The Planning Inspectorate

Appeal Decision

Site visit made on 13 March 2018

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2018

Appeal Ref: APP/R5510/W/17/3179484
31 Morello Avenue, Uxbridge UB8 3ES

- 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 and Mrs Kaur against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 72026/APP/2017/1064, dated 23 March 2017, was refused by notice dated 18 May 2017.
- The development proposed is the conversion of house into 6 bedroom House in Multiple Occupation (HMO).

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of the site visit the property had been laid out as proposed.

Main Issues

3. The main issues are the effects of the proposal on:

   - the living conditions of future occupiers with particular regard to the outlook from, and light level in, the communal kitchen/lounge;
   - the living conditions of neighbouring occupiers with particular regard to noise and disturbance;
   - highway safety.

Reasons

Living Conditions of Future Occupiers

4. The communal kitchen/lounge provides the only shared living space for future occupiers. It is a fairly long room, lit at one end by a small window and an obscured glazed door. The openings face the side boundary wall of the property at a distance of around 1.5m and the two storey flank wall of the neighbouring dwelling at a distance of some 4m[1]. As such, the outlook from the room is very restricted and only a small area of sky is visible from much of the room. Moreover, the kitchen area in particular, which is furthest from the window and door, is poorly lit and it would be difficult to carry out day to day activities without the use of artificial lighting.

[1] Distances taken from the Council's statement and not disputed by the appellant.

5. Whilst there is nothing to suggest that the floor area of the room is inadequate, that does not overcome my concerns regarding the outlook and natural light available from it. The appellant also argues that the room exists and would have had some use previously. However, I have not been provided with details of the previous configuration of the property and, in any event, my concern is with the use now proposed.

6. Consequently, I consider that the outlook from, and light level in, the communal kitchen/lounge would not provide satisfactory living conditions for future occupiers. The proposal would not, therefore, comply with Policy 3.5 of the Housing Standards Minor Alterations to the London Plan 2016 (LP) to the extent that it requires housing developments to be of the highest quality internally, or saved Policy BE20 of the Hillingdon Unitary Development Plan 2007 (UDP) which requires buildings to be laid out so that adequate daylight and sunlight can penetrate into them. The first reason for refusal also refers to UBP Policy BE19 and the Council's Supplementary Planning Guidance on Houses in Multiple Occupation 2004 (SPG). However, neither contains provisions dealing specifically with outlook or natural lighting and, as such, they are of limited assistance in my consideration of this matter.

Living Conditions of Neighbouring Occupiers

7. The proposal is for the conversion of the property to a six bedroom HMO. The appellant states that the property would be occupied by no more than six persons. However, no control on the occupancy of the property is proposed. The Council argues that five of the proposed bedrooms could be occupied by two persons. The floor area of these bedrooms exceeds 10sqm which is the minimum size for two person occupancy set out in Table 3 of the SPG. Moreover I saw on the site visit that at least two of the bedrooms contained two single beds. It seems to me therefore, that the property could be occupied by up to 11 persons.

8. This would represent a significant intensification of the use of the property compared with its use as single family dwelling. Having regard also to the likely transient nature of the occupation of the property (recognised in the appellant's statement), this could be expected to result in a greatly increased number of comings and goings. This is likely to include movements on foot and by car and at various times of the day and night.

9. It is common ground that there are few other houses in multiple occupation in the area. Nor is there obvious flatted housing or commercial development and traffic noise levels are low. As such, the area has a fairly quiet, residential character. Furthermore, the properties are fairly closely spaced. I consider that the introduction of the proposed use into this setting would be likely to lead to levels of noise and disturbance which would adversely affect the living conditions of neighbouring occupiers. Consequently, the proposal would conflict with UDP Policy BE19, which seeks to ensure that development in residential areas complements the character and amenity of the area, and Policy OE3, which states that uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated. No mitigation measures have been suggested in this case. Nor would the proposal accord with the SPG insofar as it has similar aims.

10. The third reason for refusal also refers to UDP Policy BE21. However this policy is concerned with the siting, bulk and proximity of new buildings and extensions. As such, it does not assist in my consideration of the proposed change of use.

Highway Safety

11. Application drawing reference MA PA 03 Rev shows three car parking spaces at the front of the property. As drawn, two vehicles would be parked parallel to the road and would not be able to move in to or out of the spaces whilst a vehicle occupies the third space. However, there appears to be enough space for three vehicles to be parked at right angles to the road so as to be able to access the site independently of one-another. Although there is no formal dropped kerb at the front of the property, that situation is no different from many others in the area which have forecourt parking. Had I been minded to allow the appeal, the configuration of the car parking could have been controlled by condition. As such, I consider that the proposal is capable of providing three parking spaces. It would, therefore, accord with the parking standards set out in Policy AM14 and Annex 1 of the UDP.

12. I also note that there are few restrictions over on-street parking in the area and there is no substantive evidence to show that the area experiences particular problems with regard to parking stress or highway safety. Nor does the Council dispute the appellant's contention that the site is accessible using public transport and this may be expected to reduce parking demand. Therefore, I conclude that the proposal would not be harmful to highway safety and would not conflict with UDP Policy AM14, or with Policy AM7, which presumes against proposals that prejudice the free flow of traffic and highway safety. Nor would it conflict with the SPG or the Council's Interim Planning Policy Document: Houses In Multiple Occupation in the Uxbridge South and Brunel Wards 2013 to the extent that they have similar aims.

Other Matters

13. The appellant considers that the Council's objections to the proposal were overly cautious and exaggerated. However, my decision is based purely on the planning merits of the proposal.

14. I recognise that the proposal would provide affordable residential accommodation. The National Planning Policy Framework and LP Policy 3.8 support housing choice. However, together with LP Policy 3.5 and the UDP policies referred to above, those policies also seek to ensure that proposals are of a high quality and provide satisfactory living conditions for future and neighbouring occupiers. The appeal proposal would not meet those requirements. This limits the benefit of the additional accommodation such that it does not outweigh the harms which I have identified. The absence of other harms, or an objection to the principle of the proposed use, does not amount to a positive benefit in favour of the proposal.

15. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

16. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR