



Appeal Decision

Site visit made on 19 March 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2019

Appeal Ref: APP/R5510/W/18/3218579

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 Ms Parminder Kaul against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72026/APP/2018/2672, dated 19 July 2018, was refused by notice dated 5 November 2018.
 - The development proposed is conversion of house into 5 bedroom House in Multiple Occupation (Sui Generis) (maximum occupation by 6 persons).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the proposed development would provide suitable living conditions for future occupants; and
 - b) The effect of the development on the living conditions of neighbouring occupants, with particular regard to noise and disturbance.

Reasons

Living conditions for future occupants

3. The property is a semi-detached house with a single storey extension to the rear. An appeal against a previous refusal of permission to convert the building to a 6-bedroom House in Multiple Occupation (HMO) was dismissed last year¹. The proposal now is to convert it to a 5-bedroom HMO. I observed that the internal layout of the property was as shown on the proposed drawings, except that there was still a door between the kitchen/diner and the room that is now proposed to be a lounge.
4. The proposed layout comprises of five bedrooms; two of these would be on the ground floor and three on the first floor. Four of the bedrooms would have an en-suite shower/wc and there would be a separate bathroom on the first floor. On the ground floor there would be a shared kitchen/diner in the centre of the

¹ Appeal Decision APP/R5510/W/17/3179484

building and a lounge at the rear, with a window looking out to the back garden.

5. The description of the application referred to a maximum occupancy of six people, however no means of controlling the number of residents has been proposed. The Council's Supplementary Planning Guidance on Houses in Multiple Occupation (2004) (the SPG) sets out in Table 3 the maximum capacity of rooms in converted dwellings, which will be used to assist in the assessment of the maximum occupancy of converted dwellings. Four of the bedrooms would have a floor area of 10 – 15 sq m and would therefore be suitable for 2-person occupancy. The remaining bedroom, at 6.5 sq m, would be suitable for single person occupancy based on the SPG table. It therefore seems to me that the layout proposed would allow the property to accommodate up to nine people.
6. The previous proposal for a 6-bedroom HMO included a third bedroom on the ground floor, and what is now proposed as the kitchen/diner was the only communal living space. In considering that scheme the Inspector found that the outlook from, and light level in, the communal kitchen/lounge would not provide satisfactory living conditions for future occupiers. The communal living facilities now proposed include a separate lounge, which would be linked to the kitchen/diner by the removal of the door between them. I observed that, in all other respects, the physical characteristics affecting light levels in, and outlook from, the kitchen/diner remain the same as described by the Inspector.
7. The proposed lounge is described on the drawings as being 10 sq m in area, but the useable space would be reduced by the retention of the en-suite shower/wc and the necessary circulation space. Consequently, it would not be capable of accommodating many of the potential nine occupants at any one time. As a result, there would still be a significant reliance on the kitchen/diner to provide day to day living space. I observed that the removal of the door would make little difference to light levels in the kitchen area. I also saw that the window in the lounge would not be visible from most of the kitchen/diner, and would not therefore improve outlook from this room to any significant extent. I therefore conclude that the proposal would not provide the residents with satisfactory living conditions, due to the unacceptably low level of natural light in, and outlook from, the kitchen/diner where residents would be likely to spend much of their time.
8. Bedroom 3 measures 6.5 sq m, which is the minimum room size for single person occupancy set out in the Council's SPG. However, the SPG pre-dates the government's Technical Housing Standards – Nationally Described Space Standard (March 2015) (the NDSS) and the London Plan (2016). Policy 3.5 of the London Plan adopts the NDSS, which sets a minimum floorspace for a single bedroom at 7.5 sq m. Bedroom 3 falls below this standard. This was not considered by the previous Inspector because it was not an issue that had been raised by the Council at that time. Nonetheless it is a matter that I must consider in this appeal.
9. The occupant of Bedroom 3 would have very cramped conditions for sleeping and storing all personal belongings, bearing in mind that this would be an HMO and therefore all other parts of the property would be shared with unrelated people. The limited space available in Bedroom 3 means that the occupant would be particularly reliant on the communal living space. I have already

concluded that the light in, and outlook from, the communal living space is unsatisfactory. The limited floorspace in Bedroom 3 therefore contributes to my overall finding that the proposed accommodation would not provide suitable living conditions for future occupants.

10. I saw from my site visit that the accommodation has been fitted and decorated to a high standard, and I am mindful of the appellant's case that the proposal would provide low cost accommodation. Nevertheless, the poor level of light in, and outlook from, the kitchen/diner and the limited size of Bedroom 3 lead me to conclude that the accommodation would not provide suitable living conditions for future occupants. The proposal would not, therefore, comply with Policy 3.5 of the London Plan 2016, which requires housing developments to be of the highest quality internally, or Policy BE20 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (2012) (the HLP) which requires buildings to be laid out so that adequate daylight and sunlight can penetrate into them. The Council also cites Policies BE19 and BE21 of the HLP in relation to this issue, but as they both refer to new development, they do not affect my conclusions on this proposal, which is for a change of use.

Living conditions of occupants of neighbouring properties

11. The property lies in a relatively quiet residential area, where traffic movements are fairly infrequent and speeds are low. It does not appear that any other houses in the vicinity have been converted to flats or HMOs. The houses are closely spaced and therefore, bearing in mind the low background noise levels, there is a susceptibility for the living conditions of occupants to be affected by the introduction of a more intensive use.
12. The appellant argues that a 6-person HMO would have no greater impact on the living conditions of neighbouring occupants than if the house was occupied by a large family. However, I have already found that the layout of the property could allow up to 9 occupants. These occupants would be made up of five unrelated individuals/couples, all of whom would have separate work/domestic regimes and would attract their own visitors and deliveries. The use would therefore be likely to increase the volume of movements to and from the property and the range of times when these activities take place.
13. I have already found that the proposal would provide unsatisfactory internal living conditions for occupants due to lack of light, outlook and space. It is therefore likely that residents would be more inclined to use the rear garden for recreation and for entertaining visitors. As this use would be by five separate individuals/couples it is likely to result in a more intensive use of the rear garden than would be the case with family occupation. Consequently, it is likely that there would be an increase in noise and disturbance to neighbouring occupants.
14. I therefore find that the proposal would harm the living conditions of neighbouring occupants through an increase in noise and disturbance. As a result, the proposal would be contrary to HLP Policy BE19, which seeks to ensure that development in residential areas complements or improves the amenity of the area. As no mitigation measures are proposed, the proposal would also conflict with Policy OE3, which says that uses which could cause noise annoyance will only be permitted if the impact is mitigated. The Council also cites Policy BE21 of the HLP in relation to this issue, but as it relates to

new buildings and extensions it is not relevant to this proposal for a change of use.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR