
Appeal Decision

Site visit made on 5 April 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/B5480/W/21/3284649

14 Poplar Street, Romford RM7 7JD

- 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 Genti Tusha against the decision of London Borough of Havering.
 - The application Ref P0338.21, dated 22 February 2021, was refused by notice dated 14 June 2021.
 - The development proposed is the change of use from single dwelling (C3) to House in Multiple Occupation (HMO C4)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On my site visit, I noted that the appeal site had been configured for use as a House in Multiple Occupation including seven bedrooms. However, the evidence before me indicates that this layout and intensity of use does not benefit from planning permission and falls outside of the scope of the planning application. Therefore, I have considered the appeal with regards to the details shown on the application form, the appeal form and submitted plans. This shows that the proposed development would feature five bedrooms.
3. Subsequent to the determination of the planning application, the Council adopted the Havering Local Plan (2021) (the Local Plan). As this document now forms part of the Development Plan, it carries full weight in my considerations. I have therefore had regard to this document in considering this appeal, having first given the main parties opportunity to comment.

Main Issue

4. The main issue relevant to this appeal is the effect of the proposed development upon the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

5. The appeal site contains an existing dwelling located at the end of a terrace of similarly designed houses. The submitted plans show that five bedrooms would be proposed. The appeal site features a relatively small driveway. This driveway also features some refuse storage.
6. Although the proposed development relates to a residential use, the scale of the development is such that there is a likelihood that the proposal would be

used by a greater number of occupiers than the numbers that may occupy the dwelling as a family dwelling. In particular, the nature of a House in Multiple Occupation is such that these residents would be adults and, potentially, unknown to one another.

7. In addition, given the development would be potentially occupied by people unrelated to one another, there is a reasonable prospect that occupiers would not undertake trips away from the property together. This would therefore increase the likelihood of noise and disturbance as people will be potentially leaving and arriving at the property in isolation.
8. This is because as a House in Multiple Occupation all residents, at all times, can be expected to be adults. Therefore, there is the potential for a greater amount of activity. This is because, as a family dwelling, some residents may be children. In addition, some occupiers of a family dwelling may seek to retain bedrooms for use by guests.
9. In result of this, there is an increased likelihood that there would be a greater number of people entering and leaving the property. This would result in an increase in the overall level of noise and disturbance created at the property. In addition, the greater number of people occupying the dwelling is likely to result in an increased number of visitors and deliveries to the property.
10. This increase in noise would emanate from people entering and leaving the property, in addition to vehicles manoeuvring. Owing to the relatively limited provision of on-site parking, the latter activity is likely to take place near to other dwellings within the surrounding area. Although there are some public transport routes in the wider area, these are unlikely to be an adequate alternative for all potential journeys.
11. As a House in Multiple Occupation, there is a notable likelihood that occupiers of the development may not be known to one another. Therefore, such trips may not be necessarily made as a single household. This would differ from a family dwelling where trips as a household are more likely. Therefore, a House in Multiple Occupation is likely to create more noise arising from a greater amount of activity.
12. This would therefore result in an increase in the overall level of activity at the property, which would result in an increased level of noise and disturbance. Given that such activities could likely take place during periods such as during the late evening and early morning, it has the potential to erode the living conditions for the occupiers of the neighbouring dwellings.
13. This is a concern given the general proximity of the appeal site to other residential dwellings. By reason of this proximity, the increased noise and disturbance is likely to be audible within the neighbouring dwellings. This has the potential to erode the living conditions of the occupiers of the neighbouring dwellings.
14. I acknowledge that the proposed development would be near to a number of other services and facilities that may be used by the occupiers of the proposed development. Whilst this might reduce the length of journeys that occupiers of the proposed development might need to undertake, it would not mitigate against the effects arising from increased noise and disturbance. I therefore do not find that this characteristic would overcome my previous concerns. Given

the number of occupiers, such adverse effects are likely throughout the life of the development.

15. The appellant has suggested that noise mitigation measures could be installed in the building. However, this would not mitigate noise and disturbance arising from increased arrivals to and departures from the appeal site as such noise would be generated outside. Therefore, this suggestion does not overcome my previous concerns.
16. Although the development would provide greater choice in housing provision. However, this would not overcome the previously described adverse effects.
17. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties, with particular regard to increased noise and disturbance. The development, in this regard, would conflict with the requirements of Policy 7 of the Local Plan. Amongst other matters, this seeks to ensure that developments do not result in unacceptable levels of noise and disturbance.

Other Matters

18. I understand that the development is unlikely to have an adverse effect upon the character and appearance of the surrounding area. Whilst a matter of note, this is only one of all the matters that should be considered and therefore does not overcome my findings in respect of the main issue.

Conclusion

19. The proposed development would have an adverse effect upon the living conditions of the occupiers of the surrounding properties. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR