



Appeal Decision

Site visit made on 12 February 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/V1505/W/24/3353566

Novara, High Road, Langdon Hills, Basildon, Essex, SS16 6HP

- 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 Paul Bowry against the decision of Basildon Borough Council.
 - The application Ref is 24/00157/FULL.
 - The development proposed is alterations to ground from 3 self contained units and 4 units with private facilities and shared kitchen to an 8 bedroom HMO with shared kitchen and private wash facilities.
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Preliminary matters

1. The appellant sought planning permission for what was described on the application form, which is as set out above. The Council's decision notice described the proposal as 'Change of use of premises with alterations of the ground floor to form 3 self contained units and 4 units with private facilities and shared kitchen, resulting in an 8 bedroom House in Multiple Occupation (HMO)'.
2. I have not been provided with any information or documentation to confirm this change in the description was agreed during the course of the application, and hence that the Council should have determined on that basis. Indeed, the appellant's Statement of Case includes at Appendix G correspondence from the appellant during the course of the application that was sent to a Councillor which set out an objection to the Council's change in the description.
3. The drawings submitted with the application were clearly annotated to show the removal of all private cooking facilities within rooms, and new internal connections from the ground floor bedrooms to the communal areas. This was therefore a scheme to create living accommodation where the occupants would be dependent on a shared kitchen, consistent with the description of development as contained on the application form. Although the appellant's agent's statement referred to the Council's description of development, it is evident to me from the planning application form, the drawings, and the appellant's own submissions during the application that the proposed development is one to provide a single 8 bedroom HMO. Hence I have determined this appeal on the basis of how it was made to the Council.

Decision

4. The appeal is allowed and planning permission is granted for alterations to ground floor from 3 self contained units and 4 units with private facilities and shared kitchen to an 8 bedroom House in Multiple Occupation with shared kitchen and private

wash facilities at Novara, High Road, Langdon Hills, Basildon, Essex, SS16 6HP in accordance with the terms of the application ref 24/00157/FULL, 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 House in Multiple Occupation hereby approved shall not be occupied by more than 8 persons.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 10 rev C.

Main issues

5. The first main issue is whether the proposed development would provide a satisfactory standard of accommodation for occupants. The second main issue is the effect of the proposal on the character of the surrounding area.

Reasons

Standard of accommodation

6. The submitted 'existing' drawing no. 011 shows two self-contained flats on the ground floor, with their own cooking facilities with private accesses, i.e. not from the communal areas of the house. I saw at my site visit there were three flats on the ground floor with cooking facilities.
7. As noted earlier, the submitted 'proposed' drawing no. 10 Rev C shows removal of cooking facilities for these flats, and all rooms annotated in the property as having no cooking facilities. As part of these changes new openings are shown to provide connections to the communal area, and thus to the communal kitchen. Although the Council state this is not the case for Bedroom 3, the drawings do show a new opening from that room to the hallway.
8. I looked into rooms at the site visit and could understand the quality of the living space that would be provided for each bedroom, living area, study and the communal areas. They were all of reasonable size with good natural light and, at first floor, with sufficient headroom. The communal facilities are similarly of good size and layout, and will provide adequately for the needs of occupants.
9. The Council have drawn attention to three bedrooms/living areas on the ground floor having their own access to the outside. This, though, is in addition to the internal connections to the internal communal areas. Together with the fact that there would not be any self-contained facilities within those bedrooms, I consider the provision of a secondary access into those rooms does not lead to the creation of self-contained units on the ground floor; the occupiers of those rooms would clearly be occupants of the wider HMO.
10. There is direct access to private amenity space at the rear of the property for occupiers of two of the bedrooms. There is a further area of garden to the rear of the property which the appellant states is accessible for other occupiers of the property. I have not been referred to any policies in the development plan or other guidance that sets out any requirements for amenity space for HMOs. In my judgement, the private garden areas provide a good area of amenity space for the two occupiers they serve. I further think that the communal area is pleasantly laid

out and accessible to those other occupiers who may choose to use it, and so offers a reasonable amenity space for the HMO.

11. On the first issue it is my conclusion, on the basis of the evidence presented to me and from observations at the site visit, that the proposed development would provide an 8 person HMO with satisfactory living conditions. There would not be any conflict with the Council's cited policy, namely saved Policy BAS BE12 of the Basildon District Local Plan 2007, which aims to ensure only development of a satisfactory design and layout takes place. It would also be consistent with Section 11 of the National Planning Policy Framework that seeks to make an effective use of land whilst safeguarding living conditions and providing acceptable living standards.

Effect on character

12. The proposed works to the property are internal to the building. Car parking is to the front and is largely screened in views, and where visible is seen in the context of the wide High Road to the west. The garden is screened by existing fencing.
13. The minimal changes to the property mean there is no material effect on the character of the residential area. The comings and goings associated with the greater intensity of use by more occupants would be concentrated on the main entrance to High Road with the spacious entrance in that location fronting the highway, so there would be little impact on the area.
14. Although the wider area is predominately single family dwellings, these matters mean there would not be any material effect on the character of the area. Thus, on the second main issue, there is no conflict with saved Policy BAS BE12, which seeks to ensure all development does not harm the character of the surrounding area.

Conclusions

15. For the reasons given the proposed development would not conflict with the policies of the development plan and would be consistent with the Framework. Planning permission is granted. I have attached the Council's suggested conditions specifying the occupation of the HMO and the approved plans, to accord with the terms of the proposed development in the interests of precision.

C J Leigh

INSPECTOR