



Appeal Decision

Site visit made on 20 June 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/Q3630/W/19/3225843

17 Park Road, Egham TW20 9BJ

- 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 Calogero Piazza against the decision of Runnymede Borough Council.
 - The application Ref RU.19/0053, dated 10 January 2019, was refused by notice dated 5 March 2019.
 - The development proposed is described as "I would like to convert this property into a short term lodging. I have several properties in the area and found that parents visiting their son/daughter attending university would rather have their own space with all facilities instead of being stuck in a small hotel room. Each apartment will be self-contained and will have a bathroom, kitchen, dining/living area and shared garden."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of the development is taken from the application form. However, it is apparent from the appeal form that the appellant has agreed to the Council's description as "Conversion of dwelling to 4 self-contained units for independent short term rental bookings". This adequately and simply describes the proposed development instead of the much longer description given on the application form. Therefore, I have determined the appeal on this basis, notwithstanding the description in the banner heading above.
3. The appellant has confirmed in his statement (at paragraph 1.3) that the units would be let for a minimum 3-month stay and each unit would only be occupied by a maximum of 2 persons. The Council has confirmed that this information was not known when it determined the application, but it would not have altered its stance to refuse.
4. On my visit I only saw the outside of the property from the road, so I am unable to comment on the internal layout and if any changes have already been made. But in any event, I have dealt with the appeal on its merits.

Main Issues

5. The Council has listed one reason for refusal. Within that, I find the main issues are:

- The effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance,
- The effect of the proposal on the character of the area, and
- Whether the proposal would result in loss of a residential unit.

Reasons

6. The appeal property is a new detached two-storey dwelling situated within a predominantly residential area close to the urban area of Egham within easy walking distance of a range of shops and facilities. It is located towards the end of Park Road, a cul-de-sac, which has a mix of detached, semi-detached and bungalows of different designs and styles. Parking is mainly on-street, although some properties have on-site parking. Park Road becomes private at the cul-de-sac end, indicated by an annotated speed bump.
7. The proposal seeks to convert the detached dwelling into 4 separate units for short-term rental. Each unit would have an open plan kitchen/living/dining area and separate bathroom. The two ground floor units would each have a double bedroom and the first floor units would each have a double and a single bedroom. Access to all units would be via the communal front door. There would be an enclosed communal rear garden area, and an area of refuse and recycling would be sited to the side of the property. The property has hard landscaping at the front and 4 parking bays are marked out.
8. A house manager would deal with check-in and check-out and would gain access on these days. During a stay, individual occupiers would be responsible for their own cleaning, but between occupancies the flats would be cleaned. The communal and external areas, including putting the bins out on collection days, would be managed separately.

Living conditions

9. Even with a minimum let of 3 months the units would not necessarily all be let at the same time or on the same sequence of letting, so there would likely be an overlap in lettering periods that could theoretically result in a more frequent turnover of occupiers some months compared to others or at the same time, even with the necessary gap to clean the units between occupancies. I note the appellant's quantification of 'comings and goings' of 8 changes over 3 months. However, I consider that generally this is likely to be more. There would be comings and goings from staff employed to manage the various aspects of the business, including the cleaning throughout the letting periods. These comings and goings, together with the turnover of tenants, would be more when compared to the turnover of occupiers one would normally expect to see for a usual rental property or even a House in Multiple Occupation (HMO).
10. In addition to the number of comings and goings, there is also the nature of them. Tenants could arrive or leave late at night or very early morning as the site is a short drive from Heathrow airport and Egham railway station is close by. As Park Road is a narrow residential cul-de-sac these comings and goings, including wheeling suitcases, would likely be more noticeable and have a wider impact on residents generally than if the property was occupied by longer-term tenants.

11. I accept that a dwelling could be occupied by up to six people living together as a household, or as a small House in Multiple Occupation HMO (up to four people) without the need for planning permission. The appellant refers to their being no difference with the proposal when compared to the planning permission that was granted on appeal¹ for the previous dwelling on the site to be occupied as an HMO for up to 8 occupants. The comings and goings of tenants and their visitors would not be dissimilar to this to some degree. However, the number of occupants is not necessarily the determining factor here, but more the nature of the occupancy. HMOs also share communal kitchen and other areas, as do shared households or a single family, unlike the appeal proposal which is for separate flats each with their own separate kitchen/living/dining areas, more akin to holiday lets where occupiers of each unit would come and go independently of each other during their stay.
12. A condition could be imposed limiting occupancy to a minimum of 3 months, but it would not be enforceable with 4 different units each with their own lettings, regardless of how the bookings are managed. Similarly, restricting the occupancy of each unit to a maximum of 2 persons, as the appellant advises would be the case, would not be enforceable and in any event the submitted plans show the first floor flats to be 3-person flats with a double and single room. Furthermore, all 4 units could be rented out at the same time by a larger group or extended family.
13. I consider it likely that short-term tenants would have less concern for the living conditions of their neighbours, unlike more permanent residents, and would cause more noise and disturbance. The Council cites an appeal decision at 28 Huntingfield Way² for use as commercial leisure accommodation. Whilst there are differences with the appeal example, which was a semi-detached property for use by 16+ people as short term accommodation and sharing facilities, the Inspector nevertheless had concerns that visiting and short-term tenants would be likely to have less concern for surrounding neighbouring properties than people living in the area for longer.
14. For the reason set out above I find that the proposed use would cause harm to the living conditions of neighbouring occupiers. Accordingly, it would be contrary to Policies HO1, HO2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001 (LP), that seek to resist proposals for changes from existing residential use to other uses, and to ensure that new development does not have a detrimental effect on the residential amenities of local residents.

Character of the area

15. There would be no changes to the external appearance of the property so the outward character would remain as a dwelling, which would be in keeping with the residential character of the road. It could also be occupied by a single family, six people living as a household such as students or as a small HMO without the need for planning permission, as already described above. But the short-term transient nature and frequency of four sets of new independent occupiers would mean they had little connection to the local area and little likelihood of contributing to the sense of community, even when compared to an HMO or shared house. This would have a negative effect on the character of

¹ LPA ref: RU.19/0053 and App ref: APP/Q3630/A/07/2039924 allowed 6 July 2007.

² App ref: APP/Q3630/C/16/3165579 dismissed 8 September 2017

the area, which would be compounded by the increased noise and disturbance and comings and goings already discussed above.

16. I therefore find the proposed development would have a harmful effect on the character of the area. Accordingly, it would be contrary to Policies HO1, HO2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001 (LP) whose aims are outlined above.

Local Housing mix

15. There is some dispute between the parties as to whether the proposed use for 4 self-contained units as short-term rental units is residential Use Class C3. In its refusal reason, the Council refers to the proposal being a Class C1 use, which is defined as 'Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided'³ and that the proposal would therefore result in the loss of a residential unit. The appellant disagrees.
16. The Council has determined the application on the basis that the proposed development would not be residential. I have no substantive evidence to contradict this view and have therefore determined the appeal on this basis. It is open to the appellant to apply for a certificate of lawfulness to establish the legal use.
18. The proposal would remove an existing dwelling from the housing stock. Policy HO1 of LP resists the loss of residential properties through changes to other uses. Whilst I have not been presented with any substantive evidence to suggest there is a significant housing shortfall in the area, equally I have not been presented with any evidence of a vital need for the type of proposed accommodation to warrant a departure from the development plan or to outweigh the harm I have identified. Therefore, I find the proposal would result in the loss of a residential unit. It would be contrary to LP Policy HO1, which seeks to resist proposals for changes from existing residential use to other uses in order to maximise housing potential.
17. Notwithstanding the above, I find the matter is not determinative in this case as the appeal fails on the other main two issues.

Other matters

18. Both parties refer to other appeal decisions that they regard as material. However, none of the examples are directly comparable to the appeal proposal, which I must consider on its own merits in any event.

Conclusion

19. For the reasons set out above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

K. Stephens

³ The Town and Country Planning (Use Classes) Order 1987

INSPECTOR