

WRITTEN REPRESENTATIONS APPEAL STATEMENT

APPEAL MADE UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

APPELLANT : MR J RAI OF UPTON PARK HOUSTING LTD

SITE ADDRESS : 177 STATION ROAD, WEST DRAYTON, UB7 7NQ

PROPOSAL : CONVERSION OF EXISTING CLASS C3 DWELLING TO 9 BEDS 9 PEOPLE SUI GENERIS HMO WITH FRONT DOOR REPLACEMENT, SINGLE STOREY REAR EXTENSION, DEMOLITION OF SIDE BAY WINDOW, CONVERSION OF LOFT INTO HABITABLE SPACE AND ERECTION OF SINGLE STOREY DETACHED OUTBUILDING

APPLICATION REF : 47713/APP/2022/2694

DECISION DATE : 21 OCTOBER 2022



Date: Dec 2022 (Rev.1.0)

OPS Chartered Surveyors

17 Garvin Avenue, Beaconsfield, Buckinghamshire, HP9 1RD

M: 07881 457903 | E: info@ops-surveyors.co.uk

CONTENTS

1. THE APPEAL SITE AND SURROUNDINGS

2. RELEVANT PLANNING HISTORY

3. PLANNING POLICIES

4. COMMENTS ON REFUSAL REASONS

5. CONCLUSION

6. APPENDICES

APPENDIX A – STREET PHOTOS

APPENDIX B – PROPOSED DOOR TO WINDOW OPENING

APPENDIX C – OFFICER REPORT FOR 47713/APP/2022/181

APPENDIX D – TRANSPORT STATEMENT

APPENDIX E – EMAIL COMMUNICATION BETWEEN COUNCIL AND
APPELLANT'S AGENT

APPENDIX F – HILLINGDON HMO SPD 2014

1.0 The Appeal Site and Surroundings

- 1.1 The appeal property is a two storey, semi-detached dwellinghouse on the northern side of Station Road. Directly opposite the appeal site is Drayton Hall Park, and immediately to the west is a large hotel - Kings Paget Hotel (171-175 Station Road) and there are two private dwellings immediately to the east together with large flatted developments further down the road.
- 1.2 The surrounding area is characterised predominately by mixture of large semi-detached and detached dwellinghouses set within good-sized plots. The appeal property lies within the West Drayton Green Conservation Area.



Diagram 1: Showing the appeal site and adjacent area

Relevant Planning History

2.1 177 Station Road, West Drayton, UB7 7NQ

Application Number: 47713/APP/2022/2693

Proposal: Conversion of existing Class C3 dwelling to 8 beds 8 people Sui Generis HMO with front door replacement, single storey rear extension, demolition of side bay window, conversion of loft into habitable space and erection of single storey detached outbuilding.

Decision: Refused on 21 October 2022

2.2 177 Station Road, West Drayton, UB7 7NQ

Application Number: 47713/APP/2022/181

Proposal: Erection of a single storey rear extension and conversion of loft into habitable space with 2 front roof lights and rear dormer.

Decision: Approved on 18 May 2022

2.3 177 Station Road, West Drayton, UB7 7NQ

Application Number: 47713/APP/2022/195

Proposal: Conversion of existing Class C3 Dwelling to 3 x self-contained flats with single storey rear extension, demolition of side bay window, and erection of single storey detached outbuilding as summer house.

Decision: Refused on 8 April 2022

2.4 177 Station Road, West Drayton, UB7 7NQ

Application Number: 47713/APP/2022/196

Proposal: Conversion of existing Class C3 dwelling to 7 beds, 7 people Sui Generis HMO with erection of single storey rear extension with 2 roof lights, demolition of side bay window, conversion of loft into habitable space with rear dormer and 2 front roof lights, erection of single storey detached outbuilding and amendments to fenestration.

Decision: Approved on 9 August 2022

2.5 177 Station Road, West Drayton, UB7 7NQ

Application Number: 47713/APP/2022/66

Proposal: Erection of a single storey rear outbuilding for use as a home office (Application for a Certificate of Lawful Development for a Proposed Development).

Decision: Approved 5 March 2022

2.0 Planning Policies

3.1 National Planning Policy Framework (2021)

3.2 The London Plan (2021)

D3 - Optimising site capacity through the design-led approach

D6 – Housing quality and standards

D14 – Noise

HC1 – Heritage conservation and growth

3.3 The Hillingdon Local Plan: Part 1 (2012) and Part 2 (2020)

DMHB 1 – Heritage Assets

DMHB 4 – Conservation Areas

DMH 5 – Houses in Multiple Occupation

DMHB 11 – Design of New Development

4.0 Comments on Refusal Reason

4.1 The council refused the planning application for the following reasons:

1. *'Due to its design and layout, the proposal would result in uncharacteristic, incongruous and harmful elevational changes which fail to preserve or enhance the character and appearance of the building, pair, streetscene and wider West Drayton Green Conservation Area. The public benefits arising from the proposal fail to outweigh the less than substantial harm identified. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraph 202 of the NPPF (2021), Policy HE1 and BE1 of the Local Plan Part 1 (2012), Policy DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 and HC1 of the London Plan (2021).'*

2. *'The proposed development, given the number of potential occupants across 8no. (9no. – the appellant's correction to the council's error) separate bedrooms would give rise to undue noise and general disturbance to neighbouring residents, particularly as a result of a marked increase in comings and goings from the new side entrance, the use of the rear garden and the lack of information relating to sound insulation. The proposal would therefore be contrary to the requirements of Policies DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).'*

3. *'Due to its size, cramped design, limited usable space and lack of privacy, bedroom 2 of the proposed HMO would provide its future occupants with a poor standard of 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).'*

4. *'The proposed development would result in the creation of a 9 bedroom HMO with 2 off road vehicular parking spaces. No travel plan or transport assessment, has been submitted detailing how the significant parking shortfall or increased vehicular trip generation would impact on the local highways network. As a result the applicant has failed to demonstrate the proposed*

development would have no adverse impact on the local highways network or its users. The proposal is therefore considered to be contrary to Policies DMT 2, DMT 4 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy T4 and T6 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).'

Design (Relating to Refusal Reason 1)

- 4.2 Policy DMHB 1 of the Hillingdon Local Plan: Part 2 (LP) states that 'The Council will expect development proposals to avoid harm to the historic environment'. Policy DMHB 4 requires alterations to buildings within a Conservation Area to preserve or enhance the character or appearance of the area. Policy DMHB 11 provides that alterations should harmonise with the prevailing character of the surrounding area. The Council contends that moving the main access to the building from the front to the side *'would be out of character with the neighbouring semi-detached dwelling and other properties in the area, which have accesses directly from the main road to their front elevations'*.
- 4.3 The appellant does not agree because the side entrance would not be an unusual feature within the surrounding area because several nearby properties have side entrances instead of front entrances. In particular, the following properties have side entrances: nos. 169, 165, 161, 159 and 147. In addition, three of these properties are semi-detached (nos. 161 & 163, 159 & 157 and 149 & 147) and each has one half of the semi with a front entrance door and the other half with a side entrance door. As such, it cannot be said that side entrance doors are an alien feature within the locality, and that all nearby semi-detached properties have the same symmetry, with each pair having front entrance doors fronting the road. Given this, moving the entrance door from the front of the building to the side would not be an uncharacteristic feature within the surrounding area and thus would not be contrary to the policies listed above. Streetview images showing the above-mentioned properties can be seen at Appendix A.
- 4.4 Notwithstanding the above, the proposed front elevation would retain the appearance of having a front door as demonstrated by the plans. In essence, replacing the front door with a door which functions as a window – the bottom half would be fixed shut and the top half would be openable - would not result in a substantial change to the front elevation of the building. Therefore, the replacement door would not have an adverse effect on the street scene. That said, and having regard to the Wheatcroft Principles, the appellant is prepared

to replace the door with a window to ensure the design balances with the other nearby properties already mentioned. A copy of the plan showing the proposed change can be seen at Appendix B. With regard to the Wheatcroft Principles, the appellant is mindful that the appeal process should not be used to evolve the scheme. To that end, the proposed change is minor and therefore does not alter the scheme to a significant degree to consider that it would unacceptably prejudice the interest of the Council or those of other interested parties.

Noise and Disturbance (Relating to Refusal Reason 2)

- 4.5 The Council considers the HMO use with 9 people would give rise to a level of activity which would cause noise and disturbance which would harm the living conditions of the neighbours. The Council points to the increase in the number of trips that would take place each day by the occupants, the extra distance required to reach the side door compared to using the front door and their socialising and general use of the rear garden. The Council pleads the case that 9 people would represent an intensification of the activity when compared to the approved HMO use comprising 7 residents.
- 4.6 The appellant acknowledges that the increase in the number of residents from 7 to 9 would result in more comings and goings to the property and increase the use of the garden. However, the appellant is firmly of the view that the proposed occupation of the building by a couple additional resident would not result in a discernible increase in noise and disturbance to harm the living conditions of neighbouring occupants. Further, the Council has not provided any evidence to demonstrate how the increased activity would lead to excessive noise and disturbance to neighbouring residents. Consequently, it would be fair to say that the Council's claim is nothing more than an unsubstantiated assumption in particular the Council's old SPD for HMO 2014 suggested that a good size semi-detached house would be suitable for up to 9 people HMO conversion, this will be discussed in details in later section 4.16.
- 4.7 It is also worth pointing out that the building facing the proposed side entrance is a large hotel and it would not be controversial to say that given the nature of its use, including the comings and goings of guests, it is likely to cause more

disturbance within the area than the proposed use of the appeal property as an 9 person HMO. On the eastern side of the appeal site there are large flatted developments of which the comings and goings through the residential use were already exist in the area.

4.8 In relation to sound insulation, the appellant has noticed that the council did not raise this particular matter as part of the 7 person HMO assessment, should this be a concern to the council. The council could have raised this in the previous approval or made it as a planning condition so that the required sound insulation could be achieved. However, none of the above was mentioned or required, hence this has made the appellant felt that Council was being unreasonable and trying to introduce unfair and unnecessary point(s) with the intention to strengthen their own opinions and justify for their own refusal reason. A copy of the 7 person HMO officer's report is attached with statement at APPENDIX C. However, the appellant will accept planning condition to ensure the required sound insulation to be achieved should this appeal be allowed.

4.9 Taking all of the above into account, including the fallback position provided by the extant permission for a 7 person HMO, the proposed use of the property would not harm the living conditions of nearby residents to a marked degree.

Living Conditions of Occupants (Relating to Refusal Reason 3)

4.10 Policy D6 of the London Plan states that '*A one bedspace single bedroom must have a floor area of at least 7.5sq.m. and be at least 2.15m wide.*' The Council claims that bedroom 2 would provide an inadequate standard of accommodation because it would too small, lacks a reasonable degree of outlook and would not provide sufficient privacy.

4.11 At 7.7m² and 2.85m in width, bedroom 2 would exceed the bedroom space standard required by Policy D6. Consequently, there is no justification whatsoever for the Council to conclude that bedroom 2 would be too small. In addition, bedroom 2 would also exceed the minimum space standard required by the Nationally Described Space Standards and the Hillingdon's HMO single

bedroom Space Standard of 6.51m². Given this, bedroom 2 would provide a satisfactory standard of accommodation, with particular regard to its size.

- 4.12 The Council's delegated report states that bedroom 2 would not benefit from having a principal window fitted in either the front or rear elevations. It is not clear how the Council reached this conclusion because the plans show a window in the front elevation, albeit it has the appearance of a door. Further, the delegated report acknowledges that bedroom 2 would have a window in the front elevation, with the report stating that it would not provide a reasonable outlook because it overlooks the shared parking area at the front of the property. Therefore, the Council's claim that bedroom 2 would not have a window in either the front or rear elevations is plainly wrong. In terms of the Council's assertion that bedroom 2 would provide a poor outlook, this is another example of a contradictory position taken by the Council because bedroom 1, which is beside bedroom 2 at the front of the property, also overlooks the same parking area at front of the property and the outlook from this bedroom has been deemed to be acceptable. It is not clear why the same outlook is acceptable for bedroom 1 but not for bedroom 2. The appellant contends that the outlook from bedroom 2 is satisfactory and is not materially different from the deemed acceptable outlook from bedroom 1.
- 4.13 Turning to the Council's comments that bedroom 2 would not provide sufficient privacy, the appellant contends that the level of privacy afforded for bedroom 2 would be greater than the privacy afforded for bedroom 1, which the Council has deemed as not having any loss of privacy. In addition to having a smaller window, bedroom 2 would be set farther away from the communal path at the side of the building - which would be used to access the proposed side door by visitors and occupants to the property - than bedroom 1. That said, the appellant has no objection to accepting a condition requiring defensive planting in front of bedroom 2 to match the defensive planting already proposed in front of bedroom 1. It is worth saying that that it is unlikely the Council would object to defensive planting to enhance privacy because it has accepted and approved defensive planting outside bedroom 1 under the extant permission (47713/APP/2022/196) for the 7 person HMO and also has not objected to the same defensive planting proposed under the application subject of this appeal.

- 4.14 Taking all of the above factors into account, bedroom 2 would not having a harmful effect on the living conditions of future occupiers and thus would accord with all the relevant policies.
- 4.15 The council further raised concern in the officer's report that the kitchen and communal living area being approximately 20sqm for 9 people. It is worth noting that there is no defined space standard under the Council's Local Plan or HMO Requirements to provide communal living space of certain size in order to meet the council's planning policies.
- 4.16 The appellant considers the most relevant guideline for the communal space requirement would be the saved SPD for HMO 2014 where it suggested the followings:

Under 3.13 of the SPD it states: *"The maximum occupancy levels are greater than those for semidetached properties but HMOs and hostels will be required to retain at least one ground floor habitable room over 10m², other than a kitchen, for communal living purposes. Regardless of the number and size of habitable rooms in a detached house, the occupancy will normally be limited to either 10 persons or the number of occupants if the property were converted into self-contained flats, whichever is the greater."*

Table 4. Examples of recommended maximum occupancy for dwellings in multiple occupancy (excluding mid-terraced properties)

Habitable rooms between 6.5m ² and 10m ²	Habitable rooms over 10m ²	Maximum Number of Occupants	House type
1	4	7	Semi-detached, Detached
2	4	8	Semi-detached, Detached
1	5	9	Semi-detached, Detached
2	5	10	Detached only

- 4.17 That said, without substantial changes in the bedroom size and due to the lack clear space standard for the communal living space under the Local Plan or

HMO Space Standards, the above guideline would be the most relevant indicator and should be followed by the Council's when assessing HMO application so that they won't be seen as unreasonable and contrary to their own standards / policies.

- 4.18 In view of the above, the data from the above should be used to assess the change of use application where the maximum number of occupants suggested for such type of large property is 9. As the same the same time, the proposed communal space would also meet the council's own SPD with where the kitchen area is between 9-10m² and communal living space would be 10-11m². The space shown on the floor plans are very clearly defined for cooking, dining and living purposes.
- 4.19 In addition to the above, it is worth mentioning that over 60% of the proposed bedrooms would have floor space over 11.5m² which is equivalent to a double bedroom size for single occupancy only, and these include Bedroom 3 is 12.9m², Bedroom 4 is 11.7m², Bedroom 6 is 13.2m², Bedroom 7 is 12.8m², Bedroom 8 is 13.6m² and Bedroom 9 is 19.0m².
- 4.20 Furthermore, there is an additional kitchen / pantry area on the first floor for occupant who wants to carry light cooking or as a space facility when the main kitchen is busy. Taking into account of the spacious bedroom with a large combined kitchen and communal living room plus an additional first floor kitchen, the proposed property could easily handle 9 occupants.
- 4.21 The principle of HMO is to provide low cost housing in the London area so that cost of living is sustainable. This is particular true for the proposed development where it would provide huge bedrooms, spacious communal garden space and communal living space for the future occupants.
- 4.22 It is clear that the proposed development would provide high quality living accommodation for the future occupants with the required amenities.

Highway & Transportation (Relating to Refusal Reason 4)

- 4.23 To avoid the doubt, under Section 5 of the Officer's Report the Highway Officer has confirmed the followings "No objection subject to conditions. See section 7.3 of this report for full comments."
- 4.24 Under section 7.3 of the Officer's Report, the Council has confirmed that "there are no specific parking requirements for HMO's set out in the London Plan (2021)" and the cycle parking spaces could be secured via condition had the application been recommended for approval.
- 4.25 It is worth noting that a transportation statement was provided for the original application for the 7-person HMO (ref: 47713/APP/2022/181) which was submitted as 9bed 9people SG HMO application. After certain amount of negotiation between the Council and appellant, the appellant was asked to dropped the number of occupants in order to gain support from the Council for the 7 Bed 7 People SG HMO change of use and permission was granted on 21 Jan 2022. A copy of the Transportation Statement is enclosed with this appeal statement as APPENDIX D. A copy of the email communications between the appellant's agent and the Council (between 23.03.2022- 09.06.2022) is enclosed as APPENDIX E.
- 4.26 The appellant was under the impression that the Council didn't assess the 7 person HMO (ref: 47713/APP/2022/181) using the Transportation Statement provided in the original submission, hence the appellant did not submit the transport statement for this appeal application and the previous 8 person HMO application (47713/APP/2022/2693). However, it is clear from the Transport Statement that the proposed parking and cycling provisions would be suitable for this appeal application as 9 person HMO use.
- 4.27 As such, the appellant considers that the proposal would meet the requirement set under Policies DMT 2, DMT 4 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy T4 and T6 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).

5.0 Conclusion

- 5.1 In summary, the proposal would not harm the character and appearance of the area or the living conditions of nearby residents or the living conditions of future occupiers. Consequently, it complies with the Local Plan, the London Plan and the NPPF. Further, there are no material considerations that weigh against the grant of permission. Given this, the appeal should succeed.

Appendix A

Photo 1: The appeal property



Photo 2: The Kings Paget Hotel adjacent to the appeal property.



Photo 3: 169 Station Road has a side entrance door.



Photos 4: 165 Station Road has a side entrance door.



Photos 5: A pair of semis at 161 & 163 Station Road. 163 has a front door and 161 has a side door.



Photos 6: A pair of semis at 161 & 163 Station Road. 163 has a front door and 161 has a side door.



Photo 7: A pair of semis at 159 and 157 Station Road. 159 has a side door and 157 has a front door.



Photo 8: A pair of semis at 159 and 157 Station Road. 159 has a side door and 157 has a front door.



Photo 9: A pair of semis at 149 and 147 Station Road. 151 has a front door and 149 has a side door.



Photo 10: A pair of semis at 149 and 147 Station Road. 151 has a front door and 149 has a side door.

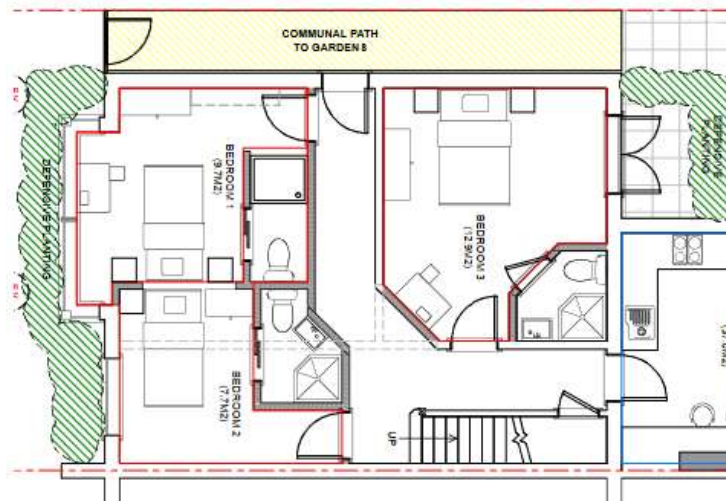


Appendix B

The proposed front elevation of the appeal building, with a window replacing the front door.



Proposed Front Elevation
(with door to window
replacement)



Proposed G/F Plan (with
defensive planting)

Appendix C

Officer Report of 7 person HMO Approval: 47713/APP/2022/181

Appendix D

A copy of Transport Statement is enclosed under Appendix D of this appeal statement.

Appendix E

A copy of email communications between the appellant's agent and the Council
(between 23.03.2022- 09.06.2022)

Appendix F

Hillingdon HMO SPD 2014