
Appeal Decision

Site visit made on 8 November 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/K0425/W/22/3303327

5 Mayhew Crescent, High Wycombe, Buckinghamshire HP13 6BX

- 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 A H Khan against the decision of Buckinghamshire Council.
- The application Ref 22/05878/FUL, dated 30 March 2022, was refused by notice dated 08 June 2022.
- The development proposed is change of use from C4 (HMO) to Sui-Generis (large HMO)

Decision

1. The appeal is allowed and planning permission is granted for change of use from C4 (HMO) to Sui-Generis (large HMO) at 5 Mayhew Crescent, High Wycombe, Buckinghamshire, HP13 6BX in accordance with the terms of the application, Ref 22/05878/FUL, dated 30 March 2022, subject to the following conditions:
 - 1.) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2.) The development hereby permitted shall be carried out in accordance with the approved drawings 5221-10, 5221-11A, 5221-12, 5221-13B.
 - 3.) Prior to the first occupation of the development hereby permitted the proposed access and parking area shall have been constructed as identified on drawing number 5221-13B. The parking spaces should be free from obstruction and available for use at all times.
 - 4.) Prior to the first occupation of the development hereby permitted one bird box shall be attached to the building, in a position suitable for its intended purpose, and thereafter retained for the lifetime of the development.

Applications for costs

2. An application for costs was made against Buckinghamshire Council by the appellant. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development was amended by the Council. This amended description was the subject of statutory consultation and formed the basis of the determination of the planning application. Following the submission of the planning appeal the Council have undertaken statutory consultation on the description of development as submitted by the appellant, which is set out in

the banner heading above. Therefore, I have determined the appeal on this basis.

4. Amended plans were submitted with the appeal which show an amendment to the proposed internal layout to the annexe, existing House in Multiple Occupation (HMO) and the inclusion of a green wall (drawing No. 5221-13B). These represent minor alterations to the original scheme and clarify the nature of the proposal and the interested parties have had opportunity to comment on these amendments. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration of the submitted drawings in determining this appeal.

Main Issues

5. The main issues are:

- whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook and internal room sizes;
- the effect of the proposal on the living conditions of the occupants of 5 Mayhew Crescent, in particular in relation to overlooking and amenity space provision; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Future occupiers' living conditions

6. 5 Mayhew Crescent is a 5-bedroom HMO with a detached annexe which is accessed through the rear garden. The annexe would be converted to a bedroom which would form part of the HMO within the main property.
7. The proposed layout¹ shows that the building would accommodate a bedroom with en-suite bathroom. It is proposed that future occupiers would use the kitchen and living area in the host property. Amenity space and bin and bike storage would be shared with the occupants of the existing HMO. The shared use of this garden, through which the bedroom would be accessed, along with the shared use of facilities, would functionally link the proposal to the host HMO. Whilst occupants of the building would need to go outside to use the kitchen and living facilities, I observed that this is a short distance to travel, and the living conditions of future occupiers would not be compromised as a result. Additionally, the communal bin and cycle store facilities would be adequate to serve the needs of the proposed development and existing HMO.
8. The proposed bedroom would be adequately sized to meet the needs of future occupiers. This room would have 3 windows, one of which would overlook a garden. Consequently, future occupiers would have adequate outlook and levels of natural light. Any change of use to create a separate dwelling would require a further grant of planning permission. Moreover, I have determined this appeal on the basis of what was applied for.
9. Therefore, I find no conflict with those aims of Wycombe District Local Plan (2019) (LP) Policy DM35 which seek to provide a level of privacy and amenity

¹ As shown on plan ref 5221-13B

for future occupants appropriate to the proposed use. I also find no conflict with the National Planning Policy Framework (the Framework) which requires that places are designed with a high standard of amenity for future users or with the Householder Design Planning and Guidance Supplementary Planning Document (2020) which sets out in more detail how the design quality aims of LP Policy DM35 should be achieved. I find no conflict with those aims of the Housing Intensification Supplementary Planning Document (2005) which, amongst other matters, seeks to ensure that proposals create high quality living environments for new residents.

10. Whilst referred to by the Council the Government's *Technical housing standards – nationally described space standard* and LP Policy DM40 and appendix J focus on internal space standards for new dwellings and do not specify standards for HMO bedrooms. Therefore, the content of this guidance and policy is largely irrelevant to the proposal.

Neighbouring residents' living conditions

11. Occupants of the proposed bedroom and the existing HMO would form part of the same household. Kitchen facilities and the garden would be shared. Whilst there would be some overlooking of communal kitchen windows and the rear garden by future occupiers of the proposal when accessing the bedroom, as occupiers would form part of the same household this would not be harmful to the living conditions of the occupants.
12. The proposal would result in a reduction in the amount of amenity space serving the existing HMO to accommodate the proposed bin and bike stores. Nonetheless, occupants would have access to 2 areas of amenity space including a paved area and an area of decking to the rear of the site. Whilst access to the decking area is via a flight of steps, at my site visit I observed that it is easily accessible. I have not been presented with any compelling evidence that these garden spaces would be of an insufficient size to satisfy the amenity space requirements of the occupants of a 6-bedroom HMO.
13. I therefore find no conflict with those aims of LP Policy DM35 which, amongst other matters, seek to ensure that development prevents significant adverse impacts on the amenities of neighbouring land and property.

Character and appearance

14. The appeal site accommodates a 2-storey semi-detached dwelling with a detached annexe located on the east side of Mayhew Crescent. The site is in a residential area formed predominantly of 2 storey dwellings with small front gardens. Some dwellings in the area contain outbuildings within rear gardens². Due to the topography of the area, dwellings on the east side of Mayhew Crescent are set below the highway level. This results in a varied and unusual character and appearance to the area, with one side of the street sitting at a significantly lower level, thereby offering views through to the wider area, contrasting with the more enclosed nature of the dwellings on the higher side of the street.
15. The existing annexe sits behind a parapet wall. Due to the sloping nature of the appeal site only the top part of the roof of this building can be seen from the

² As shown on plan ref 5221-10

street. The proposal does not seek any external alterations to this building or include any additional hardstanding or boundary treatment.

16. As set out above in relation to the first main issue, I have found that the unit would be functionally linked to the main HMO and would not result in the subdivision of the plot. The building would clearly be read as an annexe to the host property in its scale, form and function.
17. I therefore find that the proposal would not result in harm to the character of the area. Thus, I find no conflict with those aims of LP Policies CP9 and DM35 which, amongst other matters, seek to ensure that development achieves a high quality of design and appropriate character in the scale, form, layout and detailed design of buildings. I also find no conflict with the Framework, which requires that developments are sympathetic to local character, including the surrounding built environment.

Other Matters

18. I note that the proposal follows a refusal for an application for a self-contained residential unit and the Council consider that there are similarities with this application and that the reasons for refusal have not been addressed. Whilst the full details of that proposal are not before me, the current proposal would appear to be a different prospect. Consequently, the same issues do not arise.

Conditions

19. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord.
20. I have consolidated conditions put to me which relate to the construction of the access and parking area. This condition is necessary in the interests of highway safety.
21. Additionally, it is necessary, in the interests of biodiversity enhancement, as set down in LP Policy DM34, to secure biodiversity enhancement in the form of the provision of a bird box.

Conclusion

22. For the reasons set out above, the appeal is allowed.

Nichola Robinson

INSPECTOR