



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Kumar

Proposal:
Change of use from C4 house in multiple occupancy (HMO) to sui generis HMO for 7 bed
and 7 persons with no external alterations.

Appeal Site:
14 Devon Way, Uxbridge UB10 0JS

Our Ref: 27994/APP/2021/3581

Your Ref: APP/R5510/W/23/3319240

1. Introduction

- 1.1** This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the change of use from a C4 House in Multiple Occupation (HMO) to a Sui Generis HMO (7 Bed & 7 Persons) with no external alterations.
- 1.2 As stated in the delegated report, material external alterations have been carried out to the wooden outbuilding to the front of the site and to the rear. Also, the rear outbuilding is being used as a self-contained residential unit. These developments are associated to the use of the property as an HMO have therefore been considered as part of the planning assessment.
- 1.3 The LPA refused planning permission on 8th February 2023 for the following reasons (as stated on the decision notice):
1. The existing outbuilding, by reason of its provision of facilities required for day-to-day private domestic existence and the availability of independent access to it, has resulted in the creation of a self-contained residential unit in a backland position where such a dwelling is unacceptable, due to the requirements of internal and external amenity space for occupiers, detrimental impact on the character and appearance of the area, harmful to the living conditions of neighbouring occupiers and harmful effect to the character of the area. The proposal therefore conflicts with Policies DMH 6, DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18, DMT 6 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policies D3, D4, D6, D8, T6 and T6.1 of the London Plan (2021) and the National Planning Policy Framework (2021).
 2. By virtue of the use of the existing outbuilding as a self-contained residential unit and the physical sub-division of the application site, the development represents and inappropriate and alien form of backland development that fails to reflect the established pattern of development in the local area. The proposal has therefore caused harm to the character and appearance of the area, contrary to Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).
 3. By virtue of its proximity, siting and self-contained residential use and access arrangements, the outbuilding has caused harm to the living conditions of the existing occupiers of the main property at number 14 Devon Way and the neighbouring occupiers at number 12 Devon Way and their respective private amenity space, in terms of noise and disturbance. The timber fencing that has been erected to subdivide the outbuilding from the main property has not mitigate this identified harm. The proposal is therefore contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).
 4. By reason of its poor levels of outlook, the existing outbuilding (which is being used as self-contained residential unit), has resulted in a substandard form of internal living accommodation to the detriment of the amenity of its occupiers. The proposal, therefore, conflicts, with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).
 5. The existing outbuilding (which is being used as a self-contained residential unit) has no private useable amenity space provision, and has therefore resulted in a substandard form of external living accommodation to the detriment of the amenity of its occupiers.

The proposal, therefore, conflicts, with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework.

6. In the absence of a legal agreement to prohibit the issuing of parking permits to the occupiers of the site which is located within a permit-controlled area, the occupiers of the House in Multiple Occupation and occupiers of the outbuilding which is being used as a self-contained residential unit, is likely to lead to an increase in pressure for on-street parking and have a consequent adverse effect on highway safety, through inconsiderate and potential hazardous parking and a risk to road users. The proposal would therefore be contrary to Policy DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).

- 1.4 The LPA's case is set out in the delegated report, which should be read in conjunction with this statement. A copy of the deleted report is provided in the Appendix.
- 1.5 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 The Appellant's Statement argues that the outbuilding does not form part of the Appeal proposal and should therefore not be considered. However, the Council does not share this stance. Notably, during the planning officer site visitation, it was observed that the outbuilding was inhabited by an individual and his young family, tasked with managing the HMO at the site and other HMOs owned by the applicant (refer to Appendix B for photographic evidence). Such utilisation is intrinsically tied to the main property's function as an HMO. Consequently, it becomes prudent to assess the planning implied of the outbuilding's use as a self-contained residential unit.
- 2.2 The Appellant claims that the self-contained use of the outbuilding is lawful. However, this assertion is not correct. A lawful development certificate was granted for the use of the outbuilding as a 'granny annexe' under application reference 27994/APP/2018/3264. However, this was on the basis that the granny annexe being used incidental to the main host dwelling. It is clear from the Appeal proposal that the outbuilding is being used as a self-contained residential unit, meaning that its current use is no longer covered by the previously lawful development certificate.

3. Conclusion

3.1 In conclusion, the considerations discussed in the delegated report and this Appeal Statement substantiates the viewpoint that the self-contained outbuilding does indeed form an integral component of the Appeal proposal. The proposal has therefore caused harm to the residential amenities of neighbouring occupiers and detracts from the character and appearance of the area. It has resulted in the creation of a separate planning unit, offering a substandard quality of accommodation for its occupants. Furthermore, in the absence of a signed legal agreement, the proposal is likely to exacerbate the demand for street parking, thereby having an adverse effect on highway safety, through inconsiderate and potential hazardous parking.

3.2 The Inspector is therefore respectfully requested to dismiss this appeal.

Appendices

Appendix A– 14 Devon Way delegated report (ref: 27994/APP/2021/3581)

Appendix B- Photographic evidence of the self-contained outbuilding

Appendix C- Applicant's photo submission of outbuilding

Appendix D- A Lawful Development Certificate for the use of the outbuilding as a granny annexe (ref: 27994/APP/2018/3264)