



Appeal Decision

Site visit made on 22 August 2018

by G. Rollings, BA (Hons) MA(UD) MRTPI

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

Decision date: 10th October 2018

Appeal Ref: APP/R5510/W/18/3200914

42 Hughes Road, Hayes, UB3 3AW

- 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 Kuldip Kaur Lachhar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 28763/APP/2017/4032 dated 7 November 2017, was refused by notice dated 8 February 2018.
 - The development proposed is a part two-storey, part single storey side/rear extension and conversion of roof space to habitable use to include a rear dormer and 2 front roof light to create 1 x 2-bed flat, 1 x studio flat and a 4-bed HMO.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published an updated version of the *National Planning Policy Framework* (the Framework) on 24 July 2018. This supersedes the previous 2012 version and applies to all planning decisions from this date. As it was published after the parties provided their evidence, they were provided with an opportunity to comment on the updated Framework and its impact on the appeal case.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to the provision of internal floorspace, communal space, and privacy;
 - The effect of the proposed development on the living conditions of occupiers of nearby properties, with regard to noise and disturbance; and
 - The effect of the proposed development on highway safety.

Reasons

Proposed living conditions

4. The proposed development incorporates extensions to the property, which are identical to those previously allowed by the Council¹, and the enlarged property

¹ Council ref: 28763/APP/2016/1851.

would be divided into three flats. The largest of these would be used as a House in Multiple Occupation (HMO), containing five bedrooms.

5. Of the single-occupation flats, a studio flat (flat B) on the ground floor would have an internal floor area of 38 square metres, and a two-bedroom flat arranged over the ground and first floors would have an internal floor area of 62 square metres. The Government's adopted *Technical Housing Standards – Nationally Described Space Standard* (2015) (NDSS) set out minimum floor space provision in new residential development, which is applied within London through Policy 3.5 of *The London Plan* (2016). The NDSS requires a two-bedroom, three-person flat set over two floors to attain a minimum floor area of 70 square metres, which the proposed development would not achieve. Given that the standard is a basic indicator of good design and appropriate living conditions, the proposed development is not acceptable for this reason.
6. The Council has adopted its own standards in respect of the provision of floorspace in HMOs (SPG).² This recommends that rooms should have a minimum floor area of at least 6.5 square metres. One of the proposed HMO rooms would not achieve this and be undersized by around 1.5 square metres, which is a significant under provision for an already small room. The SPG also recommends the provision of a habitable room of at least 10 square metres, to be used as a common leisure space by occupiers, and this would not be provided. I acknowledge the appellant's comments that outdoor amenity space would be shared, but this would not allow for the provision of an all-weather leisure space of the form intended by the Council, to the detriment of future occupiers.
7. The appeal plans indicate that the existing rear garden would be space shared between the occupiers of all of the proposed flats, and this includes a patio area immediately adjoining the rear of the building. Windows and doors serving habitable rooms for two of the flats would face directly onto the patio, and there would be potential for overlooking of the occupiers of these rooms from any users of the patio. This would result in limited privacy for the occupiers of these flats, together with potential disturbance arising from any activity taking place on the patio close to private living areas, with resultant poor living conditions.
8. I therefore conclude that the proposed development would not provide appropriate living conditions for future occupiers, with particular regard to the provision of internal floorspace, communal space, and privacy. It would not comply with the Council's adopted *Unitary Development Plan* (2004) Policies BE19, BE21 and BE24, or Policy 3.5 of *The London Plan*, which together require development to provide appropriate conditions for its intended occupiers, amongst other considerations.

Effects on the living conditions of nearby occupiers

9. The appeal plans indicate that the studio flat could potentially be occupied by one person, the two-bedroom flat by three persons, and up to seven people in the HMO. This is a significantly greater number of residents than might be expected to traditionally occupy a semi-detached building of this nature, were it to be a single dwelling. The HMO SPG notes that the development of HMOs

² *Houses in Multiple Occupation and other non-self-contained housing – Supplementary Planning Guidance to the Hillingdon Unitary Development Plan* (2004) (SPG)

in semi-detached houses can lead to noise nuisance, and the Council would require a condition setting a maximum limit of residents, were the appeal to be allowed.

10. Additional disturbance and noise to neighbours can arise from the comings and goings together with the general heightened levels of activity resulting from the intensive occupation of a small site. Whilst there is no specific evidence that this would occur in this instance, the high occupation levels proposed would nonetheless mean that increased activity would be likely, especially when compared with a single dwelling of a similar size. Additional noise and disturbance would be particularly noticeable in this otherwise quiet suburban street, which is away from any other main activity or noise generating uses.
11. I therefore conclude that the proposed development is likely to have a harmful impact on the living conditions of occupiers of nearby properties, with regard to noise and disturbance. It would conflict with UDP Policies BE19, BE21 and OE3, which together seek to ensure that noise nuisance from development is avoided or suitably mitigated, amongst other considerations.

Highway safety

12. The Council's approach to parking provision is set out in UDP Policy AM14 and the accompanying Annex 1. These suggest that the maximum on-site parking requirement for the proposed development would be five bays. Two on-site parking bays would be provided.
13. The site's poor public transport accessibility level of the site means that occupiers of the proposed development are likely to use private vehicles in preference to more sustainable modes of transport. Additionally, no cycle parking is shown on the appeal plans. Given the high parking space requirement and shortfall of provision within the proposed development, it is likely that the proposal would generate demand for on-street parking. I observed that the on-street parking areas in the vicinity were limited, and that there were no vacant bays close to the site at the time that I visited, suggesting that on-street parking is already subject to significant demand. Further pressure on demand would disadvantage existing residents. Moreover, a shortage of on-street parking spaces in areas of high demand can lead to additional traffic congestion as drivers search for available bays, which in turn would be potentially harmful to highway safety.
14. I acknowledge the appellant's comments that other HMO developments may not have been required to provide on-site parking. However, in this instance, the significant undersupply of on-site parking when compared against the Council's maximum provision, together with the other factors that I have identified, would potentially result in unsafe highway conditions. I therefore conclude that the proposed development would have a detrimental effect on highway safety, and that it would conflict with UDP Policy AM14 for the reasons that I have set out above.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings INSPECTOR