
Appeal Decision

Site visit made on 22 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH July 2020

Appeal Ref: APP/J0350/W/20/3246017
100B Waterbeach Road, Slough SL1 3JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Talwinder Singh against Slough Borough Council.
 - The application Ref P/10430/010, is dated 27 August 2019.
 - The development proposed is change of use from a dwelling house (Use Class C3) to a large house in multiple occupation (Sui Generis) for up to a maximum of nine (9x) persons.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Talwinder Singh against Slough Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Following the submission of the appeal against non-determination, in their Statement, the Council have clarified the position they would have taken had they determined the application. I have had regard to these submissions, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it done so. The main issues below are therefore informed by the Council's Statement.

Main Issues

4. The main issues are:
 - The effect of the development on the stock of family housing, including in terms of the character and appearance of the area;
 - The effect of the development upon the living conditions of occupiers of 100 and 102 Waterbeach Road, with particular regard to disturbance, intensification of use and the provision of parking to the rear; and
 - The effect of the development upon highway safety, in particular with respect to vehicular parking.

Reasons

Character and appearance

5. The appeal property comprises a substantial, detached dwelling, constructed on an infill plot. To the rear, accessed via an existing gateway and along a shared driveway with No 100 Waterbeach Road, is an area of hardstanding and a small lawn. The appeal site and No 100, appear to be the only examples in the vicinity where parking areas are available behind the front building line. The character of the street is suburban, which is primarily residential, although there is a school to the east, with its playing fields to the rear of the appeal site.
6. The proposal would involve the change of use of the existing building to a large house in multiple occupation (HMO) for up to a maximum of nine persons.
7. Core Strategy Policy 4 identifies that within suburban areas, limited infilling is allowed where it would consist of the provision of family houses, which are designed to enhance the character and identity of the area. The Policy further seeks to protect existing family housing and resist their loss through flat conversion, changes of use or redevelopment.
8. The effect of the development would be that the appeal property would no longer be available for family accommodation. Whilst there may be a demand for smaller properties, they are a form of high-density housing that is inappropriate for family use. The introduction of a large HMO, with the associated intensification of activity this would bring, into what is essentially a suburban location, would represent a form of development that would be uncharacteristic of the surrounding area.
9. I therefore conclude, for the above reasons, that the proposed development would result in the loss of a family dwelling which would harm the character and appearance of the area. In this respect, it would be contrary to Policies H20 and EN1 of the Adopted Local Plan for Slough 2004 (Local Plan), Core Policy 4 of the Slough Core Strategy 2006-2026, December 2008 (Core Strategy) and the National Planning Policy Framework (the Framework). These Policies, amongst other things, seek to protect family housing and require development to be of a high-quality design, be compatible with the character of their surroundings and enhance the identity of the area.

Living conditions

10. The access to the rear parking area is via an existing, narrow driveway, which is shared with 100 Waterbeach Road. The proposal would intensify the use of this shared driveway. There is no boundary treatment between the two properties and, as a result, vehicles and pedestrians would pass extremely close to the front door and ground floor windows of No 100.
11. The occupiers of an HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a single household. Taking account of the size of the appeal property, the activity generated by nine persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would be likely to lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one

occupied by a large family. The resulting additional noise from vehicles entering and exiting and manoeuvring into the rear parking spaces would be very noticeable to the occupants of No 100. While the number of occupants could be limited to 9, the disturbance from additional vehicle and pedestrian activities would be likely to be detrimental to the living conditions of the occupiers of No 100.

12. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of surrounding residents and, in this respect, it would be contrary to Policies H20 and EN1 of the Local Plan and the Framework. These Policies, amongst other things, require development to respect the amenities of adjoining occupiers and to be compatible with their surroundings in terms of their relationship with nearby properties.

Highway safety

13. The site is located in a residential area where there is a strong reliance in off-road parking, with additional capacity provided by on-street parking.
14. The scheme includes the provision of 6 off-road parking spaces, with 3 located to the front, with a further 3 to be provided to the rear yard. The Council consider that the use would give rise to a need for 9 spaces. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraphs 105 and 106 require, amongst other things maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network
15. With regards to the spaces to the front of the property, these would be readily accessible from the road and, whilst some manoeuvring would be required to access them, this would not be dissimilar to the arrangement for other off-street parking spaces along the road. With regards to the access to the rear yard, whilst no specific plan is before me to demonstrate how vehicles would access and exit these spaces, it would appear from the information that, notwithstanding my conclusions in relation to the second main issue, access to these spaces would be achievable.
16. I note from the submissions that the Council do not currently have any parking standards with regards to HMOs but have taken their overall requirement from their standards in relation to flat developments. In this regard, whilst there are no adopted standards, the wording of Policy H20 is helpful in that it requires proposals to make provision for appropriate parking. On this basis, the provision of 6 off-road parking spaces, would appear to be appropriate for the proposed use. Furthermore, I acknowledge the location of the site in relation to nearby public transport, local services and facilities.
17. For the above reasons, I therefore conclude the proposal would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policy H20 of the Local Plan, which amongst other things, seeks to ensure appropriate levels of on-site parking spaces are provided in line with the aims of the integrated transport strategy.

Other Matters

18. My attention has been drawn to the permitted development that exists by virtue of the General Permitted Development Order (GPDO) (2015), which would allow the appeal property to be used as an HMO with no more than 6

residents. It has been submitted that this provides a fallback, which carries significant weight to justify making a decision not in accordance with the development plan. Be that as it may, in my view any such change would not be as substantial as the proposal now before me. In any event, this is not considered to outweigh the conflict I have found with the development plan.

Conclusion

19. I have found that the proposed development would not have an adverse effect upon highway safety. However, this is outweighed by the harm to the character and appearance of the area and the living conditions of neighbouring residents. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed, and I refuse planning permission.

Adrian Hunter

INSPECTOR