The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 August 2017

Appeal Ref: APP/A2525/W/17/3169880
18 Wygate Meadows, Spalding Lincolnshire PE11 1XZ

- 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 Mr Simon Edwards against the decision of South Holland District Council.
- The application Ref H16-0764-16, dated 4 January 2016, was refused by notice dated 8 November 2016.
- The development proposed is a change of use of dwelling to house of multiple occupation for 8 persons.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original planning application sought retrospective planning permission. As a result, the property had been operating as a house in multiple occupation (HMO) for some time prior to the submission of the application. Accordingly, I have had due regard to this in determining the appeal.

3. I have used the description of development taken from the Council's decision notice rather than that on the application form as that description better reflects the proposed development.

Main Issue

4. The main issue is the effect of the proposed change of use on the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

5. The appeal property is situated in a quiet cul-de-sac and is a traditional two-storey detached house in an established residential area. Although properties are detached, properties around the appeal property are positioned relatively close to each other.

6. The Council argues that the proposed change of use and the increased density of development at the appeal property would have an adverse impact on the living conditions of neighbouring residents. This would be due to the likely increase in noise and disturbance arising from the increased activity at the appeal property, including the number and frequency of vehicle movements.

7. The appellant states that there is another HMO at 31 Wygate Meadows (No.31) and that this property has not resulted in any adverse effects on the surrounding area

or the amenity of nearby residents in terms of occupancy, noise or untidiness. I have had due regard to this. However, I have no substantive evidence before me to confirm that No.31 is a HMO. As a result, I give this matter limited weight in determining this appeal. In any event, I must assess the proposal before me on its own individual merits.

8. The proposal seeks to increase occupancy at the appeal property from 6 to 8 residents. The appellant states that there is no evidence to indicate that this increase would make the property any noisier or dirtier. I acknowledge that the property has operated as an HMO for some time and note that the appellant argues there have been no complaints from neighbours until the application for a change of use was submitted. Having considered the matters raised by neighbours regarding anti-social behaviour at the appeal property, I find that there is no substantive evidence to indicate that any of the incidences cited have resulted in any significant adverse impact on neighbouring occupiers in terms of noise and disturbance. Furthermore, I note that the proposal is supported by the Council's licensing officer who is responsible for issuing HMO licenses.

9. Notwithstanding the above, whilst I acknowledge that it may not be the case at the appeal property, given the nature of HMOs, it is reasonable to consider that the occupiers of such accommodation tend to be more transient. Therefore, having regard to the appellant's comments regarding the long term tenants currently at the appeal property, I find that this cannot be guaranteed into the future. As a result, I find it highly probable that subsequent tenants of the property will own vehicles which would be parked at the property and would therefore impact on parking in the locality. As such, I find that the living conditions of neighbouring occupiers would likely be adversely affected in terms of an increase in the demand for parking, general activity at the property and related noise and disturbance.

10. Furthermore, I note that the location of the appeal property is not particularly accessible to the town centre and local services and facilities. Whilst the current tenants apparently rely on walking and cycling, future tenants may not do so and would therefore be likely to have a greater reliance on their own private cars. Accordingly, I find that the resultant increase in vehicle activity and movements would have a detrimental effect on the living conditions of neighbouring occupiers.

11. The appellant indicates that the matters of dispute regarding parking and highway safety related to on-street parking in the area and off-street parking provided at the appeal property. I note that such issues are potentially intensified at certain times of the day by non-residents who often use the cul-de-sac to park and drop off and pick up children from the nearby primary school. This was confirmed to me during the site visit when I noted the occupants of three cars had parked on Wygate Meadows, close to the appeal property, and made their way to the nearby school to collect children, returning shortly afterwards.

12. The appellant points to the fact that in the time that the property has been operating as a HMO, none of the tenants have owned vehicles. Furthermore, the appellant states that there are no vehicles currently kept at the address, other than occasionally those belonging to visitors. In addition, I acknowledge that a previous planning application was refused, in part, in relation to parking issues and the lack of off-street parking space at the property. However, I appreciate that the appellant has sought to address these issues and note that, as a result, the highway authority has no objection to this appeal proposal with respect to parking and highway safety.

13. Notwithstanding the above, I find that the proposed change of use would likely lead to a material increase in the demand for on-street parking in the area over

time. Whilst the appellant argues that existing tenants do not own cars and as a result there are no cars usually parked at the property, I note that with up to 8 residents, the property would have the potential to introduce up to 8 vehicles to the cul-de-sac on a regular basis. In my view, the off-street parking provision at the property would accommodate only 2 or 3 cars. Therefore, up to 5 or 6 additional vehicles could be parked on-street adjacent to the property. This would undoubtedly have a significant impact on the living conditions of neighbours in terms of the noise and disturbance resulting from an increase in vehicle activity and movements.

14. I appreciate that this scenario would be the extreme possibility. Nonetheless, I find that even a smaller number of additional vehicles would have a significant adverse impact on the living conditions of neighbouring occupiers not only in relation to parking around the appeal property in the cul-de-sac but also with regard to increased noise and disturbance.

15. Having given due consideration to the above, it is evident to me that the living conditions of neighbouring occupiers, particularly those of the adjacent properties to the appeal property, would likely be significantly adversely affected in terms of noise and disturbance. Furthermore, I find that the adverse impact on residential amenity would only be exacerbated by additional vehicles parked in the cul-de-sac and adjacent to the appeal property during school drop off and pick up times.

16. The proposal would provide accommodation of a type in demand in Spalding. It would offer existing and future occupiers the opportunity to live in a larger dwelling that financially might not otherwise be possible. Furthermore, there would be no significant external alterations to the property and it would therefore cause no material harm to the visual appearance of the building or its surroundings.

17. Notwithstanding this, the appeal property is not in the most accessible location to local services and amenities. This would likely result in an increased reliance on the private car by future occupiers which could not be effectively and reasonably controlled. In addition, the proposed change of use would result in an unacceptable increase in general noise and disturbance to local residents, demand of on-street parking and the loss of a family home in an established residential area. Furthermore, it would not be in keeping with the local area which is characterised by large, detached dwellings in single family occupancy. As a result, having had due regard to all relevant matters, I find that the benefits of the proposal would be outweighed by the harm I have identified.

18. Consequently, I conclude that the proposal would have a significant adverse impact on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. It would therefore be contrary to Policies SG17 and HS18 of the South Holland Local Plan 2006 and the relevant guidance within the Framework. Amongst other matters, these policies and guidance seek to ensure that development has no significant adverse impact on the living conditions of neighbouring occupiers, including that relating to noise and general disturbance.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR