
Appeal Decision

Site visit made on 24 October 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 7th November 2016

Appeal Ref: APP/D1835/W/16/3155228

2 Chestnut Street, Worcester, Worcestershire WR1 1PA

- 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 Aidan Goundry against the decision of Worcester City Council.
 - The application Ref P15A0565, dated 28 December 2015, was refused by notice dated 18 March 2016.
 - The development proposed is change of use from a C3 dwellinghouse to a C4 House of Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description given in the heading above has been adapted from that given on the application form in order to more succinctly and accurately reflect the proposal.

Main Issues

3. The main issue in this appeal is whether the proposal would undermine the development plan objectives for a sustainable and balanced housing mix.

Reasons

4. The appeal property is a detached dwelling located close to the junction of Chestnut Street and Chestnut Walk. Apart from the appeal property, Chestnut Street comprises mainly terraced houses and has maintained a sense of local distinctiveness, which creates an attractive residential area.
5. Policy SWDP 14 of the adopted South Worcestershire Development Plan (2016) (SWDP) sets out the Council's requirements in relation to the mix of market housing. Amongst other things, the policy seeks to grant permission for changes of use to HMOs but only where this would not lead to, or increase an existing over-concentration of such uses in the local area. The policy goes on to state that the Council will consider the use of an Article 4 Direction¹ to control such changes of use without an applicant having to obtain planning permission. The Council made an Article 4 Direction in July 2014.
6. The Council has also adopted a Supplementary Planning Document (2014) (SPD) in respect of HMOs, which sets out a detailed approach to supporting

¹ Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015

mixed and balanced communities. The SPD sets a clear 10% threshold limit for the proportion of HMO dwellings of all residential properties within a 100m radius of an application site. The SPD is based on robust evidence that justifies such a threshold and although it was adopted prior to the adoption of the SWDP, I have not been made aware of any necessary subsequent amendments to it and therefore have no reason not to give it full weight in my decision.

7. The appeal property is within the Arboretum Ward wherein HMOs make up 4.54% of all dwellings, which is higher than the average across the city as a whole. Moreover, given the number of HMOs within the prescribed 100m radius of the appeal property, the figure increases dramatically to 15.5%. Therefore, to allow an additional HMO in the local area would, in my view, further tip the balance away from there being an acceptable housing mix.
8. I recognise that the appellant has been renting out some of the rooms in the property for a considerable period and that no harm appears to have arisen from this. I also recognise that HMOs can provide much needed accommodation for students and young professionals, particularly in areas where property values are high. However, there can be no guarantee that such a situation would not change given the generally more transient nature of HMO occupants.
9. Therefore, for the reasons given above, the proposal would run counter to SWDP Policy 14 and the accompanying objectives of the SPD. Whilst I have had regard to all of the appellant's points and understand the objectives behind his application, I must make my decision in accordance with the development plan and I have not found that there are any material considerations to lead me away from the above conclusion.
10. I have also had regard to a number of other associated matters; namely the effects on neighbours, the character of the local area, the standard of proposed accommodation and highway safety. I note that these are included in the reasons for refusal but it is clear from the officer report, that the Council is satisfied that the proposal would not result in harm in these respects. I have nothing before me to suggest that I should take a different view.
11. Nevertheless, for the reasons already given the proposal would harm the development plan strategy for a sustainable and balanced housing mix in the locality.

Conclusion

12. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector