



Appeal Decision

Site visit made on 2 December 2024

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2024

Appeal Ref: APP/J1535/W/24/3342954

97 Epping New Road, Buckhurst Hill, Essex IG9 5TQ

- 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 Patel of Martlane Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/2744/23.
 - The development proposed is described as 'change the existing dwelling house into a 7-person large House in Multiple Occupation (HMO) categorized as Sui Generis'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development is taken from the application form, omitting wording that is not an act of development. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character of the surrounding area, with particular reference to the living conditions of neighbouring occupiers;
 - whether the living conditions of the future occupiers of the proposed development would be acceptable, with regard to internal space; and
 - the effect of the proposal on highway safety, with regard to car parking.

Reasons

Character

4. The appeal property is a three-storey mid terraced dwelling within a predominantly residential area. Even if the surrounding area does not have a high concentration of HMOs, and in considering the appeal scheme on its own merits, having regard to the size of the appeal property and its mid terrace location with neighbours either side, the activity generated by several persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors would lead to a different pattern of use of the property.

5. Despite being located within a residential area, the associated level of activity with the change of use would be more marked and intensive than that which could reasonably be expected to be associated with a single household. There would be an increase in noise and disturbance as a consequence. The harmful difference in activities in comparison with a single household would not relate positively to the character and amenity of the local area, to the detriment of the living conditions of neighbouring occupiers. There is said to be cavity wall insulation and there have not been any noise complaints from neighbouring occupiers, however this is not a reason, in itself, to allow harmful development.
6. While an HMO would contribute to housing choice in the area, there is no clear evidence that there is a particular need for this type of housing. External changes to the building are not proposed and as such there would be no effect on the appearance of the street scene. Policy compliance on this matter, however, is of neutral weight in the determination of this appeal.
7. Overall, the proposal would cause harm to the character of the surrounding area, with particular reference to the living conditions of neighbouring occupiers, in conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One (2023) (EFDLP). Amongst other things, this policy requires development to make a positive contribution to place, taking account of the amenity of neighbours.

Standard of accommodation

8. Bedroom 4 falls significantly short of the size requirement for a single bedroom set out in the Nationally Described Space Standards (NDSS), which does not differentiate between a bedroom for an adult or a child. This is indicative of the confined nature of the accommodation, resulting in a poor internal layout and configuration. The proposal does not therefore integrate occupier comfort and wellbeing within its design.
9. While it is suggested that the NDSS are not applicable to HMOs, no other standards to assess the appropriateness of the internal space have been put to me. In any event EFDLP Policy DM10 requires the NDSS to be applied to all housing development given the pressure in the district for accommodation to be approved that does not meet appropriate space standards. It is also indicated that the HMO licensing regime would ensure quality accommodation, however this relates to powers under housing legislation which operate separately to the planning system. As such, the weight afforded to any HMO license at the property as a specific measure for planning purposes is limited because of this.
10. Therefore, the living conditions of the future occupiers of the proposed development would be unacceptable, with regard to internal space and would conflict with EFDLP Policies DM9 and DM10. These policies include a requirement for all development to achieve a high quality of design and meet or exceed the minimum internal space standards set out in the NDSS.

Highway safety

11. In the absence of any specific car parking standard for HMOs the Council indicate that the standard for two spaces per dwelling with two or more bedrooms is the most applicable parameter. There would be two car parking spaces at the appeal site, inside the garage and on the driveway. However, the dimensions of the garage fall short of the advised acceptable parking space size in the Essex

Planning Officers Association Parking Standards (2009). As such only one space would be provided. Despite the availability of public transport options nearby, taking account of the limited amount of on street parking on the slip road in front of the appeal property and the Council's concerns regarding existing parking stress in the area an appropriate level of car parking would not be provided at the site.

12. Consequently, the proposal would be harmful to highway safety, with regard to car parking and would conflict with EFDLP Policy T1 which amongst other things, requires development to provide appropriate parking in line with parking standards.

Other Matter

13. The appeal site is located within the zone of influence of the Epping Forest Special Area of Conservation, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of its ecological features. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. As the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected site.

Conclusion

14. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR