



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: 21 October 2024

Appeal Ref: APP/Y1945/W/24/3341400

26 Woodford Road, Watford, Hertfordshire WD17 1PA

- 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 23/01025/FUL.
 - The development proposed is the change of use from 6 person house in multiple occupation (Class C4) to 7 bedroom house in multiple occupation (*sui generis*).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the decision above is taken from the decision notice, as this better reflects the proposal.
3. During my visit I noted that the layout of the building does not correspond with the plans submitted as part of this appeal. I have made my assessment strictly on the basis of the plans before me.
4. 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, which I have referred to in my decision.

Main Issues

5. The main issues in the appeal are:
 - whether the property is suitable to accommodate a large House in Multiple Occupation (HMO); and;
 - the effect of the proposed development on the living conditions for existing and future occupants, with particular reference to refuse arrangements and room sizes.

Reasons

Suitability of site

6. Policy H03.9 of the Watford Local Plan 2021-2038 (WLP) refers to proposals to sub divide existing residential accommodation into self-contained flats or large scale HMOs. It is relevant to the proposal as the parties agree that the existing use is residential accommodation. The policy has five criteria for proposed

development to satisfy. Criterion c) specifies that proposals will be supported provided they have an original unextended floor area of 150m².

7. The property is a modest semi-detached dwelling providing accommodation over three floors, with rooms within the property being small. The accommodation feels contrived and cramped with the kitchens on the upper floors being particularly small. The appellant accepts that the property in its original form does not provide 150m² of floor area but questions the relevance of policy H03.9. Whilst it is accepted that a family house has been lost, the property is already in use as a HMO and there are no car parking issues, specifying a minimum size for a larger HMO remains applicable.
8. For the reasons identified above, I conclude that the appeal site would not be suitable to accommodate a large HMO. The proposed development is therefore contrary to policy H03.9 of the WLP insofar as it requires large HMO's to have an unextended floor area of at least 150m².

Living conditions

Refuse

9. The property is served by waste and recycling bins stored at the front of the site behind a wooden enclosure. 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 existing arrangements on site, sufficient recycling facilities would be provided for the additional occupier.

Room sizes

11. The proposed seventh room is located on the second floor and the plans denote that it is currently used as a store. The room has a sloping ceiling with head height limited in a large proportion of the room, consequently the room feels cramped and there would be inadequate room for sufficient furniture, storage and belongings. This room would therefore provide poor living conditions for a future occupier.
12. Whilst there is no control over what rooms can be used in the property, an additional occupant would result in all rooms being occupied and reduce the space available to other occupants and the need to share existing communal areas.
13. For the reasons above, I conclude that the proposed development would result in an unacceptable effect on the living conditions of existing and future occupants with reference to room sizes, both because the additional room is of inadequate size and because of the cumulative impacts of intensified occupation. As such, the proposed development would be contrary to 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.

Planning Balance and Conclusion

14. The appeal site would not be suitable for use as a large HMO and would result in an unacceptable effect on the living conditions of existing and future occupants with reference to room sizes. This harm brings the scheme into conflict with the development plan taken as a whole.
15. The proposal would deliver an additional room in the Borough for an individual who could not afford to rent or buy self-contained accommodation. This would make a limited contribution as indicated by paragraph 70 of the Framework, particularly given that the Council concedes it is unable to demonstrate a five-year supply of deliverable housing sites. Furthermore, the Council's latest Housing Delivery Test Results show that only 73 percent of the homes required were delivered in the test period. However, due to the small scale of the development, this benefit would be limited.
16. Paragraph 11(d) of the Framework is a relevant consideration as a result of the Council's housing supply and delivery issues. It indicates that in the circumstances of this case permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. Taking all of the above into account, I consider that the harm identified in relation to the suitability of the site for use as a large HMO and the unacceptable effect on the living conditions of existing and future occupants with reference to room sizes significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework when taken as a whole. Consequently, the Framework does not indicate in favour of the proposal.
18. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR