



Appeal Decision

Site visits made on 25 January and 1 March 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2022.

Appeal Ref: APP/E0345/W/21/3279894

27 Newcastle Road, Reading RG2 7TN

- 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 Phil Brett of Brett Property Developments Ltd against the decision of Reading Borough Council.
 - The application Ref 210127, dated 25 January 2021, was refused by notice dated 28 June 2021.
 - The development proposed is the erection of a single storey rear extension and rear dormer window to create an 8 person HMO (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension to create a 7 person HMO (sui generis) at 27 Newcastle Road, Reading RG2 7TN in accordance with the terms of the application, reference 210127, dated 25 January 2021, and the plans submitted with it, subject to the conditions in the schedule to this decision.

Application for Costs

2. An application for costs was made by Mr Phil Brett of Brett Property Developments Ltd against Reading Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner heading above is taken from the application form. However, during the course of consideration of the application by the Council the proposed development was amended to create a House in Multiple Occupation (HMO) for seven persons (rather than eight), and without a proposed rear dormer window.
4. Although the Council's Decision Notice refers to the original description, including in the first reason for refusal, it also confirms that the decision relates to the amended plans (revision A) received on 10 and 11 May 2021. As such, the Council's decision was based on the revised proposals, for seven people and without the dormer. I have therefore made my decision based on these plans and a revised description of development.
5. Reference has been made in the Council's evidence to the Sites and Detailed Plans Document Local Plan, but it has since confirmed that this was replaced in November 2019 by the Reading Borough Local Plan adopted November 2019 (RBLP), which is the relevant Development Plan.

6. My site visit was initially arranged for 25 January 2022, but unfortunately no-one was available to enable me to gain access into the dwelling and garden. I was able to see these clearly during my second visit on 1 March 2022.

Main Issues

7. The main issues in this appeal are:
- The effect of the proposal on the character and appearance of the area, including the mix and balance of the community
 - Whether the proposal would provide adequate living conditions for future occupiers, and
 - The effect of the proposal on the living conditions of the occupiers of 25 Newcastle Road

Reasons

Character and Appearance of the Area including the Community's Mix and Balance

8. The property is an existing dwelling with two HMOs either side. These consist of a 'small' HMO (for six persons) at 25 Newcastle Road and a 'sui generis' HMO at 29 Newcastle Road, said to be for nine persons.
9. The Council is concerned that conversion would result in the loss of the existing family home provided by the appeal site, which would dilute the mix of single-family dwellings locally, thereby harming the area's character, mix and balance.
10. Policy H8 of the RBLP and the Supplementary Planning Document 'Residential Conversions' 2013 (the SPD) provide policy and guidance on the provision of HMOs. These advise that in areas covered by an HMO Article 4 Direction, permission will not normally be granted where the proportion of HMOs exceeds 25% of all residential properties within a 50-metre radius. However, there is no dispute that the site is not within an HMO Article 4 area. Policy H8's 25% threshold does not therefore apply to the appeal proposal.
11. I have nevertheless considered whether the proposal would have an adverse impact to the community's character, mix and balance. The Council states that there are four out of 17 houses in multiple occupancy within the area already.
12. However, some of these 17 properties have been divided into flats, each of which constitutes a separate residential property, rather than each building being one unit as assumed by the Council. This increases the baseline number of existing single-family units so that, were the appeal development allowed, the number of HMOs would not exceed the threshold, even if it were to apply. This further indicates to me that there is not a high concentration of houses in multiple occupation locally.
13. Although the conversion would result in three HMOs being immediately adjacent to each other, the area consists predominantly of houses or flats for single-family residential housing. Even taking into account the HMOs identified by the Council beyond 50 metres, I consider that a 'tipping point' has not been reached or would be breached because of the proposal.

14. Turning to the alterations to the property itself, the changes include the proposed side extension and car parking to the front, but these are not uncommon locally and would result in little change to the area's appearance. Similarly, the loss of the architectural feature to the front (necessitated by an additional window) would have little noticeable impact on the street scene or the area's character. Nor would the internal division of rooms at the first floor appear harmful, particularly given that this would be taken from an existing vertical brick pillar between the two front windows.
15. I note comments from a local resident including in respect of parking problems, rubbish, the community feel of the road and the Council's handling of the application. However, I am mindful of the fact that the scheme seeks to provide accommodation for just a single additional person beyond that which could be undertaken without needing planning permission. With that in mind, I consider that the impact of the proposal would not harm the overall character and appearance of the area.
16. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area or the mix and balance of the community. It would therefore comply with the requirements of Policy H8 of the RBLP and the SPD, which amongst other matters seek to ensure that proposals should respect the character of the area and should not individually or cumulatively dilute the existing community's mix and balance.

Living Conditions for Future Occupiers

17. Policy CC8 of the RBLP requires a quality living environment for occupiers, and this is particularly important given the greater emphasis on home life post-Covid. The Council has drawn my attention to the National Described Space Standard (NDSS). I acknowledge that the width of bedroom 3 would be less than the NDSS standard width, but the bedroom would have an overall floorspace which is stated to be 10.8 square metres which exceeds the 6.5 square meters minimum required by the SPD and the NDSS standard of at least 7.5 square metres. Indeed, all the proposed bedrooms exceed the minimum space standards. Therefore, despite an element of conflict with the NDSS, I consider that the bedrooms would have sufficient internal space to ensure occupiers have adequate living conditions.
18. The Council Officers' Report sets out concerns regarding light and outlook to bedrooms 2, 3 and 7, as well as the kitchen and communal area. However, I consider that all rooms would benefit from adequate external windows, daylight and sunlight. I also consider that bedroom 7 has sufficient usable space, notwithstanding some areas of reduced headroom. Therefore, while I accept that the shape of some of the rooms is a little unusual, notably bedrooms 3 and 4, these would still be practical spaces to live in.
19. Policy H8 states that sufficient communal space must be provided within sui generis HMOs, which the SPD confirms as being one communal room for every four to six bedrooms. The proposal has only one such room, for seven bedrooms.
20. The SPD accepts however that the extent of communal space necessary depends on the size of the bedrooms. With that in mind it is significant that the Council considers bedrooms 3 to 6 to be small sized. The communal accommodation also includes a kitchen which is significantly larger than the

minimum, and a garden space (described by the Council as 'good sized') to the rear. Whilst I appreciate that the communal space may well be used by all tenants at the same time, given that the combined area of the shared kitchen and communal area extends to around 30 square metres of floorspace, I consider this to be suitable for the number of occupants at the property.

21. The SPD also seeks to avoid layouts which locate living rooms, bathrooms and kitchens next to, above, or below bedrooms, instead preferring to stack rooms of similar uses together. In this case concern is raised in respect of bathrooms at first and second floors, and two bedrooms which are located above the living room. However, soundproofing is proposed to walls, floors and ceilings which the SPD encourages. Subject to a condition requiring details of the soundproofing, I am satisfied that the stacking arrangements would be acceptable and would not give rise to unacceptable living conditions for the future occupiers of the development.
22. Turning to the potential of overlooking and lack of privacy to the occupiers of bedrooms 1 and 2, I acknowledge that the windows to these bedrooms face onto the rear communal garden area. However, given the length of the garden area, I consider that there is enough room for it to be used without harming the privacy of the occupants of these bedrooms. Similarly, users of the garden area would not suffer from a level of overlooking any greater than what one would normally expect from adjoining residential properties despite the location of the bedroom windows.
23. I therefore conclude that the proposal would provide adequate living conditions for its future occupiers. It would comply with Policies H8 and CC8 of the adopted RBLP and the SPD, which amongst other matters require conversion proposals to have acceptable living conditions for new residential properties. It would also accord with the overarching aims of the National Planning Policy Framework (the Framework).

Living Conditions at 25 Newcastle Road

24. It is proposed to introduce an additional door to the side of the property accessed from its side path, adjacent to 25 Newcastle Road which has a similar pathway. The door would lead directly off the proposed communal area, and concerns are expressed that its increased usage would cause disturbance to the occupiers of No. 25.
25. The elevation of No. 25 facing the proposed door has a circular obscure glazed window at ground floor, together with the side elevation of its front bay window. The appeal property's existing pathway may already generate a certain amount of disturbance past these windows, but I agree with the Council that additional disturbance is possible given the more intensive use proposed.
26. Nevertheless, I consider that the effects of the door and its use can be adequately mitigated by means of a suitable boundary treatment. Such provision can be secured by a planning condition, as suggested by the Appellant.
27. Although not included in the reasons for refusal, the Council has also made reference to the proposal harming the outlook, daylight and sunlight available to the occupier of No. 25. Although that property has ground and first floor windows facing the extension, the proposal would be single storey and largely

screened by existing boundary treatments, as would be the areas for cycle and bin storage. As such, the proposal would have little adverse effect on that property's outlook or light.

28. For the above reasons, the proposal would not harm the living conditions of the occupiers of 25 Newcastle Road. It would also comply with Policies H8 and CC8 of the RBLP, the SPD, and the advice in the Framework, which together require conversion proposals to not have an unacceptable impact on the living conditions of the occupiers of nearby properties.

Conditions

29. The Council has provided a list of conditions, which I have assessed having regard to the advice in the Planning Practice Guidance (PPG). I have in some cases amended the Council's suggested wording, where details are only needed prior to occupation, rather than before commencement of development.
30. I agree that conditions relating to a time limit for commencement (condition 1) and adherence to plans (2) are necessary. Conditions requiring provision of car and cycle parking spaces (3 and 4) and securing details of the vehicular access (5) are required in the interests of highway safety, and to encourage use of sustainable transport modes. Details of refuse arrangements are also necessary (6), in the interests of the living conditions of future occupiers and nearby residents.
31. Although not initially suggested by the Council, I also consider that further conditions are required, on which I have sought and taken into account the parties' comments. A condition is required in respect of external surfaces matching existing materials, including the proposed second floor window, to maintain the character and appearance of the area (7).
32. It is also necessary to limit the number of people resident within the building, in the interests of certainty (condition 8). Whilst I have found that occupation by seven people as proposed would not harm the area's cumulative mix and balance or occupiers' living conditions, a greater number of occupants could have adverse effects on these matters. I have noted the comments from the Council that this should be restricted to six persons rather than seven, but the proposal is for seven occupants, and it is on this basis that I have made my decision.
33. For the reasons I have identified above, in the interests of the living conditions of occupants of 25 Newcastle Road, it is necessary to secure details and retention of a boundary treatment opposite the proposed new door (9). It is important that occupiers have an adequate living environment and therefore a condition is also required to secure internal soundproofing (10).
34. The window proposed to serve the bathroom in bedroom 5 is shown on the plans as being obscure glazed. Although this window currently serves a toilet, as proposed the room's use would be expanded and in the interests of the occupiers of No. 25's privacy, a condition is therefore necessary to secure obscure glazing in perpetuity, and that it is fixed shut (11).

Conclusion

35. For the reasons given above, I conclude that the appeal should be allowed.

Oliver Marigold

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 648/001, 648/050 Rev A, 648/100 Rev A, 648/200 Rev A, 648/400.
- 3) The HMO hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.
- 4) The HMO hereby permitted shall not be occupied until the bicycle parking facility for the use has been provided in accordance with the plans hereby approved. The facility shall be kept available for bicycle parking at all times thereafter.
- 5) The HMO hereby permitted shall not be occupied until full details of the vehicle access serving the development have been submitted to an approved in writing by the Local Planning Authority. The vehicle access shall thereafter be constructed in accordance with the approved details prior to first occupation as an HMO.
- 6) The HMO hereby permitted shall not be occupied until details of refuse and recycling arrangements appropriate for the approved number of occupants have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling arrangements shall be provided in accordance with the approved details prior to its first occupation as an HMO and shall not be used thereafter for any other purpose.
- 7) The materials to be used in the construction of the external surfaces of the development hereby permitted, including of the proposed second floor front window, shall match those used in the existing building.
- 8) No more than seven persons shall be resident at the property at any one time.
- 9) The HMO hereby permitted shall not be occupied until details of a boundary treatment between 25 and 27 Newcastle Road, opposite the proposed external door serving the communal area, has been submitted to and approved in writing by the Local Planning Authority. The approved treatment shall be erected prior to first occupation as an HMO and thereafter retained in accordance with the approved details.
- 10) The HMO hereby permitted shall not be occupied until details of internal soundproofing have been submitted to and approved in writing by the Local Planning Authority. The approved soundproofing shall be installed

prior to first occupation as an HMO in accordance with the approved details.

- 11) The HMO hereby permitted shall not be occupied until the first-floor side window proposed to serve Bedroom 5's bathroom is of a non-opening design and glazed in obscure glass. The window shall be retained as an obscure glazed, non-opening window for the life of the development.

End of Conditions