



Appeal Decision

Site visit made on 22 August 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal Ref: APP/Y1945/W/22/3311547

12 Monica Close, Watford, Hertfordshire WD24 4GZ

- 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 Sajid Siddiqui against the decision of Watford Borough Council.
 - The application Ref 22/01015/FUL, dated 17 August 2022, was refused by notice dated 27 October 2022.
 - The development is described as 'Application for 7 bedrooms for 7 person HMO.'
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Decision

1. The appeal is allowed and planning permission is granted for 7 bedrooms for 7 persons house of multiple occupation, at 12 Monica Close, Watford, Hertfordshire WD24 4GZ, in accordance with the terms of the application Ref 22/01015/FUL, dated 17 August 2022, and subject to the following conditions:
 - 1) No more than seven persons shall be resident at the house of multiple occupation, hereby permitted, at any time.
 - 2) The development hereby permitted shall accord with the following approved plans: Site Block Plan and Location Map Drawing No:MCL.PA.2020.A101 Revision: P01 and Proposed Floor Plans Drawing No: 2019122.PA103a Revision:P01.

Procedural Matters

2. At the time of the site visit, the appeal property appeared to be functioning as a house of multiple occupation (HMO). The bedrooms that I was able to view had en-suite facilities as well as integrated sink and cupboard units which include refrigerators. There were communal areas at the ground floor and loft level.
3. The pre-existing and proposed elevation drawing¹ submitted with the application and with the appeal shows openings in the rear dormer at loft level which do not match with the openings observed on the site visit. The information before me does not clarify the approved plans related to that addition. In any event this development does not require alterations to the external elevation of the property. I have not taken account of this drawing in this formal decision for these reasons.
4. I have made a minor amendment to the description of development in the interest of clarity and precision in this formal decision.

¹ Ref: Drawing No: 2019122.PA104 Revision: P01

Main Issues

5. The main issues are:

- Whether the appeal property is suitable for the conversion to a large-scale house of multiple occupation, with particular regard to the character of the area and development plan policies which guide residential conversions in the borough; and
- Whether the development provides satisfactory living conditions for occupants of the house of multiple occupation, with regards communal living areas and privacy.

Reasons

Suitability for Conversion

6. The appeal property is a mid-terraced three storey property which has been converted at loft level to provide addition living space. The property is part of a small residential estate comprising terraced dwellings and apartments, at the edge of Watford town centre.
7. The development provides seven bedrooms with en-suite facilities. Policy HO3.9 of the Watford Local Plan (Local Plan) provides support for large houses of multiple occupation (HMO) subject to specified considerations. This includes, amongst other matters, the original floor space of the property, access to public transport and other amenities and appropriate amenity space and facilities for refuse and recycling storage.
8. A high concentration of HMOs in an area can have negative consequences; this could include changes in the appearance of properties through the increased number of refuse bins and parked vehicles that adversely effects the character of an area. However, the evidence in this case indicates, taking account of the appeal property, less than 10% of the residential frontage in this area comprises HMOs. This is in keeping with the supporting text of Policy HO3.9 of the Local Plan, which highlights this percentage to enable good management and support, and ensure HMOs are in the right location without any adverse impacts on the surrounding area.
9. The appeal property is mid terrace and the principal access to the rear garden appears to be through the dwelling. As such if refuse bins where to be stored in the rear garden, they would either have to be brought through the dwelling or from the alley at the rear of the property on waste collection day. Both options are less than satisfactory. I saw bins stored at the front of the appeal property which appear to be as a consequence of the terrace arrangement in this part of Monica Close. However, the occupants of the wider terrace and other neighbouring terraces also store bins at the front of their properties.
10. I find nothing before me which would prevent the appeal property functioning as a small HMO and this would permit up to six separate individuals residing at this property. This development increases this by one individual. While this results in more waste, this is a slight increase over that already potentially generated at this property.
11. I observed that the existing refuse bins can be stored without encroaching on to the front pedestrian access to the appeal property, the off-street parking

space at the front of the dwelling or the pavement. There is also some remaining space, next to the bins, for additional bin capacity. Moreover, positioning the bins in this location does not significantly alter the prevailing appearance of this area, where the storage of bins at the front of dwellings is a common feature. For these reasons I find that this HMO has appropriate facilities for refuse and recycling storage such that this use does not harmfully impact on the street scene in this regard.

12. The Council concludes that the slight increased parking demand is considered acceptable taking account of local circumstances. I find nothing to dispute this conclusion. Consequently, having regard to the above factors the development does not significantly alter the appearance of the area nor does it have a harmful visual effect on the character of the area for the reasons outlined.
13. There appeared to be one small convenience store in the residential area. However, the appeal property is approximately a 20 minute walk to Watford town centre and the range of services available in that centre. Moreover, at the time of the site visit, the bus stop on neighbouring Raphael Drive provided a bus service to Watford Junction railway station, which was a short journey from this local bus stop. Watford station is also approximately a 10 minute walk from the appeal property. There were also bus stops on the main Radlett Road which is only a few minutes' walk from the property. In this regard, while there are limited services in the immediate vicinity, the appeal property has good access to public transport and other amenities in the wider area.
14. The development would result in the loss of a family dwelling. However, this is countered by the property making a small contribution to the mix of residential units and providing accommodation that is usually associated with the lower end of rent prices. Also, in this case, the evidence indicates that there is not an imbalance between family dwellings and sub-divided residential accommodation in this area. The supporting text of Policy HO3.9 seeks the re-provision of family housing, but even if this appeal was allowed, I find nothing preventing a family occupying this property in the future.
15. There is dispute between the main parties as to the original floorspace of the dwelling. In any event the original unextended floor area was less than 150sqm, which is the floorspace supported in Policy HO3.9 of the Local Plan. While having regard to this policy consideration, Policy HO3.9 does not preclude properties with a smaller original floor area.
16. In respect of this matter, the dwelling has been extended to the rear and now has an additional spacious room at ground floor level. The living accommodation has also been extended into the loft, with a large dormer at the rear, and has two rooms at this level. The property also benefits from a good sized rear garden, with space for occupants to sit, and there is further outside space, accessed by the rear gate, that could accommodate a secure cycle storage facility. In these regards, the property provides appropriate amenity space for its occupants, consistent with that sought by Policy HO3.9. Moreover, as outlined above, the development is consistent with matters pertaining to location and character that are also sought by Policy HO3.9 of the Local Plan for this type of use.
17. In light of the above, I find that the appeal property is suitable for the conversion to a large-scale house of multiple occupation, with particular regard to the character of the area and development plan policies which guide

residential conversions in the borough. In these regards the development accords with Policy HO3.9 of the Local Plan.

18. The development is also consistent with provisions of the National Planning Policy Framework (the Framework) which seeks, amongst other matters, developments that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Living Conditions

19. The extension at the rear of the property is now used as a ground floor bedroom. Access to this bedroom and the rear garden is from a communal room. Contained by internal doors, this communal room is at the centre of the property and does not benefit from windows. However, there is a reasonable size rooflight which can be opened for ventilation and fresh air. This rooflight also allows a reasonable level of light into the communal room. Moreover, while this room does not have an outlook over the street or garden, it is spacious and includes a fitted kitchen, seating area and table and chairs for dining. In these regards it is well designed and serves as a generous and functional communal shared space for the occupants of the HMO.
20. Also, the bedrooms in this property are reasonably spacious and all have good size windows. Each bedroom therefore has a reasonable outlook and along with the spacious communal room at the ground level this provides a good quality of living accommodation for the occupants of this HMO.
21. The Council is concerned about the roof height of the additional kitchen at the loft level, stating it does not meet nationally described space standards. However, internal space standards can only be applied if there is a relevant development plan policy. This aside, while part of this room has a low ceiling height due to the eaves, I saw that a significant proportion of the room is unaffected by this low ceiling. Indeed, the integrated cooker and hobs were confined to internal walls away from the low ceiling height. There was also a reasonable space in addition to these features where it is possible to manoeuvre around the kitchen without being impeded by the slope of the ceiling.
22. The washing machines and microwaves were located at one section of the room with a sloping ceiling, but with the exception of these items the area under the eaves was clear at the time of the site visit. Even with this area kept clear, I saw that there was a reasonable space for occupants of the HMO to cook and safely move around the kitchen. Moreover, with the benefit of two sizeable rooflights, the room feels light and spacious. As such this room is a reasonably well-designed communal space for the occupants of the HMO to use.
23. The ground floor bedroom at the rear of the property has French doors which overlook the rear garden. The garden comprises a small patio area, level with these doors and this leads to a slightly elevated grassed area. This garden is accessible to all occupants of the dwelling. When occupants use this outside space, the bedroom adjacent to the patio would feel less private for the occupant of that bedroom.
24. However, as outlined above, I find nothing before me that would prevent this dwelling functioning as a small HMO with six individuals. The increase in occupancy as a consequence of this development, by one person, is unlikely to

result in considerably more individuals using the rear garden than already can occur at the property without the need for planning permission. As such, the level of privacy for the occupant of this rear ground floor bedroom is unlikely to be noticeably different than that which could occur under existing lawful uses at the property. Also, for this reason, the rear garden is unlikely to appear less appealing to other occupants of the HMO with regards concerns about encroaching on the privacy of the occupant of the ground floor bedroom, than would be the case if the property functioned as a small HMO. In light of these circumstances, I find that the development does not unacceptably change the level of privacy enjoyed by the occupant of the ground floor bedroom.

25. In light of the above, I find that the development provides satisfactory living conditions for occupants of the house of multiple occupation, with regards communal living areas and privacy. In these regards the development is consistent with Policy HO3.6 of the Local Plan. This Policy supports co-living accommodation where, amongst other matters, it incorporates a high quality of design and generous communal shared space and amenities for all occupants.
26. The development is also consistent with the Framework which seeks a high standard of amenity for existing and future users.

Conditions

27. The statutory time limit is not required in this case as the use has commenced.
28. It is necessary and reasonable to restrict the number of occupants residing at the appeal property in the interest of certainty; to protect the character of the area and the living conditions of the property's occupants. A condition ensuring the development accords with approved plans is also necessary for these reasons.
29. Concern has been raised about cooking facilities in bedrooms, and the appeal decision that quashed an enforcement notice related to an allegation that the property comprised self-contained units has been drawn to my attention regarding this matter. Consistent with the Inspector's findings in that case, if cooking facilities were available in bedrooms this could change the use of the property. Planning Permission would be required in such an eventuality. Restricting cooking facilities in bedrooms in this large HMO is unnecessary for this reason and this condition is not imposed accordingly.

Conclusion

30. Having regard to the development plan and other material considerations, including the Framework, the appeal should be allowed.

A J Sutton

INSPECTOR