
Appeal Decision

Site visit made on 21 November 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 23rd December 2016

Appeal Ref: APP/C3810/W/16/3155548

15 Devonshire Road, Bognor Regis PO21 2SY

- 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 Ms Julie Gosbee against the decision of Arun District Council.
 - The application Ref BR/107/16/PL, dated 28 April 2016, was refused by notice dated 13 July 2016
 - The development proposed is change of use from dwelling C3a to HMO sui generis.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling C3a to HMO sui generis at 15 Devonshire Road, Bognor Regis PO21 2SY in accordance with the terms of the application, Ref BR/107/16/PL, dated 28 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: 185/01 A; 185/02; 185/03.
 - 2) The House in Multiple Occupation (HMO) hereby approved shall be occupied at any one time by a maximum of 10 people.
 - 3) Within two calendar months of the granting of this permission details of bin storage at the site shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved be implemented within two months of the approval of the details and maintained in perpetuity.

Procedural Matters

2. The Council's decision notice relating to this case refers to policy in the emerging Neighbourhood Plan. It has since been confirmed that this reference should have been to the emerging Arun District Local Plan (the emerging Local Plan). I give this matter further consideration below.
3. At the time of my site visit the property concerned was in use as a HMO¹. I have based my decision on what I saw on site, together with the submitted plans and details.

¹ House in Multiple Occupation: an HMO exists where there is more than one unit of accommodation in which the occupiers share basic amenities.

Main Issue

4. The main issue is the effect of the development on the residential character of this area, in terms of the intensity of the use of this site and the resulting levels of on street car parking.

Relevant Policies

5. The Council's decision notice in this case refers to policies in both the Arun District Local Plan 2003 (the Local Plan) and, as clarified above, the emerging Local Plan. Policy H SP4 of the emerging Local Plan states that HMOs will be favourably considered where they do not, amongst other things, adversely affect the character of the area, lead to a concentration of HMOs in a particular area, or generate excessive parking demands.
6. However, the Council have subsequently indicated in their Statement of Case that the emerging Local Plan should be afforded limited weight as it is emerging, and following recent appeal decisions and the views of Inspectors. In this respect paragraph 216 of the National Planning Policy Framework (the Framework) advises that weight may be given to emerging plans according to the stage they have reached in their preparation, the extent of unresolved objections and the degree of consistency with the Framework. Whilst emerging Policy H SP4 generally reflects the priority set out at paragraph 47 of the Framework of increasing the supply of all types of housing, as this more specific policy has not been tested at Examination, I afford it limited weight in this case.
7. I have therefore made my decision on the basis of the development plan and national policy which are in place at the present time.

Reasons

8. The appeal site is a large detached property located on the eastern side of Devonshire Road. It is located in an area of similarly sized properties with shallow front garden areas and good sized rear gardens. The appeal property has previously been extended to the side, replacing an existing garage. The front garden area has been hard surfaced and is used for parking. As an HMO I understand that it now contains 8 bedrooms, two of which are double, and on this basis the appellant states that it can accommodate up to 10 residents. This site is located close to the centre of Bognor Regis.
9. Reference is made to an earlier approval which in 2010² granted permission for the construction of an extension to this property. This approval contained a condition which specified that the extension should not be used as a separate unit of accommodation. This was on the basis that an additional independent unit of accommodation would lead to an over-intensive use of this site. Without this condition this property could be converted to an HMO for up to 6 people without the need for planning permission.
10. The appeal property and its neighbours are sizable dwellings which could accommodate large families. Therefore, in general terms, I would expect that the effect of this property being an HMO in terms of noise and disturbance would not be dissimilar to that of a property containing a large family. In this respect I accept that it is unlikely that the appeal property is vacated between 0900 and 1700, particularly given the variety of working patterns likely to be in

² BR/118/10/

place for the occupants of this property, but this in itself is not dissimilar to occupational patterns present in typical large family dwellings.

11. I have considered the large number of objections to this application from local residents, a number of which site incidences of anti-social behaviour and experiences they have had with reports to the police. The Council refers to the response from their Anti-Social Behaviour Unit stating that there have been no direct complaints about the site. The Council also makes reference to the police having been called to Devonshire Road but, it is not clear that these calls have directly related to No 15.
12. In response, the appellant states that as the landlord to a portfolio of rented properties in the area, these properties are managed to ensure minimal disturbance to neighbouring occupants. The appellant states that she has not received any notice of nuisance from the police or the local authority regarding the appeal property.
13. I have some sympathy with the views of local residents regarding concerns about the increase in anti-social behaviour in this area. However, no substantive evidence has been put before me to demonstrate that these concerns are significant, nor that they cannot be managed locally by the relevant Council departments and, if necessary, the police.
14. Reference is also made by local residents to problems with refuse and bins, and the maintenance of this property. At the time of my site visit these matters did not appear to be problematic as the property appeared to be generally well maintained. A number of large bins were present within the front garden area, but these were out of public view adjacent to the front garden wall. Whilst I accept that more refuse is likely to be generated by HMOs, this matter could potentially be managed by means of a condition. I also note references to the lowering of property values as the result of the presence of the HMO, however, this is not a relevant planning consideration.
15. Turning to the effect of additional parking, the Local Plan Policy GEN 12 states that the maximum provision required for HMOs is 0.5 spaces per room/unit, equating to 4 spaces in the present case. Whilst the Council also refers to the potential for additional parking demands to be generated by visitors, the parking standards clearly state that these figures represent a maximum level of provision. Indeed, this Policy also states that the Local Planning Authority may seek lower provision in town centres and other areas accessible by means of public transport. As I have noted that the appeal site is close to the town centre, and therefore has good access to public transport networks, I accept that a lower level of provision is acceptable in this case.
16. The appeal site could potentially accommodate 2 cars within the front garden area, however, as there is limited room for manoeuvre in this area, I accept that it is more likely to be used for one car only. The property has a reasonably wide frontage which could accommodate two additional vehicles. In my view the provision of 3 parking spaces is sufficient for a property of this nature.
17. At the time of my site visit during the middle of the day the street was not heavily parked. Given that the properties in this area are large family size dwellings I would anticipate reasonably high levels of car ownership and therefore on street car parking, particularly as not all properties have off-road driveways. In this respect, it is clear that that on street parking levels may be

high at peak times. Therefore, the presence of some additional on street car parking in this area is not in itself detrimental to the character of the street scene or residential amenity.

18. I conclude on this matter that the development is not harmful to the residential character of this area, in terms of the intensity of the use of this site and the resulting levels of on street car parking. In these respects the development does not conflict with the Local Plan saved Policies GEN 7 and GEN12 which require that development should not have an unacceptable adverse impact on adjoining occupiers, and that adequate provision for vehicle parking is made.

Other Matter

19. No specific evidence relating to the supply of HMO accommodation in this area has been put forward by the parties. However, it is accepted that there is a need to increase all types of residential accommodation in this area. On the basis that I have not found this location to be unsuitable for an HMO it is not necessary to consider this matter further.

Conditions

20. As this is a retrospective application for change of use it is not necessary to include a time commencement condition. I have included a plans condition to provide certainty. Conditions requiring details of bin storage and limiting the number of occupiers are required in the interest of the character of the area and the living conditions of the occupiers of neighbouring properties.

Conclusion

21. For the reasons set out above, having considered all other matters raised, I conclude that the appeal should succeed.

AJ Mageean

INSPECTOR