



Appeal Decision

Site visit made on 14 January 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16/02/2021

Appeal Ref: APP/B5480/W/20/3257802

21 Saddleworth Square, Romford, RM3 8YX

- 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 Hasan Patel against the decision of the Council of the London Borough of Havering.
 - The application Ref P0088.19, dated 18 January 2019, was refused by notice dated 18 March 2020.
 - The development proposed is the change of use of family house to a house in multiple occupation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the change of use on the living conditions of the occupiers of neighbouring properties with particular reference to noise disturbance;
 - The effect of the proposal on the living conditions of the occupiers of the property with particular reference to internal space;
 - The effect of the change of use on highway safety with particular reference to car parking.

Reasons

Living conditions of neighbouring occupiers

3. The appeal comprises a two storey, end of terrace dwelling. It is located within an area that comprises of similar terrace dwellings arranged around Saddleworth Square. The property overlooks a shared pedestrian space to the front, with an enclosed garden to the rear. Communal parking spaces are provided to the side of the dwelling, around Saddleworth Square.
4. The proposal is for the use of the property as a six bedroom House in Multiple Occupation (HMO), providing accommodation for up to 9 persons.
5. Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (CS) allows for the provision of residential communal uses, including HMOs in certain circumstances. These include where

the original property is detached and is well separated from neighbouring dwellings and where the nature of the use does not have an impact on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to nearby occupiers.

6. The appeal property is an end of terrace dwelling and as such is close to other modest sized family houses, including 22 Saddleworth Square which it is attached to. Other terrace dwellings lie beyond the rear garden of the dwelling and around the adjacent square. The HMO would have six bedrooms and having regard to the likely level of occupancy of up to 9 persons, would result in an intensification of the use of the property compared to that reasonably expected in relation to a single family dwelling. The intensification is likely to be in the form of more people coming and going, using the rear garden, as well as deliveries to the property.
7. It is reasonable to assume that the levels of activity taking place both inside and outside of the property would be over and above that normally expected in relation to a single family dwelling, particularly given the number of adults residing in the property as unrelated occupiers. This level of activity would have considerable potential to result in noise disturbance to neighbouring occupiers. Furthermore, the proposal would not comply with Policy DC61 of the CS which, in respect to proposals for uses such as HMOs, requires that the property is detached and is well separated from neighbouring dwellings.
8. Accordingly, the proposal would have a harmful effect on the living conditions of the occupiers of nearby dwellings with reference to noise disturbance which would be contrary to Policy DC61 of the CS which seeks to protect the living conditions of occupiers of neighbouring dwellings.

Living conditions of the occupiers with particular reference to internal space

9. The Council has not referred to any policies which set out specific internal space standards for HMOs. The officer report does however refer to the Nationally Described Space Standards (NDSS) (March 2015) and I agree that it is relevant to have regard to these standards.
10. A communal living room / kitchen is provided on the ground floor to serve all of the occupants of the property. Other than a shared small bathroom and a shower room, there is no other communal living space within the building. In this respect I agree with the Council that this level of communal living accommodation is inadequate given the number of bedrooms and the potential number of occupants within the property.
11. Furthermore, the single occupancy bedrooms fall significantly below the standards set out in the NDSS although I acknowledge that the first floor bedroom is unchanged from that which previously existed. The single occupancy rooms appear to be small and confined and together with the limited communal space to relax, would result in a poor quality living environment for the intended occupants. Whilst one of the double occupancy rooms fall short of the standard set out within the NDSS, the shortfall is less significant.
12. The property is provided with a reasonable amount of external space to the rear and one of the double occupancy rooms would be provided with a rear balcony. Whilst I find the amount of external space to be adequate, this does not alleviate my concerns regarding the suitability of the internal environment.

13. In conclusion, due to the limited communal living accommodation and the restricted size of the single occupancy bedrooms, I conclude that the proposal would be harmful to the living conditions of the occupiers of the property with reference to internal space. The proposal would therefore be contrary to Policy 3.5 of the LP and CS Policies CP17, DC3, DC4, DC5 and DC61 insofar as they relate to the quality of development and living environments.

Highway Safety

14. The appeal property does not benefit from any on-site parking spaces. Communal parking spaces are provided around Saddleworth Square, to the side of the dwelling.
15. The Council advise that the site has a Public Transport Accessibility (PTAL) of 1b which they confirm requires a parking standard of 1 space per 2 bedrooms.
16. I observed at my site visit that the area appears to be subject to parking stress, with few parking spaces available and vehicles parked on the adjoining roads. Given the poor public transport accessibility together with the proposed number of occupants of the property, the proposal would be likely to add to parking pressures in the area over and above that associated with a three bedroom dwelling. In the absence of any substantive evidence to the contrary, I consider that the proposal would be likely to result in overspill onto adjoining roads which would be to the detriment of highway safety for pedestrians and road users. Moreover, I also note that no secure bicycle parking spaces are proposed.
17. In conclusion on this issue, the proposal would have a harmful effect on highway safety with particular reference to car parking and accordingly would be contrary to Policies DC32, DC33 and DC35 of the CS which among other things, seek safety for all users.

Other matters

18. I note that the appellant has obtained a HMO licence in respect of the property, which allows for six households and up to 9 persons to occupy the premises. However, the licencing of HMOs is subject to different legislation and this is a matter to which I only attach little weight.
19. The appellant maintains that the appeal property is within an established residential area where residents have access to nearby facilities and services. Whilst I do not dispute that the property is conveniently located, this consideration does not outweigh the harm I have identified in other respects.

Conclusion

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

J Davis

INSPECTOR