

WRITTEN REPRESENTATIONS APPEAL STATEMENT

APPEAL MADE UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST A FAILURE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR PLANNING PERMISSION

APPELLANT : MR BEHAR HAFUZI

SITE ADDRESS : 4 CHURCH CLOSE, WEST DRAYTON UB7 7PY

PROPOSAL : CONVERSION OF EXISTING 6 PEOPLE C4 HMO TO 7 PEOPLE SUI GENERIS HMO

APPLICATION REF : 27891/APP/2022/2859

DECISION DATE : 9 NOVEMBER 2022

AGREED EXTENSION : 18 NOVEMBER 2022



Date: Feb 2023 (Rev.1.0)

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CONTENTS

1. INTRODUCTION
2. THE APPEAL SITE AND SURROUNDINGS
3. RELEVANT PLANNING HISTORY
4. PLANNING POLICIES
5. THE APPELLANT'S CASE
6. CONCLUSION
7. APPENDICES:
 - APPENDIX 1 TO 12 – SUBMITTED APPLICATION DOCUMENT
 - APPENDIX A – EMAIL TO COUNCIL RE: EOT UNTIL 18.11.22
 - APPENDIX B – EMAIL TO COUNCIL RE: EOT UNTIL 18.11.22
 - APPENDIX C – HMO REGISTER JAN 2023
 - APPENDIX D – 177 STATION ROAD APPROVAL DRAWINGS
 - APPENDIX E – 177 STATION ROAD APPROVAL DECISION NOTICE
 - APPENDIX F – 177 STATION ROAD APPROVAL OFFICER REPORT
 - APPENDIX G – HILLINGDON HMO SPG 2004
 - APPENDIX H – 19 PEACHEY LANE DRAWINGS
 - APPENDIX I – 19 PEACHEY LANE DECISION NOTICE
 - APPENDIX J – 19 PEACHEY LANE OFFICER REPORT
 - APPENDIX K – 8 CHURCH CLOSE DRAWINGS
 - APPENDIX L – 8 CHURCH CLOSE DECISION NOTICE
 - APPENDIX M – 8 CHURCH CLOSE OFFICER REPORT

1.0 Introduction

- 1.1 This statement has been produced by OPS Chartered Surveyors on behalf of the applicant Mr Behar Hafuzi in support of an appeal against a failure to determine the planning application reference 27891/APP/2022/2859 notice within the prescribed period for the following development:

Conversion of the existing C4 HMO into 7 beds 7 people Sui Generis HMO (House in Multiple Occupation).

- 1.2 To avoid any doubt, the Council has not issued any decision notice by the deadline on 9 November 2022, however an extension of time until 18 November 2022 was agreed between the applicant and the Council. A copy of the email communication is attached with this statement at Appendix A.
- 1.3 On 9 November 2022, the Council made a further request to extend the decision deadline to 15 February 2023, however no agreement has been reached for such request, therefore the legal determination deadline was still 18 November 2022. A copy of the email communication dated 9 November 2022 between the applicant's agent and council is attached with this statement at Appendix B.
- 1.4 Upon the failure to determine the application by the Council, the appellant exercises his right to lodge an appeal against such action as a result.

2.0 The Appeal Site and Surroundings

- 2.1 The application site comprises of an extended 2 storey detached dwelling situated on the western side of Church Close, West Drayton. It benefits from an existing large front driveway which can accommodate up to 4 cars and large rear garden of over 103sqm as shared amenity space for the future occupants.
- 2.2 The surrounding area is residential in character and is made up of a mix of detached and semi-detached dwellings that are set back from the adjacent highway.

- 2.3 The application site lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).
- 2.4 The proposed site is within a conservation area but it is not listed or inside an Article 4 Direction Area.
- 2.5 The site is well connected to public transport and facilities with PTAL rating of 3. There are regular bus services at Station Road with a walking time of 7 mins from the application site. The bus service runs every 12mins to the nearest Uxbridge Town Centre with a travel time of 23 mins.
- 2.6** The property is currently licensed as a 6 people 6 beds HMO valid from 12 September 2022 until 11 September 2027 under the Licence No. 28686 by the London Borough of Hillingdon Private Sector Housing Department. A copy of the HMO licence register is attached with this statement at Appendix C.

3.0 Relevant Planning History

3.1 The application site has the following planning history:

3.2 4 CHURCH CLOSE WEST DRAYTON

Application Number: 27891/APP/2021/3493

Proposal: Retention of garage conversion with replacement windows and doors, and amendments to rear and side elevation fenestration (Retrospective application)

Decision: Approved on 14-09-2021

3.3 4 CHURCH CLOSE WEST DRAYTON

Application Number: 27891/A/84/0733

Proposal: Alterations to elevation

Decision: Approved on 03 May 1984

3.4 4 CHURCH CLOSE WEST DRAYTON

Application Number: 27891/79/2101

Proposal: Single-storey front extension.

Decision: Prior Approval Required and given on 16 November 1979

4.0 Relevant Planning Policies

4.1 National Planning Policy Framework (2021)

4.2 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

4.3 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

5.0 The Appellant's Case

- 5.1 To avoid any doubt, there is no further agreement on extension of time on or after 18 November 2023 which was the last agreed date between the appellant and the council.
- 5.2 As a starting point, the appellant would like to invite the inspector to visit the Design and Access statement which was submitted with the original application because the statement has already provided the supporting materials relating to this change of use application.
- 5.3 In the following sections, the appellant will provide a summary of the assessment on the essential assessment criteria for the change of use usually carried out by the council.
- 5.4 **Impact on street scene:** The proposal would not result in any direct changes to the external appearance of the building. The proposed HMO use would therefore retain the dwelling in a form that is physically similar to other dwellings in the road. As a result, there would be no changes to the character of the area, in this respect.
- 5.5 **Traffic Impact/Pedestrian Safety:** The proposed would reduce the number of existing parking from 4 to 3 to meet the Council's maximum parking standards which is in line with the current London Plan 2021. This has a similar arrangement to the approval 47713/APP/2022/196 (177 STATION ROAD WEST DRAYTON) for the Conversion of existing Class C3 dwelling to 7 beds, 7 people Sui Generis HMO. Both are situated in a PTAL rating 3 site location. A copy of the approval drawings, decision notice and officer report are attached with this statement as Appendix D,E,F.
- 5.6 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The published London Borough of Hillingdon Local Plan part 2 Development Management Policies 2020 requires that development

proposals must comply with the relevant parking standards. For a development of this type a 7no. bedroom 7no. person HMO the maximum number of car parking spaces permitted would be 3no. The 3no proposed is therefore in accordance with this policy.

- 5.7 The original submitted statement has included a transport assessment to support the fact that the proposed number of car parking spaces would be sufficient to meet the Council's policy. However, the appellant is willing to take any further planning condition that the inspector may consider necessary for the change of use, should the appeal be allowed.
- 5.8 **Urban Design, Access and Security Considerations:** Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should: i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.
- 5.9 Policy D6 of the London Plan (2021) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for future occupants. The London Plan also sets standards for internal amenity space and bedroom sizes.
- 5.10 The DCLG's Technical housing standards - nationally described space standard (2015) states the same internal space standards, as set out in the current London Plan (2021).
- 5.11 It should be noted that all the proposed bedroom sizes over the minimum bedroom size of 7.5m² and the smallest being 9.5m² while the largest being 12.3m² with a large kitchen/living communal space of 18.5m².
- 5.12 The outdoor amenity space is 103m² and provided for all the 7 occupants to share and enjoy.

- 5.13 Therefore, the standard of internal and external accommodation is considered acceptable in accordance with the above requirements
- 5.14 To recap, the appeal site is not within an Article 4 Direction Order area hence Policy DMH5 will not be applicable to this site.
- 5.15 **Impact on the amenities of the occupiers of neighbouring residential properties:** Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 5.16 In designing the proposed layout of the appeal site and building, all bedrooms and communal space would receive sufficient daylight for the future occupants to enjoy their daily activities.
- 5.17 Since there is no external alteration proposed for the change of use, there will be no impact relating to the daylight and sunlight on the neighbouring properties or residents.
- 5.18 In this case, the change of use from a 6 people to 7 people HMO with a net increase of 1 person should not generate unacceptable noise or disturbance from the proposed development.
- 5.19 Further consideration should be taken since this property is a detached building which will not pass unwanted noise through any adjoining walls.
- 5.20 Although the Council's 2004 HMO SPG has not been adopted as part of the new Local Plan, the old standard should also be considered where there has been no changes in relevant legislations or guidance such as the London Plan or the Local Plan in relating to restricting the number of permitted occupants in certain types of HMO building, the interpretations of any updated policies or guidance would be subjectively depending the council or individual officer when assessing the application.

- 5.21 The saved 2004 HMO SPG states the maximum permitted occupants for a detached building to be converted into HMO use is 10 people. A copy of the SPG is attached with this statement as Appendix G.

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

- 5.22 Policy DMH5 paragraph 4.13-4.15 states: “Large homes in multiple occupation (HMOs) and hostels can contribute to the overall supply of cheaper accommodation, particularly for students, young people and those on low income.” As such this principle should be supported by the Planning Authority who has prepared their own planning policy to support this need.
- 5.23 In terms of intensification, the appellant considers the appeal application would not be sufficient to cause serious negative impact to neighbourhood or a wider area due to the net increase of 1 person, therefore any noise and disturbance that might result from the proposed HMO is unlikely to be significantly different to that from one large household that could occupy the property, based on the supporting information (including the DAS, HMO Management Plan and Site Supervision Plan etc) , layout and existing arrangement.
- 5.24 It is Worthing noting that there are already precedent cases approved by the Council for 7-8 people SG HMO and these include:
- 5.25 Example 1: 177 Station Road, West Drayton, the site was given permission and limited to 7no. occupiers where there was no Article 4 Direction relating to HMOs so a 6no bed could have been implemented under permitted development (similar to this case). The council’s view on this one was that “It is

considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Mayor of London's Housing Standards Minor Alterations to The London Plan (2021). The existing garage is not being used for car parking therefore the parking provision would remain unaffected by the proposal".

- 5.26 Example 3: 49 Central Avenue, Hayes was allowed on appeal for 8no. occupiers in an area outside of the Article 4 Direction. The Inspector stated: *"In my view, two additional occupants in a property of this size and layout would not result in a significant additional amount of comings and goings or such an intensification of use of the building or garden which would warrant withholding planning permission"*.
- 5.27 Example 3: 19 Peachey Lane was for a 7no bed outside of the Article 4 Direction. In the report the officer stated: *"It is critical to the consideration of the proposals that due regard is given to the lawful use of the property as a C4 dwellinghouse (small HMO for up to 6 residents). As such, the consideration of the car parking requirements for the current scheme can only relate to the creation of a seventh room"*, also *"The applicant has submitted both an HMO management plan and Site Supervision Management Plan to ensure the development would not have detrimental impact upon the residential amenity of adjoining properties and living conditions of adjoining occupants."* A copy of the application drawings, decision notice and officer report are attached with this statement as Appendix H,I,J.
- 5.28 Example 4: 8 Church Close was for a 7no. bed scheme outside of the Article 4 Direction again. In the report OREPDEL (ODB 2022) 9 of 12the officer stated: *"On balance given that the existing property operates with 6 occupants it is considered that the increase to 7 occupants would not be such a significant increase or result in any material impact on the neighbouring properties."* A copy of the application drawings, decision notice and officer report are attached with this statement as Appendix K,L,M.

- 5.29 It is worth noting that all the above properties grant planning permission by the Council for the change of use from 6 people HMO to 7 people (or 8 people in 49 Central Avenue's case) HMO where the host building were all semi-detached properties, where the proposed use could lead to greater negative impact in terms of noise and disturbance through intensified use of the host buildings, however the Council has possessed a positive view that through the submission of proper management plan and imposing of the necessary planning condition, any negative impacts could be mitigated. As such, the appeal building is a detached property where there is sufficient separation between neighbouring properties, this would further mitigate any impact that the additional 1 person would have brought to.
- 5.30 With a combination of straight HMO management and planning conditions, large property only set for 7 occupiers with generous garden amenity space and parking, this property would be an excellent choice for the community where low cost housing will be provided and outweighs the minor inconvenience caused by the change of use from C3 to C4 HMO.

6.0 Conclusion

- 6.1 In summary, the proposal would not harm the character and appearance of the area or the living conditions of future residents or residents within the neighbourhood.
- 6.2 The proposal has also adopted the council's current policy and HMO standards to meet the strict requirements for both planning and housing purpose, the conversion should therefore be considered acceptable to the LPA based on the above information provided.
- 6.3 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.