



Appeal Decision

Site visit made on 14 July 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2020

Appeal Ref: APP/D1590/W/20/3244314

20 Honiton Road, Southend-On-Sea SS1 2RT

- 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 N Underdown against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/01641/FUL, dated 5 September 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the change of use from 6-person HMO (Use Class C4) to 10-person HMO (Sui-Generis).
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Decision

1. The appeal is allowed and planning permission granted for the change of use from 6-person HMO (Use Class C4) to 10-person HMO (Sui-Generis) at 20 Honiton Road, Southend-On-Sea SS1 2RT, in accordance with the terms of the application Ref 19/01641/FUL, dated 5 September 2019, subject to the following 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: Block Plan, Existing floor plan (A103), Location plan, Proposed floor plan (A103).
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building shall not be adapted or altered to form more than 6 bedrooms at any time other than in accordance with a planning permission granted by the Local Planning Authority.
 - 4) Within 2 calendar months of the date of this decision, full details of the provision and siting of refuse and bicycle storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse and bicycle storage shall then be installed within 2 calendar months of the Council's approval and shall be carried out in accordance with the approved details and retained thereafter.

Application for costs

2. An application for costs was made by Mr N Underdown against Southend-On-Sea Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. During the course of the appeal the Council confirmed via an email that the Decision Notice and Delegated Report incorrectly referred to drawing A101 and that this should have been A103 existing and proposed, as the previous plans were superseded. The Council also confirmed that they rejected the sketch plans (Existing floor plans - scale 1:100@A4 and Proposed Floor Plans - scale 1:100@A4), which accompanied the application because of scaling and accuracy issues. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the future occupiers, with particular regard to the size of Room 4 and the provision of communal facilities; and
 - the effect of the proposal on the living conditions of the neighbouring occupiers, with particular reference to noise and disturbance.

Reasons

Living conditions of the future occupiers

5. The appeal site is a 2 storey, semi-detached property located on Honiton Road. The surrounding area is predominately residential with a mixture of semi-detached, detached and bungalow properties. The road outside the property has unrestricted parking, with the majority of properties having off-street parking, including the appeal site. The appeal property is currently a 6 person house of multiple occupation (HMO) and has 6 ensuite bedrooms, 2 communal kitchens on the first floor and a utility area on the ground floor.
6. The proposal is to change the use of the property to a 10 person HMO (Sui Generis). The proposal would change 4 of the bedrooms to double occupancy. There are no physical changes proposed to the external aspect of the building.
7. Policy DM8 of the Development Management Document (DMD) (2015) sets out requirements for residential standards. It states that all proposals for non self-contained accommodation (such as student and hospital staff accommodation), will be required to meet the internal space standards set out in Policy Table 6. The bedroom size requirements set out in Policy Table 6 for a double bedroom is 10.2m². It also states that the room must have a convenient layout that provides: appropriate hanging storage space for clothes; a study desk and chair; and shelving storage for books. Further guidance for HMOs is provided in the Essex HMO Amenity Standards document (EHMOAS) (2018) which sets out the minimum requirements generally expected, whilst also considering the individual property itself.
8. I note that various measurements have been put forward by the Council and the appellant for the room sizes of the property based on the various plans that have been submitted. Nevertheless, even if the lowest figure for room 4 is used at 11.06m², the room would be above the measurement set out in Policy DM8, and only marginally below the guidance figure in the EHMOAS. I viewed the bedroom on my site visit and consider that the room would provide adequate space for a double bed as well as associated storage space for the occupants

possessions. I also noted that the room had an ensuite bathroom, which is not included within the room size requirement, which would provide some additional storage space for the occupiers. I consider that the proposal would not give rise to a poor quality or cramped living environment in respect of the size of room 4. Therefore, I am satisfied the proposal incorporates sufficient space, despite the shortfall of provision against the EHMOAS requirements.

9. In terms of communal facilities, Policy DM8 of the DMD sets out the requirements for communal area and storage for non self-contained accommodation. It states that the accommodation must contain either a living room, dining room or kitchen diner of a suitable size for all the occupants. The layout of this room must enable all the occupants to be able to use the room simultaneously in a comfortable manner. It also states that the accommodation must have sufficient food storage space for each occupant and work surface space for food preparation. Further guidance is provided in the EHMOAS document, which suggests that the minimum requirement for a kitchen area for 10 occupants is 14sqm. It also advises that the figure could be achieved by providing 2 rooms of 7sqm.
10. I note there are discrepancies between the Council and the appellant in terms of the room sizes of the kitchen areas. The appellant contends that the overall facilities would meet the requirement set out in the EHMOAS, whereas, the Council suggests that it would not. Nevertheless, the proposal would have 2 kitchens, as well as a separate ancillary utility room. I also observed on my site visit that ancillary kitchen facilities were available within the bedrooms, which have not been considered as part of the overall facilities of the proposal.
11. Although the communal facilities would be provided in more than 2 rooms, given the spread of the rooms and the facilities which would be available for future occupiers, I do not consider that there would be insufficient space for the occupiers to use the kitchen facilities within the property. Furthermore, there would not be a lack of storage or food preparation areas.
12. The Council has suggested that an appeal in Eastleigh Borough¹ was allowed with a communal area of 27sqm for 11 occupants. Whilst this proposal has less communal space than the one in the appeal, and the Inspector considered the 27sqm figure acceptable, the Inspector did not state what figure would be unacceptable. In any case, each proposal must be determined on its own planning merits and within its own context.
13. Accordingly, the proposal would not materially harm the living conditions of the future occupiers, with particular regard to the size of room 4 and the provision of communal facilities. Therefore, it would accord with Policies DM1, DM3 and DM8 of the DMD. Policies KP2 and CP4 of the Southend on Sea Core Strategy (SOSCS) (2007) and is supported by the Southend-on-Sea Design and Townscape Guide (2009). These Policies and guidance, amongst other things, seek to ensure that proposals are well designed and protect residential amenity by meeting the internal space standards as set out in Policy Table 6 and to provide suitable kitchen/ diner space with storage and preparation areas of a size suitable for all the occupants.
14. The proposal as shown in the submitted drawings would not fully accord with the standards as set out in the EHMOAS, despite the shortfall of provision

¹ APP/W1715/W/19/3236811

against the EHMOAS requirements, I am satisfied that the proposal incorporates sufficient space within it to not harm the living conditions of the future occupiers.

Noise and disturbance

15. As set out above, the proposal is to change the occupancy levels of the appeal property with up to 10 people sharing the existing rooms and facilities in the property. I have limited evidence before me that would suggest that 10 occupiers of an HMO would create more noise and disturbance than occupiers of a single-family dwelling or that the existing use as an HMO has caused excessive noise and disturbance.
16. I acknowledge the Council's concerns in relation to the layout of the property, given that the communal facilities are split across the house and some are located on the first floor. However, any noise and disturbance that might result from the HMO would be unlikely to be significantly different to that from one large household that could occupy the property. In addition, I have no substantive evidence before me to suggest that the existing arrangements of the property as a HMO has had a detrimental impact in regards to noise and disturbance. Whilst the proposal would increase the number of people within the property, there is no technical evidence before me to suggest that the proposal would have a harmful effect or that the property would not meet suitable acoustic requirements.
17. Consequently, the proposal would not have a harmful effect on the living conditions of the neighbouring occupiers, with particular reference to noise and disturbance. Therefore, the proposal would accord with Policies KP2 and CP4 of the SOSCS and Policies DM1 and DM3 of the DMD and is supported by the Southend-on-Sea Design and Townscape Guide (2009). These policies and guidance, amongst other things, seek to ensure that proposals are well designed and protect residential amenity.

Other Matters

18. I have had regard to other matters raised including that the proposal would cause antisocial behaviour, that it would not be an appropriate use in a residential area, concern over the management and overcrowding of the property, and an increase in hard standing and flooding. However, I do not have substantive evidence to support these claims and I am mindful that the property is already in use as an HMO.
19. It has also been suggested that there would be a lack of parking. The Council does not have any Vehicle Parking Standards in relation to HMOs, and the proposal includes provision for parking spaces to the front, and there is unrestricted parking on the road. The Council did not identify harm in regard to parking and see no reason to disagree.

Conditions

20. I have considered the suggested conditions against Paragraph 55 of the Framework and the Planning Practice Guidance. A commencement condition and a condition requiring that the development is carried out in accordance with the approved plans are necessary in the interest of certainty. A condition for cycle storage and refuse locations to meet local development plan policies is also imposed, as well as a condition that restricts future alterations or

extensions to clarify the terms of the permission and enable the suitable consideration of any intensification of the use of the site.

21. The Council has suggested a condition around no construction works other than demolition and construction up to ground floor slab level have been submitted. However, this is not necessary for the proposal as the property is already in place and no external alterations to the property are proposed.

Conclusion

22. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR