
Appeal Decision

Site visit made on 1 December 2014

by Clive Tokley MRTPI

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

Decision date: 30 December 2014

Appeal Ref: APP/R5510/A/14/2226729

13 Russet Close, Uxbridge, UB10 0ST

- 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 Sanjay Kumar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 52155/APP/2014/2471, dated 12 July 2014, was refused by notice dated 9 September 2014.
 - The development proposed is change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation – HMO) to create a 6 bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Use Class C3 (dwelling house) to Use Class C4 (house in multiple occupation – HMO) to create a 6 bed HMO at 13 Russet Close, Uxbridge, UB10 0ST. The permission is in accordance with the terms of the application, Ref 52155/APP/2014/2471, dated 12 July 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Prior to the commencement of the development hereby permitted details of measures to be taken to limit the transmission of noise within the building and between the building and the attached dwelling shall be submitted to and approved in writing by the local planning authority. Those measures shall be sufficient to satisfy the standards of the Association of Noise Consultants or the UK Accreditation Services and the measures shall be carried out prior to the first occupation of the development.
 - 3) Prior to the commencement of development details of facilities to be provided for the storage of refuse bins and the secure storage of bicycles shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the approved facilities have been provided and those facilities shall thereafter be retained.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: RC PA 01 rev A and RC PA 02 rev A.

Main Issues

2. The main issues are:-a) the living conditions of the occupiers of the proposed HMO as regards internal accommodation and external amenity space and b) whether the proposal makes adequate provision for off-street parking.

Reasons

Living Conditions

3. Policies BE19 and BE23 of the 2012 *Hillingdon Local Plan* (LP) make no reference to space standards within new residential development and the Development Plan policy most relevant to this issue is Policy 3.5 of *The London Plan* 2011. The objective of that policy is the improvement in the standard of new homes in London and it sets out minimum space standards for new dwellings; however it makes no reference to room sizes within HMOs. The Council's Supplementary Planning Guidance - *Houses in Multiple Occupation and other non-self contained housing* (August 2004) (SPG) includes specific guidance on the overall size of dwellings considered suitable for conversion and the size and disposition of accommodation within converted properties.
4. In March 2013 the Council made an Article 4 Direction which had the effect of removing the "permitted development" right to change the use of dwellinghouses to Class C4 HMOs in the Uxbridge South and Brunel Wards (which includes the appeal property). In May 2013 the Council adopted an Interim Planning Policy Document (IPPD) for those Wards. These actions were in response to concerns about concentrations of HMOs the Wards which were upsetting the balance of the housing mix and resulting in external issues, such as pressure for parking and excessive demands on local services. That direction resulted in the need for a formal planning application in this case.
5. Policy HM1 within the IPPD indicates that converted accommodation should comply with planning standards relating to car parking, waste storage, retention of amenity space and garages and should not have a detrimental impact on the residential amenity of adjoining properties. However that policy makes no reference to space standards within the dwelling or amenity space.
6. The Council indicates that the overall size of the dwelling falls short of that indicated in the SPG and that the failure to provide a communal room would conflict with the recommendations of the SPG. Nevertheless the Council's Principal Environmental Housing Surveyor raises no objection to the proposal and indicates that the room sizes, layout and amenities of the proposal are in line with HMO standards. The Officer report goes on to indicate that all of the habitable rooms would have adequate outlook and sources of natural light. Having visited the property I have no reason to take a different view.
7. The outside space associated with the appeal property is limited to very small areas at the rear of the site and a narrow yard at the side. These would not be pleasant places to sit out but the yard at the side could be used to hang out washing and store cycles and refuse bins.
8. The need for planning permission only arises from the Council's concern about concentrations of HMOs and the Council has raised no objection to the principle

of the conversion of this property. The SPG pre-dates the changes to the Town and County Planning (General Permitted Development) Order (GPDO) which gave freedom to change from a dwelling house to a Class C4 HMO without the need for specific permission from the local planning authority.

9. The Council's concerns about the overall floor area of the building, the provision of a communal room and outside space are not reflected in the GPDO or the specific IPPD Policy. I consider that the Council's reliance on the standards within the SPG is inconsistent with the national approach as reflected by the GPDO. Taking account of the deregulation inherent in the GPDO I am satisfied that the absence of a communal room and the limited amenity space here would not conflict with the national approach to HMO conversions and would not result in an unacceptable standard of accommodation.

Car Parking

10. Russet Close is a short cul-de-sac off the A4020 Uxbridge Road. The main road is fronted by a range of local shops and services (mainly to the west of Russet Close) and is on bus route with bus stops to the east and west of the Close. Russet Close is fronted by two terraces of narrow three-storey town houses with integral garages. The forecourts of the dwellings are entirely hard-surfaced thereby providing each house with at least one external parking space. In addition there are a number of kerbside parking spaces on the east side of the turning head.
11. The appeal property lies at the end of one of the terraces and, at about 6m, it has a wider plot than most of the houses. Being accessed from the entrance to the Close before it widens into the turning head the appeal property also has a much longer forecourt than the other houses with its main front wall being almost 12m from the back edge of the pavement.
12. The Council's Supplementary Planning Guidance - *Houses in Multiple Occupation and other non-self contained housing* (August 2004) (The SPG) and its adopted *Car Parking Standards* in the 2007 UDP (now incorporated into the 2012 *Hillingdon Local Plan* (LP)) indicate that HMOs should have a maximum of 1 off-street parking space for every two habitable rooms (excluding those used for communal purposes). The SPG goes on to indicate that where the standard cannot be achieved one space may be waived depending on the local on-street parking capacity and accessibility to public transport and local facilities.
13. Based on the Council's parking standards the proposed 6 bedroom HMO would generate a need for a maximum of 3 spaces. However I consider that taking account of the availability of additional parking within the Close combined with the ease of access to public transport and local facilities one space could reasonably be waived here.
14. The officer report indicates that the proposal would fail to provide any off-street parking but this is clearly not the case. Whilst no layout has been submitted it appears to me that the forecourt of the appeal property could comfortably accommodate four parked cars. The double banked arrangement would prevent their free movement but at least two freely accessible spaces could be provided

and with a degree of co-operation by the occupiers the maximum of three spaces could be available.

15. On this issue I conclude that adequate provision would be made for off-street parking and that the proposal would not give rise to conditions prejudicial to highway or pedestrian safety. In this respect therefore the proposal would comply with the objectives of the SPG and the IPPD as regards car parking.

Conditions

16. In the interests of the general amenities of the area and to encourage the use of sustainable transport I have imposed a condition, as suggested by the Council, requiring the approval and provision of facilities for the storage of refuse/recycling and cycles. In the interests of the living conditions of residents I have also imposed a condition requiring the approval and implementation of a scheme of soundproofing. These conditions are in addition to the usual conditions controlling the commencement of development and identifying the approved drawings.

Conclusion

17. Taking account of all matters I consider that the proposal would provide an acceptable standard of accommodation and amenity space and that adequate provision would be made for car parking. I therefore conclude that the appeal should succeed.

Clive Tokley

INSPECTOR