
Appeal Decision

Site visit made on 1 December 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/J0350/W/20/3245330

13 York Avenue, Slough SL1 3HP

- 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/03147/002, dated 24 January 2019, was refused by notice dated 2 December 2019.
 - The development is change of use from existing dwellinghouse into 7 bed HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has been carried out and therefore planning permission is being sought retrospectively. The appeal has been determined using the plans submitted to the Council as they provide the basis for which planning permission is being sought.

Main Issues

3. The main issues are whether the development;
 - (a) accords with the development strategy for the area, in relation to the type of housing;
 - (b) has an intensity that is appropriate in relation to the character of the area and living conditions of neighbouring occupiers; and
 - (c) provides sufficient levels of parking to preserve highway safety.

Reasons

Type of Housing

4. The site is located in an area comprised predominantly of dwellinghouses along York Avenue. Core Policy 4 of the Slough Local Development Framework Core Strategy 2008 is clear in that changes of use should not result in the net loss of family housing i.e. dwellinghouses occupied as a single household. This is on the basis that there is an existing shortage of such housing in the area, resulting in overcrowding. The development is therefore in conflict with policy insofar as it has resulted in the loss of such housing at the site. Even though the physical nature of the property may not change to any great extent, meaning it could revert to a dwellinghouse in the future, the change of use would still preclude the site being used as a dwellinghouse and consequently there would still be a loss of housing in this context.

5. Consequently, and overall, the development does not accord with the development strategy for the area and conflicts with Core Policy 4 of the Slough Local Development Framework Core Strategy 2008. Among other things, the policy seeks to ensure that areas in Slough retain sufficient levels of housing to meet population growth demands.

Character

6. Saved Policy H20 of the Slough Local Plan 2004 is clear that development involving houses in multiple occupation will not be permitted unless the use of the site does not result in loss of amenity of adjoining occupiers. In this regard, the character of the site should not change to the extent that the living conditions of neighbouring occupiers, which in this case typically comprise dwellinghouses occupied by single households, are harmed.
7. The development delivers seven bedrooms. It is not clear how many bedrooms were contained at the site when it was in use as a dwellinghouse, but nonetheless the development would still deliver a material increase in the intensity of the use by virtue of being a change of use to a large house in multiple occupation, which is implicitly different in its character compared to a dwellinghouse illustrated by the fact they share different use classes.
8. Each of the seven bedrooms could be occupied by separate individuals living as different households. This in turn could generate seven different social networks and usage habits of the site. This is unlikely to be comparable with a dwellinghouse occupied as a single household, where the social networks are more likely to be mutual between occupants. For example, two parents and their four children living as a single household would have a single extended family network, whereas seven separate households would have seven separate extended family networks potentially visiting the site.
9. Consequently, a large house in multiple occupation is likely to generate comings and goings in excess of a dwellinghouse occupied by a single household, changing the character of the site to the extent where there are levels of additional disturbance in the immediate vicinity. As a result of this change in character and the increased levels of disturbance, the living conditions of neighbouring occupiers would be harmed.
10. Overall, the development is not of an appropriate intensity and changes the character of the site to the extent it harms living conditions of neighbouring occupiers. It therefore conflicts with Policy H20 of the Slough Local Plan 2004, which among other things seeks to ensure that development involving houses in multiple occupation does not result in the loss of neighbouring amenity.

Highway Safety

11. Saved Policy H20 of the Slough Local Plan 2004 is clear that development involving houses in multiple occupation will not be permitted unless appropriate levels of on-site parking spaces are provided. The Council contend that the four parking spaces fall short of the requirement of one parking space per bedroom, and therefore the development should provide seven parking spaces in order to be compliant. However, the integrated transport strategy is not before me and therefore I cannot verify these parking requirements.

12. Nonetheless, in a similar context to the development's effects on the character of the area, there would be a material increase in the intensity of the use at the site. Correspondingly, there would be a representative increase in parking demand in the immediate vicinity. During my site visit, it was apparent that the area was dominated by parking for private vehicles, and in terms of making a qualitative assessment, there does not appear to be sufficient levels of parking to absorb the quantum of parking demand that is likely being generated by the development.
13. The site may be located to good public transport links, and other sustainable means of travel such as bicycle storage may exist at the site, however there is no evidence to suggest that occupants would be required to use these services or that they are more convenient than the private car to help encourage more sustainable forms of transport. Consequently, there is no evidence that parking demand can be adequately mitigated or that parking stresses would not be generated. Consequently, there is a real risk of indiscriminate parking along the highway to the detriment of highway safety.
14. Overall, the development fails to provide sufficient levels of parking to preserve highway safety and therefore conflicts with Saved Policy H20 of the Slough Local Plan 2004. Among other things, the policy seeks to ensure development comes forward with on site parking, pursuant to maintaining highway safety.

Other Matters

15. It is acknowledged that the internal specification of the property may meet the space standards required. However, this caters for the living conditions of occupiers and does not mitigate the effects of increased disturbance on neighbouring occupiers generated by a change in character. In a similar context, although there may have been no objections from neighbouring occupiers, a lack of objection does not mean the development is otherwise acceptable. The development has been assessed in planning terms, in accordance with the development plan and the evidence submitted.
16. Notwithstanding any permitted development rights that may exist, the development does not fall within the use class of a small house in multiple occupation. Consequently, even though the number of bedrooms would increase by a seemingly limited number, the separate use classes are indicative of the thresholds that mark a change in a uses character, which has been assessed accordingly under the appeal.

Conclusion

17. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR