



Appeal Decision

Site visit made on 5 December 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2024

Appeal Ref: APP/R5510/W/23/3321861

95 Harlington Road, Uxbridge, Hillingdon UB8 3HZ

- 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 Jas Hayer against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 5199/APP/2022/3396, dated 7 November 2022, was refused by notice dated 20 January 2023.
- The development proposed is described as conversion of an existing dwellinghouse (Class C3) into a 6 bedroom (8 person) Housing in Multiple Occupation (HMO) (Sui Generis).

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 February 2024.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing dwellinghouse (Class C3) into a 6 bedroom (8 person) Housing in Multiple Occupation (HMO) (Sui Generis) at 95 Harlington Road, Uxbridge, Hillingdon UB8 3HZ, in accordance with the terms of the application, Ref 5199/APP/2022/3396, dated 7 November 2022, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The decision notice does not reference the correct plan revision numbers. The Council made its decision against revision 1.0B of the drawings and I have determined the appeal on the same basis.
3. The appellant has provided a revised parking, landscaping, refuse and cycle storage plan (2022-95HR-FP-4 rev 2.0A). The proposed changes are minor and the Council has had the opportunity to comment on this drawing. As such, I am satisfied that no parties' interests are prejudiced by my acceptance of this plan.

Preliminary Matter

4. The Council has granted planning permission to convert the dwellinghouse to a 6-person House in Multiple Occupation (HMO) (Use Class C4). During my site visit I observed that the property appears to have been converted to an HMO and one bedroom was occupied. Whilst it is not for me to reach findings on matters of lawfulness, the situation on the ground suggests that 95 Harlington Road (No 95) is now in use as a HMO. I assessed the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of adjoining properties with particular regard to noise and disturbance.

Reasons

6. The appeal site comprises a two-storey semi-detached dwelling with a deep rear garden that fronts onto the busy Harlington Road, in recent reuse as an HMO. Parking for two vehicles is provided within the property's frontage, which is laid to hardstanding. The surrounding area is predominantly residential in character and comprises dwellings of different sizes and designs.
7. The proposed increase in the number of occupiers would generate additional comings and goings, but the main entrance to the property is set away from the front windows at 93 Harlington Road (No 93). 97 Harlington Road (No 97) does not contain side windows facing No 95 and its front windows are away from the main entrance to the property. As such, while the additional pedestrian movements may be perceptible to the occupants of Nos 93 and 97, this would not give rise to undue noise and disturbance.
8. The property's driveway is laid to hardstanding for parking and the number of available spaces across the site would not increase because of the proposal. As such, the levels of activity on the driveway would in all probability remain as existing. Consequently, it is unlikely that the proposal would be more disruptive for the adjoining neighbours than the existing situation.
9. The proposal would not comprise any internal alterations to the building, so the increase in residents would be as a result of couples sharing a room. I have no substantive evidence before me to demonstrate that the use of the property by two additional occupants would result in any materially different effects in terms of noise and disturbance. As such, I am not persuaded that sound insulation measures would be required to attenuate the noise levels to make the development acceptable in planning terms.
10. The property contains a good-sized rear garden, which provides an opportunity for outdoor socialising. Whilst there would be nothing to prevent small gatherings, equally this may also happen with the property in use as a family dwelling. Furthermore, the surrounding area experiences some ambient noise, because of the volume of traffic on Harlington Road as a main distributor road, which is also felt within the property's rear garden. Set against this context, the level of activity associated with the proposal would be unlikely to be discernible. There would be provision for cycle storage and plenty of space to store refuse and recycling bins without detriment to the neighbours.
11. The appellant has provided a management plan and supervision plan which set out how the HMO would be managed. While these provide limited information about proposed measures to mitigate any increase in noise and disturbance, the probability is that occupation of the property as an eight person HMO would not be materially different to that of six person in terms of its impacts on neighbours.
12. In conclusion, the proposal would have an acceptable effect on the living conditions of the occupants of adjoining properties with particular regard to noise and disturbance. The proposal would accord with Policies DMH 5 and

DMHB 11 of the Hillingdon Local Plan Part 2 – Development Management Policies 2020, which seek to protect the residential amenity of neighbouring properties.

Other Matters

13. My attention is drawn to an Article 4 Direction in place in the locality which came into force in March 2013. This removes permitted development rights for the change of use of a single dwellinghouse in use class C3, to a small HMO in use class C4. However, the proposal seeks a large HMO for which planning permission would be required in any event. As such, the Article 4 Direction is of limited significance to the appeal before me.

Conditions

14. I have considered the Council's suggested planning conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I have amended these where necessary for clarity.
15. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. To protect the living conditions of neighbours, a further condition is needed to restrict the number of occupants.
16. To ensure that the correct provision for parking is made before the development is brought into use, a condition requiring the provision of parking spaces is necessary. Having regard to the aims of Policy T6.1 of the London Plan 2021, a condition related to the installation of electric vehicle charging points before the development is brought into use is necessary.
17. The Council suggests a condition requiring the provision of a landscape scheme and hard surfacing materials. However, as the proposal is to increase the number of occupants within the property, such a condition would not be justified in this case.

Conclusion

18. Overall, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, I conclude that the appeal should succeed.

P Terceiro

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2022-95HR-FP-1 Rev 1.0B, 2022-95HR-FP-3 Rev 1.0B, 2022-95HR-FP-4 Rev 2.0A, HMO Management Supervision Plan and Site Supervision Management Plan.
- 3) The development hereby permitted shall be occupied by no more than 8 (eight) permanent residents at any time.
- 4) The use of the property as an 8-person house in multiple occupation (HMO) shall not commence until space has been laid out within the site in accordance with drawing no 2022-95HR-FP-4 Rev 2.0A for 3no. cars to be parked. That space shall thereafter be kept available at all times for the parking of vehicles.
- 5) The use of the property as an 8-person house in multiple occupation (HMO) shall not commence until the electric vehicle charging points have been provided in accordance with drawing no 2022-95HR-FP-4 Rev 2.0A. Thereafter, the electric vehicle charging points shall be maintained for the lifetime of the development.