
Appeal Decision

Site visit made on 21 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 01 December 2017

Appeal Ref: APP/R5510/W/17/3178166

49 Central Avenue, Hayes, Hillingdon UB3 2BW

- 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 RS Makkar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 38444/APP/2016/744, dated 23 February 2016, was refused by notice dated 9 June 2017.
 - The development proposed is a change of use from use Class C4 HMO to 7 Beds HMO (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from use Class C4 HMO to 7 Beds HMO (Sui Generis) at 49 Central Avenue, Hayes, Hillingdon UB3 2BW, in accordance with the terms of the application, Ref 38444/APP/2016/744, dated 23 February 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of adjoining properties with particular reference to noise and disturbance.

Reasons

3. Although the appeal relates to a two storey, end of terrace property, it has been significantly extended with a relatively large single storey rear extension. It also benefits from additional accommodation provided by the conversion of a fairly wide attached garage. Consequently the proposal provides a floor area and a level of accommodation which is in excess of a conventionally laid out terrace property, with six bedrooms, two living rooms and a kitchen/diner. The Council's Committee report states that the property has a floor area of 165m², which is significantly in excess of the minimum figure of 120m² required by its HMO SPG¹ for terrace properties before they can be considered for conversion. Indeed, the property is already in use as a house in multiple occupation (HMO) for six people.

¹ Houses in Multiple Occupation and other non-self contained housing – Supplementary Planning Guidance to the Hillingdon Unitary Development Plan

4. There appears to be a difference of opinion on the number of occupants now proposed. In this regard, the application documents refer to a seven bed HMO with a maximum occupancy of eight persons. However, the schedule of bedrooms shown on the proposed plans show a single person maximum for three bedrooms and a two person maximum for four of the bedrooms. Whilst I'm not convinced that bedroom 7 is sufficiently large enough to accommodate two persons, based on the information provided by the appellant I can appreciate why the Council has assessed the proposal on the basis of up to 10 occupants. Nevertheless, the appellant's supporting documents confirm the acceptability of a condition restricting the development to eight occupants.
5. In terms of configuration, the proposal would result in one additional bedroom being created within the existing floor space. Five of the bedrooms would remain as existing whilst the existing living accommodation within the garage conversion would be used for two bedrooms. The existing bedroom at the front ground floor level, which is larger than both of the new bedrooms, would be used as a communal living room. The increase in bedroom floor space is not therefore significant and the overall size of the property and the way it is laid out is suitable to accommodate eight persons, as applied for. 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.
6. I have carefully considered the security concerns expressed by the occupant of the neighbouring property. Whilst I fully sympathise with those concerns, I have no evidence of any increase in anti-social behaviour, crime-rates or that there has been a steady decline in the environment and that such matters and concerns regarding police resources would be materially exacerbated by the appeal proposal. Moreover, the appellant has explained that the existing HMO has not resulted in any noise complaints and no evidence to the contrary has been provided by the Council. These factors therefore limit the weight I am able to attribute to these concerns.
7. I accept that the conversion of the garage has brought the living accommodation closer to No 48 Central Avenue but the Council's Committee report confirms that planning permission has been granted for such works so this would remain the case even if I were to dismiss the appeal. Moreover, as noted, the proposal would replace living room accommodation in this location with bedroom accommodation, which is likely to generate less noise.
8. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring residents and would not be contrary to the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies BE19, BE21 or OE3 or the Council's HMO SPG. These state, amongst other matters, that the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area and that uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels.

Other matters

9. The Council has highlighted that the site lies within a designated Area of Special Local Character (ASLC). However, the appeal proposal would not

involve any alterations to the exterior of the building and the existing garden area would remain largely unaltered. The proposed landscaping to the front would be of some, albeit limited benefit. I accept that part of the character includes family housing but it is confirmed that the property is already in use as a HMO. The proposal would not therefore result in material harm to the ASLC and I also have no evidence to demonstrate that the proposal would unacceptably affect the supply of large family housing.

10. Matters relating to any damage to a boundary wall are private matters between the parties involved.
11. The proposal would provide four parking spaces and parking facilities for seven bicycles. I also observed that frontage parking is common place along the street scene and I have no evidence of any harm arising. I do not therefore envisage that the proposal would result in any unacceptable parking or highway safety concerns. Subject to an appropriate form of landscaping in front of the property, I'm not convinced that the car parking layout would prevent access to and from the cycle parking provision at the rear of the property.

Conditions

12. I have had regard to the conditions provided by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
13. The parking provision across the site frontage is already in place therefore a condition requiring its provision is not necessary. A condition is however, necessary to ensure its retention as well as to ensure the operation of the HMO in accordance with the HMO Management Supervision Plan.
14. A condition restricting occupancy to eight persons is required to protect the living conditions of neighbouring residents.
15. A condition is required to ensure the timely provision of the cycle parking facilities in order to encourage sustainable modes of transport. A landscaping scheme is necessary to improve the setting of the development.

Conclusion

16. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 49CA-HMO-1/Rev.1.0; 49CA-HMO-2/Rev.1.0; 49CA-HMO-3/Rev.1.0 and the HMO Management Supervision Plan.
- 3) The car parking shall be retained for the occupants of the site and the operation of the HMO shall be in accordance with the HMO Management Supervision Plan.
- 4) The development hereby permitted shall have a maximum occupancy of eight persons.
- 5) The development shall not be occupied until the proposed cycle parking facility as shown on drawing No. 49CA-HMO-3/Rev.1.0 has been provided. Thereafter, the cycle parking provision shall be retained for the occupants of the site.
- 6) Prior to the additional occupation hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the local planning authority which shall include an agreed schedule and timescale for its implementation. The scheme shall be carried out in accordance with the agreed details and retained thereafter.