
Appeal Decision

Site visit made on 14 August 2017

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

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

Decision date: 18th August 2017

Appeal Ref: APP/A2525/W/17/3175611

1 Woolram Wygate, Spalding PE11 1NX

- 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 S Cole, Glen Holland Ltd Pension Plan against the decision of South Holland District Council.
 - The application Ref H16-0110-17, dated 3 February 2017, was refused by notice dated 26 April 2017.
 - The development proposed is change of use – office accommodation to house of multiple occupation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for this appeal is whether or not the appeal property is suitable in terms of local planning policies for use as a house in multiple occupation (HMO) as proposed taking particular account of living conditions for future and existing residents and the effect on the safe and efficient operation of the highway.

Reasons

3. Planning applications and appeals should be determined in accordance with the development plan¹ unless material considerations indicate otherwise². The LP is of some age and predates the National Planning Policy Framework (the Framework) which is a material planning consideration. The Council states that there is a shortfall of housing delivery throughout the District³. I have seen no evidence to suggest otherwise at this time.
4. The appeal site is a single-storey commercial building on the corner of Woolram Wygate with Brown's Gate cul-de-sac. The surrounding area is predominantly residential with a mix of houses types and sizes. There is a dentist's surgery opposite.
5. The Revised Floor Plan Ref 1663-02 Rev A shows five single and five double rooms with potential for 15 occupants. There would be two shared bathrooms each containing two showers and two toilets identified as separate male and

¹The development plan for the area includes the South Holland Local Plan 2006 (the LP).

² Section 38 of the Planning and Compulsory Purchase Act 2004

³ The Officer report on the planning application

female facilities. The plan shows a lounge room, and a kitchen/dining area with two cookers with four rings, one microwave oven and two kitchen sinks.

6. The appellant states that the rooms and facilities have been designed in accordance with the DASH Landlord Guide. I see no reason to suppose that the conversion would not be carried out to a high standard or be well managed.
7. A copy of the Guide has not been provided and therefore I cannot confirm whether the proposed layout, including room sizes, conforms to it. In any event it seems to me that, as shown on the plan, there would be a rather sparse amount of kitchen facilities if future occupants lived separately, and I have no evidence before me to indicate they would live as a cohesive group. Similarly the extent and arrangement of the proposed shower/toilet facilities seems low for fifteen occupants particularly as there is no certainty regarding how many male or female occupants there might be. Four of the proposed bedrooms would only be accessible through the shared dining/kitchen room which is unsatisfactory in terms of privacy. I remain of this view whether or not Private Sector Housing raised objections or whether HMOs elsewhere are of a lesser standard.
8. Use as a HMO is a residential use and, in principle, there would be no objection to a residential use in a residential area. The LP recognises that HMOs are an intensive use. No private external amenity space is proposed on the plans and no provision for storage and disposal of waste has been indicated. Whilst facilities for the storage and disposal of refuse could be secured by planning condition this would be likely to be at the expense of parking.
9. There are leisure facilities available in Spalding. However, in my judgement such availability does not substitute for the lack on-site external amenity space for day-to-day domestic activities. This is exacerbated by the number of residents that could occupy the HMO as proposed and that may congregate on the frontages whether or not alcohol or smoking was involved.
10. I acknowledge that there would be a trade off with office activities replaced by residential activities. However, I see little evidence to indicate that future occupants would work night shifts or part-time and consider that the degree of activity associated with the proposed use would be likely to result in more comings and goings particularly into the evenings and at weekends. Due to the concentration of these at a single, relatively small property, I consider there would be a real possibility that nearby residents would experience an unacceptable increase in general noise and disturbance as a result of the proposal.
11. For the combination of reasons set out above, I conclude that the proposed development would amount to an over-intensive use of the property. It would fail to provide an adequate standard of living conditions for future occupants and would be likely to harm the living conditions of existing residents. Accordingly it would conflict with parts of Policies HS18 and SG17 of the LP in respect of layout; range of facilities including external amenity space and provision for storage and disposal of waste; the character of the area; and noise and general disturbance. In terms of local planning policies I conclude it would not be suitable for use as a HMO as proposed. It would not amount to good design and would conflict with those principles of the Framework that seek high quality homes and a good standard of amenity for all existing and future occupants of land and buildings.

12. The building is single storey and there are fences on the boundaries adjoining residential properties. There would be no significant alteration to elevations and no significant increase in overlooking or adverse effects on the appearance of the area.
13. During my site visit I observed that there were relatively few vehicles parked on Woolram Wygate and Brown's Gate and there were parking spaces available on Pennygate even though there were more vehicles parked towards the Park Road end of Pennygate. I acknowledge that there may be parking pressure during school term times when children arrive and leave from nearby schools, which I could not observe during the school holidays.
14. Although no parking or cycle storage plan has been provided it is clear that a number of cars/bicycles could currently park on-site. On the balance of probabilities I consider it unlikely that significantly more on-street parking pressure would arise from the proposed development itself, compared to the office use, as those future residents who had vehicles could use the on-site parking. Whilst it would appear that some parking takes place on the site by others such parking could be prevented by the site owner at any time so its displacement would not be a justifiable reason for withholding permission.
15. For the reasons set out above I find no material conflict with parts of Policies HS18 or SG17 in respect of loss of family housing; the extent of overlooking or overshadowing; appearance of the area; or a material increase in parking demand that would exacerbate any parking problems that may exist. I also note that the highway authority raises no objections in respect of parking and highway safety. Accordingly I find no significant conflict with Policy SG16 of the LP in respect of the level of off-street parking available or the effect on the safe and efficient use of the highway.

Planning Balance and Overall Conclusion

16. The site is an accessible location in relation to services and facilities; the proposed development would provide much needed housing; and a vacant building would be brought into use. I give these matters some weight in favour of the proposal. I have found no significant conflict with parts of Policies HS18, SG16 or SG17 of the LP. However, I have found significant harm arising from the failure to provide satisfactory living conditions for existing and future occupants in conflict with parts of Policies HS18 and SG17. In failing to comply with Policies HS18 and SG17 in full the proposal cannot comply with the development plan taken as a whole. In failing to provide satisfactory living conditions the proposal would not be good design and the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.
17. For the reasons set out above, and taking into account all relevant matters raised, I conclude the appeal should not succeed.

SDHarley

INSPECTOR