



Appeal Decision

Site visit made on 10 May 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/B5480/W/21/3281800

14 Medora Road, Romford RM7 7EP

- 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 W Sampson against the decision of the Council of the London Borough of Havering.
 - The application Ref P0894.21, dated 7 May 2021, was refused by notice dated 8 July 2021.
 - The development proposed is described on the planning application form as "HMO planning application".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed, although a different description is then given. In any event, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application and have assessed the proposal with reference to the planning application form and submitted plans.
3. The application has been submitted retrospectively, and I have determined this appeal on that basis.
4. Subsequent to determining the application, the Council has adopted a new Local Plan 2016-2031 (the Local Plan) and this has superseded the Core Strategy and Development Control Policies Development Plan Document 2008 (the DPD) referred to in the Council's decision. In its statement, the Council has specified which policies of the Local Plan it considers to be relevant to the proposal, and the appellant has had the opportunity to comment on these. I have proceeded to determine this appeal on the basis of the Local Plan.
5. During the course of the appeal, it became apparent that the appellant's Statement of Case had not been sent to the Council. This Statement and supporting evidence was subsequently forwarded to the Council to enable them to comment, and I requested that further consultation should be undertaken with third parties. This has been undertaken, and the appellant has had the opportunity to respond. I have taken account of the comments raised.

Main Issues

6. The main issues are:

- Whether the proposal would make suitable provision for vehicle parking; and
- The effect of the proposal on the living conditions of nearby residents with regards to noise and disturbance.

Reasons

Vehicle Parking

7. The proposal relates to a house in multiple occupation (HMO) providing 6 bedrooms with a maximum accommodation of up to 6 residents. The Council's officer report refers to a maximum parking standard of one space per two rooms, which would indicate that 3 parking spaces are required.
8. However, the Local Plan has been adopted since the publication of the officer report. Policy 8 of the Local Plan specifically relates to HMOs and requires proposals to demonstrate that they will not have an unacceptable impact on parking conditions. Policy 24 also refers to the consideration of the layout of parking provision as part of the design process.
9. There is on-street parking available to the front of the site which would represent 1 parking space. The appellant refers to 2 off-street parking spaces to the rear, and I saw that there were gates to the rear which enable vehicular access from a rear lane.
10. The parking arrangement is not specified on the submitted plans, but based on the evidence before me the parking to the rear would consist of 2 spaces located one behind the other. Unlike family accommodation, residents of a HMO are unlikely to share access to vehicles. The arrangement of the parking to the rear is therefore likely to lead to convoluted vehicle manoeuvres to enable the 'blocked' vehicle to leave the site via the rear lane. Alternatively, due to the awkward parking arrangement, vehicles would be displaced onto the highway including the constricted rear lane.
11. The availability of on-street parking spaces was very limited at the time of my visit, and I am mindful that I visited the site during the day whereas the peak demand for parking in this residential area would be during the evening and at weekends. The Council also states that the site has poor access to public transport, and that residents are therefore likely to be reliant on the private car. It may be possible to limit the number of residents at the site who could obtain a parking permit for the area, but there is no mechanism before me to ensure that that would be the case. In any event, this would not mitigate for the awkward parking arrangement to the rear of the site.
12. The appellant refers to a document which they consider states that there is good access to public transport. However, the excerpt provided relates to the borough as a whole, and does not provide substantive evidence to contradict the Council's stance on the accessibility of public transport within the locality of the appeal site. The evidence also suggests that the document referred to is the DPD which has been superseded by the adoption of the Local Plan.
13. Based on what I have seen and read, the proposal would not make suitable provision for the parking of vehicles and would have an unacceptable impact on

parking conditions in the area. This would lead to an increase in parking pressure in the immediate area and would be likely to result in inconsiderate parking to the detriment of highway safety, and reduce access to on-street parking that nearby residents could reasonably expect. The proposal would therefore be contrary to Policies 8 and 24 of the Local Plan which together seek to address parking provision for HMOs.

Living Conditions of Nearby Residents

14. The appeal site is one of a pair of semi-detached dwellings located within a street of a suburban residential character.
15. Policy 8 of the Local Plan sets out various criteria in respect of HMOs, and the Council accepts that the proposal would not conflict with subsections i and ii of that policy which relate to the size and the concentration of HMO's on a particular street.
16. Subsection iii of policy 8 states that proposals for HMOs should not have an adverse impact on the surrounding area and should not give rise to significantly greater levels of noise and disturbance than a single family dwelling of an equivalent size. I am mindful that the nature of comings and goings associated with an HMO would differ from that of a family dwelling. However, although Medora Road is suburban in nature, it contains a large number of properties and movements to and from them along the street would be commensurately high. Furthermore, the number of residents at the appeal site would be limited to no more than 6, which could be secured by condition. This would also limit the intensity of use of the external amenity area of the site.
17. In its reason for refusal on this issue, the Council refers to poor access to public transport. However, while that may increase the number of vehicle movements associated with the property, if access to public transport had been better there would still be pedestrian movements associated with residents accessing those services. I am not persuaded that the poor access to public transport would therefore significantly increase the number of movements to and from the site, even allowing for the different nature of those movements.
18. Drawing the above together, and mindful of the nature of occupation of HMOs, I do not consider that the level of noise and disturbance arising from the proposal in this location would be significantly greater than a family dwelling of a similar size. This would be in respect of the comings and goings of residents as well as the use of the amenity area.
19. The Council refers to an Article 4 direction which was introduced so that the impacts of small HMOs can be gauged and that they are sited appropriately. However, the Council has provided no substantive evidence to support its concerns regarding significant harm from noise and disturbance from residents of the proposal, and it has therefore not been demonstrated that the proposal would conflict with the aims of the Article 4 direction.
20. Based on the evidence before me, I conclude that the proposal would not lead to significant harm to the living conditions of nearby residents with regards to noise and disturbance. The proposal would therefore not conflict with the amenity requirements of policies 7, 8 and 34 of the Local Plan.

Other Matters

21. The Council's officer report refers to concerns on the lack of a communal area for residents and the size of one of the bedrooms. Policy 8 also refers to the provision of a dining or living area large enough for all occupants to use simultaneously as well as guidance on HMOs. Had I been minded to allow this appeal then these are matters I would have considered further.
22. The appellant refers to the length of time that the property has been in use as a HMO. However a lack of complaints in relation to the main issues does not lead me to a different conclusion based on what I have seen and read, and the lawfulness of the development does not fall within the remit of this appeal.

Conclusion

23. Notwithstanding my conclusion in respect of the living conditions of nearby residents, I conclude that the proposal would not make suitable provision for the parking of vehicles with commensurate harm to highway safety and the availability of parking. The proposal would therefore conflict with the development plan as a whole with regards to parking provision.
24. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR