
Appeal Decision

Site Visit made on 03 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2021

Appeal Ref: APP/M1595/W/21/3268478

1 Grove Road, GRAYS, RM17 6JY

- 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 A Haque against the decision of Thurrock Borough Council.
 - The application Ref 20/01507/FUL, dated 3 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is extension to garage and conversion to HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised on 20 July 2021 and the Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area
 - the living conditions of future occupiers, with particular reference to amenity space and internal space standards;
 - highway and pedestrian safety, with particular reference to the proposed parking arrangements; and
 - the living conditions of existing occupiers, with regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises one half of a pair of semi detached dwellings located at the end of Grove Road. The area is predominately residential with terraced two storey development being common. Grove Road narrows outside of the appeal site as it enters the junction with Bridge Road which is characterised by an area of green space which is bisected by footpaths.
5. To the rear of the site is an existing single storey mono pitched outbuilding, the side elevation of which is visible across the open space at the junction with

Bridge Road. An access track runs directly behind the appeal site providing rear access to 1-7 Grove Road and a small parking area.

6. Its position, in relation to the existing open green space, means that the existing outbuilding is a prominent feature within the streetscape and therefore the rear of the site is more sensitive to change than those along Bridge Road or further along Grove Road, where other similar sized outbuildings have been permitted.
7. The outbuilding is proposed to be altered and extended in order to provide two additional rooms. Whilst it would be reduced in height, the increased width of the building would fill the entire width of the site. It would also introduce glazing, leading to a domesticated appearance, the top of which would be visible from outside of the site. It would therefore be a prominent structure, which would as a result of its design and appearance, be notable as a dwelling, rather than a domestic outbuilding. This would introduce a discordant form of development, whereby existing dwellings front the street, failing to visibly integrate with the existing pattern of development.
8. The proposed use of the site as a House of Multiple Occupants (HMO) would not result in any external changes to the front of the dwelling and therefore from the street the proposed development would continue to appear as a detached dwelling within the street scene. The property is already in use as an HMO for 5 occupants and whilst the introduction of an additional two rooms to the rear of the property would intensify the use of the site, there is nothing before me to indicate that as a result of its occupation as an HMO there would be an adverse impact on the overall character and appearance of the area.
9. In conclusion, the proposed development would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. Consequently, it would conflict with policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for Management of Development 2015 (CS) which seek to ensure good design which optimises the potential of the site.

Living Conditions

- Amenity space

10. The communal amenity space for the proposed HMO would be provided to the front of the new building and would be shared by the occupants of the existing dwelling. The area would be approximately 30 sqm and rectangular in shape and I have not been provided with any specific space standards for HMOs to indicate that this would be inappropriate. The amenity space is of a useable shape and of an adequate size that would enable space for a small sitting out area and provide for cycle storage. Adequate access into the amenity space for the occupants of the outbuilding would be possible through an external door and the access arrangements for the occupants of the existing dwelling would remain the same.
11. In conclusion, the proposed amenity space would be attractive and inviting having regard to its overall size and position in relation to the living accommodation and therefore would provide a functional space appropriate for future occupiers of the HMO.

- *Internal living standards*

12. The internal space standards for HMOs are covered by separate requirements under the Houses in Multiple Occupation and residential licensing reform, 2018. This requires rooms for single occupation to be 6.51 sqm and double occupation to be 10.22 sqm and the evidence before me indicates that the bedroom sizes would exceed these requirements at 12 sqm.
13. The Council has not referred to any specific standards relating to the size of communal spaces within HMOs. However, having regard to the proposed layout and size of the kitchens, it would be difficult for occupiers to spend time together comfortably in the communal areas.
14. Whilst it has been put to me that the size of the proposed bedrooms would mitigate the lack of communal living space, policy PMD1 of the CS states that proposals will not be permitted where it would cause unacceptable effects on the amenity of future occupiers of the site, and the lack of space to sit, eat and socialise, without being isolated within your own room would be detrimental to future occupiers and this is a factor which weighs against the proposal.
15. In conclusion, the development fails to provide acceptable living conditions for future occupiers, with particular reference to internal living standards, despite the provision of an acceptable level of amenity space, contrary to policy PMD1 of the CS.

Highway Safety

16. The proposed development would not benefit from any parking on site with external cycle storage provided within the site. It would result in the loss of the existing garage and preclude parking within the site.
17. Policy PMD8 states that all development will be required to comply with car parking standards, but that in those parts of Thurrock which have good levels of car parking enforcement available, coupled with high levels of accessibility, reduced standards for residential and non-residential car parking will be applied.
18. I have not been provided with any detailed information in respect of car parking demand in Grove Road and surrounding streets, albeit part of Grove Road is within a controlled parking zone where parking spaces are only available to permit holders. The site is close to two small car parks, which enable those with a permit to park there and in one of those the Council does have control over issuing permits. In addition there are parts of Grove Road where parking is not controlled and there are opportunities to park without the need for a permit.
19. However, I consider that the parking spaces within the nearby streets and parking areas would be in demand in order to meet the existing needs of the occupiers of Grove Road. Whilst the appellant has indicated that there are often spaces available within the parking area, I have not been provided with any evidence to demonstrate that it would be possible to obtain a permit for future occupiers of the proposed development.

20. The proposed development would result in the loss of the off-road parking space for 1 Grove Road and therefore increase demand for the parking provided within the neighbouring parking areas and streets. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.
21. I therefore conclude that the proposed development would lead to a detrimental effect on parking conditions, and consequently highway safety, and would conflict with policies PMD2 and PMD8 of the CS which seek to ensure easy and safe access, whilst complying with parking standards.
22. The Council have confirmed that reference to policy PMD9 was incorrect, as this policy relates to the provision of new vehicular accesses.

Noise and Disturbance

23. The proposed development would result in a building comprising 2 ensuite rooms with communal kitchen. This would be located to the rear of the existing HMO. This would enable occupation of up to 7 persons, which is an increase of 2 from the existing lawful use of the building.
24. The appeal property is a semi detached property located in Grove Road, a residential street comprising a range of different dwelling styles. Beyond the appeal site the area is characterised by compact terrace streets and the presence of parked cars along the street leads to a dense urban character.
25. In this context the comings and goings from the occupants of the proposed HMO would not result in any undue increase in noise and disturbance to other residents. I consider that the level of occupation of the HMO would be modest and akin to the level of activity that could be similar to a family occupying the property.
26. Therefore, there is nothing to suggest that the occupancy of the proposed building would result in any overcrowding, which can otherwise lead to an unreasonable level of noise and disturbance.
27. Furthermore, I am satisfied that the occupation of the HMO could be limited to a planning condition and that such a condition would meet the relevant tests of the Planning Practice Guidance, if I were to find the scheme acceptable in all other regards.
28. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of nearby residents, by virtue of increased noise and disturbance. The proposal would comply with PMD1 of the CS which seeks to protect residential amenity.

Other Matters

29. The Council have referenced the Thurrock Design Guide Residential Alterations and Extensions Supplementary Planning Document 2019, however this document is relevant to the provision of ancillary outbuildings. The development before me does not comprise an ancillary outbuilding and therefore I have given this document limited weight, such that it has not altered my overall decision.

Conclusion

30. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

