



Appeal Decision

Site visit made on 24 August 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/X0360/W/21/3272559

3 Bridges Grove, Earley, Reading RG6 1FG

- 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 David Clifton-Burraway against the decision of Wokingham Borough Council.
 - The application Ref 202045, dated 12 August 2020, was refused by notice dated 2 November 2020.
 - The development proposed is the change of use from existing 6-bed House in Multiple Occupation (HMO)(Use Class C4) to 7-bed HMO (Sui Generis) including conversion of the existing garage to habitable accommodation and changes to fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the description of development given on the appeal form and decision notice as it is more specific than that on the original planning application form.
3. The Government published its revised National Planning Policy Framework (the Framework) on 20 July 2021. The main parties have had the opportunity to make comments on the revised Framework as part of the appeal process.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the level of off-street parking provision is appropriate, and;
 - Whether the proposal creates satisfactory living conditions for future occupants having regard to internal space provision.

Reasons

Character and appearance

5. Bridges Grove is a short cul-de-sac comprising mainly of modern two storey houses, situated within a wider established residential area. The principal elevations of properties generally address the street, and most dwellings have a garage and driveway located to the side of the principal elevation. Even where this is not the case, areas of planting to the front of the houses soften

- the appearance of the built form. Together this ensures that parking does not dominate the street scene and overall, results in a pleasant residential sub-urban character and appearance to the area.
6. Although 3 Bridges Grove has been converted to a 6-bed HMO, the building retains the appearance of a detached house that accords with the characteristics described. As such, it is in-keeping with, and contributes positively towards, the overall street scene.
 7. The proposal would convert the existing attached single storey side garage to provide an additional bedroom and communal laundry room. The provision of a seventh bedroom would mean the building would change use from a Class C4 small HMO to a Sui Generis larger HMO. In physical terms, only limited external alterations are proposed to the building. This would involve replacing the garage door with a window and external wall in materials to match, which in visual terms would be inconsequential.
 8. However, the proposed revised parking arrangements would have a much greater visual impact. Three parking spaces¹ would be provided. Of these, it is the space² shown directly in front of the principal elevation in a horizontal alignment that is of particular concern. The proximity of this space to the building would mean that it would be in the immediate foreground of the most public elevation of the building and would span the ground floor snug window and front door. In addition, it would require removal of the planting that is currently in this location. As such, the harm would be twofold, by removing the positive softening effect of the planting and replacing it with the prominent presence of a vehicle that would detract from the balance and appreciation of the principal elevation of the structure.
 9. The dominant presence of the space is further illustrated by the consequence of having to route the main pedestrian approach into the building to the side, as it would otherwise be blocked by a vehicle. This would provide a less desirable route that would detract from the pedestrian ease of access and legibility of the main elevation.
 10. Principle R14 of the Borough Design Guide, Supplementary Planning Document, June 2012 (SPD) states that development proposals should provide space for and include well designed hard and soft landscape to create a high quality setting for new housing that is appropriate to the character of the local area. My observations of Bridges Grove were that this was generally the case. The proposed car parking would encroach into the landscaped space and erode the quality of the setting. It follows that it would fail to maintain or enhance the high quality of the environment as required by policy CP1(1) of the Wokingham Borough Local Development Framework, Core Strategy, January 2010 (CS).
 11. In addition, the space would be so close to the building that once in position, the passenger doors on the house side could not be opened and the outlook from the snug window would be impaired. Moreover, the proximity to the building would mean that it would be an involved manoeuvre³ reversing into the space. As a result, it is likely that in practice a vehicle would be parked at an odd angle, or more centrally across the principal elevation. These factors

¹ Drawing number 1922-03 Rev E

² Referred to as vehicle 1 in the tracking diagram provided, sketch number J324775-PS-SK-004

³ Sketch number J324775-PS-SK-004

would fall short of the guidance given in principle P2 of the SPD. This states that parking in residential development should be accommodated in a manner that is compatible with local character whilst creating a high quality environment that functions well.

12. For these reasons, the proposal would fail to accord with paragraph 130 b) of the Framework, which stipulates that decisions should ensure that developments are visually attractive as a result of, amongst other things, good layout and appropriate and effective landscaping.
13. In support of the development the appellant points out that the area of soft landscaping to be removed is small and does not comprise usable garden space. Moreover, given the location of 3 Bridges Grove in a cul-de-sac, he contends that the proposal would hardly be seen. Nevertheless, the concerns outlined above would affect the most public part of the site and therefore, would be seen from the street. Although I accept the amount of planting lost would not be sizeable, it currently makes a valuable beneficial visual contribution to the street scene which would be lost. It is not shown how alternative landscaping elsewhere in the site would fully overcome the harm, nor be equally visible. As such, the harm would be regularly seen by people living nearby as well as experienced by the occupants of the HMO, and I am not persuaded that a condition to provide further planting would make the proposal acceptable.
14. Although the appeal site may not be within a conservation area or near to listed buildings, the absence of heritage significance does not indicate that it lacks any attributes worthy of protection or enhancement.
15. The Council have raised concerns that the conversion of the garage could set a precedent for similar development that may lead to cumulative harm to the character and appearance of the area. However, limited evidence has been provided to show that this is a specific rather than a generalised concern. Moreover, in some instances, such development may be permitted development. On this basis, this factor has not had a bearing on my determination.
16. Accordingly, I find that due to the proposed parking arrangement, the proposal would have an unacceptable harmful effect on the character and appearance of the area. Therefore, it would conflict with policies CP1 and CP3 of the CS. Policy CP3 f) supports development that contributes to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping.
17. In addition, there would be conflict with policy TB21 of the Wokingham Borough Development Plan, Managing Development Delivery Local Plan, February 2014 (MDD). This policy requires, amongst other things, that proposals retain or enhance the condition, character and features that contribute to the landscape.

Level of parking provision

18. The application form indicates that there are three parking spaces⁴ serving 3 Bridges Grove. The proposal would result in the conversion of the existing

⁴ Section 9, Planning application form

single garage to habitable accommodation, and therefore, it would no longer be able to serve as a parking space. The submitted plan shows three off street spaces⁵ that would meet the minimum dimensions required by the Council⁶. Two of these would be provided within the red edge of the appeal site, the third would be located outside of the site on land to the south east. The tracking information supplied shows that each space would be independently accessible when the other spaces are occupied.

19. Policy CP6d) of the CS indicates that permission will be granted for development that provides appropriate vehicular parking, having regard to car ownership. The explanatory text⁷ states that the borough has one of the highest car ownership rates of any English local authority.
20. Policy CC07 of the MDD states that planning permission will only be granted where the proposal meets the Council's parking standards. Appendix 2 of the MDD sets out various formulae to calculate the level of parking, adjusted to take account of variables such as the nature of the area, use class and number of bedrooms and habitable rooms. There is no dispute between the parties that there are no specific standards set out for HMO development⁸. Nevertheless, it does not follow that, in the absence of this, the relevant standard relating to the neighbouring authority would apply as the appellant suggests.
21. The Highway Authority suggest that the most closely related parking standard for the borough is for a rented studio flat contained in Table C3-2 of Appendix 2. For an urban area with no allocated parking this would require half a space per unit. This would be roughly translated to half a space per bedroom for a HMO. However, paragraph 1.12.5 of Appendix 2, MDD refers to Table C3-4: Houses rented/ shared unallocated parking demand as applicable to houses which will be rented or shared, including conversions to homes of multiple occupancy. Neither table lends itself easily to the circumstances of the proposal given that it is based on the number of habitable rooms and bedrooms, and the ratio of that relationship for HMOs can often be different from more conventional dwellings. Furthermore, neither table would be predicated upon evidence specifically relating to car ownership rates for HMO occupants.
22. In the absence of a clearly applicable formula, there is some room for flexibility that takes account of the individual circumstances. Furthermore, the advice in paragraph 0.3, Appendix 2 of the MDD states that the parking standards should be regarded only as a starting point in any discussions with the Borough Council, as it should be recognised that each development site will need to be assessed on its own merits, within the wider context of the area in which the development sits.
23. The Council states that four spaces should be provided⁹. This appears to be based on a strict application and rounding up of the 0.5 space per unit standard in table C3-2 for studio flat development in urban areas. However, the Highway Authority recommend that three independently accessible parking spaces would be an acceptable level of off-street parking¹⁰. Given their expertise and local knowledge, this attracts considerable weight. As such, I find that the provision

⁵ Drawing number 1922-03 Rev E

⁶ 2.5m x 5m – Memorandum from Highway Authority dated 21.8.20

⁷ Paragraph 4.36

⁸ Memorandum from Highway Authority dated 21.8.20

⁹ Page 4, Highway Issues, Council's Delegated Officer report

¹⁰ Memorandum from Highway Authority dated 21.8.20

of three off-street spaces would be a suitable level of parking provision. This level of parking is acknowledged as suitable by the appellant¹¹.

24. Nevertheless, it remains doubtful that the third space that lies outside of the red edge of the application site¹² could be secured. Despite the reference to a 'tenancy at will' agreement with the third party owner of the land, the land is not part of the application site nor otherwise shown to be within the ownership or control of the applicant (normally indicated by being edged in blue). Planning Practice Guidance (PPG)¹³ advises that conditions requiring works on land that is not controlled by the applicant, will often fail the tests of reasonableness and enforceability. Whilst it may be possible to prevent the change of use proposed until the third parking space was provided, in these circumstances it would not be possible to secure the retention of the third parking space to serve the development thereafter. The appellant suggests a condition could be imposed to ensure that the future inhabitant of the seventh bedroom does not use a car¹⁴. However, I am not persuaded that such a condition would be reasonable or practically enforceable. Based on the information before me, I am not convinced that an effective condition could be imposed to secure the provision and long term retention of a suitable level of off-street parking.
25. I have had regard to the technical note¹⁵ provided which refers to the availability of public transport. Nevertheless, this would not necessarily mean that occupants of the property would own fewer cars. It also refers to the availability of on-street parking to cater for overspill parking but this would not negate the need to provide an adequate level of on-site parking. Moreover, my observations of the nearby area revealed that due to the limited width of the carriageway, some on-street parking was mounting the kerb and taking place on grass verges adjacent to the footway. This was harmful to the verdant appearance of the street and more significantly, hampers the experience of pedestrians using the footway by reducing the width of the footway, or even where that was not the case, by making them feel more enclosed and vulnerable.
26. My concerns are reinforced by the representations received in which nearby residents relayed their experiences of anti-social parking in Bridges Grove. Accordingly, it is important that an appropriate level of on-site parking can be provided and secured. The evidence before me fails to show this would be the case.
27. It will be seen from my earlier reasoning that I have other significant concerns that arise from the parking arrangement proposed and the consequences that would result to the character and appearance of the area. It is unnecessary to repeat those concerns here.
28. The appellant highlights paragraph 111 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Taken in isolation, the knock-on effects arising from an inability to secure the appropriate level of parking in an

¹¹ Paragraph 3.26 Appellant's Statement of Case

¹² Location and Block Plan submitted

¹³ Paragraph: 009 Reference ID:21a-009-20140306

¹⁴ Paragraph 3.33, Appellant's Statement of Case

¹⁵ Prepared by Mode transport planning, Job Number: J324775 Dated 10th August 2020

individual case may not, of itself result in significant harm. Nevertheless, given the nature of the existing on-street parking already outlined, the cumulative effect of such an argument being repeatedly used in this context, would be unacceptable.

29. Accordingly, I find that the proposal would not secure a suitable level of on-site parking provision for the development. Therefore, it would conflict with policy CP6 of the CS and policy CC07 of the MDD. These policies, amongst other things, require development to provide appropriate levels of parking and avoid causing highway safety problems.

Living conditions

30. Both parties refer to the floorspace of the six-bed HMO as approximately 115m². This figure broadly tallies with the total of the areas given for individual rooms annotated on the submitted plans¹⁶, including the garage area. Although the appellant suggests that 133m² of floor space would be provided as a result of the development, this is not clearly illustrated, and is not borne out by the figures given on the submitted floorplans. As such, it appears to double count the garage floorspace. The balance of evidence provided indicates that the overall floorspace provided would remain, and this would be closer to 115m².
31. Refusal reason 1 on the Council's decision notice refers to the proposal failing to meet the Technical Housing Standards – Nationally Described Space Standard, Department for Communities and Local Government, March 2015 (NDSS). The Council contends that the existing HMO fails to meet the NDSS as it does not provide the minimum 123m² gross internal floor area and storage necessary for a 6 bedroom, 7 person, two storey dwelling shown in Table 1 of the NDSS. They contend the proposal to add a further bedroom would exacerbate the shortfall.
32. However, my attention is drawn to the mandatory licensing requirements for HMOs contained in the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 (the Regulations). These include, amongst other matters, minimum bedroom floor areas. The appellant confirms that the existing 6-bedroom HMO has a licence¹⁷ and I have not seen evidence to the contrary, nor that the proposed 7-bed HMO would fail to meet the mandatory requirements of those Regulations.
33. Essentially, the parties disagree as to whether the proposal must also meet with the NDSS. Attempting to apply the NDSS to HMO accommodation is problematic for the following reasons. Firstly, as mentioned above, there are specific licencing Regulations that apply to HMO's that includes some consideration of internal space provision. It would be illogical to suppose that despite the mandatory requirements which pertain specifically to space requirements for HMOs having been met, then the resulting development would nevertheless be inadequate for that reason.
34. Secondly, the NDSS itself states that it deals with internal space within new dwellings¹⁸ and does not expressly refer to HMO accommodation. This is reinforced by Table 1 of the document that refers to minimum gross internal floor area for dwellings providing standards only up to 6 bedrooms. The term

¹⁶ Drawing Nos. 1922-01 Rev E and 1922-03 Rev E

¹⁷ Paragraph 3.6, Appellant's Statement of Case

¹⁸ Paragraph 1

‘dwelling’ in planning terms often refers to a self-contained unit of residential accommodation occupied by one household as a single person or family, or by not more than six residents living together as a single household, including where care is provided for residents¹⁹. This would broadly align with the scale and nature of dwellings envisaged by Table 1 of the NDSS.

35. In contrast, HMOs often contain non self-contained accommodation with shared facilities between more than one unrelated household. In this case, the proposal would be a larger HMO (sui generis use class) providing seven bedrooms with a shared kitchen/dining area and snug. The distinction is recognised by the difference in use class. It is reasonable to suppose that these differences would have some implications for the application of internal space standards such that the gross internal area for dwellings in the NDSS is not directly transferable to HMO development. Moreover, individual parts of the NDSS cannot be used in isolation²⁰.
36. Thirdly, Planning Practice Guidance (PPG) states that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the NDSS. Policy TB07 of the MDD refers to internal space standards and requires proposals for new residential units, including change of use or conversions, to ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers. Whilst it goes on to include tables that specify minimum standards relating to gross internal area and combined floor area of living, dining and kitchen space, it does not refer to the application of the NDSS. That is not surprising given that the adoption of the MDD predates the publication of the NDSS. Nevertheless, it follows that policy TB07 does not align with PPG.
37. Moreover, policy TB07 does not expressly refer to HMO development in the tables provided but rather refers to flats or houses. Even then, the tables provided do not specify a minimum floor space for 6 or 7 bedroom houses. Furthermore, no distinction is made between the social space requirements for a family or HMO, even though the nature of the households and communal activity requirements could be significantly different.
38. Taking these factors together, it is not shown that the NDSS standard is directly applicable to the appeal proposal. The existing 6 bedrooms within the HMO would remain unchanged and the proposed additional bedroom would comprise over 12m² in floor space²¹. It would have natural lighting and be conventionally shaped such that a bed, storage and other normal furniture requirements could be reasonably accommodated whilst leaving sufficient circulation space. This would broadly accord with principle R17 of the SPD which states that all dwellings must provide adequate internal space in an appropriate layout to accommodate a range of lifestyles and that living areas and bedrooms should be large enough to accommodate a range of private and communal activities.
39. The occupant(s) of the additional room would share the existing communal kitchen, living space, bathroom and garden facilities. However, the scale of the proposal is limited, and there is little evidence provided to show that this

¹⁹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

²⁰ Paragraph 7, NDSS

²¹ Drawing number 1922-03 Rev E

provision would be inadequate to cater for the modest increase in overall occupants.

40. Accordingly, I find that the proposal would create satisfactory living conditions for future occupants having regard to the provision of internal space. Therefore, I find no conflict with the general principles for development set out in policy CP3 of the CS. Neither would the proposal be contrary to policy TB07 of the MDD which seeks to ensure that new residential units are of a suitable internal layout and size to serve the amenity requirements of future occupiers.

Planning balance and Conclusion

41. The main benefit of the proposal would be the provision of a larger HMO providing additional accommodation. This would contribute towards and diversify the overall residential provision in the area in a reasonably accessible location. It would also make more efficient use of the land which is generally encouraged by national policy. Nevertheless, paragraph 124d) of the Framework confirms that such support is not unqualified and stipulates that decisions should take into account the desirability of maintaining an area's prevailing character and setting, including residential gardens. Consequently, the degree of benefit from the provision of an additional room in the HMO would be limited.
42. The absence of harm in relation to the standard of accommodation provided, and other general matters referred to by the appellant, would not amount to a benefit of the proposal. Rather, these are neutral factors in the overall balance.
43. Balanced against that, is the harm that would be caused to the character and appearance of the area, an inability to secure a suitable level of on-site parking and the conflict with the respective policies in the development plan. This attracts significant weight.
44. Planning law requires decisions to be made in accordance with the development plan, unless material considerations indicate otherwise²². There are no other considerations which outweigh this finding that would justify making the decision other than in accordance with the development plan.
45. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

²² Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.