



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Jag Rai

Proposal:

Conversion of 8-bed HMO to 9-bed HMO

Appeal Site:

177 Station Road, West Drayton, UB7 7NQ

Our Ref: 47713/APP/2024/3109

Your Ref: APP/R5510/W/25/3361540

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 conversion of an 8 bed HMO to a 9 bed HMO.
- 1.2 The LPA refused planning permission for the development on 17th January 2025 for the following reason:
- (1) *The development would result in an increased number of occupiers, whilst reducing the quantity of internal communal amenity space, this would equate to an over-concentration of occupants on site accounting for the size of the dwelling and the proposals would therefore fail to provide adequate living accommodation, resulting in an over-concentration of occupants on site accounting for the size of the dwelling. The proposals would be contrary to Policy DMH5 and DMHB 16 of the Local Plan Part 2 - Development Management Policies; Policy D6 of the London Plan 2021; and the NPPF 2024, in particularly Paragraph 135.*
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.
- 1.3 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 SOC contends that the internal amenity space provided would be acceptable for the 9 occupiers, primarily because residents would have access to a single storey outbuilding described as a 'games room' in addition to the kitchen/dining space at ground floor level. The outbuilding which measures 20.5sqm GIA has recently been constructed, with a lawful development certificate granted prior to its construction in 2022 (47713/APP/2022/66). The suitability of amenity space provided is addressed within the Councils SOC below. In setting the context it is important to outline the previous planning history on the site as the previous applications that have been submitted since 2022 which relate to the site are each of material relevance to the application and the reason for refusal specifically.
- 2.2 In May 2022 (47713/APP/2022/181) planning permission was granted to extend the property at ground floor level, this included the provision of a 'playroom' located to the rear of the kitchen. At this point the property was in use as a single Class C3 dwelling. Planning permission was also sought in 2022 (47713/APP/2022/196) for the conversion for the property from a Class C3 dwelling into a 9-bedroom HMO, however the proposals were amended as part of the application process to a 7-bedroom HMO with planning permission being granted in August 2022.

- 2.3 Two subsequent applications were submitted following this application, also in 2022 to provide an 8-bedroom HMO (47713/APP/2022/2693) and a 9-bedroom (47713/APP/2022/2694) HMO which involved the conversion of the front room adjoining the entrance door into a bedroom. Both applications were subject of a joint appeal with both appeals subsequently dismissed on the grounds that the front bedroom was an inadequate size and provided inadequate living space for future occupants.
- 2.4 Planning permission was granted in July 2024 (47713/APP/2024/1041) to use the property as an 8-bedroom HMO. This involved the conversion of living space to the rear of the dwelling to provide an additional bedroom. This reduced the communal amenity space within the property further, whilst also increasing the number of occupiers. Within the approved plans the front room adjoining the entrance door was retained as a 'study' which provided communal amenity space for the occupants of the HMO.
- 2.5 An application was approved in November 2024 for the erection of a front porch (47713/APP/2024/3109) adjoining the front door and proposed bedroom 4. It is noted that the plans accompanying planning application 47713/APP/2024/3109 describe the space adjoining the porch as a 'lobby'. Works to construct the porch approved under planning application 47713/APP/2024/3109 are yet to commence. It is important to note that the present application subject of this appeal seeks to utilise the additional floorspace provided within the porch as habitable living space associated with Bedroom 4. As the description of development does not reference the porch, were this appeal to be allowed a condition would be required specifying that the works consented under planning application 47713/APP/2024/3109 would need to be implemented in full before first use of the room.
- 2.6 When officers visited the site, the kitchen area appeared to be the only amenity space actively in use by the occupiers. The kitchen space measures 18sqm in size. The space is relatively small given that the property has 8 bedrooms and as a communal area this offers a very basic level of amenity provision. Three of the bedrooms within the house would only be classed as single bedrooms, where measured against Nationally Described Technical Housing Standards. The provision of good quantity of amenity space of a high standard would be expected given the number of occupants especially as three of the occupiers have a relatively small level of private living space within their rooms. The 7 bed HMO scheme granted under ref: 47713/APP/2022/196 provided a kitchen/dining/living space on the ground floor within an area measuring 37sq.m. The kitchen/diner was then reduced to its current size under planning application 47713/APP/2024/1041. The planning history shows that whilst the number of occupiers has increased, the level of internal amenity space has decreased. The front room, whilst noted to not currently be in use provides 10.5 sqm of amenity space which would be lost, with a further occupier added and no compensatory amenity space provided elsewhere.
- 2.7 The appellants SOC notes the provision of an outbuilding located to the rear of the site at the far end of the garden associated with the property. At the time of officers visiting the site this was in use as storage space and did not appear to be used by the occupiers as communal amenity space. Whilst this provides 20.5sqm of communal space the outbuilding is not conveniently located for the occupiers. The outbuilding is outside of the main house at the far end of the garden, and it

considered that this communal amenity space is unlikely to be regularly used by the occupiers. In comparison the front room is conveniently sited as an area of communal space and is more likely to be used by the occupiers.

- 2.8 The proposals would result in an overconcentration of occupiers within the dwellings and would fail to provide appropriate standards of amenity for residents given the lack of communal amenity space within the house. Whilst Policy DMH 5 of the Hillingdon Local Plan Part 2 - Development Management Policies which relates to HMO's does not set specific standards relating to the size of internal amenity space provided, the policy specifies the requirement to comply with all other planning standards including retention of amenity space. Policy DMHB 16 of the Hillingdon Local Plan Part 2 - Development Management Policies requires that all housing development should have an adequate provision of internal space to provide an appropriate living environment. The subtext to this policy states that overcrowding in residential properties can have adverse impacts on the health and well being of occupants. To ensure that all new housing serves the practical and social needs of occupiers, the Council will require housing proposals to provide adequate internal space and facilities. The requirement to provide appropriate standards of amenity in the design of new housing is similarly reflected under Policy D6 of the London Plan; and Paragraph 135 of the NPPF.
- 2.9 It is considered that the proposals would result in overcrowding of the existing house and fail to provide adequate levels of amenity space for the number of future occupants that would be resident and therefore fails to comply with each of these policies and for these reasons it is respectfully requested that the appeal is dismissed.

3. Other Matters

- 3.1 It is respectfully requested for the reasons outlined above that this appeal be dismissed, however in the event that the appeal is allowed, the Council request that the following conditions be attached to the consent:

- 1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

- 2.The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans:

D11; D12; D13; D14; D16; S01

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3. Bedroom 4 as shown on approved drawing No. D11 shall not be brought into use as habitable living space until the works permitted under planning permission 47713/APP/2024/3109 are carried out in full.

Reason: To ensure that appropriate standards of living space are provided for future occupiers in accordance with Policy DMH5 and DMHB 16 of the Local Plan Part 2 - Development Management Policies; Policy D6 of the London Plan 2021; and the NPPF 2024, in particularly Paragraph 135.

4. The outbuilding as shown on approved plans reference D13 and D16 shall be used only for purposes incidental to the use of the main dwelling at No.177 Station Road, West Drayton, UB7 7NQ and shall not be used for as a bedroom, separate unit of accommodation or for any commercial purpose.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use so as to protect the amenity of adjoining residential properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part Two (2020) and to ensure that amenity space is provided for occupiers of dwelling located on the site in accordance with Policy DMH5 and DMHB 16 of the Local Plan Part 2 - Development Management Policies; Policy D6 of the London Plan 2021; and the NPPF 2024, in particularly Paragraph 135.

4. Conclusion

- 4.1 The appellant's statement of case does not put forward substantial justification or evidence to counter the Council's view that the development would be harmful based on the three reasons for refusal as set out on the decision notice.
- 4.4 It is for these reasons and those set out in more detail within this statement of case, that the planning authority respectfully requests this appeal be dismissed.

Appendices

- Appendix 1 – Planning Officer's Delegated Report for 47713/APP/2024/3109.

- Appendix 2 – Site visit photographs of the application property dated 7th January 2025.
- Appendix 3 – Appeals - APP/R5510/W/22/3313916 and APP/R5510/W/22/3313917 dated 9th October 2022.
- Appendix 4 – Approved plans and pre-existing floor plans accompanying planning permission 47713/APP/2024/1041.
- Appendix 5 – Approved plans for 47713/APP/2024/2233 - Erection of front porch.