
Appeal Decision

Site visit made on 29 November 2016

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 December 2016

Appeal Ref: APP/T1410/W/16/3157435

9 Willowfield Road, Eastbourne, East Sussex BN22 8AL

- 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 David Dalton against the decision of Eastbourne Borough Council.
 - The application Ref PC/151334, dated 9 December 2015, was refused by notice dated 3 March 2016.
 - The development proposed is the change of use from a single dwelling into a 7 roomed HMO.
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Decision

1. The appeal is allowed and permission is granted for the change of use from a single dwelling into a 7 roomed HMO at 9 Willowfield Road, Eastbourne, East Sussex BN22 8AL, in accordance with the terms of the application, Ref PC/151334, dated 9 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WR-001 and WR-002.
 - 3) The converted room (currently the lounge) shall not be first occupied until refuse/recycling storage facilities have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The facilities shall then be retained for such purposes at all times thereafter.
 - 4) The maximum number of occupants in the property shall be eight.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for the occupiers of the property.

Reasons

3. The appeal property is a three storey terraced house on the western side of Willowfield Road. The lawful use of the property is said to be as a single dwelling, although there is no dispute that it has been in use as a house in multiple occupation (HMO) since 10 March 2010, initially for up to six occupants. The current HMO licence under the Housing Act 2004 sets the maximum number of households (ie letting rooms) as six and the maximum

- number of occupants as eight. Two of the rooms are occupied as double rooms with the remainder occupied as single rooms.
4. The proposal is to convert the existing communal lounge on the ground floor into a seventh letting room although the total number of occupants would stay at eight. In future only one of the rooms would be let as a double room.
 5. The six existing bedrooms in the property are all of a good size, their floor space ranging from just under 9 m² to over 13 m². Each room is sufficiently large to accommodate a desk, drawers, wardrobe and bed in addition to circulation space. There are no wash hand basins in the rooms, but there is a combined bathroom/wc on the ground floor, shower room/wc on the first floor and wc on the second floor.
 6. The floor space of the existing lounge is about 11.2 m² and is also large enough to accommodate a desk, drawers, wardrobe, bed and circulation space, thereby providing a satisfactory room for its occupant¹. A wash hand basin is also proposed in the room which would be beneficial.
 7. Communal cooking, eating and clothes washing/drying facilities are provided in the kitchen and linked utility room on the ground floor. These rooms include a range of storage cupboards and work surfaces together with cooker, sink, fridge, freezer, washing machine and dryer, thus providing a suitable range of equipment. However, there is only a small dining table and three chairs which provide only limited dining facilities, and the constrained layout of the kitchen/utility room limits the options for a larger dining area.
 8. At present the lounge provides a communal living space with two settees, other easy chairs, shelving and space for a TV. This would be lost to the residents as part of the proposal. It is not clear how frequently this space is used or for precisely what purpose, but the room provides opportunities for eating and socialising in addition to the kitchen/utility room.
 9. The Council argue that the proposal would conflict with Policy B2 of the Eastbourne Core Strategy Local Plan 2013 which seeks to protect the amenity of existing and future residents. However, this is a very general policy. The Council's more detailed 'Standards for Houses in Multiple Occupation' does not require a communal lounge or living room, only kitchen and dining facilities. For an eight person HMO, a kitchen with dining facilities should be at least 14.5 m² in size. In this case the appellant states the kitchen and utility room are 17.5 m² when added together, which meets the standard in terms of size, but the shape of the linked rooms is inconvenient which means the dining facilities to serve eight residents are relatively poor.
 10. In an HMO it is unlikely that all the residents would be cooking and eating at the same time but the lounge does provide valuable additional space for informal dining at peak times. However, it is not laid out for dining and would amount to very generous provision for such purposes if retained.
 11. The loss of the communal lounge would reduce the amenity space available to the residents. However, the overall number of residents is not being increased and the individual room sizes are generally well above the minimum standard of 6.5 m² for a single room and 10.2 m² for a double room. This means that there is more amenity space within the rooms themselves than might

¹ The figure in the Council's statement is assumed to be an error, the committee minutes state 11.3 m²

otherwise be the case and this compensates to some extent for the proposed loss of the lounge.

12. In conclusion, on balance, since the Council's HMO standards would be met, there would be no increase in the overall number of residents, and the individual room sizes are reasonably generous, the proposal would provide acceptable living conditions for the occupiers of the property. There would therefore be no material conflict with Policy B2.
13. A number of residents in nearby properties have raised concerns regarding the concentration of HMOs in the area and the resulting problems of on street parking, rubbish collection, noise and poor maintenance. However, the proposal would not increase the number of HMOs already in the street or the number of residents in this particular property, only the internal layout. These arguments do not therefore justify withholding consent in this case.
14. The Council suggested three conditions should the appeal be allowed and I agree they meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the plans which have been approved in the interests of certainty. It is also necessary to ensure that adequate storage facilities for refuse/recycling are provided. Finally, although not suggested by the Council, a condition is required to limit occupation of the property to eight persons as this is the basis on which the appeal has been determined.
15. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR