



Appeal Decision

Site visit made on 8 November 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 DECEMBER 2022

Appeal Ref: APP/D1590/W/22/3290488

208A York Road, Southend-On-Sea SS1 2RX

- 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 M Nunn against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01907/FUL, dated 14 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is change of use from 6-person House in Multiple Occupation (use class C4) to 8-person House in Multiple Occupation (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a 6-person House in Multiple Occupation (use class C4) to 8-person House in Multiple Occupation (Sui Generis) at 208A York Road, Southend-On-Sea SS1 2RX dated 14 September 2021 and the plans submitted with it, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by Mr M Nunn against Southend-on-Sea Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue in this appeal is whether the proposal would provide future occupants with satisfactory living conditions, having regard to the size and layout of the kitchen.

Reasons

4. The appeal property is a two storey semi-detached property with additional accommodation within the roofspace. It is occupied as a six bedroom house in multiple occupation (HMO). The kitchen and living area, which also has sofas and a television, is located within a ground floor rear projection with windows and doors opening onto the property's rear garden. Two additional bedrooms would be provided by converting areas currently labelled as "storage" on the submitted drawings. All eight of the bedrooms would have en-suite facilities.
5. The kitchen and living area is large, measuring 27 square metres that the Council indicates exceeds that required by the Essex Approved Code of Practice Standards for HMOs. While there may be some small shortcomings in terms of the kitchen facilities when assessed against the Essex HMO Amenity Standards, such as providing only one washing machine, during my site visit, I observed that the kitchen area has two sinks, two microwaves, two kettles, two ovens

with four hobs each and two full length fridges with separate freezer sections. These are also shown on the proposed floorplans. There are generous worktops provided either side of the kitchen area, and a good level of storage in wall mounted cupboards, and cupboards below the worktops. Consequently, I find that a functional kitchen would be provided.

6. Two additional occupants would create further pressure on the kitchen storage space, worktops and ovens. However, the nature of the use would mean that it is likely that occupants would prepare separate meals at different times of the day. Policy DM8 of the Development Management Document (2015) (DMD) outlines that proposals for non self-contained accommodation will be required to meet the internal space standards set out in Policy Table 6. In accordance with the Table, for the reasons outlined above, the kitchen and living room, which provides sofa seating for at least four people, is of a sufficient size for all occupants to use the room simultaneously. There is no particular evidence before me that would indicate that the use of the room could not be reasonably managed between occupants to suit their own individual requirements.
7. For the reasons outlined above, the potential increase in the number of residents would not lead to overcrowding or poor housing conditions. I therefore conclude that the proposed dwelling would provide satisfactory living conditions for its occupants. Accordingly, I find no conflict with Policy CP4 of the Core Strategy Development Planning Document 1 (2007) and Policies DM1 and DM8 of the DMD which require that new development protects the living conditions of future and existing residents, or those principles of the National Planning Policy Framework (the Framework) that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

8. Interested parties have raised concerns relating to highway safety implications of additional parking on the highway. The Local Highways Authority has confirmed that HMOs do not have parking standards. The site is located in an accessible location with good links to public transport and two off-street car parking spaces would be provided. I consider this sufficient to reduce the likelihood of future occupiers choosing to park on the highway, given the scale of the property.

Conditions

9. I have imposed an approved plans condition in the interests of certainty. I have included conditions related to the provision of off-street car parking, and waste and cycle storage in the interests of highway safety and to promote sustainable transport modes. A condition to restrict the number of occupants is necessary to protect the living conditions of future occupants.

Conclusion

10. For the above reasons, and having had regard to all other matters raised, the proposed development would provide satisfactory living conditions for future occupants and would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; block plan, 636-301 Rev01 (Existing Plans, Section & Elevations); 636-302 Rev01 (Proposed Plans, Section & Elevations)
- 3) Prior to the first occupation of the development hereby approved, full details of refuse and bicycle storage facilities for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The refuse and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details prior to first occupation of the development and retained for the lifetime of the development.
- 4) No more than eight persons shall occupy the property as principal or main residence at any one time.
- 5) Prior to the first occupation of the development 2 no. car parking spaces shall be provided on site. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the development.