



Appeal Decision

Site visit made on 10 December 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/X0360/W/24/3349279

102 Elm Road, Earley, Wokingham RG6 5TD

- 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 Kennet Investments against the decision of Wokingham Borough Council.
- The application Ref is 232748.
- The development proposed was described as: "Change of use of the existing dwelling to a sui generis House of Multiple Occupation with some minor external alterations".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers to the existing dwelling. However, the points of dispute between the main parties relate to the existing rear outbuilding. The appellant has requested that I consider alternate proposed plans in respect of the provision of kitchens within the outbuilding. However, assessment of alternate schemes is not the purpose of this s78 appeal procedure. Given this, and in the interests of fairness, I must determine the appeal on the basis of the plans that were considered by the Local Planning Authority (LPA) at the time of its decision. Such plans do not include any kitchens in the outbuilding.
3. Since the appeal scheme was determined by the LPA, a subsequent proposal for alterations to the main dwelling only, for use as a House in Multiple Occupation (HMO) with eight bedrooms, was approved in June 2024¹. The approved plans are before me and the main dwelling was in the process of internal refurbishment during my site visit, but was not occupied. I have determined the appeal on this basis.

Main Issues

4. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to access to living facilities.

Reasons

5. The appeal site (No 102) comprises a two storey detached dwelling located along Elm Road near its roundabout junction with Elm Way and Rowland Way, within a residential area of Earley. The surrounding area contains detached dwellings and is near to Reading University campus buildings.

¹ LPA Ref: 240667

6. No 102 contains a deep rectangular rear garden, with side gate access from the front along the side of the main dwelling. The existing outbuilding is sited to the rear of the garden and includes a kitchen and a shower room, but is internally subdivided between its two existing front doors. At the time of my visit, the outbuilding's kitchen facilities included a sink, oven and gas hobs within a countertop, along with extractor fan, boiler and fridge unit. The front of the outbuilding was enclosed by closeboard fencing and two smaller wooden sheds, with a patio area in between.
7. The development subject of this appeal is the proposed internal alteration of No 102's existing rear outbuilding to provide two additional HMO rooms with ensuite bathrooms. Each room would have its own front access door, but future occupiers would have to access the main dwelling of No 102 to use kitchen and communal living facilities.
8. I accept that many residential properties operate with ancillary accommodation within outbuildings, often with shared facilities located in the main dwelling, and this appeared to form the previous use of the appeal site. The use of the main dwelling of No 102 as an 8-bedroom HMO would however be materially and fundamentally different to its previous use. Such an HMO use could be occupied by separate households operating on differing schedules. Security considerations and differing living schedules may lead to some further inconvenience and conflict when access to the main dwelling is locked.
9. More significantly, future occupants of the HMO rooms in the outbuilding would have to walk a considerable distance along the rear garden pathway to access day-to-day kitchen facilities within the main dwelling. These movements to and from the buildings would include periods outside of daylight hours, including winter months, and during periods of inclement weather. Whilst such an arrangement may be attractive to some, it would be potentially hazardous and particularly unsuitable for occupiers with protected characteristics, including the elderly and people with mobility issues.
10. The proposal subject of this appeal therefore amounts to significant conflict with Policies CP1, CP2 and CP3 of the Borough Core Strategy Development Plan Document 2010 (CSDPD). Collectively, these policies require, amongst other things, development proposals to provide attractive, functional, accessible, safe and secure schemes that address the requirements of an ageing population and people with special needs.
11. Had I been minded to allow the appeal, a suitably worded planning condition could have been imposed to ensure that the overall HMO use of the appeal site is limited to 10 bedrooms and without any kitchen facilities within the outbuilding. Any future use of the outbuilding independent of the main HMO dwelling would require additional planning permission.
12. The decision notice cites conflict with Policy TB07 of the Managing Development Delivery Local Plan 2014 (MDDLDP). This policy governs internal space standards for new residential units. However, the proposal subject of this appeal would not provide self-contained units, and the LPA's submitted evidence does not articulate the precise conflict with this policy. The proposed HMO rooms within the outbuilding would be larger than those recently approved in the main dwelling. I have therefore found no conflict with this policy.

Planning Balance

13. I have found significant conflict with Policies CP1, CP2 and CP3 of the CSDPD. Paragraph 135 (f) of the Framework seeks a high standard of amenity for existing and future users. I therefore conclude that the proposal is contrary to the development plan as a whole.
14. The submitted evidence indicates that the LPA is unable to demonstrate a five year housing land supply by a considerable margin. Given this, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. Framework Paragraph 11(d)(ii) states that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations and making effective use of land.
15. The appeal proposal would use an existing building and would contribute to the housing mix in the Borough, within an accessible location near to bus stops. The overall property would be overseen by a family-run team of property management and maintenance staff that includes domestic cleaning and gardening schedules, and would be contactable 24 hours a day. Occupation could be by university students or professional sharers. The Wokingham Local Housing Needs Assessment 2023 indicates that Reading University has identified a shortfall of up to 3,000 bed spaces for first year students by 2028 and up to 12,865 bed spaces across all years by 2028. Small proposals such as the appeal scheme can cumulatively make an important contribution to housing supply. Moderate weight is therefore afforded to the benefits arising from this.
16. However, the adverse impact I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal proposal is therefore not a form of sustainable development as identified by the Framework.

Conclusion

17. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

R Cahalane

INSPECTOR