
Appeal Decision

Site visit made on 10 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/Y1945/W/20/3253300
56 Gladstone Road, Watford WD17 2RB

- 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 Robin Grant against the decision of Watford Borough Council.
 - The application Ref 19/01240/FUL, dated 25 October 2019, was refused by notice dated 06 December 2019.
 - The development proposed is described as: Change of use from a 6-bed House of Multiple Occupancy (C4 Class) to a 7-bed House of Multiple Occupancy (*sui generis*). The applicant has carried out associated works to refurbish the property to a high standard throughout, including the conversion of the loft space. A list of works to refurbish the property are detailed in the Planning Statement submitted as part of this application.
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Procedural Matters

1. I note that the description of proposed development does not include the dormer window. The description of development on the Council's decision notice only refers to a change of use, with no reference to any operational development. The Planning Statement and Statement of Case state that the dormer window has been constructed under permitted development rights. Consequently, the dormer does not form part of the proposed development.
2. The question of whether the dormer constitutes permitted development is a matter between the Council and the owner of the property. Nevertheless, although the Council is of the view that the dormer which has been constructed does not satisfy the relevant permitted development (PD) criteria, it has not suggested that a dormer (that does meet the criteria) could not be constructed under PD rights. I have therefore made my decision on this basis.
3. The appellant has submitted an amended plan, drawing No 200, which did not form part of the planning application. The plan shows amendments to the dormer. However, as the dormer is not included in the description of development, I have not considered it in my decision.

Decision

The appeal is dismissed.

Main Issues

4. The main issues are:

- the effect of the proposed change of use on the housing mix and character of the area, and
- whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Effect of the proposed change of use on the housing mix and character of the area

5. The site comprises a 2-storey, mid terraced residential property with habitable space in the roof and basement. There is a small area at the front of the property used for refuse storage and an outdoor amenity area at the rear. The area is residential and the street on which the property is located consists mainly of terraced properties.
6. Policy HS2 of Watford's Local Plan: Part 1-Core Strategy 2006-31, (CS), seeks to ensure a mix of housing types are provided. Saved Policy H13 of the Watford District Plan 2000 (2003), (DP), allows for the sub-division of existing dwellings into Housing of Multiple Occupation (HMO), subject to adhering to specified criteria, one of which is that the proposal does not result in more than 10% of the existing residential frontage in a street block being converted to HMOs or Guest Houses.
7. The Council considers the proposed change of use to result in the loss of a family dwelling. However, the use of the property has already been changed under PD rights from being a family sized C3 dwelling to a 6 person, small, HMO, C4. Consequently, changing the use to a large HMO for more than 6 persons, C4, neither results in the loss of a C3 family dwelling or an increase in the number of HMOs on the street.
8. Consequently, I conclude that the proposal would not change the housing mix of the area. Additionally, as the proposal would provide accommodation with one additional bedroom, I conclude that this minor change would not harm the character or appearance of the area. Therefore, the proposal accords with policies H2 of the CS and H13 of the DP.

Whether the proposal would provide satisfactory living conditions for future occupiers

9. The proposal would create a large HMO capable of accommodating 9 people. There would be 7 bedrooms and 6 en-suite rooms over 4 floors. There would be one kitchen/dining/communal area located on the ground floor, with a floor area of around 27 sqm. Private outdoor amenity space would be provided to the rear of the property, an area of around 30 sqm, consisting mainly of a hard-landscaped area with garden furniture.
10. The Residential Design Guide (amended 2016) supplementary planning document (SPD) does not identify separate internal or external space standards for HMOs. However, it does outline internal and external space standards for dwellings; as a HMO is a shared dwelling it therefore seems reasonable to refer to the standards for dwellings in the SPD.
11. The minimum amount of private outdoor amenity space that is expected to be provided for new residential development comprising a 5-bedroom dwelling (which is the largest example provided), is 95 sqm. It seems logical and

reasonable to suggest that a 7-bedroom dwelling would require an area greater than that required for a 5-bedroom house. Consequently, the proposed private outdoor space of around 30 sqm falls way short of the minimum standards required by the SPD.

12. I acknowledge that the SPD is guidance rather than policy. I also note that neither of policies H2 of the CS or H13 of the DP refer to living conditions of future occupiers. The National Planning Policy Framework (the Framework), however, which is a significant material consideration, states at sub paragraph 127 (f), that planning decisions should ensure developments provide a high standard of amenity for future users. The bedrooms would be capable of accommodating 9 people, and a licence has been obtained for up to 9 people. I consider that the extent of proposed private outdoor space would be insufficient to meet the needs of 9 residents.
13. The appellant suggests that only 7 residents are likely to reside in the property at any one time. Even if this were the case, the guidance in the SPD is based on bedroom numbers, not the number of individuals. The appellant also points out that future occupants would have access to public outdoor amenity spaces within walking distance of the site. I acknowledge that this would be the case. However, there are times when one wishes to have access to useable private outdoor space, eg having a BBQ and/or socialising with friends or family, which would be a reasonable expectation of all future occupants of the property, particularly as there would only be one moderately sized communal/kitchen/dining area inside the property. I note that the appellant points to other HMOs in the area not adhering to the guidance regarding private outdoor amenity space. However, I do not have the details of any such examples; regardless, I must determine the appeal on its own merits.
14. Given the very limited amount of private outdoor space that would be provided, I therefore conclude that the proposal would not provide satisfactory living conditions for future occupants in this regard. As such the proposal does not accord with guidance in the SPD or national planning policy as outlined in sub paragraph 127 (f) of the Framework, which is a significant material consideration.
15. I note that the quality of the proposed accommodation internally along with the décor and furnishings, appear to be of a good standard. The site is located within proximity to shops, services, employment opportunities and public transport options. Cycling and walking, to meet some day-to-day needs, would also be feasible. These factors weigh in favour of the proposal. However, notwithstanding my conclusions regarding housing mix and the character and appearance of the area, these aspects do not, individually or collectively, outweigh the harm I have found in respect of unsatisfactory living conditions for future occupiers.

Conclusion

16. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR