



Appeal Decision

Site visit made on 24 May 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/J0350/W/21/3282736
13 York Avenue, Slough, SL1 3HP.

- 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 F Hassan against the decision of Slough Borough Council.
 - The application Ref. P/03147/004, dated 8 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is the change of use from Class C3 to Class C4 (six person 6 bedroom house in multiple occupation (HMO)).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects on:
 - the supply of housing and particularly the stock of family houses locally;
 - the living conditions of the occupiers of neighbouring houses; and
 - pedestrian and highway safety.

Reasons

Background

3. The appeal site comprises a two storey semi-detached property situated in a residential area although there is a school at the northern end of York Avenue. The submitted plans of the HMO show: six bedrooms over the two floors of the property, each with a fridge and a cupboard; three bathrooms; a kitchen area and a communal dining area. A further room is shown as a communal study room with two desks.
4. The change of use of a dwelling house to a small HMO, with no more than six residents, can be 'permitted development' as defined by Class L of Part 3 of Schedule 2 of the GPDO¹. However, the Council dispute that the premises were being used as a dwelling house when the application was submitted. Moreover, there is no application for a Certificate of Lawful Development before me to establish the lawful position as to whether it is permitted development and it appears that a previous application for a Lawful Development Certificate

¹ The Town and country Planning (General Permitted Development) (England) Order 2015

for an existing use was rejected by the Council. Therefore this application under section 78 of the Act has to be considered on its individual merits.

Effect on housing stock

5. Core Policy 4 of the Council's Core Strategy (2008) indicates that high density housing should be located in Slough town centre while outside of this area new residential development should predominantly consist of family housing. Further, the policy states that there should be no net loss of family houses as a result of flat conversions, changes of use or redevelopment.
6. In this case I find that the intensity of HMO use proposed means that it should be regarded as a form of high density housing and the site is located in a residential area which is mostly suburban in character rather than town centre related. As such the general location of the site does not support an intensive HMO use and the proposal conflicts with the overall policy on the distribution and location of new housing.
7. I acknowledge the appellant's claim that the property could be reused as a large family house with little physical modification, but the proposal is to use it to meet materially different housing needs for single people. The Council's emerging Local Plan outlines the continuing need for the suburbs to be the main source of housing for families in Slough and the potential reuse for families in the future does not outweigh its loss to the stock of family housing at the moment.

Effect on living conditions

8. The Council's case on the appeal does not provide a detailed analysis on where the alleged impact would be likely to arise but a general reference is made to direct effect on the adjoining property (No.15) which is said to be a dwelling house. However, neither does the appellant's case address the effect on this property. Moreover the Council's assessment refers to the possibility of 12 residents being accommodated in the host premises but although the plans appear to show double beds, the small size of the individual rooms suggests that such degree of use would be unlikely.
9. Nevertheless the intensive HMO use with no separate communal lounge, only a communal dining room and kitchen, tends to suggest that the main place for rest and relaxation within the premises would be the individual bedrooms where a higher degree of noise and activity, such as from TV, radio and electronic devices, could be expected compared with that generally arising from the bedrooms of a dwellinghouse. Two of the proposed HMO bedrooms are located at first floor alongside the party wall with No. 15 and, in the absence of evidence to the contrary regarding the transmission of sound, my concern is that the operation of the HMO would be likely to result in a material level of disturbance to the occupiers of this property and would harm their living conditions. This effect would conflict with part (d) of Policy H20 regarding the change of use to HMOs.

Effect on pedestrian and highway safety

10. The Council advises that the parking standard for an HMO is one space per bedroom whereas only three spaces can be accommodated on the hard surfaced forecourt of the property. The appellant's plans suggest 6 bikes could be accommodated in a rear bike store but neither party has addressed the

PTAL² of the site and therefore I am unable to assess whether the proposed HMO would be well located to public transport or local facilities to the extent that a general standard for parking for new development can be reduced. On the face of it the parking proposed is significantly deficient for the scale of the use and while there are no parking restrictions on the road immediately outside of the property, at the time of my visit there were many cars parked partly on the pavement in York Avenue and this, together with the presence of a school and nursery locally, indicates that further on-road parking pressure would not be in the interests of pedestrian or highway safety. The proposal would conflict with part (b) of Policy H20.

Planning balance

11. On the main issues I have found that the proposal conflicts with Core Policy 4 as the site for the high density housing use proposed would be located in a suburban rather than a town centre area and would result in the loss of a family house from the housing stock. The proposal would also not accord with the specific policy on HMOs, H20, as it has not been demonstrated that the use would integrate well with the adjoining semi-detached dwellinghouse and not result in disturbance to the occupiers of that property, nor would have adequate on-site parking to ensure that pedestrian and highway safety would not be harmed. This results in the proposal conflicting with the main relevant policies in the development plan.
12. This harm must be balanced with the benefits of the scheme. In particular I recognise that the National Planning Policy Framework (the Framework) encourages sustainable development, and it also recognises that the wide ranging needs of different housing groups should be addressed. However, the local policy conflict and other harm that I have identified mean that the proposal does not meet the social and environmental aims of sustainable development. I find that the proposal conflicts with the Framework when this is read as a whole. Moreover, the development plan conflict is not outweighed by any other factors. This indicates that the appeal should not be allowed.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

² Public Transport Accessibility Level