
Appeal Decision

Site visit made on 16 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2020

Appeal Ref: APP/J0350/W/20/3245018

53 Lansdowne Avenue, Slough, SL1 3SG

- 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 Faz Hassan against the decision of Slough Borough Council.
 - The application Ref P/15307/001, dated 8 January 2019, was refused by notice dated 9 December 2019.
 - The development proposed is retrospective application for HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Appeal Form and the Council's Decision Notice both describe the development as change of use from dwellinghouse (Use Class C3) to a House of Multiple Occupation (Sui Generis) (Retrospective). As this more accurately describes the development I have dealt with the appeal on this basis.
3. I observed that the change of use described above has already occurred. I have dealt with the appeal on that basis.
4. There is disagreement between the parties with regards to the number of residents that would live at the appeal property. On the basis of the plans showing 5 double bedrooms, the Council consider that it could be up to 10 residents. Contrary to this, evidence has been submitted which confirms that the property has a licence, granted by the Council, for up to 8 occupants. I give greater consideration to the licence and I have therefore determined the appeal on this basis.

Main Issues

5. The main issues are the effect of the development upon:
 - the supply of family housing within the Borough;
 - the living conditions of future occupiers and those of surrounding neighbours, with particular reference to internal space, and any noise or disturbance which may arise from the development; and
 - The effect of the proposal upon highway safety, in particular with respect to vehicular parking.

Reasons

Supply of family housing

6. The appeal property is one of a pair of semi-detached houses situated within a residential street. Within the immediate vicinity of the appeal site are a range of dwelling sizes and types, including purpose built flats and older properties. The proposal would change the use of the building to a House in Multiple Occupation (HMO) with bedrooms on the ground and first floors. Communal living areas are provided on the ground floor, along with a study on the first floor.
7. The size and configuration of the house and garden mean that it would be suitable for family accommodation. The effect of the development has been that the house is no longer available for accommodation on such a basis and would be contrary to Slough Core Strategy (CS) Core Policy 4, which seeks to protect family housing and resist their loss through flat conversion, changes of use or redevelopment.
8. Paragraph 7.55 of the CS anticipates that an increase in the number of flats within the Borough through new development, will help to meet the need for smaller accommodation. Whilst the development would provide accommodation suitable for single persons in an accessible location, and this might be affordable, there is no substantive evidence that such a need could not be met alternatively. These attributes would not outweigh the harm that the loss of a family dwelling would cause.
9. For the above reasons, I therefore conclude that the development would result in the loss of a family unit of accommodation and, in this regard, is contrary to Policy CS4 of the CS.

Living Conditions

10. There would appear to be no Council adopted standards for room sizes within HMOs. Given that residents of the HMO are likely to be living independent of each other, residents may therefore spend more time in their private space. However, the size of the proposed rooms would appear to be suitable for their intended level of occupancy and use. Furthermore, the provision of communal facilities would also appear to be adequate.
11. Two of the ground floor bedrooms would face onto the parking area at the front of the property and would be located close to the main entrance. When compared with other bedrooms in the property, these rooms are likely to suffer from greater disturbance from comings and goings. The juxtaposition of these rooms with the access and external car parking area would therefore have some impact on the living conditions of occupiers of these rooms. However, I consider this would cause limited harm and, on its own, does not justify withholding planning permission.
12. The appeal property is attached to 51 Lansdowne Avenue. Although their respective front doors are not adjacent to each other, due to the shared single storey front addition, the two properties, nonetheless, have a sensitive relationship to each other. 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 household. Taking account of the size of the appeal property, the activity

generated by eight persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would 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.

13. For the above reasons, I therefore conclude that the development would harm the living conditions of surrounding residents and, in this regard, is contrary to Policy H20 of the Local Plan, which amongst other things, seeks to ensure that proposals do not result in the loss of amenity for adjoining occupiers.

Highway safety

14. The scheme includes the provision of 3 off-road parking spaces. Within the vicinity of the appeal site, there are areas where parking is restricted and controlled through permit only parking.
15. The Council consider that the use would give rise to a need for 5 spaces. The National Planning Policy Framework (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.
16. The site lies in a sustainable location with a range of nearby shops, services and employment opportunities. I noted a bus service and there is a mainline train station within walking distance. The use of sustainable transport should therefore be encouraged. In the absence of clear evidence of a local parking issue, I do not consider that the proposal would result in a significant shortage in off road parking provision. Nor has it been demonstrated that even if there was a deficiency, that it would have a harmful effect on highway safety. Furthermore, surrounding on-street parking is controlled through parking permits and it is therefore within the control of the Council to limit additional on-street provision.
17. With regards to the proposed layout of the car parking spaces as shown on the plans, I share the Local Highway Authorities concern's that a number of the spaces as drawn would be likely to be difficult to access and would result in an unacceptable number of manoeuvres. However, I note from my visit that current parking was arranged differently to that proposed. Whilst the current arrangement would appear to require vehicles to either reverse into or out of these spaces, this arrangement would not be dissimilar to other properties along the street. In my judgement, this is a matter that could be dealt with by means of a suitably worded condition were planning permission to be granted.
18. For the above reasons, I therefore conclude that the site lies in a sustainable location and that the proposed 3 parking spaces are adequate to accommodate the scale of the HMO use proposed and that overall, 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

19. In terms of the harm, 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, occupied by 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

20. I have found that the proposed development would not have an adverse effect upon highway safety. However, this is outweighed by the harm caused to the character and appearance of the area from the loss of a family dwelling and the harm to 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.

Adrian Hunter

INSPECTOR