



Appeal Decision

Site visit made on 11 June 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/R5510/W/23/3327485

131 York Avenue, Hillingdon, Hayes, UB3 2TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jasvinder Bhullar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 70082/APP/2022/1202.
 - The development proposed is described as: *'This building is extended recently. It is total 6-bedroom property now. Two Rooms are large enough for couples and one loft room is got separate bathroom. Three rooms are for single person use only. I am getting HMO permission for 6 people only, so I been told to apply this planning content if I want to add more people in my HMO Licence. I want to apply for 9 to 10 people permission'.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit, I noted that the internal layout of the property did not correlate with the submitted plans. In the interest of certainty, my assessment is based on the description of development and the plans before me, which were subject to the Council's decision.
3. The reasons for refusal refer to the 2021 National Planning Policy Framework (the Framework) as the decision notice is dated May 2023. The paragraphs referred to remain within the NPPF, but have different paragraph numbers. Given that the content of these relevant paragraphs has not changed, they will be considered in my assessment.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of adjoining residential properties, with particular reference to noise and disturbance;
 - the living conditions for existing and future occupants, with particular reference to room sizes and outdoor space; and
 - car parking to serve the existing and future occupiers of the site and highway safety.

Reasons

Living conditions of adjoining residential occupants

5. York Avenue is a residential street characterised by semi-detached properties with small front gardens, used for off street parking. The modest scale of the predominately family housing provides for a tranquil, midurban character. The useable rear garden of the appeal site is reduced by a large rear extension and outbuilding.
6. The proposed development will result in an increase of residents from six up to ten. It is likely that each occupant of the HMO would have their own routine, as well as visitors and deliveries. Even given the amount of accommodation provided by the existing use, the larger HMO would have a distinctly different nature and intensity compared to other dwellings in this road. The intensity of use and the increased movements to and from the site would lead to an unacceptable increase in noise and disturbance to nearby residents.
7. Furthermore, whilst it is argued that it is unlikely that all ten occupiers would arrive or exit en- masse, it is not unfeasible that activity will increase in mornings and evenings to coincide with working hours. Up to ten people coming and going at similar times would generate significant activity and negatively affect the amenity of adjoining residents by virtue of the associated noise and disturbance.
8. The use of the small rear garden by up to ten occupants plus any visitors would be noticeably more intensive than would be expected from a smaller HMO. The appellant argues that it would be absurd to assume that all occupiers and visitors would use the garden at anyone time, but in the summer, it is plausible that occupants would want to use outdoor amenity space to socialise. In that context, the nature of the noise from occupants in the garden is likely to result in undue disturbance to neighbours. Such disturbance would be particularly intrusive for neighbouring occupants during warmer weather when they are likely to want to make greater use of their gardens and have their windows open.
9. The appellant argues that the supporting text for policy DMH5, makes reference to significant concentrations of HMOs in particular wards and points out, that the site is not in one of them. Criterion A (iii) of this policy, seeks to avoid an adverse impact on the amenity of neighbouring properties but does not exclusively apply in these wards. Accordingly, it is relevant in this respect.
10. For the reasons identified above, I conclude that the development would harm the living conditions of adjoining residential properties, with particular reference to noise and disturbance. The proposed development is therefore contrary to Policy DMH5 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020) insofar as it seeks for development to protect the amenity of neighbouring properties.

Living conditions for existing and future occupiers

11. The evidence before me shows that there would be four bedrooms for the ten occupants. Two of the rooms are doubles and the remaining rooms are singles or smaller. As a result, there are bedrooms for only six out of the ten proposed

occupants. Having additional residents in the bedrooms would impinge on privacy and reduce the spaciousness of the rooms for existing residents. Therefore, the proposal would result in unsatisfactory living conditions for existing and future occupants.

12. The appellant considers that Policy D6 of the London plan and the standards referred to, do not apply to HMO's. However, whilst the detailed standards in Table 3.1 do not apply to HMOs, the overall objective of the policy to provide high quality, adequately sized residential accommodation does. It has not been necessary to consider the standards in my assessment, as the plans do not indicate a suitable number of bedrooms for the proposal.
13. Reliance is placed on the licensing requirement for a HMO to ensure that the residential accommodation is safe, well managed and of a good quality, including the size of rooms and garden space. However, this does not necessarily mean that the accommodation is acceptable in planning terms. Licensing is primarily a means of securing minimum standards whereas the planning system has wider responsibilities for ensuring that the quality of accommodation provides a good living environment for occupants throughout the lifetime of the development.
14. Given its size, the rear garden would fail to allow sufficient space for a large household of ten independent people to carry out basic activities such as sitting out, general enjoyment and drying laundry.
15. For the reasons identified above, I conclude that the development would have an unacceptable effect on the living conditions of existing and future occupiers, with particular reference to room sizes and outdoor space. The development would therefore be contrary to Policy D6 of the London Plan, Policy DMH5 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020) and the Framework insofar as it seeks for development to provide adequate living conditions for occupiers.

Car parking and highway safety

16. The appeal site has a dropped kerb in front and can accommodate one parked vehicle. The road is too narrow to allow parking on both sides, therefore off-street parking takes place partly on the footpath. Given the number of dropped kerbs, on street parking is limited.
17. Appendix C of Policy DMT 6 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020) details that car parking requirements for large HMOs, need to be assessed through a transport appraisal and travel plan. An appraisal has not been submitted, but the appellant argues that public transport is in close proximity and there are no parking controls. However, the site has a poor PTAL rating of 2, which indicates isolation of the site from public transport and this will increase dependency on car ownership.
18. The appellant argues that the proposed use would not be reliant upon car ownership, but there is no evidence before me to guarantee this outcome. In the absence of a transport appraisal and travel plan it has not been demonstrated that the proposal can provide adequate parking to serve the proposed occupants without negatively affecting highway safety. This is particularly relevant in an already busy road, with limited parking.

19. For the reasons identified above, I conclude that the development would have an unacceptable effect on car parking to serve the existing and future occupiers of the site and highway safety. The development would therefore be contrary to Policies T4 and T6 of the London plan (2021) and policies DMH5, DMT1, DMT2 and DMT6 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020) and the Framework insofar as they seek to ensure adequate car parking and manage impacts on the highway.
20. The Council refer to Local Plan Policies T2 and T5 which in turn refer to Healthy Streets and Cycling but these matters are not relevant to the main issues in this appeal.

Planning Balance and Conclusion

21. Given the harm that would arise to the living conditions of adjoining residential properties, with particular reference to noise and disturbance, the living conditions for existing and future occupants, with particular reference to room sizes and outdoor space; and car parking to serve the existing and future occupiers of the site and highway safety, the scheme would conflict with the development plan when read as a whole.
22. In its favour, the proposal would result in additional housing provision, with associated social and economic benefits. However, these benefits would be limited and should not come at the expense of the living conditions of adjoining residential properties, existing and future occupiers and highway safety.
23. Given the above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

V Goldberg

INSPECTOR