



Appeal Decision

Site visit made on 26 February 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/K0425/W/24/3355803

223 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AS

- 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 Dominique Croft (Howarth Property) against the decision of Buckinghamshire Council.
 - The application Ref is 24/06796/FUL.
 - The development proposed is described as the change of use of the existing 6 bed house in multiple occupation (use class C3) to a 7-bed house in multiple occupation (HMO) (sui generis); and the conversion of an existing integral garage to form one 1 bed flat; and associated cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing 6 bed house in multiple occupation to a 7 bed house in multiple occupation; and the conversion of an existing integral garage to form one 1 bed flat; and associated cycle storage at 223 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AS in accordance with the terms of the application, Ref 24/06796/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6181-01A, 6181-02A, 6181-10A and 6181-11A.
 - 3) The parking and manoeuvring area as depicted on drawing no. 6181-10A shall be retained for its intended purpose.
 - 4) The flat hereby permitted shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
 - 5) Prior to the occupation of the development hereby approved, the bike store as depicted on drawing no. 6181-11A shall be provided in accordance with that plan and shall thereafter be retained for its intended purpose.

Application for costs

2. An application for costs was made by Ms Dominique Croft (Howarth Property) against Buckinghamshire Council. This is the subject of a separate decision.

Procedural Matter

3. The latest version of the National Planning Policy Framework was published in December 2024 ('the Framework'), and I have had regard to it in my decision.

Main Issues

4. The main issues are:

- The effect of the proposal on the safety and convenience of highway users; and
- Whether the proposal would provide appropriate living conditions for the occupiers, with particular regard to internal and external space.

Reasons

The safety and convenience of highway users

5. The host property benefits from a lawful development certificate for its use as a house in multiple occupation ('HMO') for six residents¹; and it is now occupied as an HMO. As a result of this scheme, there would be one additional bedroom in it, and the integral garage and store would be converted to form a one-bedroom flat.
6. The frontage of the site has been mostly hardsurfaced to provide a parking area. The appellant demonstrates with a photograph that four cars can be parked here, although based on advice in the Buckinghamshire Countywide Parking Guidance (2015) ('CPG') that spaces should be 2.8 metre wide, the Council says that only three are available. It continues that although the CPG advises that HMOs should normally provide the same number of off-road parking spaces as other dwellings, based on recent experience and in this out-of-town centre location, one space per bedroom would be sought, along with one space for the proposed flat.
7. I note that whilst the site is not in a town centre, the centre of High Wycombe is around one mile away, and it can be conveniently accessed along pavements. Moreover, as detailed at paragraphs 43 to 49 of the Transportation Appeal Statement by Steve Woods Consultants ('the TAS'), there are bus stops very close to the site from where there is a frequent service to the town centre, and to other destinations, including High Wycombe railway station.
8. Compared to a typical family dwelling, the occupants of an HMO are likely to lead more independent lifestyles. However, given that HMOs and small flats are relatively affordable types of accommodation, I have no cogent reason to doubt the view expressed in the TAS that their occupants often do not own a car; and in this accessible location, they would not necessarily need one to get to work, or to meet their day-to-day needs. In order to facilitate journeys by alternative means and, in an improvement on the existing situation, the scheme would also include a secure, covered store for 8 bicycles. Thus, even if the site frontage can only comfortably accommodate 3 cars, I am satisfied that that would be generally sufficient.
9. There is also roadside parking on the opposite side of West Wycombe Road. Whilst the Council maintains that the TAS parking survey was not conducted using the Lambeth Methodology, and the 'Fryers Lane Car Park' appears to be only for users of the Desborough Recreation Ground, that survey shows that there were many unoccupied spaces on West Wycombe Road within 200 metres of the site late on a Tuesday evening when residents are likely to be at home. Thus, based on the available evidence, it would appear that there are generally off-site parking spaces available should the need arise.

¹ Ref: 22/07272/CLP

10. Whilst there is no facility for vehicles to turn around within the site, given my findings above, the proposal would not result in a significant increase in vehicle movements to and from it. Moreover, although this part of West Wycombe Road was busy at the time of my visit, and the A40 is a Main Distributor Road, it is straight, well-lit and subject to a 30mph speed limit. Visibility to and from the site across the wide pavement and the carriageway is good, particularly given the double yellow lines on this side of the road. The Council's Written Statement on Highway Matters also observes that there is not a significant level of Personal Injury Accident records in the vicinity, although I note that damage-only accident records are not generally available.
11. For all these reasons, the scheme would not harmfully impact the safety and convenience of highway users. It would not therefore conflict with Policy DM33 of the West Wycombe Local Plan 2019 ('WWLP') which, amongst other things, requires development to provide safe and convenient access to the local highway network, and sufficient parking with no significant adverse impact from overspill parking; nor with paragraph 115 b) of the Framework.
12. Neither would it conflict with the broad thrust of the CPG, or with the approach in the Buckinghamshire Local Transport Plan 4 (2016-2036) and the Buckinghamshire Highways Development Management Guidance (2018) regarding the need to provide safe and suitable access and a balanced approach to car parking provision, and to encourage other modes of transport, including cycling.

Living conditions

13. The Council has concerns regarding the size of bedrooms 5 and 6, the amount of communal space, and the absence of a private amenity area for the flat. However, based on the submitted drawings, bedroom 5 is already occupied as part of the existing HMO. Moreover, at 7.7 sqm and 6.8 sqm respectively, both exceed the minimum size for single bedrooms as set out in national guidance². The Council refers to a local standard of 8sqm³, but it allows smaller bedrooms where there is a communal living room/kitchen with dining space, as is the case here.
14. Thus, whilst bedroom 6 would be small, as it would comply with national guidance, and it has a window to provide an outlook and natural light, I am satisfied that it would provide adequate private space for its occupant to sleep, and to keep clothing and some personal belongings.
15. The Council refers to a minimum requirement of 12.5sqm for kitchens and 15sqm for living rooms in a 6 to 10 person HMO⁴. However, those spaces are already combined in the existing 6 person HMO to provide a well-configured 17.7sqm of floorspace with patio doors and an attractive outlook; and there is also a useful 6.8sqm laundry room. Moreover, an 8.6sqm garden room would be provided as part of this scheme, which would be a more private space, available to all the occupants.
16. Three communal areas totalling 33.1 sqm would therefore be provided. Whether or not the laundry and garden rooms could be described as 'common rooms' for the purposes of WWLP paragraph 6.31 is moot, but having regard to qualitative as well

² Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities

³ Paragraphs 5.13 and 5.14 of the Written Representation

⁴ Paragraph 4.21 of its delegated report

as quantitative considerations, I am satisfied that the scheme would provide appropriate private and communal internal space.

17. The kitchen/dining room patio doors serve a large, paved area, which is a conveniently located space to sit outside. Steps lead down from there to another paved area, and a large garden beyond which is primarily laid to lawn. Whilst the flat would not have a separately delineated amenity space, those areas would provide all the occupants with a large, shared space to sit outside, relax and to perform typical outdoor domestic tasks.
18. For all these reasons, the scheme would ensure appropriate indoor and outdoor space, and it would not result in poor living conditions for the occupants. It would not therefore conflict with WWLP Policies DM23 and DM35 which, amongst other things and in general terms, require HMOs to provide an acceptable number and arrangement of communal facilities, and a level of privacy and amenity appropriate for the use. Neither would it conflict with the Framework's requirement at paragraph 136 to ensure a high standard of amenity for existing and future users.

Conditions and Conclusion

19. Turning to the matter of conditions, I have considered those suggested against the Framework's tests, making amendments where necessary in the interests of clarity and precision. As well as the standard time limit, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans.
20. As the parking area is already in place, the Council's suggested conditions 3 and 4 requiring that it be laid out prior to occupation, and that the access be widened and constructed in accordance with a guidance note, are unnecessary; but in the interests of the safety and convenience of highway users I have applied a condition requiring that the parking/manoeuvring area be retained for its intended purpose.
21. Having regard to the appellant's email dated 23 January 2025, and as the HMO already exists, in the interests of water efficiency, I have applied the Council's fifth suggested condition only to the proposed flat. Finally, to facilitate alternative modes of transport to the private car, and given the limited car parking area, a condition is necessary requiring that the bike store be provided and retained in accordance with the approved drawing.
22. As the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations, I have not applied the Council's sixth suggested condition; and given the description of the proposed development, its seventh condition is also unnecessary.
23. For the above reasons, the scheme would not have a harmful impact on the safety and convenience of highway users, and it would provide the future occupiers with appropriate living conditions. Consequently, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR