



Appeal Decision

Site visit made on 14 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/B5480/W/24/3346744

6 East Close, Rainham, Havering RM13 9AJ

- 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 Mrs T Clarke against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0308.24.
 - The development proposed is a two-storey side/rear, part single storey front extension, increase of existing HMO from 5-bedroom to 8-bedroom larger HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a revised ground floor plan (revision C dated September 2024) which was not referenced on the Council's decision letter. The revision C amendments enlarge the communal kitchen/dining space, alter a bathroom layout and reduce the size of the rear ground floor bedroom.
3. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the drawing and additional reports do not result in a substantially different scheme to that originally considered. The Council have provided commentary on the revision C drawings in their evidence. Given that the alterations to the scheme are small, do not affect the description of development and would not intensify the proposed use, I do not consider that my acceptance of revision C would be prejudicial to any party. I therefore proceed to determine the appeal on the revision C plan.
4. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issues

5. The main issues are the effect of the appeal proposal on:
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance;
 - the living conditions of existing and future occupiers with particular regard to communal space and layout; and,

- highway safety, with particular regard to parking provision.

Reasons

Living conditions of neighbouring occupiers

6. The appeal site forms one of a pair of semi-detached houses on a residential cul-de-sac. The street layout comprises 10 pairs of semi-detached houses set back from the street mostly with off street parking to the front and gardens to the rear. The surrounding area is suburban in character and this street, due to its cul-de-sac arrangement, would not have noise associated with passing traffic or pedestrian activity.
7. Policy 8 of the Havering Local Plan 2016-2021 (adopted 2021) (the HLP) acknowledges that HMOs can make a valuable contribution to the private rented sector by catering for the housing needs of specific groups. The policy sets out a series of criteria to be fulfilled for the Council to support an application for an HMO. Part (iii) of this policy requires that the proposal does not have an adverse impact on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties than would a single family dwelling of equivalent size.
8. The number of HMO rooms at the appeal site would increase by 3, which would increase current occupation by over 50%. I recognise that with the proposed extensions in place, the property would be substantial, and irrespective of whether it is occupied by unrelated individuals or by a single family there would be the potential for noise and disturbance.
9. Nevertheless, the proposed number of rooms would provide accommodation for up to eight unrelated occupiers, each forming an independent household with their own comings and goings. It would be a reasonable expectation that each occupier would have their own schedule, leaving and entering the property throughout the day, in addition to their own deliveries and visitors. I consider that this type of occupation would significantly increase the potential for noise and disturbance when compared to the occupation of a single family dwelling of equivalent size, where visitors and journeys are more likely to be shared.
10. I note the comments of interested parties who have experienced noise and disturbance from the current level of occupation. I have little evidence before me that the proposal would have any mitigating effect upon existing levels of noise and disturbance. Given the quiet nature of the surrounding area, and closely spaced houses, the appeal proposal would be materially harmful to the living conditions of neighbouring residents due to the larger number of individual households and their associated comings and goings.
11. For the reasons set out above, I conclude that the proposal would cause material harm to the living conditions of neighbouring residents with particular regard to noise and disturbance. The proposal would therefore conflict with HLP Policies 7 and 8. Taken together and amongst other things, they seek to protect the amenity of existing residents and support applications for HMOs which would not be likely to give rise to significantly greater levels of noise and disturbance to nearby residential occupiers than a single family dwelling of equivalent size.

Living conditions of future occupiers

12. HLP Policy 8 sets out a series of criteria that proposals for HMOs are expected to meet. Criteria (vi) requires the property to contain communal space, including either a dining or living area, large enough for all the dwelling's occupants to use simultaneously. Criteria (vii) requires the proposal to meet the requirements of the East London HMO guidance.
13. The proposed layout shows a communal kitchen and dining area at ground floor with a window and door onto the rear garden. The kitchen units line the length of the room and there would be sufficient circulation and dining space for all potential occupiers to be able to use it simultaneously. Whilst there is no separate living space proposed, this is not a specific requirement of the East London HMO guidance. This states that living space in addition to kitchen/dining space is something which a landlord may provide; there is no compulsion to do so. The kitchen/dining area shown on the updated plans exceeds the minimum requirement for a kitchen and would provide adequate space for communal cooking or dining. I note that although additional cooking facilities are not specifically shown on the drawings, there would be sufficient space to accommodate this in the larger rooms.
14. There is a bedroom located at rear ground floor level which would face onto the garden and would also have the kitchen/diner immediately adjacent. I acknowledge the Council's concerns regarding the potential for noise and disturbance from the communal areas surrounding this room. The garden area is of a reasonable size and those using it would not be confined to the area immediately outside the bedroom window. Whilst I accept there would potentially be a greater degree of disturbance to this bedroom, there is little evidence to suggest that any resultant harm would be so substantial that it would cause unacceptable harm to the living conditions of any future occupier of that room.
15. In conclusion therefore, the standard of accommodation proposed would be in line with the expectations of HLP Policies 7 and 8 insofar as, taken together, they seek to protect the amenity of future residents and provide communal space and meet the requirements of the East London HMO guidance.

Highway safety

16. Most houses on East Close already have crossovers and driveways sufficient to accommodate off street parking for more than one car. This includes the appeal site itself, which has a crossover and an area of hardstanding, which the appellant considers could accommodate 3 cars. Whilst no drawing has been provided to demonstrate the accessibility and dimensions of the car parking spaces, it was clear to me on my site visit that there would be sufficient space to comfortably accommodate at least 2 vehicles.
17. East Close contains limited opportunities for on-street parking due to the crossovers and driveways of the existing houses; there are 2 marked parking spaces within the turning head at the end of the close. There are, however, opportunities for on-street parking on Ingrebourne Road, around the corner from the appeal site. Whilst I note the concerns of interested parties in respect of on-street parking availability, there is little substantive evidence before me of on-street parking stress in the area.

18. Although the Public Transport Accessibility Level (PTAL) of the site is graded as poor, at level 1b, there is a bus stop nearby and a parade of shops and medical centre within a 5-minute walk, along with a large supermarket slightly further away. Despite the PTAL rating, there is limited evidence to indicate that the residents of the appeal site would be reliant on private transport to be able to reach essential shops and services.
19. There are no policies before me which set specific parking standards for HMOs. HLP Policy 24 sets out a minimum standard of 1.5 off-street spaces per dwelling of 3 or more bedrooms, with which the proposal would comply. Even if there were a high level of car ownership amongst future residents, the off-street parking at the HMO and opportunities for on-street parking in nearby roads, could reasonably accommodate any additional parking demand.
20. For the reasons set out above, I conclude the appeal proposal would not have an unacceptable effect on highway safety with regard to parking provision and would be in line with HLP Policies 8 and 24. Taken together, and amongst other things, these policies set residential parking standards and support HMOs which would not have an unacceptable impact on parking conditions and traffic congestion.

Other Matters

21. The Council are satisfied with the effect of the proposed extensions on the character and appearance of the area and the outlook, daylight and privacy of surrounding occupiers. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh in favour of, or against, the proposal.

Planning Balance and Conclusion

22. The proposal would provide additional HMO rooms, for which there is an identified need, and the location of the appeal site would provide reasonable access to facilities and services. It would make efficient use of the land. There would also be some socio-economic benefits arising from new occupiers using local shops and services. Due to the scale of the proposal these benefits attract limited weight in the overall planning balance.
23. However, the harm I have identified to the living conditions of neighbouring occupiers, outweighs the identified benefits. 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.
24. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR