

Appeal Decision

18 DEC 2002

Hearing held on 1 October 2002

ENVIRONMENTAL SERVICES

by D W Jenkins BA DipTE CEng MICE MIHT

an Inspector appointed by the First Secretary of State

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Date 16 DEC 2002

Appeal Ref: APP/E0345/A/02/1085418

4 Northumberland Avenue, Reading

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mowbary Ltd against the decision of Reading Borough Council.
- The application (Ref. 01/00993/FUL dated 30 July 2001) was refused by notice dated 21 November 2001.
- The development proposed is change of use to house of multiple occupation.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The sub-division works shown on the application drawings have been completed and the house has been occupied by up to eight students. I shall, therefore, determine the appeal as if it were in respect of a retrospective application under section 73A of the Act for continued change of use of a dwelling to a house in multiple occupation.
2. The application initially indicated that six bedrooms would be provided, but a revised plan (Plan B in the attached list) showing eight bedrooms was submitted before the Council made its decision. Another additional plan (Plan C) shows proposed parking and partition construction details. I shall take those amendments into account in reaching my decision.

Main Issues

3. I consider the main issues in this appeal to be the effect of the proposal on:
 - (a) The character and appearance of the area; and,
 - (b) The living conditions of the occupiers of nearby dwellings.

Planning Policy

4. The development plan for the locality includes the Reading Borough Local Plan, which was adopted in October 1998. Its Policy HSG 5 requires the character, density and design of residential development to be of an acceptable standard and appropriate to the surrounding area. Amongst other matters, the design and layout should ensure that noise nuisance is minimised and that all private living areas have adequate privacy both from other dwellings and from public areas. Policy HSG 6 deals specifically with residential conversions. Proposals to convert properties into self-contained flats or for multiple occupation are to be assessed against six criteria. One criterion relates to noise and disturbance, another to the impact on the character and appearance of the area. The treatment of bin storage areas is specifically mentioned. More general standards of design are set out in Policy CUD 14.

Compatibility with the character of the surrounding environment, the design and detailing of car parking areas, and active and attractive frontages are amongst the points mentioned

Reasons

Character and Appearance

- 5 Northumberland Avenue runs southwards from its 'T-junction' with Christchurch Gardens. No. 4 is a semi-detached two-storey dwelling on the western side of the street, close to the junction with Warwick Road. There are two bedrooms, a sitting room, kitchen and bathroom facilities on the ground floor, four bedrooms and a toilet on the first floor, and two bedrooms in the roof space. The rear attic room is illuminated by a dormer recently erected under 'permitted development rights', the other by a window in the gable.
- 6 This section of Northumberland Avenue is characterised by properties of various sizes and ages, several of which are in multiple occupation. While there are also several single-family residences, No. 2A to the north appears to be student accommodation, with 21 doorbells, ten or so parking spaces and a bike store. Although there is no relevant planning history, No. 8 is divided into two flats and its neighbour No. 12 has ten doorbells. Warwick House, on the eastern side of the road, comprises ten flats. I saw also that No. 14 is a nursery and that 'The Avenue' school is nearby. Against that background, I do not consider that it is inappropriate for the appeal property to be in multiple occupation.
- 7 The Council expressed particular concerns about the removal of the front boundary wall and the formation of a hard standing in the front garden. It appears the wall was accidentally demolished before the development commenced but, in any event, I noticed that walls have been removed and hard standings laid at several nearby properties in order to facilitate off-street parking. Furthermore, some of the houses have railings rather than walls, and the wall at No. 4 appears to have consisted of an unattractive concrete block and/or brick structure.
- 8 Further concerns were expressed about waste storage arrangements. In practice, most of the nearby houses have 'wheelie bins' in their front gardens in any case. Indeed, there are 1100 litre capacity wheeled bins at Nos. 12 and 14. Even so, I agree that it would detract from the locality if bins were to be kept in the open at the front of the appeal property. I do not see, however, why they cannot be stored at the rear and appropriate arrangements made them to be put out for rubbish to be collected. Alternatively, a suitable enclosure could be created in the front garden, as suggested in the letter sent to the Council on 25 April 2002. Waste storage arrangements could be made the subject of a planning condition.
- 9 I acknowledge that the internal walls between the front bedrooms on the ground and first floors are visible from the street. They will be particularly noticeable at night, when one half of an original window might be illuminated and the other in darkness. However, I do not feel that the partitions are so obvious and out of keeping as to warrant withholding planning permission, especially as there is a mix of original wooden sash windows and white uPVC replacements in the locality. Moreover, the internal partitions could have been installed without the need for planning permission if the house had not been converted.
- 10 I consider that the conversion has had no significant harmful effect on the character and appearance of the area, and that it accords with development plan requirements in that respect.

Residential Amenity

11. It is suggested that the more intensive use of the site is likely to create additional noise and disturbance, but six persons could have been accommodated in the property without the need for planning permission. Clearly there will be increased noise when eight people use the building, but I do not believe the difference would be material. I find it significant that the Council's Environmental Health Officer received no complaints during a six-month period when eight students occupied the property. Nor did either that officer or neighbours object to the conversion.
12. The Council also contended that the residents of adjacent houses might be disturbed by noise from the rear garden, but it strikes me that a family occupying the building might be equally noisy, or even noisier if they had several young children.
13. I do not believe that the living conditions of the occupiers of nearby dwellings have been harmfully affected. The continued use of the property as a house in multiple occupation does not, in my opinion, conflict with development plan policies aimed at protecting residential amenity.

Other Matters

14. The Appellant company provides accommodation for students. Its owner, Mr Morton, has been accepted in the Council's Landlord Accreditation Scheme and the conversion has been graded as Grade II under this scheme. The University of Reading recognises him as a provider of good quality student accommodation. While ownership of the property might change in the future, those factors nonetheless reinforce my belief that the development is acceptable.

Conditions

15. The Council proposed four conditions against the contingency of my allowing the appeal. As discussed at the Hearing, I consider it would be sensible to impose a combined condition covering bin storage and car parking. That condition should also cover making good to the boundary, as not all of the frontage is required for access to the single parking space.
16. I have already detailed the amendments made to the proposal during the application stage. They can be incorporated in the permission and I do not believe it is necessary to make them subject to a further condition. Although the Council suggested a detailed sound insulation condition, that matter is covered by the Building Regulations. In any case, the Council's recommended wording refers to that document. I therefore find that suggestion unnecessary.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

18. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for continued change of use of a dwelling to a house in multiple occupation at 4 Northumberland Avenue, Reading in accordance with the terms of the application (Ref. 01/00993/FUL dated 30 July 2001) and the plans submitted therewith as modified by

the plans identified as B and C in the list attached to this decision, subject to the following condition

- 1) Notwithstanding the details on the application plans, within one month of the date of this permission details of facilities for the storage of waste and for the parking of one car shall be submitted to the local planning authority. The details shall include the boundary treatment to the front boundary. Those facilities shall be provided in accordance with the approved details within one month of their approval in writing by the local planning authority and retained as such thereafter, free from obstruction.

Information

19. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
20. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
21. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
22. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.



INSPECTOR