

Appeal No: APP/E0345/W/19/3220301

Planning Ref: 181728

Site: 14 Boston Avenue, Reading,

Proposal: Retrospective change of use from C3 residential dwellinghouse to an 8 bedroom sui generis House in Multiple Occupation

Decision level: Delegated decision on 14/12/18

Method: Written representations

Decision: Appeal Allowed

Date Determined: 30 May 2019

Inspector: Martin Andrews MA (Planning) BSc (Econ) DipTP & DipTP (Dist) MRTPI

1. BACKGROUND

1.1 The appeal site comprises a two storey semi-detached property which has a two storey side extension (permitted under a householder planning application in 2016), single storey extensions and a conservatory to the rear. Boston Avenue itself is characterised by semi-detached houses.

1.2 The 2018 application for retrospective change of use to a sui generis HMO received a total of 22 objections received as part of the original consultation. In December 2018 the application was refused for the following reasons:

The original property is not of a size that is suitable for conversion to a sui generis HMO and the property falls significantly below the standards provided with policy DM8 of the Sites and Detailed Policies Document for conversion. This is reflected in the poor standard of accommodation provided and the retrospective change of use is therefore harmful to the existing and future occupants of the property and the character of the surrounding area and contrary to Policy DM8 (Residential Conversions) of the Sites and Detailed Policies Document, Policy CS18 (Residential Conversions) of the Core Strategy and the Residential Conversions Supplementary Planning Document.

The retrospective change of use to a sui generis HMO has resulted in the loss of a property that could be occupied as a single family dwelling. As such the application does not comply with Policy DM8 (Residential Conversions) of the Reading Borough SDPD, Policy CS18 of the Reading Borough LDF Core Strategy and the Residential Conversions Supplementary Document.

The application fails to demonstrate adequate bin and cycle storage and is contrary to policies CS18 (Residential Conversions) and CS24 (Car/Cycle Parking) of the Core Strategy and DM8 (Residential Conversions) and DM12 (Access, Traffic and Highway-Related Matters) of the Sites and Detailed Policies Document and the Council's Supplementary Planning Document - Residential Conversions SPD (2013).

The existing external laundry room is considered harmful to the living environment of neighbouring properties in terms of noise and disturbance and is an indication of over intensification in the use of the property and is therefore contrary to policy CS18 (Residential Conversions) of the Core Strategy and DM4 (Safeguarding Amenity) and DM8 (Residential Conversions) of the Sites and Detailed Policies Document and the Council's Supplementary Planning Document - Residential Conversions SPD (2013).

The retrospective change of use to a sui generis HMO fails to provide adequate communal space for existing and future occupants and is therefore contrary to policy CS18 (Residential Conversions) of the Core Strategy, DM8 (Residential Conversions) of the Sites and Detailed Policies Document and the Council's Supplementary Planning Document - Residential Conversions SPD (2013).

1.3 The applicant appealed against this decision to the Planning Inspectorate and the application was allowed at appeal.

2 SUMMARY OF DECISION

- 2.1 The Inspector considered that the two main issues of the appeal were: the suitability of the property for use as a sui generis HMO and; and the adequacy of both the facilities provided and the living conditions for existing and future occupiers.
- 2.2 In terms of the principle of the change of use of the property, the Inspector appeared to agree with the conclusions of the Council in that it did not meet the size requirements for conversion to large HMO. However, the Inspector's consideration of its suitability went beyond this policy requirement; considering that its suitability was 'less a matter of exact floor area and more one of its suitability as an HMO and the actual impact on the character of the area'. The Inspector considered that there were few indicators from the road of an intensity of use and that, furthermore, the appearance of the property had improved over recent years to its benefit. The Inspector considered that this - alongside that Class C3 to Class C4 HMO of up to 6 occupiers is 'permitted development' - meant that the determining factor of the appeal was whether the increased intensity of use arising from a sui generis HMO would be harmful in the longer term.
- 2.3 In terms of the adequacy of facilities and living conditions for existing and future occupiers, the Inspector noted that the communal areas were not spacious. However, he considered them to be of a good standard and well-managed. Furthermore, the refuse, recycling, garden space, cycle storage and laundry facilities were considered acceptable, to the benefit of the scheme. Notwithstanding this, the Inspector considered that the 8 bedrooms in the property, to be occupied by 8 or 9 persons, would result in too much pressure on these facilities and considered dismissing the appeal on this basis. To the Council's mind, this concern is linked to the overall size of the property being inadequate and contrary to Policy DM8. However, the Inspector decided that should the occupancy be limited to 7 persons in 7 bedrooms (by way of an amended plan) and thereby reducing the pressure on these facilities, then this change would render the scheme acceptable.
- 2.4 Conclusion and conditions
- On balance, the Inspector therefore concluded that the appeal should succeed, subject to a number of conditions. The majority of conditions imposed align with those recommended by officers during the course of the appeal.

Head of Planning, Development & Regulatory Services Comment:

- 2.4 A disappointing outcome to a proposal which officers considered was justifiably refused at application stage. In terms of the requirements of Policy DM8 and the Conversions Guidance, the Council will perhaps need to be mindful for future applications that the size requirement - which the site clearly fell short of - may not always be a deciding factor if there are other benefits to the scheme which would appear to outweigh the size requirement. Until now, the minimum floor area has been regarded as providing a 'first principle' from which to then assess the suitability of such proposals.



Aerial view



Location Plan 1:1250 A4

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Location Plan

Case officer: Ethne Humphreys