
Appeal Decision

Site visit made on 9 September 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/Y1945/W/20/3247295
169 Vicarage Road, Watford WD18 0HA

- 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 Laoise Rosswick of Ellar UK against the decision of Watford Borough Council.
 - The application Ref 19/01256/COU, dated 29 October 2019, was refused by notice dated 6 December 2019.
 - The development proposed is change of use from a 6-bedroom C4 class HMO to a 7-bedroom sui generis HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 6-bedroom C4 class HMO to a 7-bedroom sui generis HMO at 169 Vicarage Road, Watford WD18 0HA in accordance with the terms of the application, 19/01256/COU, dated 29 October 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: Location Plan Appendix C.1, Location Plan Appendix C.2, Bins and Bike Storage Appendix C.3, VicargeWay-169-02 (Existing) and VicargeWay-169-02 (Proposed).
 - 3) The House in Multiple Occupation hereby permitted shall be occupied by a maximum of seven residents at any one time.
 - 4) Prior to occupation of the development hereby permitted, full details of the bin and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Main Issue

2. The main issue is the effect of the proposed change of use on the housing mix and character of the area.

Reasons

3. The appeal property consists of a two storey mid terrace house located in an area with a predominantly residential character of high density Victorian terraced properties close to Watford General Hospital.

4. The proposed change of use would result in the loss of a dwellinghouse which the Council considers to be suitable for occupation by a family. Saved Policy H13 of the Watford District Plan 2000 (DP) sets out a specific threshold of 10% of the existing residential frontage in a street block, beyond which the sub-division of existing dwellings, including into Houses in Multiple Occupation (HMOs), would not be acceptable.
5. The Council have provided details of five properties within the existing street block which have already been converted or sub-divided to flats, and the addition of the proposed HMO would equate to around 15.8%. Nevertheless, in this case the property is already used as a 6 person HMO. Therefore, the principle of whether or not the change of use results in the loss of a family dwelling is not considered relevant, as the property has already been converted to allow occupation on this basis.
6. The proposal would not significantly exceed the 10% threshold set out in Saved Policy H13 and family housing would remain the predominant housing type. In the absence of evidence of the mix of house types in the wider area, I am unconvinced that the use of just over 15% of the dwellings within this small sample area would have a significant effect on the housing mix of the area or choice for buyers and would not result in an over-concentration of HMOs.
7. The appellant has indicated that the proposal would result in a 7 bedroomed HMO with one additional tenant and no external changes to the property. Visually, the HMO would be indistinguishable from the appearance of a family dwelling and there were no obvious physical signs on my site visit as to which properties were existing HMOs. Therefore, the proposed change of use would not result in an overconcentration of HMO uses in the area leading to a material detrimental change in the character of the area within the residential frontage in this particular location.
8. Consequently, I conclude that the proposed change of use would be consistent with the overall aims of Saved Policy H13 of the DP and Policy UD1 of the Watford Local Plan Core Strategy 2013. These policies, amongst other things, seek to ensure development proposals protect the overall housing mix and the character of the area.

Conditions

9. Having regard to the National Planning Policy Framework (Paragraph 55), in addition to the standard time limit condition, I have specified the approved plans as this provides certainty. The condition relating to the maximum occupancy of the property as an HMO is necessary in the interests of amenity and highway safety. A condition relating to the bin and cycle storage facilities is necessary in the interests of amenity and promoting sustainable transport.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR