



Appeal Decision

Site visit made on 21 August 2018

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2019

Appeal Ref: APP/Q3630/W/19/3228691

8 Manorcrofts Road, Egham TW20 9LU

- 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 Jane Alderton against the decision of Runnymede Borough Council.
 - The application Ref RU.18/1818, dated 21 October 2018, was refused by notice dated 14 February 2019.
 - The development proposed is a change of use from a six-person HMO (Class C4) to an eight-person HMO (Sui-Generis). No external alterations are required.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.
3. In the interests of clarity, I have used the description of development from the Council's decision notice within the banner heading above.
4. The appeal property is currently occupied by six unrelated persons living in six bedrooms. The main appeal parties agree that this use commenced in September 2018 and falls within Use Class C4 (Houses in multiple occupation). The Council have confirmed that the change of use from Use Class C3 (Dwellinghouses) to Use Class C4 did not require planning permission. Based on the evidence before me and my site observations, I have no reason to disagree with the main appeal parties on this matter. As such, I have dealt with the appeal on this basis.

Main Issue

5. The main issue is the effect of the development upon the living conditions of the neighbouring occupiers of Manorcrofts Road with particular regard to noise and disturbance.

Reasons

6. The appeal property is a large, two storey semi-detached residential property with accommodation laid out over three floors. It has a large rear garden and an off-street parking area for three vehicles with a garage to the front/side of the property.

7. To the north of the appeal property is the adjoining residential semi-detached property and to the south are two residential bungalows. The surrounding area has a suburban residential character with properties of differing age, size and architectural style present from the street.
8. It is proposed to convert the appeal property into an eight-person house in multiple occupation (HMO). There would be no external changes to the property. However, internal alterations would be undertaken to create a total of eight bedrooms. The property would have shared kitchen, dining, living, bathrooms and garden areas. The communal bins and cycle parking for 8 bicycles would be provided within the existing garage.
9. A material consideration in this case is the appeal decision¹ of 12 January 2018 relating to the conversion of the appeal property to an 11-person HMO. The appeal was dismissed with the Inspector finding that the proposal would unacceptably harm the living conditions of neighbouring occupiers with particular regard to noise and disturbance.
10. There are material differences between that scheme and the current proposal. The number of proposed occupants has been reduced to 8 and the appeal property is now within use as a 6 person HMO (when the appeal was determined, the appeal property was in use as a dwellinghouse). Whilst it is an important planning principle that like cases should be determined in a like manner, this appeal needs to be determined on its own individual planning merits.
11. The proposal would increase the number of unrelated occupants residing at the appeal property from six persons to eight persons, which represents an increase of one third. Consequently, there would be a significant intensification of the use of the property as an HMO. There would be additional comings and goings at the property at different times of the day and a significant increase in the general level of activity associated with the proposed use.
12. Whilst the proposal would not increase the number of off-street parking spaces to the front/side of the appeal site; the number of vehicle movements and delivery vehicles using the area would likely increase due to the additional occupants residing at the appeal property. The additional engine noise, doors opening and closing and vehicle lighting at night associated with the intensification of the use of the off-street parking area would cause significant and demonstrable harm to the living conditions of the occupiers of the neighbouring bungalows on Manorcrofts Road, which are in close proximity to the appeal site.
13. In addition, the use of the communal bin and cycle store by eight persons would occur in close proximity to the neighbouring bungalows, which would likely cause additional noise and disturbance for neighbouring occupiers throughout the day, when compared to the current use. This weighs against the proposal in the overall planning balance.
14. At the rear of the property there is a large communal rear garden, which faces west and thus receives sunlight from the early afternoon to the evening. Due to the internal layout of the proposed development, whereby the ground floor communal living area opens out into the rear garden, it is reasonable to

¹ APP/Q3630/W/17/3179490

conclude that occupants of the appeal property would frequently use the rear garden, especially in the summer months, either individually, as a group or with guests. Indeed, at my site visit, I observed that the rear garden had been recently mowed, which indicates that it is regularly used.

15. Given the above, it is likely that the additional occupants would use the rear garden at the appeal property. As such, the level of use of the rear garden would intensify, when compared to the existing use, which would increase the level of noise and disturbance experienced by the occupiers of the neighbouring properties on Manorcrofts Road to a significant and demonstrably harmful degree, especially on the occasions when the garden is used by a large group of people.
16. The appellant argues that the occupation of the property by eight persons would likely generate a similar level of activity in the rear garden and general comings and goings at the front of the property, when compared to a large family, who could occupy the property, if the use were to revert back to a residential dwelling. However, this argument has not been substantiated by any evidence. In any event, even if the property were to be occupied by a large family, as a matter of fact and degree, I consider that the amount of noise and disturbance generated would be significantly less than an eight person HMO. For instance, a large family unit would likely include several children, the majority of which would not have access to a private motor vehicle and therefore there would be significantly less comings and goings at the front of the property.
17. The harm which I have identified above relates to the single occupation of each of the bedrooms and provides sufficient grounds to dismiss this appeal. However, I also note that six of the eight bedrooms could readily accommodate two persons, which if occupied in this manner, would further intensify the level of harm caused to the living conditions of neighbouring occupiers beyond which I have identified above. The Council have suggested a planning condition, which would seek to control the number of tenants at the property to eight persons. When assessed against the tests set out within Paragraph 55 of the Framework, I consider the condition would be difficult to enforce and thus its imposition would be unacceptable. Whilst I acknowledge that it is not the appellant's intention to let the property to more than eight persons, this issue may still arise, which weighs against the proposal in the overall planning balance.
18. Given the above, I conclude that the proposed development would cause significant and demonstrable harm to the living conditions of the neighbouring occupiers of Manorcrofts Road with particular regard to noise and disturbance. As such, the proposal would not accord with Saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration (2001), in so far as it requires new housing development, including conversions, to protect the character and amenity of established residential areas, which I consider includes the protection of the living conditions of neighbouring occupiers. In addition, the proposal would not secure a high standard of amenity for the existing occupants of buildings, which is inconsistent with Paragraph 127 of the Framework.

Other Matters

19. The appellant argues that the proposal would contribute to an inclusive community, as advocated by the Framework. Even if I were to accept that the provision of additional residential accommodation in the form proposed would meet the needs of some members of the local community, I have found that the proposal would cause significant and demonstrable harm to the living conditions of the neighbouring occupiers of Manorcrofts Road. As such, the benefits of the development are not of significant magnitude to outweigh my conclusion on the main issue.

Conclusion

20. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell
INSPECTOR