



## Appeal Decisions

Site visit made on 16 August 2023

**by David English BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> October 2023

### **Appeal A Ref: APP/R5510/W/22/3313916**

#### **177 Station Road, West Drayton, Hillingdon UB7 7NQ**

- 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 Rai of Upton Park Housing Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 47713/APP/2022/2693, dated 25 August 2022, was refused by notice dated 21 October 2022.
- The development proposed is the conversion of existing C3 dwelling to 8 beds 8 people sui generis HMO with front door replacement, single storey rear extension, demolition of side bay window, conversion of loft into habitable space & erection of single storey detached outbuilding.

### **Appeal B Ref: APP/R5510/W/22/3313917**

#### **177 Station Road, West Drayton, Hillingdon UB7 7NQ**

- 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 Rai of Upton Park Housing Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 47713/APP/2022/2694, dated 24 August 2022, was refused by notice dated 21 October 2022.
- The development proposed is the conversion of existing C3 dwelling to 9 beds 9 people sui generis HMO with front door replacement, single storey rear extension, demolition of side bay window, conversion of loft into habitable space & erection of single storey detached outbuilding.

## **Decisions**

1. Appeals A and B are dismissed.

## **Preliminary Matters**

2. At the time of my site visit work appeared to be largely complete on alterations and extensions to the appeal property, which was occupied having nine separate bedrooms over three floors. I was able to view the shared communal spaces that had been created, but not the bedrooms.
3. Notwithstanding this there were some differences between the internal and external features I saw when compared with the plans on which the Council made its decision. These include the appearance of the external door installed in the front of the building and serving bedroom 2. I have therefore determined both appeals on the basis of the respective plans used by the Council.
4. Planning permission has been granted for the conversion, extension and alteration of the appeal property to create a 7-bedroom House in Multiple Occupation (HMO) (Council Ref. 47713/APP/2022/196). While I have not been

provided with the plans associated with that permission, I am mindful of the differences between schemes described in the respective Officer Reports for the appeals before me, and the permitted scheme. I have had regard to the permitted scheme insofar as it permits the use of the property as a 7-bedroom 7-person HMO.

5. In summary, the differences between the permitted scheme and those before me comprise the creation of a new main entrance in the flank wall of the appeal property, a new glazed door with glazed side panels to the front elevation serving bedroom 2, the creation of an additional bedroom at ground floor in the proposal I have described as Appeal A, and the creation of two additional ground floor bedrooms in the proposal I have described as Appeal B.
6. In respect of Appeal B, the Officer Report identifies a concern that the proposed kitchen and communal space would be too small to serve the occupants of a 9-bedroom HMO. However, this matter is not identified as a reason for refusal. Accordingly, I have addressed this matter only insofar as it would affect the living conditions of future occupiers of bedroom 2.

## **Main Issues**

7. The main issues for both appeals are:
  - whether satisfactory living conditions would be provided for future occupiers of bedroom 2 in respect of privacy and internal space;
  - the effect of the proposal on the living conditions of neighbouring occupiers at 173, 173A, 175, 175A and 179 Station Road with particular regard to noise and disturbance; and
  - the effect of the proposal on the character and appearance of the area.
8. Additionally, for appeal B, a further main issue is the effect of the proposal on the highway network with particular regard to off-street car parking and vehicular trip generation.

## **Reasons**

### *Living conditions for future occupiers – bedroom 2*

9. From the evidence before me, the Council's concern relates to the adequacy of the amount of floorspace proposed for bedroom 2, which is identical in both schemes, and the privacy that would be afforded to future occupiers. This latter concern is associated with the proximity of the proposed glazed door serving that room to the external parking area at the front of the property.
10. In respect of privacy associated with the proposed positioning of the glazed external door to bedroom 2, there would appear to be adequate space in front of the building to introduce a small defensible area while allowing sufficient space for car parking to be maintained. I am therefore satisfied that adequate privacy would be afforded to future occupiers in this respect, and the creation of a small defensible space in front of the proposed door would not significantly adversely affect the outlook from that room. This mitigation could reasonably be secured by planning condition.
11. For both appeals, the internal floor space proposed for bedroom 2 is shown on the plans as covering some 7.7 sq.m. The appellant contends that this exceeds

the minimum space standard required by the Technical housing standards - nationally described space standard (the NDSS) and the Hillingdon's HMO single bedroom Space Standard. I have not been provided with further information concerning the latter document and therefore I am unable to draw any conclusions from the appellant's comments in this respect.

12. The NDSS applies to new dwellings not large HMOs which are a *sui generis* use, a matter recognised in the appellant's description of development in both cases. Furthermore, from the information provided to me there is no evidence of specific internal space standards for HMOs being included in the development plan policies which I have seen. In any event, the NDSS seeks to ensure that, overall, adequate private space would be provided in new dwellings, not just in the bedrooms.
13. Within an HMO the bedroom is the occupant's only private living space and is the space in which they are likely to spend most of their time. Therefore, it is necessary to ensure that the bedroom has sufficient floorspace to provide adequate living conditions. The provision of communal space in the proposed kitchen and sitting area, albeit significantly smaller in the Appeal B proposal than that in the Appeal A proposal, would be of benefit to the occupier of bedroom 2. However, in both cases, that space would be shared by several residents and would not compensate for the excessively small private space available in bedroom 2. This would result in cramped and harmfully inadequate private space being available for future occupiers of bedroom 2.
14. For these reasons, while the proposal could be modified by the imposition of planning conditions to protect the privacy of future occupiers, the proposal would not provide satisfactory living conditions for future occupiers in respect of internal space. Accordingly, the proposal would conflict with Policy DMH 5 of the London Borough of Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) (the Local Plan) which requires proposals for large HMOs to provide satisfactory living conditions for the intended occupiers. The proposal also fails to accord with paragraph 130 f) of the National Planning Policy Framework (the Framework) which requires development to provide a high standard of amenity for future users.
15. The Council's reason for refusal refers to conflict with Policy D6 of the London Plan. However, that policy sets out space standards for new dwellings which are largely the same as the NDSS and is therefore not directly relevant to this main issue which concerns the size of a bedroom in a proposed HMO.

#### *Living conditions of neighbours*

16. The extant permission for the creation of a 7-bedroom, 7-person HMO has confirmed the acceptability to the Council of the use of the property as an HMO. I accept that an increase in the number of rooms to either 8 or 9 would increase the potential number of comings and goings at the site, including from visitors and deliveries, and there may be an associated increase in activity at times in the rear hard surfaced communal amenity space. However, this increase in activity would be relatively small in the context of the permitted use and character of the surrounding area. The rear yard is well screened by tall solid fencing on all sides, and such a relatively small increase in occupation of the property would be unlikely to lead to significant additional noise and disturbance to neighbours at No 179 or at the adjacent flats at Nos 173 - 175.

17. I have been made aware of an application for an HMO License seeking permission for 15 people to be allowed to occupy the rooms. However, I have not been provided with further details or information concerning any outcome on that application. Nevertheless, and notwithstanding the outcome of that licensing application, the number of occupants in each room could reasonably be controlled through planning conditions were the appeal to be allowed. Planning conditions could also be imposed to secure an appropriate level of noise insulation to the attached dwelling were the appeal to be allowed.
18. Consequently, the proposed development would not result in harm to the living conditions of neighbouring occupiers at 173, 173A, 175, 175A and 179 Station Road with particular regard to noise and disturbance. Accordingly, the proposal would accord with Policy DMH 5 of the Local Plan which, amongst other things, requires that proposals for large HMOs demonstrate that there will be no adverse impact on the amenity of neighbouring properties.

*Character and appearance*

19. The appeal site is located in the West Drayton Green Conservation Area (the Conservation Area), with the rear boundary of the appeal site forming part of the northern boundary of the Conservation Area. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
20. I have not been provided with information from the Council describing the significance of the Conservation Area. However, from what I observed in walking around the area it appeared to me that its significance derives largely from its suburban growth around the historically important open spaces at The Closes, Drayton Hall and Park and the medieval St Martin's Parish Church, along with the legacy of those spaces in providing an open and verdant setting to the streets and buildings in this primarily residential part of West Drayton. Although the appeal property contributes positively to the residential character of the area, and it exhibits some visual interest in its vertical tile hung projecting front bay window and its crested roof ridge tiles, overall, I judge its contribution to the significance of the Conservation Area as neutral.
21. While I recognise the Council's concerns regarding proposed alterations to the front door, the Officer Reports otherwise confirms that, for both proposals, there are '*...no objections to the external works proposed for similar reasons to that identified in previous applications...*' and that '*The outbuilding is considered acceptable in its own right, with no harmful impact on amenity or character, preserving the conservation area.*' From the plans and from what I observed during my site visit I have no reason to disagree with those conclusions.
22. Along this predominantly residential section of Station Road there is considerable variety in the appearance and age of the buildings, although many are relatively modern. The dwellings are generally two- and three-stories and include modern blocks of flats. The appeal property is one half of a pair of semi-detached houses, the other being 179 Station Road. The pair are set further forward in the street than the neighbouring buildings, many of which are screened from the highway by mature trees and shrubs. Accordingly, the pair appear as being relatively prominent in the street.
23. However, the changes proposed to the front elevation would not be markedly different to the appearance of the dwelling shown on the plans as existing.

Moreover, the proposed alterations to the front door would not be dissimilar to the appearance of the front door of No 179. While the main entrance into the building would be provided in the flank wall facing the four flats at 173 – 175 Station Road, this would not alter the impression of there being a visible main entrance to the front of the house. Accordingly, the proposed alterations to the front elevation would not seem noticeably unusual and would not result in the pair of semis appearing unbalanced.

24. Furthermore, while the main entrance would be via a side door, I observed that this is not uncommon in the vicinity. Indeed, the flats adjacent at Nos 173 – 175 appeared to have no front door facing the main road and access is taken via a side gate alongside which are positioned doorbells and letter boxes for each of those four flats.
25. Having regard to the context and setting of the appeal site, the proposed changes to the front door would not be uncharacteristic of properties in the area and would not harm the character, appearance, or significance of the Conservation Area.
26. The appellant has provided plans showing the replacement of the proposed door at the front with a window. However, as I have found no harm in respect of this main issue, I have not considered this suggested amendment further.
27. For these reasons, the proposal would not harm the character and appearance of the area. The proposal would therefore accord with Policies D3 and HC1 of the London Plan, Policies HE1 and BE1 of A Vision for 2026 Hillingdon Local Plan: Part 1 Strategic Policies (November 2012) and Policies DMHB 1, DMHB 4, and DMHB 11 of the Local Plan which, collectively and in summary, seek to preserve or enhance the character or appearance of conservation areas, avoid harm to the historic environment, conserve and be sympathetic to the significance of heritage assets and their settings by ensuring new development responds to the existing character of the area, and achieve high quality design appropriate to the identity and context of Hillingdon's townscapes.

#### *Effect on the highway network – Appeal B*

28. In respect of Appeal B the Council's fourth reason for refusal concerns the appellants failure to provide a travel plan or transport assessment that would demonstrate the effects of the proposal on the highway network in respect of vehicular trip generation. While I have not been provided with Appendix C, Table 1 of the Local Plan, the Officer Report explains that car parking requirements for larger HMOs (i.e. having over 6 occupants) should be assessed through a transport appraisal and travel plan.
29. However, the Officer Report sets out comments from the Council's Highways and Traffic Officer who confirms there are no objections to the proposal subject to various conditions. Importantly, this representation confirms a considered professional opinion that the proposal would have an insignificant impact on the highway and that the Highway Authority accepts the quantum of car parking proposed and its location.
30. The proposal would create two more bedrooms than the permitted 7-bedroom HMO. The level of vehicular activity generated by the comings and goings of the additional occupants would not be significantly different to what would be experienced at a 7-bedroom HMO given its moderate accessibility to

sustainable modes of transport as demonstrated by its Transport for London Public Transport Accessibility Rating (PTAL) rating of 3.

31. In the absence of substantive compelling evidence to the contrary, and notwithstanding the lack of a travel plan or transport assessment, based on the evidence before me and recognising the PTAL rating of the appeal site, the proposal would be unlikely to lead to harm to the local highway network or its users. Other related development plan requirements could be met through the imposition of planning conditions were the appeal to be allowed, including the provision of an appropriate and safe vehicular crossing, and the installation of electric vehicle charging facilities.
32. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I am mindful that the Highways Authority did not object to the proposal, and I have no reason to disagree with its conclusion in respect of this main issue.
33. For these reasons, I am satisfied that, subject to the imposition of, and compliance with, appropriate planning conditions, the proposal would not result in harm to the highway network with particular regard to off-street car parking and vehicular trip generation. Accordingly, the proposal would comply with Policies T4 and T6 of the London Plan and Policies DMT 2 and DMT 6 of the Local Plan which require that development proposals should not increase road danger, and that safe and efficient vehicular access to the highway network is provided to the Council's standards, and that car parking provision should not lead to a deleterious impact on street parking or congestion. The proposal would also accord with Chapter 9 of the Framework on promoting sustainable transport.
34. Policy DMT 4 of the Local Plan concerns public transport and I have not been directed to any wording in that policy which is directly relevant to my decision on this main issue.

### **Planning Balance and Conclusion**

35. I have not found harm in respect of the effect of both proposals on the living conditions of neighbouring residents or the character and appearance of the area, and, in the case of Appeal B, in respect of its effects on the highway network. However, the lack of harm in each of these respects does not outweigh the harm arising from both proposals in respect of the living conditions of future occupiers of bedroom 2.
36. For the above reasons, I therefore conclude that both proposals would conflict with the development plan as a whole. There are no other material considerations that indicate the decisions should be made otherwise than in accordance with the development plan. Accordingly, Appeal A and Appeal B are dismissed.

*David English*

INSPECTOR