



Appeal Decision

Site visit made on 3 June 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/E0345/W/25/3361380

11 Newcastle Road, Reading RG2 7TN

- 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 Mr Phillip Brett of Brett Property Developments Ltd against the decision of Reading Borough Council.
 - The application Ref is PL/24/1054.
 - The development proposed is Change of use from a dwelling (class c3) to 7 person house in multiple occupation (*sui generis*) and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I saw during my visit that a rear extension to the property had recently been constructed and that work had commenced to reconfigure the internal layout of the property and convert the loft space. The internal layout appeared to be in accordance with the plans before me. I have therefore considered the appeal based on the internal configuration I saw on site and the plans before me.

Main Issues

3. The main issues in this appeal are:
 - whether the proposed development would provide adequate living conditions for future occupiers with regards to communal space;
 - the effect of the proposed development on the mix and balance of housing stock in the community; and
 - whether the proposed development could make adequate provision for Biodiversity Net Gain (BNG).

Reasons

Living Conditions

4. The appeal relates to a semi-detached house within a row of similar detached and semi-detached properties. The proposed development would comprise a *sui generis*, seven bedroom house in multiple occupation (HMO). All of the bedrooms are shown as single rooms with ensuite bathrooms. The proposal's occupants would share a communal kitchen and dining area located on the ground floor.

5. I note that the Nationally Described Space Standards (NDSS) requires single bedrooms to have a gross internal area of at least 7.5sqm. As such, all of the bedrooms would exceed the minimum requirement, two of the bedrooms exceeding the minimum requirement by approximately 40% with the remainder exceeding the minimum requirement by 70% to over 100%.
6. Policy H8 of the Reading Borough Local Plan (RBLP) requires proposals to convert properties to sui generis HMOs to have 'sufficient communal space' with its definition contained in the Council's Residential Conversions Supplementary Planning Document (SPD). Whilst it is not part of the development plan, given that the SPD has been adopted by the Council and is referred to in the policy as providing the detailed requirements with regards to sufficient communal space, it is an important material consideration to which I have attached significant weight.
7. The SPD indicates that if bedrooms are the minimum size considered appropriate, then a standard of one communal room per four bedrooms should be provided (depending on the size of the bedroom) and that a communal room is a room in addition to the kitchen, particularly where the kitchen provides no seating area or space to relax and is purely a functional area.
8. Based on the appellant's assessment that three of the bedrooms have sufficient space for a sofa, coffee table and all the facilities that are typical for a communal room, with the other four having space for a desk only, one communal room would be required. Whilst I note that the appellant has calculated that 52.4sqm of communal space would be provided, the majority of it is transitional space, not space to settle and relax in. The only such place is the dining area. This space is small, measuring 11.2sqm, and is part of the open plan kitchen. As such I do not consider it to be sufficient for the four residents to relax in, particularly given it would be exposed to the activity, noise and smells of the property's kitchen. Whilst I accept that the garden is large, it would not be accessible all year round, for instance during inclement weather.
9. For the reasons explained above, I conclude that the proposed change of use would not provide adequate living conditions for future occupiers with regards to communal space, contrary to policies H8 and CC8 of the RBLP with respect to sufficient communal space and acceptable living conditions, the SPD and the National Planning Policy Framework (the Framework) with regards to healthy living conditions.
10. In arriving at this conclusion, I have taken into account the appeal decision at 27 Newcastle Road (Reference APP/E0345/W/21/3279894). However, I note that the combined area of the shared kitchen and communal area in that case was larger at 30sqm as opposed to 24sqm. Furthermore, I do not have full details of the circumstances that led to planning permission being granted. As such, and in the context of my consideration above, this case does not provide me with reasons to alter my decision with regards to the adequacy of communal space. I have also taken into account the provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which permits six bedroom HMOs without the need for planning permission, which I conclude would have a real prospect of being applied given the completion status of the conversion works that I saw on site at the time of my site visit. However, in this regard the open plan kitchen would be less busy, as there would be one less

person using it. As such, my findings with respect to the size of the communal space remain unaltered.

Community Balance

11. Policy H8 of the RBLP states that proposals to convert properties for multiple occupation will only be acceptable where doing so would not, either individually or cumulatively, unduly dilute or harm an existing mixed and sustainable community through the significant loss of single family housing.
12. The Council's SPD indicates, in areas not covered by a HMO Article 4 Direction, the point when a community is no longer mixed and balanced is when 50% of residential properties within 50m of the application site are HMOs or houses converted to flats. The SPD also says in such areas planning permission for a conversion of a dwellinghouse to a large HMO will not normally be granted if the area falls within the 30% most deprived areas in England according to the Indices of Multiple Deprivation.
13. The site is not within an HMO Article 4 area, is below the required 50% threshold in the SPD and there is no dispute that the proposal would lead to a 29% increase in HMOs within a 50m radius of the property. However, the Council consider that such an increase, coupled with the fact that the development is within an area which is regarded as being in the 30% most deprived in England (indicating it is between 10% and 20% most deprived) where the SPD says planning permission will not normally be granted, means that it fails to meet the provisions of policy H8.
14. Whilst I note the views of the Council and the concerns raised by neighbours that this row of properties is mainly multiple occupancy houses, given the unambiguousness of the 50% threshold in policy H8, I do not consider 29% to be close enough to that figure, to lead to a overconcentration of HMOs such that it would unduly harm the composition of the existing community.
15. In view of the above, I conclude that the proposal would not harm the mix and balance of housing stock in the community, therefore complies with Policy H8 of the RBLP and the SPD with regards to maintaining a mixed and balanced community and the Framework.

Biodiversity Net Gain

16. BNG is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
17. The proposal does not contain the minimum information required by Article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of the statutory BNG condition.
18. The appellant has indicated in the application form that the development is subject to the de minimis exemption where the statutory BNG condition does not apply as it would impact less than 25sqm of habitat. There is no dispute that the development cycle store would impact 19.22sqm of onsite habitat. However, the Council has indicated that the combination the cycle store and hardstanding parking area would exceed 25sqm. No alternative figures have been provided by the appellant who considers that the cycle store and the parking area should not be counted as part of the development because they can be completed under the provisions of Class F, Part 1, Schedule 2 and Class E, Part 1, Schedule 2 of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) where BNG does not apply.

19. The Planning Practice Guidance indicates that, when providing reasons for the *de minimis* exemption, the appellant should provide sufficient evidence to support their justification. The use of permitted development rights for the cycle store and car parking area do not apply, as these works form part of the development proposal's 'associated works' to turn the property into a seven person HMO for which planning permission has been sought. As such, the proposal does not properly quantify the amount of land that would be utilised and does not provide details of the habitat value of such land.
20. Whilst it is not likely that the site contains priority habitat, the proposal does not demonstrate that on-site habitat exceeding 25sqm would not be impacted. Therefore, it is not demonstrated that the *de minimis* exemption would apply.
21. As set out above, it has not been demonstrated that the proposal would be exempt from the BNG condition, and the minimum information required to support the application in this regard has not been provided. I am therefore not satisfied, on the very limited information provided, that the statutory BNG condition would be capable of being complied with in this instance.

Conclusion

22. For the reasons given above the appeal should be dismissed.

SE Hughes

INSPECTOR