



Appeal Decision

Site visit made on 11 March 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/Y3615/W/21/3284335

32 Queen Eleanor's Road, Guildford GU2 7SL

- 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 Gong against Guildford Borough Council.
 - The application 21/P/01411, dated 25 June 2021, was refused by notice dated 5 October 2021.
 - The development proposed is the change of use from residential C3 (Dwelling House) to house of multiple occupation (sui generis)
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with other appeals on this site, (Ref: APP/Y3615/W/21/3281892 and APP/Y3615/W/21/3288076). Those appeals are the subject of separate decisions.

Application for Costs

3. An application for costs was made by Mr W Gong against the Council. This application is the subject of a separate decision.

Main Issues

4. The main issues are: the effect of the development on (i) the character and appearance of the host dwelling and surrounding area; and (ii) whether the proposal would provide adequate living conditions for future occupiers, with regards to noise and provision of adequate internal floorspace.

Reasons

Character and Appearance

5. The site comprises a substantial two storey detached dwelling set back from the road. I observed the immediate surrounds to be a quiet, residential area where large single buildings are set in individual expansive plots. It has a largely suburban feel created by the prevailing character of apparent family housing within the immediate vicinity.
6. The proposal seeks to convert the property into a house in multiple occupation (HMO). While there would be 6 bedrooms at the site, it could house up to 10 individuals, such that the conversion would not benefit from permitted

development rights. Several external alterations to the property are also proposed, including the creation of an additional vehicular entrance.

7. While most surrounding plots have one vehicular access, this is not the case for all, with a dwelling opposite the site having two. As such, this addition would not appear out of place or unduly upset the pattern of development. Even with the additional access, the front elevation of the appeal property would preserve its appearance of a single dwelling. In addition, the front green space would retain an element of openness, preventing the site appearing unduly cramped or overdeveloped due to the second vehicular access.
8. However, it is likely that occupants of the HMO would have individual domestic arrangements and schedules. As such, it is reasonable to conclude there would be a higher level of comings and goings than from a property occupied only by one family, who would likely share common activities and make shared trips.
9. Based on the proposed occupancy level, these comings and goings would likely result in a significant increase in the level of activity associated with the property. This would lead to an increase in noise and disturbance. Given the lack of HMOs in the street, this noise and activity would be out of place in the quiet, suburban surrounds.
10. I acknowledge other HMOs have been approved within the wider area. However, I have limited information on the specifics of the immediate surrounds where these applications were approved, and note that in one case reference is made to other HMOs nearby, Queen Eleanor's Road has no other HMOs and based on my observations the addition of the proposal would be out of place within this otherwise tranquil, residential setting.
11. The proposal would therefore have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034, adopted 25 April 2019 and the National Planning Policy Framework, which together seek to ensure development respects surrounding character.

Living Conditions

12. It is unclear from the submitted plans whether the floorspace for proposed en-suites would include areas under the stairs. If this were the case I agree that, due to inadequate headspace, the size of these rooms would be unusable. However, it has been confirmed by the appellant that the floorspace calculations do not include space under the stairs, leaving an area of 3.5 sqm per en-suite. I consider that this, while small, would be an adequate and reasonable space for the comfortable use of these rooms. I further consider based on the information and plans provided that there would be adequate, useable space in the loft bedrooms so as to ensure the living conditions of future occupiers are not compromised in this regard.
13. Concerns have also been raised regarding noise, and the lack of submitted information on soundproofing. The proposed conversion to HMO use would inevitably lead to more people with individual schedules living at the property. As such, I acknowledge that there would be potential for additional noise within the building, particularly in the shared areas on the ground floor.
14. While bedrooms would be located directly above these communal areas, this is not an uncommon arrangement, even in HMOs and the proposal would have to

ensure a degree of sound proofing to comply with building regulations. In any event, had the proposal been acceptable in all other aspects, I am satisfied that the Council's concerns could be addressed by way of a suitably worded condition requiring approval of a noise impact assessment prior to the commencement of development.

15. For the reasons given above, the proposal would provide adequate living conditions for future occupiers with regards to noise and the provision of internal floorspace. As such, it would comply with Policy G1 of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework, which together seek to ensure adequate living conditions.

Other Matters

16. The application site lies within 5km of the Thames Basin Heaths Special Protection Area (SPA), a network of heathland sites designated for their ability to provide habitat for internationally protected populations of Woodlark, Nightjar and Dartford Warbler. However, there is no need for me to consider the implications upon the SPA in this case as the proposal is unacceptable for other reasons, as referred to above. While I note correspondence from the appellant relating to the finalising of a planning obligation, the appeal would be dismissed on other grounds, even with a completed s106 agreement.

Conclusion

17. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

C Rafferty

INSPECTOR