
Appeal Decision

Site visit made on 28 September 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 11 October 2016

Appeal Ref: APP/N1160/W/16/3151691
51 Furzehill Road, Plymouth PL4 7LB

- 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 Andrew Chan against the decision of Plymouth City Council.
 - The application Ref 16/00260/FUL, dated 8 January 2016, was refused by notice dated 8 April 2016.
 - The development proposed is a change of use to HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matter

The Council's decision letter describes the development as "Retrospective change of use to HMO" and the application form states the use commenced on 1 September 2013. As such I have considered the proposal on this basis.

Main Issue

2. The main issue is the effect of the proposal on the character of the area.

Reasons

3. The site is located within an area covered by a direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which removes the permitted development right relating to the change of use from Class C3 (dwellinghouses) to Class C4 (houses in multiple occupation (HMO)). I note the comments that the property was previously used as two flats and that therefore the Article 4(1) direction does not apply. However I have no evidence of the previous use of the building and in any case a change of use from two flats to a HMO would require planning permission.
 4. The site comprises a mid-terrace property in a suburban area where long terraces of dwellings predominate. At the time of my site visit many of the properties in the area had estate agent boards outside advertising the building for rent. Most of these boards indicated that the property was for students or that the estate agent was a specialist student property agent. This suggests the area is popular with students.
 5. The Council's Development Guidelines Supplementary Planning Document First Review (SPD) states that they would seek to resist proposed HMOs if it would
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result in more than 25% of properties in an area being in HMO use. This aims to maintain the balance of the community and protect the character of the area.

6. The Council's evidence provides a number of figures estimating the percentage of properties that are in use as HMOs which differ depending on the methodology used. However as a minimum, 29% of the properties within 100 metres of the appeal site are already within HMO use. This is above the threshold. Furthermore, the evidence also suggests that over 60% of properties in the area are in use as some kind of multiple occupation. This means that less than 40% of the buildings are in use as single family homes. Such a low proportion of family homes and such a high proportion of HMOs in a suburban area such as this indicates that one section of the community dominates which does not demonstrate a balanced community.
7. I recognise that the use of properties will fluctuate over time, and I note the appellant's suggestion that two units in the vicinity have recently changed to family housing. Nonetheless from the evidence before me, at the present time, the proposal results in a high concentration of HMOs in the area. I also acknowledge that, were planning permission granted, the building could still be occupied by a family. However that is not the proposal before me.
8. The property is currently occupied by post-graduate students, and its current or future occupiers may not necessarily generate any anti-social problems. Also, the property is well maintained, sustainably located and makes a contribution to the provision of reasonably priced student accommodation within the city. However this does not change the nature of the use and does not outweigh the negative effect it has on the balance of the community.
9. The development results in an imbalanced, and therefore unsustainable, community which adversely affects the character of the area. Accordingly the development is contrary to Policy CS01 of the Core Strategy (CS) which supports development of an appropriate type to deliver a sustainable community and Policy CS15 of the CS which requires the conversion of properties into HMOs to not harm the character of the area. The proposal also conflicts with the advice in the SPD as detailed above.

Conclusion

10. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR