



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference	:	LON/00AT/HPO/2017/0005
Property	:	65 Bulstrode Road, Hounslow, Middlesex TW3 3AN
Applicants	:	Din Dyal Verma Usha Verma
Respondent	:	London Borough of Hounslow
Type of application	:	Appeal against Prohibition Order
Tribunal	:	Judge Nicol Mr M Cairns MCIEH
Date and venue of Hearing	:	25th May 2017 10 Alfred Place, London WC1E 7LR
Date of Decision	:	6th June 2017

DECISION

The Prohibition order dated 26th January 2017 is varied so that it is limited to the loft area and the middle room of the ground floor at 65 Bulstrode Road, Hounslow, Middlesex TW3 3AN.

Reasons

1. On 26th January 2017 the Respondent served a Prohibition Order on the Applicants prohibiting the use of the subject property for residential purposes pursuant to sections 20 and 21 of the Housing Act 2004. The Applicants, the freehold owners of the property, have appealed to the Tribunal.
2. The Respondent's involvement with the property began with a complaint from the London Fire Brigade that an outhouse may be being used inappropriately as residential accommodation. Pursuant to section 239(7) of the Act, Mr Stephen O'Brien, a Housing Enforcement Officer with the Respondent, inspected the property on 20th January 2017

without notice to the Applicants. He says that he found a number of serious Category 1 and 2 hazards, including:

- (a) The property is a three-storey end-terrace house. The second floor loft area appeared to be being used as accommodation despite not having been converted for the purpose and so having insufficient head height.
 - (b) The first floor landing area and staircase leading from there to the loft were poorly-constructed and blocked by two ill-fitting doors and various items such as clothes racks, a shopping trolley, a shoe rack and bedsheets.
 - (c) The ground floor WC was inoperative. The residents said it had been that way for some time.
 - (d) There were various electrical defects, including the side wall behind the meter and fuse board being affected by damp and consequent mould growth.
 - (e) There were also signs of damp to the same wall at first and second floor levels.
 - (f) The property was overcrowded. The two rooms behind the kitchen each had two people, despite neither being suitable as separate units. The middle room on the ground floor had four residents, with one in the front room. The two first floor rooms had five residents. One person occupied the loft.
 - (g) The outbuilding was occupied. It was supplied with a boiler and a bathroom/WC but was inappropriate for use as accommodation.
3. The Tribunal inspected the property on the morning of 25th May 2017. The First Applicant was present together with his son-in-law, Mr Anil Sharma. Mr O'Brien was also present. It quickly became apparent that a great deal of work had been carried out to the property since Mr O'Brien's last visit, apparently with the considerable assistance of Mr Sharma. Separate entrances were being installed for the ground and first floors. The side wall had clearly been repaired, presumably to address the damp. The ground floor WC had been completely refurbished and was operative. The staircase to the loft had been blocked off with a screw fixed timber panel. Most of the previous occupants had moved out. The outbuilding was mostly empty and clearly unused.
 4. Having said that, there was still clearly much work to be done. At the Tribunal hearing, Mr O'Brien indicated he was prepared to modify his views as to the use of the property but only on the understanding that the improvement works continued. He pointed to the middle room on the ground floor which was inappropriate as accommodation for a separate household due to its lack of natural light but was interested to hear more about Mr Sharma's suggestion that the window and door unit separating it from the kitchen could be removed to create a large communal space. Mr Sharma also said that the kitchen would be refurbished.
 5. In his initial written representations dated 28th March 2017, the First Applicant had objected to the Prohibition Order on the basis that it

treated the property as one when the ground and first floors constituted separate flats and that no notice was given of the inspection. In fact, the title to the property is not separated into two and one of Mr O'Brien's complaints was a lack of separation between the ground and first floors. Further, the Respondent was entitled to inspect without notice. In the event, with Mr Sharma's encouragement, the First Applicant did not seek to pursue these grounds at the hearing, instead relying on his intention to continue with the improvement works.

6. Under paragraph 11(3) of Schedule 2 to the Act, the Tribunal may confirm, quash or vary the Prohibition Order. The Tribunal is satisfied that the condition of the property at the time of the service of the Order justified the use of the Order and that the property is still in a condition which would justify it. However, that is to ignore that it is in the process of considerable improvement. Mr O'Brien said that the improvement had only come to his notice at the inspection with the Tribunal but also that he was prepared to work with the First Applicant and Mr Sharma to continue that process. In the meantime, he was content that the Prohibition Order should be limited to the loft area and the middle room on the ground floor.
7. An appeal of this nature is by way of a re-hearing so that the Tribunal must make up its own mind as to the appropriate way forward. Having said that, there was agreement between the parties as to the way forward. The Tribunal accepts that considerable progress has been made and should be encouraged with the hope and expectation that adequate residential accommodation may be brought into use at the property in the near future. In the circumstances, the Tribunal is satisfied that it would be appropriate to vary the Prohibition Order so that it is limited to the two areas referred to.

Name: NK Nicol

Date: 6th June 2017