



Appeal Decision

Site visit made on 23 October 2024

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/H1515/W/24/3342535

10 Jason Close, Brentwood CM14 4PG

- 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 Mr Michael Allen against the decision of Brentwood Borough Council.
 - The application reference is 23/00610/FUL.
 - The development proposed is change of use from residential to House of Multiple Occupation (HMO) for up to 10 persons.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from residential to House of Multiple Occupation (HMO) for up to 10 persons at 10 Jason Close, Brentwood CM14 4PG in accordance with the terms of the application, reference 23/00610/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans, other than where any alterations are required pursuant to Condition 3:
 - 000 Location Plan and Block Plan
 - 005A Existing Site Plan
 - Revised 006C Proposed Floor and Roof Plans
 - Revised 007D Proposed Elevations
 - Revised 008 Proposed Floor Plans
 - Revised 009A Proposed Second Floor and Roof Plans
 - 3) The development hereby permitted shall not be occupied until four vehicle parking spaces have been provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be generally in accordance with Figure 1 of the Parking Note by Paul Mew Associates (March 2024). The scheme shall include provision for the storage of refuse and recycling. The parking spaces and facilities for refuse and recycling storage shall be provided in accordance with the approved scheme prior to the occupation of the development and shall thereafter be maintained as such and kept available for those purposes for the lifetime of the development.

Preliminary matters

2. Local residents have stated that the property is already in use as a house in multiple occupation (HMO) and that this use is unlawful. However, it is not for me to determine the lawfulness or otherwise of the current use. I have considered the appeal on the basis of the description of development set out above.
3. I have allowed the appeal on the basis of conditions that are different from those suggested by the Council. The Council and the appellant have been given an opportunity to comment on these conditions.

Main issue

4. The main issue is the effect of the proposal on highway safety and parking conditions in the locality.

Reasons

5. Jason Close is a short cul-de-sac accessed from London Road (A1023), a main radial route leading to Brentwood town centre. Jason Close is a residential road, whilst London Road is more mixed in character with public houses, a hotel, a car dealership and other businesses located nearby as well as residential development.
6. Jason Court is an apartment block at the corner of London Road and Jason Close. It contains a number of garages which are accessed from Jason Close. Grouped around the cul-de-sac, in a series of short terraces, are 11 three-storey houses of similar design. The appeal property is one of three such houses facing the end of the cul-de-sac. Some of the houses were designed with integral garages set back from the footway, such that there would also be space for one car to park in front of the garage, clear of the footway. Some of the front gardens have been paved to create a second parking space. Much of the kerb around the close has been dropped to facilitate access to private drives and parking areas.
7. The appeal property is unusual in that, because it is located by the turning head and adjacent to the boundary of an adjoining premises, it has more land in front than the other houses in Jason Close. A plan submitted with the application indicates that there are five parking spaces, three directly in front of the house and two by the turning head. However, that does not accord with what I saw. The area where two spaces are shown by the turning head is a narrow strip between the highway and the boundary of the adjoining premises. It is heavily overgrown and also contains a tree. Even if those features were removed, I do not think it would be practical to create parking spaces as shown, because they would be very awkwardly located in relation to the highway. I also saw a car parked to the side of the house. However, that space is not independently accessible and I have not included it in my assessment.
8. The Council's sole reason for refusal alleges a breach of Brentwood Local Plan (BLP) Policy BE13, which states that development proposals must take account of the Essex Parking Standards – Design and Good Practice (2009). The policy goes on to say that proposals which make provision below these standards should be supported by evidence detailing the local circumstances that justify deviation from the standard.

9. The Council accepts that the parking standards do not cover houses in multiple occupation (HMO). In these circumstances, it is hard to see how a proposal for a HMO could be contrary to Policy BE13. However, it does not follow that parking provision should be disregarded. Policy BE14, which promotes good design, states that all proposals should provide safe, inclusive, attractive and accessible places. This is to be achieved in various ways, including by sensitively integrating parking places and functional needs for storage, refuse and recycling collection points. To my mind, providing an appropriate level of suitably designed parking is an aspect of good design.
10. In the absence of any locally defined parking standards, the appellant has reviewed the standards that are applied to HMOs elsewhere. This exercise found that 0.5 spaces per room is typical. A comparison of this nature cannot be definitive and has no status as policy. Nevertheless, it does provide a useful check on what is thought to be appropriate elsewhere. I note that the examples quoted include both cities and smaller towns.
11. The accessibility of the site by public transport is also a relevant consideration. The reason for refusal states that this is not a "*highly sustainable*" location and that the development would be "*highly reliant upon the use of private vehicles*". I agree that the location is not highly sustainable, in that it is not in a town centre with multiple transport options readily available. However, there are frequent bus services along London Road which serve Brentwood and Romford town centres as well as the Romford Elizabeth Line station. This is a location where public transport would be a viable option for some occupants.
12. The appellant's evidence includes an illustrative layout that would provide four independently accessible parking spaces on site. The appellant points out that this is a higher level of provision (at 0.8 spaces per room)¹ than the standard typically applied elsewhere. The Council describes this as a "*shortfall*" of six spaces. However, there is no policy basis for the Council's approach, nor is there any evidence that it would be reasonable to expect every single occupant of the proposed HMO to own a car. I consider that the illustrative layout would be practical and achievable. Four spaces would be an increase of one on the current situation. In all the circumstances, I consider that it would be a reasonable level of provision.
13. Local residents state that there is already pressure on parking in Jason Close. There is a short length of footway (to the right when entering the Close) which was obstructed by cars at the time of my visit. That is a situation that already exists and there is room for only three vehicles at most here. The footway beside Jason Court is protected from pavement parking by double yellow lines. There is limited opportunity to park in the road due to double yellow lines on the approach to the junction with London Road and the presence of numerous private drives, as described above. The parking restrictions are no doubt intended to keep parked cars away from the junction in the interests of highway safety. The proposal would not alter that situation.
14. The Highway Authority has not raised any objection in terms of highway safety. I agree that the proposal would not result in harm to highway safety. The parking arrangement shown in the appellant's evidence should be secured by a condition. On that basis, I do not consider that the proposal would have

¹ Inspector's note – the plans show that there would be five bedrooms

an adverse effect on parking conditions. It would accord with BLP Policies BE13 and BE14.

Other matters

15. The Golden Fleece Inn is a Grade II* listed building fronting London Road. The back of the premises shares a common boundary with the appeal site. The listing description notes that the building dates from around 1400 with numerous additions made over the intervening centuries. Much of the significance of the listed building is intrinsic to its historic fabric and layout. Insofar as setting contributes to significance, it is the relationship with London Road which is most important. This setting, which would not be affected, enables the various elements of the building to be appreciated and also makes clear the role of the building as a roadside inn.
16. To the rear, there is a featureless expanse of tarmac used for car parking and a rather cluttered back of house area. These elements of the setting make very little contribution to the ability to experience the listed building. Although the flank wall of the appeal property is close to the common boundary, and readily visible from the car park, there would be no change to this elevation. The proposed changes to the parking spaces would merely rationalise the existing situation and, in any event, would be screened by the existing boundary fence. There would be no impact on the setting or the significance of the listed building. Having regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the setting of the listed building would be preserved².
17. Local residents have expressed concern regarding the principle of the proposed use, on the basis that this would be an over-intensive use of the property. BLP Policy HP02 seeks to protect the existing housing stock and to resist the net loss of existing dwellings. However, in this case the Council considers that the provision of another form of residential accommodation would outweigh the loss of a single dwelling, such that there would be no conflict with the policy. I see no reason to disagree. The Council has space standards for licencing HMOs. The Environmental Health Officer has assessed the proposals and some changes have been made to bring the proposal into line with those standards.

Conditions

18. A condition requiring development to be carried out in accordance with the plans, other than in respect of the parking arrangements, is needed in the interests of clarity and certainty. A condition requiring a parking layout to be approved, generally in accordance with the indicative layout provided in the appellant's evidence, is needed in the interests of ensuring that adequate provision is made for the vehicles of occupiers of the development. The layout should also make provision for refuse/recycling storage arrangements in the interests of amenity and sustainable development.

² Inspector's note – whilst no heritage impact assessment has been submitted, in the particular circumstances of this case I am satisfied that there is sufficient information to enable me to conclude on the requirements of section 66(1)

Conclusion

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

David Prentis

Inspector