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## Appeal Decision

Site visit made on 13 August 2019 by Alex O'Doherty LLB(Hons) MSc

**Decision by R C Kirby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> January 2020**

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**Appeal Ref: APP/E0345/W/19/3229604**

**25 Redlands Road, Reading RG1 5HX**

- 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 Kennet Investments against the decision of Reading Borough Council.
  - The application Ref 190250, dated 12 February 2019, was refused by notice dated 10 April 2019.
  - The development proposed is a change of use from C3 use (residential dwellinghouse) to sui generis use (as a 'larger' HMO), infilling of undercroft, single storey extension to rear following demolition of existing rear single storey extension and conversion of garage to one-bedroom flat.
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 use (residential dwellinghouse) to sui generis use (as a 'larger' HMO), infilling of undercroft, single storey extension to rear following demolition of existing rear single storey extension and conversion of garage to one-bedroom flat at 25 Redlands Road, Reading RG1 5HX in accordance with the terms of the application Ref 190250, dated 12 February 2019, subject to the conditions set out in the attached Schedule.

### Procedural Matter

2. During the course of the appeal the Council adopted the Reading Borough Local Plan (Local Plan) which replaced previous development plans. The parties were provided with an opportunity to comment on its relevance to this appeal, and I have taken the comments received into account in my consideration of this appeal proposal.

### Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, with particular regards to its effect on the balance of housing types in the area.

## Reasons for the Recommendation

5. The appeal site comprises a large detached property located within an attractive established residential area at the junction of Redlands Road with Elmhurst Road, within the Redlands Conservation Area.
6. Policy H8 of the Local Plan establishes a number of criteria that will be taken into account for development proposals involving residential conversions including self-contained flats and for multiple occupation. It seeks to prevent undue dilution or harm to the existing mixed and sustainable communities through the significant loss of single family housing. In this regard, it establishes that planning permission will not normally be granted where the proportion of houses in multiple occupation (HMOs) (either C4 or Sui Generis) would result in HMOs representing 25% or more of the residential properties within a circle of 50 metres radius measured from the application site. This is repeated in the Residential Conversions Supplementary Planning Document: Conversion of Properties to Self-Contained Flats or for Multiple Occupation (adopted November 2013) (SPD).
7. The Council submit that within 50 metres of the appeal site the proportion of properties in HMO use is already in excess of the 25% threshold established by Local Plan Policy H8, which is disputed by the appellant. Although I have not been provided with the planning history of these properties, the appellant has indicated that licences have been granted to 3 of the 6 properties identified by the Council as HMOs. In the absence of substantive evidence to demonstrate otherwise, I have assessed the proposal on this basis.
8. The appellant's diagram shows that there are 11 properties within the 50 metres radius drawn from the appeal site. Including the appeal site, this amounts to 12. Taking the premises that were contained on the HMO register (3), it seems to me that the proposed use of the appeal site as an HMO would exceed the threshold established in Local Plan Policy H8, as well as the guidance contained within the SPD.
9. However, the wording of Policy H8 allows for an element of discretion in granting planning permission in a scenario where the threshold set out in Policy H8 has or would be breached. In this regard it appears that the Council has previously found that the loss of a single family dwelling in this location was acceptable when it granted planning permission for the conversion of the property to 4 self-contained flats plus a studio flat on the site in August 2018<sup>1</sup>. In terms of the conversion of existing properties to flats the SPD has similar aims to that associated with HMOs including seeking to avoid a significant loss of family homes in an area and preventing development that would have a harmful impact on the character of the area as a result of unduly diluting mixed and sustainable communities. By granting planning permission for the self-contained flats, it appears that the Council was satisfied that the development would not conflict with the SPD aims set out above.
10. The number of occupiers of the new HMO would be unlikely to be any greater than the approved development on the site. Although the occupiers of the HMO would be unlikely to be related, the comings and goings to the property would be unlikely to be dissimilar to that associated with the approved flats scheme. Moreover, the number of waste bins, likely vehicle parking and external

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<sup>1</sup> Ref 180144

alterations to the property would be similar to that already found acceptable by the Council.

11. I note the Council's concern that an HMO may not be occupied throughout the year, however there may be circumstances when the property would be occupied outside of the University term time, if indeed the future occupiers of the property were students, for example if the occupiers were working in the area, or the property was let during such periods. In the absence of substantive evidence to demonstrate otherwise, the appeal does not turn on this matter.
12. In light of the above, and on the evidence before me, I find that whilst the proposal would result in a concentration of HMO uses within the locality of the appeal site, its effect on the balance of housing types in the area and on the physical character of the area would be no greater than that which has already been found to be acceptable to the Council. I conclude therefore that the proposal would not be harmful to the character or appearance of the area. Whilst there would be conflict with the 25% threshold as set out in Policy H8 of the Local Plan, the fall-back position indicates that the appeal should be determined otherwise than in accordance with the Local Plan.

## **Other Matters**

### *Living conditions*

13. The Council identified several issues with the proposed conversion of the garage to a one-bedroom flat. However, it also acknowledges that this aspect of the scheme is similar to that which has planning permission and that the living conditions that would be experienced would be similar also. On this basis, and the evidence before me, I have no reason to find that the proposal materially differs from that which the Council has previously found to be acceptable.
14. The proposal would alter the internal accommodation of the property and would bring the existing extension closer to the proposed one-bedroom flat, bringing the room which would be used as the main communal amenity hub of the HMO closer to the flat. However, the change from the existing situation is so slight in terms of the narrowing of the distance between the buildings that this element of the scheme would be unlikely to have an additional adverse effect on the living conditions of the one-bedroom flat. In terms of the accommodation within the property, it is likely that other regulations would need to be adhered to including that associated with sound insulation. On the evidence before me I am satisfied that a high standard of amenity could be created to existing and future users of the property.
15. Although not raised as a reason for refusing the application by the Council, concern has been raised about disturbance that could be caused during the conversion of the property. It is inevitable that there would be a degree of disturbance during such works, but conditions controlling working hours on the development for example would mitigate the effects, such that the living conditions of nearby occupiers would be unlikely to be affected to a harmful degree.

### *Conservation Area*

16. The Redlands Conservation Area contains a large number of houses built in the Victorian and Edwardian periods. The Redlands Conservation Area Appraisal (March 2008) mentions that, "the sheer variety, exuberance and blending of the architectural styles of the Victorian period in such close proximity makes the area attractive..." The appeal property is set in a prominent position, at a junction, and its positive contribution to the Conservation Area derives in part from its fine-looking brickwork and period detailing, which is in keeping with surrounding properties.
17. The Council did not raise any concerns regarding the effect of the proposal on the significance of the Conservation Area, whereas local residents have cited a number of concerns, including: maintenance of the existing appearance of the house and its garden, use of external materials, refuse storage, and parking. These are all important matters which could impact on the integrity of the property and the contribution it makes to the significance of the Conservation Area. However, such matters could be controlled by suitably worded planning conditions to ensure that the development would not have a harmful effect upon the character and appearance of the Conservation Area. Subject to such controls I am satisfied that the proposal would preserve the character and appearance of the Redlands Conservation Area. There would be no harm to its significance as a designated heritage asset. As such, on this matter, the proposal would comply with the National Planning Policy Framework (Framework).

### **Conditions**

18. The Council and the appellant have suggested a number of conditions they would wish to see imposed in the event that the appeal was allowed. I have considered the conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
19. A condition is necessary requiring that the development is undertaken in accordance with the approved plans to provide certainty. A condition is also necessary controlling external materials to secure an acceptable appearance for the development.
20. A condition is necessary in relation to a Construction Method Statement to protect the living conditions of neighbouring residents, the character of the area and in the interests of highway safety. Conditions are also necessary relating to the times of demolition or construction works, to prevent burning of construction materials and waste on the site, and to require adherence to an HMO Management Plan to protect the living conditions of nearby occupiers.
21. To protect the living conditions of the intended future occupiers of the development a condition is necessary to control the number of occupiers of the property and to ensure that communal areas are provided.
22. Conditions are necessary regarding hard and soft landscaping, to ensure that the landscaping of the development enhances the visual local environment. Similarly, a condition is necessary to ensure that appropriate protection is given to trees of amenity value within and adjacent to the site. In the interests of the character and appearance of the area, a condition is necessary controlling bin storage areas, as is a condition controlling boundary treatments.

23. To reduce the pressure of parking within the road, conditions are necessary to secure the retention of the proposed car parking and cycle storage areas and to provide details to the Council of the addresses of the units to assist it in issuing parking permits in the locality.
24. The Planning Practice Guidance advises that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Accordingly, a condition has not been imposed regarding the HMO licensing scheme, as this matter falls under other legislation. Additionally, a condition requiring prospective occupiers to be informed that there is no automatic entitlement to a car parking permit is not necessary and has not been imposed.

### **Conclusion and Recommendation**

25. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed with the suggested conditions set out in the attached Schedule.

*Alex O'Doherty*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the suggested conditions.

*R C Kirby*

INSPECTOR

## **Schedule**

### **Conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: RR:001 (Rev P1), RR:002, RR:006 (Rev P4), RR:007 (Rev P2), RR:008 (Rev P2), RR:009, RR:010 (Rev P1).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - a) Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided; and
  - b) Location on site for storage of plant and materials used in constructing the development; and
  - c) The erection and maintenance of security hoarding around the site (if required); and
  - d) Any footpath closures or road closures needed during construction.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

5. Demolition or construction works, and associated deliveries, shall take place only between 0800hrs to 1800hrs on Mondays to Fridays, and 0900hrs to 1300hrs on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
6. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.
7. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - (a) hard surfacing materials; and
  - (b) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports, as relevant); and
  - (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / planting densities where appropriate; and
  - (d) Tree pit specifications.

8. The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with the approved landscaping plans and documents. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. Retained trees shall be protected during construction in accordance with a scheme for the protection of the retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: *Trees in relation to design, demolition and construction - Recommendations* (or in an equivalent British Standard if replaced), which shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees, and the appropriate working methods, shall be carried out as approved, and adhered to in perpetuity. (In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.)
10. The development hereby permitted shall not be occupied until a Management Plan covering the internal and external communal areas, including the maintenance of the landscaping, use of bin stores and responsibility for refuse and recycling collection arrangements, has been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall then be adhered to in perpetuity.
11. The property shall not be occupied as a house in multiple occupation until secure space has been provided within the site in accordance with drawing nos. RR:006 (Rev P4) and RR:008 Rev P2 for bicycles to be parked, and that space shall thereafter be kept available at all times for the parking of bicycles.
12. The property shall not be occupied as a house in multiple occupation until space has been laid out within the site in accordance with drawing no. RR:006 (Rev P4) for 3 cars to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles.
13. The property shall not be occupied as a house in multiple occupation until the bin storage facility has been provided in accordance with drawing no. RR:006 (Rev P4), and the bin storage facility shall be retained thereafter for the use by occupiers of the house in multiple occupation and the flat at all times.
14. The development hereby permitted shall not be occupied until the boundary works have been implemented in accordance with drawing no. RR:010 (Rev P1) and thereafter maintained as approved.
15. The communal areas as shown on drawing no. RR:006 (Rev P4) shall be provided before occupation of any room and thereafter shall be retained for communal use at all times.
16. Prior to first occupation of the house in multiple occupation and the flat hereby permitted the Local Planning Authority shall be notified in writing of the full

postal address of the units. This notification shall be addressed to the Local Planning Authority's Planning Manager quoting application Ref 190250.

17. The house in multiple occupation use at ground and first floors hereby approved shall be restricted to 9 no. single occupancy bedrooms, with a maximum of 9 tenants at any one time.