
Appeal Decision

Site visit made on 9 April 2014

by Jane Miles BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 April 2014

Appeal Ref: APP/R5510/A/14/2212646

12 Villier Street, Uxbridge, Middlesex UB8 2PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Purewal against the decision of the Council of the London Borough of Hillingdon.
 - The application ref: 36559/APP/2013/2199, dated 1 August 2013, was refused by notice dated 7 October 2013.
 - The development proposed is described as 'erection of a two-storey end of terrace dwelling comprising a house in multiple occupation for 3no. persons'.
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Decision

1. The appeal is allowed and retrospective planning permission is granted for the erection of a two-storey end of terrace dwelling comprising a house in multiple occupation for 3no. persons at 13 Villier Street, Uxbridge, Middlesex UB8 2PU, in accordance with the terms of the application, ref: 36559/APP/2013/2199, dated 1 August 2013, subject to the following conditions:
 - 1) This permission relates to the following approved plans: drawing nos. VS RP 01/B and VS RP 02/B.
 - 2) Within two months of the date of this permission, details of the design and materials for the 800mm high front boundary wall shall be submitted for the local planning authority's written approval. The wall shall be built as approved, and the areas of lawn to the front and rear of the building shall be provided, all as indicated on the approved layout plan, drawing no. VS RP 01/B, within six months of the date of this permission (unless the local planning authority agrees an alternative timescale).
 - 3) Within two months of the date of this permission, details of facilities for screened storage of refuse bins shall be submitted for the local planning authority's written approval. The bin storage facilities shall be provided as approved within six months of the date of this permission (unless the local planning authority agrees an alternative timescale) and shall be retained for bin storage purposes thereafter.
 - 4) Within two months of the date of this permission, details of facilities for secure and covered cycle storage shall be submitted for the local planning authority's written approval. The cycle storage facilities shall be provided as approved within six months of the date of this permission (unless the local planning authority agrees an alternative timescale) and shall be retained for cycle storage purposes thereafter.

Procedural Matters & Background

2. The site address and description of development in the banner heading are those on the application form. With regard to the address, the Council has used 'Land between 12 & 14 (Formerly Known as 13 Villier Street) Villier Street' on its refusal notice. However, as I saw at my site visit, the property is now numbered '13', so I have used this as the site address in my decision.
3. The Council's description of the proposal on the refusal notice reads 'Change of use of a two storey, 2-bed, end terrace dwelling with associated amenity space for use as a House of Multiple Occupancy (Retrospective)'. As I understand it, planning permissions were granted in 2011 and 2012 for a two storey end of terrace dwelling on the appeal site. However the appellant's statement explains that the house now built differs slightly from the building previously approved (and it is occupied as a house in multiple occupation (HMO) for three people). Moreover, it became clear at the site visit that the internal layout as built is the one shown on drawing no. VS RP 02/B, submitted with the appeal, rather than on application drawing no. VS RP 02/A to which the Council's refusal relates. As built the communal kitchen is slightly smaller, and the hall is slightly larger, than on the application drawing.
4. Thus, in practice, the application is retrospective in respect of both the building and the use. I shall therefore determine the appeal on the basis that the proposal is the development as it currently exists. I shall use the development description on the application form for the avoidance of any doubt.
5. The appellant's submissions also include a revised 'Site Location Plan & Block Plan' (drawing no. VS RP 01/B), indicating a lawn to the front of the property with an 800mm high wall on the boundary to the public footway. This proposal to replace the existing hard-surfaced area (annotated as 'Driveway' on the application plan) and prevent its use for vehicle parking, is intended to address the Council's first and second refusal reasons relating to the visual impact of existing frontage area's appearance and its use for vehicle parking. The Council's appeal submissions do not make any reference to this revised plan. I refer to it again in the reasoning below.
6. In assessing the proposal I have had regard to the Council's update on the development plan policy framework, following adoption of the Hillingdon Local Plan Part 1 – Strategic Policies on 8 November 2013.

Reasons

7. The Council has not raised any objection to the external form and appearance of the new building or to the principle of it being used as a small HMO for three people. However, the property is in the Greenway Conservation Area (CA), where front gardens enclosed by low brick walls, fencing and/or hedging make a significant contribution to its distinctive character. The Council, and some residents, consider that the existing hard-surfacing without any means of enclosure along the front boundary has a harmful visual impact on the street scene and Conservation Area. I agree, and find that in this respect, the development fails to preserve or enhance the CA's character or appearance.
8. The Council also accepts in this particular case that it would be impractical to require off-street parking, because of the limited space available. There does not, therefore, appear to be any reason why an alternative treatment of the

property frontage could not be required by condition. I am therefore satisfied that no-one's interests would be prejudiced by my taking into account the revised layout plan, drawing no. VS RP 01/B, which illustrates an appropriate alternative treatment. A condition to secure compliance with this plan would address the refusal reason relating to the CA's character and appearance and also the one relating to the practical implications of using the hard-surfaced frontage for car parking.

9. In the light of the above the **main issue** in this appeal is the adequacy of the living environment for occupiers of the HMO. The Council refers to a supplementary planning guidance document (SPG), 'Houses in Multiple Occupation and other non self-contained housing', adopted in 2004. As well as minimum sizes for occupiers' principal rooms, the SPG advocates a separate communal living space of at least 10sq.m (excluding kitchens). There is little if any scope to provide such space in this small end-of terrace house.
10. The appellant suggests the SPG is out of date. It certainly pre-dates changes to the Town and Country Planning (General Permitted Development) Order 1995 relating to HMOs, and does not explicitly relate to such small scale HMOs. The SPG also predates the Council's Article 4 Direction (which came into effect in March 2013) and an Interim Planning Policy Document (IPPD) (dated May 2013) relating to HMOs in the Uxbridge South and Brunel Wards, which include the appeal site. This document is not part of the development plan, and whether or not it has been subject to public consultation is unclear, which limits the weight I can give it.
11. In any event, the principal rationale for the IPPD (and the Article 4 Direction) appears to stem in large part from concerns about increasing numbers of HMOs in these two wards. This is not however a reason for refusal in this case. The IPPD includes a policy (HM1) setting out criteria for changes of use to HMOs, but there is no specific reference to internal space standards or requirements for particular types of room, comparable to those in the 2004 SPG. The Council also refers to Policy 3.5 of The London Plan, but the minimum standards here relate to self-contained flats/houses, rather than HMOs.
12. In short, none of the development plan policy drawn to my attention includes explicit space standards for HMOs. There are however elements of development plan policy which, in common with policy guidance in the *National Planning Policy Framework*, seek in general terms to achieve high quality design and a good standard of amenity for all occupiers of land and buildings.
13. In these circumstances I have assessed the adequacy of the accommodation on its merits, bearing in mind in particular that this is a very small-scale HMO. The two first floor rooms are of reasonable size (on the basis of the SPG standards) and the ground floor room is very spacious. All three rooms have windows sufficient to ensure adequate light/outlook and there is generous external amenity space to the rear. Thus, in this particular case, I find no compelling grounds to conclude the lack of a separate communal living room amounts to an inadequate living environment, detrimental to the occupiers' living conditions. I therefore find no material conflict with national and local policy objectives relating to high quality design and a good standard of residential amenity.

14. I have had regard to all other matters raised but, overall, I conclude the appeal should succeed and retrospective planning permission should be granted, subject to conditions.
15. Although the Council itself described the proposal as retrospective, many of its suggested conditions do not take account of the fact that the building is complete and occupied. In the absence of anything which suggests the development falls short in terms of matters such as external materials, soundproofing, energy efficiency and Lifetime Homes Standards, I find these conditions unnecessary.
16. A condition is required in the interests of visual amenity, to address the concerns about the property frontage and ensure the rear garden is also laid to lawn as proposed. However a condition tailored to these specific matters would suffice, rather than the various landscaping conditions suggested by the Council. Conditions relating to the provision of bin storage and cycle storage facilities are also reasonable and necessary, in the interests of visual amenity and to promote more sustainable modes of transport respectively.
17. All these conditions need to be phrased to take account of the retrospective nature of the proposal and to set a timescale for implementation. No time period should be specified for the Council to approve the submitted details, because this is outside the appellant's control: I shall instead include flexibility for the Council to agree an alternative timescale, should the need arise.

Jane Miles

INSPECTOR