



Appeal Decision

Site visit made on 17 September 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/Y1945/W/24/3341402

18 Westland Road, Watford, Hertfordshire WD17 1QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Q Place Limited against the decision of Watford Borough Council.
 - The application Ref is 23/01162/COU.
 - The development proposed is described as '18 Westland Road WD17 1QS addition of seventh room to a six room HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a 6 person HMO (Class C4) to a 7 person large HMO (Sui Generis) at 18 Westland Road, Watford, WD17 1QS in accordance with the terms of the application, Ref 23/01162/COU, and the plans submitted with it, subject to the following conditions:
 - The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plan 1/2 and Proposed Plan 2/2 dated 10th January 2024.
 - The House in Multiple Occupation hereby permitted shall not be occupied by more than seven residents at any time.

Preliminary Matters

2. The description of development in the decision above is taken from the decision notice, as this better reflects the proposal.
3. The Council refer to paragraph 130 of the National Planning Policy Framework (the Framework) with reference to development functioning well and adding to the overall quality of an area. This appears as paragraph 135 in the latest revision of the Framework and therefore I have referred to paragraph 135 in my decision.
4. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission as claimed by the appellant. If the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act.

Main Issues

5. The main issues in the appeal are:

- whether the property is suitable to accommodate a large HMO and;
- the effect of the proposed development on the living conditions for existing and future occupants, with particular reference to refuse arrangements, room sizes, private amenity space and privacy.

Reasons

Suitability of site

6. Criterion C of policy H03.9 of the Watford Local Plan 2021-2038 (WLP) refers to proposals to sub divide existing residential accommodation to large scale Houses in Multiple Occupation (HMO's). It specifies that proposals will be supported provided they have an original unextended floor area of 150m².
7. On site I noted that the property is a good size and provides accommodation over three floors. The submitted floor plans illustrate that the building has a total floor area of 205m². In addition, there is no evidence before me, that the original unextended floor area is below 150m².
8. For the reasons identified above, I conclude that the appeal site would be suitable to accommodate a large HMO. The proposed development is therefore compliant with policy H03.9 of the WLP insofar as it requires large HMO's to have a unextended floor area of at least 150m².

Living conditions

Refuse

9. On site I noted that the property is served by waste and recycling bins stored at the front of the site. Watford's Waste and Recycling Bin allocation, storage and collection guidance, advises that refuse and food waste storage requirements would not differ between HMO's serving six or seven occupants. As such additional capacity would not be required for the seventh occupant in respect of the storage of both general and food waste at the site.
10. The guidance suggests that the extra bedroom would trigger a need for an additional 620 litres of recycling storage, but this requirement applies to HMO's with 7-14 bedrooms. The recycling generated from a 14-bedroom property would be far greater than a seven bedroom one, and in light of the pre-existing arrangements on site, it is plausible that sufficient recycling facilities would be provided for the additional occupier.

Room sizes

11. The proposed seventh room is located on the third floor and is currently used for storage. The room has a sloping ceiling with head height limited in approximately one third of the room. However, the room is a good size and does not feel cramped. At the time of my visit, I noted that it easily accommodated a double bed, bedside tables and desk area with a window overlooking the garden. The room is also served by an ensuite bathroom. This room would provide good living conditions for a future occupier.

12. Reference is made to other rooms within the dwelling, but the property already operates as a HMO and the focus of this appeal is the proposed living conditions within the additional room.
13. Whilst the plans do not denote extra kitchen facilities for an additional occupant, the kitchen area is large and includes a good level of storage, multiple fridges, ample counter space and separate utility and dining areas for occupiers.

Private amenity space

14. The property is served by a shared rear garden that can be accessed from the utility area to the rear of the kitchen. The additional occupant would have use of this shared garden. The evidence does not provide standards for garden space for HMOs and therefore the access to the available garden space is considered acceptable.

Privacy

15. The reference to privacy seems to relate to bedroom two, which remains unchanged as a result of the proposed development. No privacy concerns have been raised in respect of the proposed seventh room.
16. For the reasons above I conclude that the proposed development would have an acceptable effect on the living conditions of existing and future occupants, with particular reference to refuse arrangements, room sizes, private amenity space and privacy. As such, it would not conflict with policy H03.9 and QD6.4 of the WLP insofar as HMO's are required to provide appropriate amenity space and refuse and recycling storage. It would also comply with paragraph 135 of the Framework insofar as it requires development to function well and provide a high level of amenity for existing and future users.

Other Matters

17. Given that the property is currently in a C4 use, the proposal would not result in the loss of a family dwelling. This appeal considers the change of use from C4 to a large HMO, there is no evidence before me that there is any prospect that the dwelling would be reverted to a single dwelling.

Conditions

18. In the interest of certainty and to ensure an acceptable development it is necessary to specify the approved plans and limit the number of residents to seven.

Conclusion

19. For the reasons given above the appeal should be allowed.

V Goldberg

INSPECTOR