
Appeal Decision

Site visit made on 21 September 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/E0345/W/20/3251307
88 Blenheim Road, Reading RG1 5NQ

- 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 Mrs Natasha Bindra against the decision of Reading Borough Council.
 - The application Ref 190471, dated 7 February 2019, was refused by notice dated 3 October 2019.
 - The development proposed is the change of use for small HMO/C4 use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed C4 use - House in Multiple Occupation (HMO) on the social character and amenities of the area in respect to the balance and mix of the local community.

Reasons

3. The site is a mid-terraced property within a street, close to Reading University. The house has already been converted to a HMO, although all but one room is currently vacant. As such, this is an application for consent retrospectively, with the change of use to a C4 small HMO use for up to 5 students/occupants.
4. Policy DM8 of the Adopted Sites and Detailed Policies Document and policy CS18 of the Core Strategy both have regard to the character of the area and to avoid unduly diluting the existing mix of a community. Furthermore, the adopted Residential Conversions Supplementary Planning Document: Conversion of Properties to Self-Contained Flats or for Multiple Occupation (adopted November 2013) (SPD) sets a threshold approach for the assessment of HMO proposals. This establishes that planning permission should 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 50 metres radius measured from the application site.
5. In the case of this site the Council state that from various evidence sources the percentage of applicable properties in HMO use within 50m of the property (including the appeal site) is approximately 55.5%. This is well over the 25%

threshold. The appellant has not provided any evidence to dispute these figures and I have no reason to question the accuracy.

6. Whilst it may be that there could be some flexibility in certain circumstances it is my view that at over 50% HMO near the site with others evident in the wider area too, the character of the area in terms of having a balanced mix of different types of residential occupation, has already been undermined. Whilst one additional HMO may appear insignificant in itself, in that it would be only a minor increase in the overall proportion in the area, cumulatively, it would increase the already high concentration of HMOs and student households in the area. Consequentially, it would materially harm the character of the surrounding area, and further imbalance the overall makeup of the community. The impact of the proposal would exacerbate a situation which already requires careful management and Council intervention, which is why the Article 4 Direction is in place.
7. The appellant states that they bought the house with the intention of converting it into a 5 bedroom HMO. The Article 4 direction removes permitted development rights to convert from a dwellinghouse (C3 use) to a house in multiple occupation (C4 – small HMO for 3-6 unrelated persons sharing at least one basic amenity) in parts of Reading. However, it seems there was some confusion at the time when the appellant saw the online version of the Article 4 Direction and the list of addresses it covered and appeared to have thought that this was a list of properties with HMO permission. The appellant has sent the list of properties in to support this appeal, though I do not have the text of the Article 4 direction which would have explained what the function of this direction and the list was. It is not clear whether this was also on the website or if it was just the list of housing. In any case, it is evident that planning permission is necessary, and this property does not have planning permission for use as a HMO.
8. The dismissal of this appeal would also likely result in some financial losses for the appellant. However, whilst this is very unfortunate my decision is to be based on the planning merits of the case, and the circumstances that led to the purchase of the property and wasted costs for the appellant have little weight in my considerations. Similarly, the fact that there is an HMO licence comes under a separate regime to planning and so this also has limited weight in my assessment.
9. The Council states that the converted dwelling does not meet size requirements. Although policy DM8 only refers to 'sui generis' HMOs it does state that those with over 4 bedrooms should have over 120 sqm gross floorspace. This HMO would provide 5 bedrooms and so would be under this required size, being approximately 99sqm according to the Council. However, the Council in the Officers Report sets out that the bedrooms, kitchen and communal areas are all of sufficient size for a small HMO. In my view, having been inside the house, it is sufficiently spacious for HMO occupants, despite it not been technically in accordance with policy DM8 in this regard.
10. From my site inspection the house appeared to be converted to a high quality and there did not appear to be any issue with refuse building up or littering the front yard of the house. I also note there to be a need for student housing generally, though not necessarily in this street or neighbourhood area.

11. However, the benefits of the proposal do not outweigh the significant and demonstrable harm that would result from the conversion to a small HMO which lacks sufficient overall size, which would exacerbate the unbalanced mix of the local community which is threatened by the dominance of one societal group (students or others not in a family unit within HMOs) to the exclusion of others. This can lead to both social and physical problems developing and have a detrimental impact on social interactions, for example.
12. For these reasons the proposal is contrary to Core Strategy (2008, altered 2015) Policy CS18: Residential Conversions. The proposal is also contrary to Adopted Sites and Detailed Policies Document (2012, altered 2015) Policy DM8: Residential Conversions. These policies seek to maintain a mixed and sustainable community through avoidance of a significant loss of family housing, amongst other things.

Conclusion

13. For the reasons given above and considering all matters raised the appeal should be dismissed.

Steven Rennie

INSPECTOR