



Appeal Decision

Site visit made on 21 December 2020

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/02/2021

Appeal Ref: APP/P3610/W/20/3257403

15 Cotherstone, Epsom KT19 9EF

- 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 Maria Dockree against the decision of Epsom and Ewell Borough Council.
 - The application Ref 19/01576/COU, dated 21 November 2019, was refused by notice dated 12 June 2020.
 - The development proposed is a change of use from C3 (Dwellinghouse) to Sui Generis – large house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 (Dwellinghouse) to Sui Generis – large house in multiple occupation at 15 Cotherstone, Epsom KT19 9EF in accordance with the terms of the application, Ref 19/01576/COU, dated 21 November 2019; and the HM Land Registry Location Plan; Site and Block Plan; Ground Floor Plan; Floor 1 plan; and Floor 2 plan submitted with it.

Application for costs

2. An application for costs was made by Mrs Maria Dockree against Epsom and Ewell Borough Council. This application will be the subject of a separate decision.

Procedural Matter

3. I have considered the description of the proposal on the application form. However, as that included references to works that would not be undertaken, I have used the description of the proposal on the appeal form and decision notice, other than the reference to its retrospective nature as that is not an act of development.

Main Issue

4. The main issue is whether the occupiers of this property experience appropriate living conditions, with particular regard to bedroom sizes and the availability of outdoor amenity space.

Reasons

5. Whilst there is no dispute between the main parties regarding the floor area of the property's seven bedrooms, they disagree with regards whether they comply with the Council's Advisory Standards for Houses in Multiple Occupation (2018) ('Advisory Standards').

6. The Advisory Standards set out that, for a House in Multiple Occupation ('HMO'), a two or more roomed unit for one person should have a bed/living room of 10sqm; and that a one room unit for a co-habiting couple where there is a separate shared kitchen should also be 10sqm. However, it continues that a bedroom with no other facilities for one person should have a floor area of 6.51sqm. That figure is consistent with the Government's guidance at paragraph 3.4 of the Houses in Multiple Occupation and Residential Property Licensing Reform: Guidance for Local Housing Authorities.
7. The Council states that it is unclear whether these are single or double bedrooms. However, this information could have been requested at application stage, and it also notes that the application was retrospective, and that the development already benefitted from an HMO licence. I understand that the licence sets out that this is a seven person HMO.
8. This HMO has a shared kitchen, seating area, and bathroom facilities. Its single person bedrooms have no other facilities and range from 6.76sqm to 14.7sqm. Each therefore satisfies the floor area requirements in the Advisory Standards.
9. Two bedrooms would fall slightly short of the floor area requirements for single bedrooms in the DCLG Technical Housing Standards 2015. However, those apply to new dwellings, which have different characteristics to a large HMO. Given that the Council's more recent Advisory Standards are specifically for HMOs, they are of significantly greater relevance to this scheme. Consequently, the bedrooms are of an appropriate size for the occupants.
10. The application included a scaled location plan, and unscaled site and block plans which show a rear amenity area. The appellant has set out in the grounds of appeal that it measures approximately 50sqm.
11. Paragraph 3.35 of the Epsom and Ewell Development Management Policies Document 2015 ('EEDMP') sets out that houses with three or more bedrooms shall be provided with a minimum of 70sqm of private outdoor space. However, the use and occupation of this property as an HMO is different from a typical family house where, for instance, areas for outdoor play may be needed. Having regard to the EEDMP's standards for flats at paragraph 3.36, the rear amenity area here would provide sufficient private space for the occupants to sit outside, dry washing and perform typical domestic tasks.
12. Amongst other things, EEDMP Policy DM 10 requires new development to have regard to the amenities of its occupants. For the above reasons, this development provides appropriate living conditions for its occupants and it does not therefore conflict with that policy.
13. In the event that the appeal is allowed, the Council suggested a single condition requiring that the development be carried out in accordance with the approved plans. However, as it has already taken place, that is not appropriate. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR