



Appeal Decision

Site visit made on 28 October 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2024

Appeal Ref: APP/N1540/W/24/3339359

13 Hull Grove, Harlow, Essex CM19 5RP

- 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 Ms Inga Braukylaite against the decision of Harlow District Council.
 - The application Ref is HW/FUL/23/00246.
 - The development proposed is described as 'the conversion of existing 2 storey 3-bedroom dwelling into 5 person HMO'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers to the existing dwelling being a three-bedroom property. However, the submitted existing floor plans illustrate that the property has two bedrooms. I have made my assessment strictly on the basis of the plans before me.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area with reference to the provision of bin and cycle storage;
 - the living conditions of neighbouring residential properties, with reference to noise and disturbance;
 - the living conditions for future occupants, with particular reference to room sizes; and;
 - on street parking levels and highway safety.

Reasons

Character and appearance

4. The appeal site contains a modest semi-detached bungalow which fronts an enclosed communal green area. A matching semi-detached pair lie opposite the appeal site and a row of small, terraced dwellings lie to the rear of the green space to form a close. Each property has a small brick bin store which accommodates one bin. With the exception of the modest brick bin stores, no other structures are located in front of the building line.

5. Properties within the close have open frontages and soft landscaping resulting in a verdant uncluttered appearance which positively contributes to the character and appearance of the area.
6. Whilst there are no external amendments to the property, the addition of bin and cycle stores would appear incongruous amongst the predominantly open and verdant frontages in the close. The proposed stores would not be situated beyond the property boundary and would provide order to the required cycle and bin storage. However, they would occupy most of the frontage of the property and therefore detract from the open verdant character and appearance of the area.
7. For the reasons identified above, I conclude that the proposed development would have an adverse effect on the character and appearance of the area with reference to the provision of bin and cycle storage. It is therefore contrary to Policy PL1 of the Harlow Local Development Plan¹ (HLDP) which requires proposed development to protect, enhance or improve local distinctiveness.

Noise and Disturbance

8. The dwellings within the close are modest, with comings and goings from them typically arising from the use of households with shared routines, visitors and deliveries.
9. The proposed development will result in the change of use from a single dwelling to a five-bedroom HMO. Whilst it is accepted that the property benefits from a loft conversion, the existing plans denote that the property has two bedrooms. Whilst the appellant considers that the property could easily accommodate five adults, given there are only two bedrooms this would be unlikely. In any event, the increase from a single dwelling with two bedrooms to a five-bedroom HMO would generate a very different level of activity compared to a single dwelling. This is because each occupant of the HMO would have their own routine, as well as visitors and deliveries.
10. It is plausible that activity would increase in mornings and evenings to coincide with working hours. Up to five people coming and going at similar times would generate significant activity and negatively affect the amenity of adjoining residents by virtue of the associated noise and disturbance. As a result, the proposed HMO would have a distinctly different nature and intensity compared to the existing use of the appeal property and other dwellings in the close. The intensity of use and the increased movements to and from the site would lead to an unacceptable increase in noise and disturbance to nearby residents.
11. Reference is made to obligatory soundproofing during construction, but this would not address the noise and disturbance arising from the increased comings and goings and use of the garden by future occupants in association with the use.
12. For the reasons identified above, I conclude that the proposed development would have an adverse effect on the living conditions of neighbouring residential properties, with reference to noise and disturbance. It is therefore contrary to Policies H3 and PL2 of the HLDP which amongst other things

¹ Adopted 2020

require development to preserve or enhance the levels of amenity of neighbouring properties and requires HMOs to minimise noise and disturbance.

Room sizes

13. The proposed kitchen would serve as the communal area for future occupiers. It would be large enough to accommodate multiple people and could contain a breakfast bar/small table for occupiers to eat meals.
14. Using the Nationally Described Space Standards 2015, the Council consider that the number of proposed bedrooms would give a potential occupancy of up to eight people. On this basis they consider that the kitchen would be insufficient to meet the needs of future occupiers. However, the proposal seeks permission for a five person HMO, and therefore it would be inappropriate to consider the appeal on the basis of anything other than the description of development for which permission is sought. The Council do not object to the size of the kitchen to serve five occupants.
15. For the reasons identified above, I conclude that the proposed development would provide acceptable living conditions for future occupants, with particular reference to room sizes. It therefore complies with the National Planning Policy Framework (The Framework) in so far as it requires a high standard of amenity for future occupiers.

Parking and Highway Safety

16. Designated parking areas run along Hull Grove. The parking area associated with the appeal site has a sign detailing that it serves 13- 23 Hull Grove. It provides approximately six spaces. In addition, vehicles are parked along sections of Hull Grove either side of the access serving the parking areas.
17. Policy H3 of the HLDP requires HMOs to provide one car parking space per bedroom, thus requiring the scheme to provide five car parking spaces. Policy IN3 of the HLDP supports Policy H3 by detailing that vehicle parking must be provided in accordance with the adopted vehicle parking standards unless otherwise indicated elsewhere in the Local Plan.
18. No parking is provided and therefore vehicles associated with the use would need to find parking along Hull Grove or within parking bays.
19. Given that the parking area for 13-23 Hull Grove has only six spaces, it would not be large enough to accommodate the additional four parking spaces required. As a result, additional parking would need to take place along Hull Grove where parking is limited. This in turn would exacerbate parking stress along Hull Grove, which would negatively affect the movement and turning of emergency and refuse vehicles.
20. Essex County Council did not object to the proposal. In addition, the application was submitted with a parking survey which illustrated a parking stress of 85% and 87% and some capacity for additional parking. Whilst these points are material considerations, it has not been demonstrated that the site can comply with Policy H3 in respect of the required parking provision and representations received would indicate that parking is already limited.
21. For the reasons identified above, I conclude that the proposed development would have an adverse effect on street parking levels and highway safety. It is

therefore contrary to Policies H3, IN2 and IN3 of the HLDP which amongst other things require compliance with parking standards in the Local Plan and development not to have a detrimental impact on the safety of all highway users.

Other Matters

22. Reference is made to the appeal scheme being compliant with Policy H3 of the HLDP which refers to Houses in Multiple Occupation. However, the proposal fails to comply with criteria b) as a design rationale based on an understanding and analysis of local context and character has not been submitted. In addition, the scheme fails to comply with criterion d) and e) which refer to the provision of adequate parking and minimising noise and disturbance arising from the use.
23. Policy PL1 of the HLDP is referred to as being irrelevant, as it is largely applicable for new development. However, the wording of this policy makes clear that it refers to all development.

Planning Balance and Conclusion

24. Given the harm that would arise to the character and appearance of the area with reference to the provision of bin and cycle storage, the living conditions of neighbouring residential properties, with reference to noise and disturbance and street parking levels and highway safety, the scheme would conflict with the development plan when read as a whole.
25. In its favour, the proposal would result in additional housing provision, with associated social and economic benefits. However, these benefits would be limited and should not come at the expense of the character and appearance of the area, the living conditions of adjoining residential properties and adequate parking and highway safety.
26. Given the above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR