS
5. CONCLUSIONS

1. **INTRODUCTION**

- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. **THE APPEAL**

- 2.1 The appeal concerns a refusal of planning permission for a change of use from a six person HMO to a nine/ten person HMO. The Council's reasons for refusal are as follows:

- 1 The proposed development, given the number of potential occupants (9/10) would give rise to undue noise and general disturbance to neighbouring residents, particularly as a result of a marked increase in comings and goings and the use of the rear garden. The proposal would therefore be contrary to the requirements of Policies DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).
- 2 Due to its undersized rooms and limited garden space, the proposed HMO would provide existing and future residents with cramped and unsatisfactory living accommodation to the detriment of their amenities. The proposal is therefore considered to be contrary to paragraph 130 (f) of the NPPF, Policy D6 of the London Plan and Policy DMH 5 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020).
- 3 The proposed development would fail to provide adequate car parking to serve the proposed increase in occupants at the site, resulting in increased road side parking, additional traffic, and a more hazardous environment for pedestrian and road users. The proposed development is therefore considered to be contrary to Policies T2, T4, T5 and T6 of the London Plan (2021) and Policies DMH 5, DMT 1, DMT 2 and DMT 6 of the

Hillingdon Local Plan - Part 2: Development Management Policies (2020), as well as paragraph 111 of the NPPF (2021).

3. **SITE AND SURROUNDINGS**

- 3.1 The appeal site comprises a semi-detached dwelling located on the east side of York Avenue, some 60 metres north of the junction with Judge Heath Lane.. The surrounding area is predominantly residential in terms of both built form and land use.

4. **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2021, outlines the Government’s requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: “The purpose of the planning system is to contribute to the achievement of sustainable development.” Paragraph 8 goes on to explain that “that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as people’s quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.

3. Replacing poor design with better design.
4. Improving the conditions in which people live, work, travel and take leisure; and
5. Widening the choice of high-quality homes.

4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

4.8 The Borough Council have provided three reasons for refusal which, in turn, raises three primary issues, these are:

- (i) noise and general disturbance.
- (ii) standard of accommodation, and
- (iii) car parking.

4.9 In support of these concerns, the Council have referred to provisions within the London Plan (2012), and the Local Plan – Part 2 Development Management Policies. Within this context, the merits of the appeal will be assessed.

Noise and general disturbance

DMH 5

- 4.10 Criterion A (iii) of the policy is both relevant and material. The criterion seeks to avoid an adverse impact on the amenity of neighbouring properties. The reasoned justification of the policy makes reference to significant concentrations of HMO uses, identifying the ward areas where such concentrations exist. The appeal site is not located within those wards and, therefore, would not be contributing to an exacerbation of HMO uses.
- 4.11 The concentration of HMO uses is a starting point for assessing the potential impact of the appeal proposal. An examination of the planning register and HMO register reveals that the locality is predominated by single family uses and the presence of HMO uses is absent. Therefore, the appeal proposal is not contributing to a potential or actual concentration of HMO uses, within the collective negative impacts which may arise or be associated with such concentrations.
- 4.12 The activity associated with the proposed use, would not involve actions which would be unexpected within a predominantly residential area. The assumption that all nine/ten occupiers would arrive and exit the appeal site en-masse is incredible. Furthermore, to suggest that the garden space would be used by all occupiers and visitors en-masse is also absurd and not based on evidence in the form of survey of HMO uses and associated characteristics.
- 4.13 In essence, the activities associated with this appeal proposal would not lead to levels of noise and disturbance which would harm local residential amenity. Notwithstanding, the current use benefits from a HMO licence, as would the proposed use. One of the aims and purposes of the licence is to ensure that the use is well managed. Therefore, should the use be mis-managed and result

in noise and disturbance, the Council can revoke the licence, thereby closing the use and eliminating the loss of amenity.

Standard of accommodation

D6

- 4.14 The policy seeks to achieve a high quality of accommodation. The policy advocates (Table 3.1) standards in the form of floorspace requirements for new housing. These standards are minimum internal space standards for new dwellings, which result from new build, conversions and changes of use.
- 4.15 The standards are solely concerned with the creation of self-contained dwellings, not HMO uses which are reliant upon shared space. The reasoned justification of the policy (paragraph 3.6.2) confirms that “*standards apply to all new self-contained dwellings.*” Accordingly, these standards are not applicable to the appeal proposal.

DMH 5

- 4.16 Criterion (ii) of the policy requires HMO proposals to “*provide satisfactory living conditions.*”. The policy does not advocate floorspace and layout standards associated with HMO uses. In the absence of such standards, the value and importance of HMO licence requirements are both relevant and material.
- 4.17 The granting of planning permission does not convey approval of a HMO licence. Instead, the licencing requirements are autonomous. The requirements of a licence would include matters such as the floorspace and layout requirements for proposed HMO uses. In turn, such requirements would determine the number of occupants. Notwithstanding, the licencing

requirements would also prescribe the layout, floorspace and location of shared facilities. These stringent mandatory requirements would provide control over the standard of accommodation. Fundamentally, the requirements of a HMO licence would ensure the residential accommodation is safe, well managed, and good quality including the size of rooms and garden space.

Car Parking

T2

- 4.18 The policy seeks to reduce car dominance, ownership and use. Within this context, a car free development which does not include car parking provision would adhere to the aims and objectives of the policy.

T4

- 4.19 The policy provides guidance on assessing the mitigating transport impacts. Given the overall modest scale of the appeal proposal, the requirements of the policy are not wholly applicable.

T5

- 4.20 This policy relates to cycling. The Council's concerns, as contained within the third reason for refusal, does not make specific reference to cycling.

T6

- 4.21 The appeal site is within a short distance of train stations and bus routes. Furthermore, the locality is not the subject of parking controls, and neither are there any proposals to introduce parking controls. The absence of parking controls and the lack of proposals to introduce parking controls are indicators

of a lack of parking stress. Collectively these factors demonstrate that the appeal proposal would not harm highway safety.

DMH 5

- 4.22 The policy does not make specific reference to car parking requirements associated with HMO uses. However, the policy does confirm that HMO uses are acceptable where there is “good” accessibility to public transport. The appeal site does benefit from good access to public transport.

DMT 1

- 4.23 This policy provides strategic guidance and requirements relating to managing transport impacts. Given the overall modest scale of the appeal proposal, the requirements of the policy are not wholly applicable.

DMT 2

- 4.24 This policy seeks to safeguard highway safety. This policy, in terms of aims and objectives, is similar to policy T6. Therefore, reference is made to preceding submissions.

DMT 6

- 4.25 This policy makes reference to parking standards. Physically, the appeal site is not able to meet the standards. However, it has been demonstrated that the proposed use would not be reliant upon the car and, given the close proximity of public transport, together with the lack of indicators of parking stress, the appeal proposal would not harm highway safety.

5. **CONCLUSIONS**

- 5.1 The appeal proposal would result in additional housing provision which, in turn, would create economic and social benefits, as identified by current development plan provisions. The modest increase in housing provision, as represented by the appeal proposal, should not be underestimated. The collective increase of these windfall opportunities are recognised, by current development plan provisions, as making an important and significant contribution to overall housing provision.
- 5.2 In conclusion, the appellant respectfully requests that the Inspector upholds the appeal.