
Appeal Decision

Site visit made on 15 December 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 06 January 2017

Appeal Ref: APP/Q0505/W/16/3155887

11 March Lane, Cherry Hinton, Cambridge, Cambridgeshire CB1 3LG

- 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 Dr Othman Cole against the decision of Cambridge City Council.
 - The application Ref 16/0110/FUL, dated 18 January 2016, was refused by notice dated 17 March 2016.
 - The development proposed is a change of use of a dwellinghouse to a house in multiple occupation (HMO).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of a dwellinghouse to a house in multiple occupation (HMO) at 11 March Lane, Cherry Hinton, Cambridge, Cambridgeshire CB1 3LG in accordance with the terms of the application, Ref 16/0110/FUL, dated 18 January 2016, subject to the following condition:
 - 1) The development hereby permitted shall accord with the following approved plans: Location Plan, KK/1604/1, KK/1604/3 and KK/1604/4 Rev B.

Preliminary matter

2. The Council's decision letter describes the development as retrospective. It is not disputed by the parties that a change of use from a family home to a HMO has already occurred and this was clear from my site visit. Furthermore during my site visit I was able to gain access to all the rooms, except bedroom 8 as identified on drawing No KK/1604/3, and all the bedrooms I saw had beds in them. The plans show that the proposal is for 8 occupiers.

Main Issues

3. The main issues are
 - i) whether the occupiers of the development have acceptable access to goods and services;
 - ii) whether the development provides satisfactory living conditions for its occupiers with respect to the amount of garden space;
 - iii) the effect of the development on the living conditions of the occupiers of neighbouring properties with respect to noise and disturbance.
-

Reasons

Access to goods and services

4. Though the site is close to the edge of Cambridge, its residential surroundings are characteristic of a suburban neighbourhood. The parties agree the nearest bus stop is around 500 metres from the site. This is served by two frequent bus services providing links to Cambridge city centre and the wide range of goods and services available therein. There is also a small convenience store in proximity of the bus stop which can serve the day to day needs of the occupiers of the HMO. The pedestrian route to the bus stop and shop is lit and paved and is reflective of a suburban residential neighbourhood. Furthermore Cherry Hinton centre is around 1km away and this is not an unreasonable distance for people to walk or cycle to access some goods or services not available in the local convenience store. I also note the site is on a local link route for cycles, though I accept that not all people are able to cycle.
5. Nonetheless, for these reasons, I consider the site does have acceptable access to goods and services both locally and further afield. As such the development accords with Policy 5/7 of the Cambridge Local Plan (CLP) which supports HMOs in locations in proximity of bus stops, pedestrian and cycle routes, shops and services, and the National Planning Policy Framework (the 'Framework') which generally supports development in sustainable locations.

Living conditions – garden space

6. The rear garden is triangular shaped and currently wholly paved. It is smaller than all of the other rear gardens near the site. However as the property is not occupied by families there is no demand for room for children's outdoor play to be provided. Furthermore the garden's functional appearance does not encourage its use for leisure purposes and the temporary nature of the occupiers means that they are unlikely to spend effort on its improvement to promote its enjoyment. Instead the garden area is most likely used for drying clothes or occasional sitting out and I consider its size satisfactorily allows this, even though the property is probably occupied by more people than the neighbouring houses. Moreover I have not been provided with any policy or space standards to suggest the garden is not sufficient to serve the needs of occupiers of the HMO.
7. As such I consider the garden space available is sufficient such that acceptable living conditions for the occupiers of the property are provided. Therefore the development accords with Policy 3/7 of the CLP which requires development to have usable private space, and Policy 5/7 of the CLP which aims to ensure sites are suitable for HMO use including in respect of the provision of drying areas.

Living conditions – noise and disturbance

8. There is room in the front of the property for the parking of three or four cars and this would be the case were the building in use as a family home. Therefore the amount of traffic to and from the site is unlikely to be dissimilar from that generated by the use of the property as a family dwelling.
9. However, the arrangement of parking as shown on drawing No KK/1604/4 is awkward and were a car to be parked immediately in front of the point of

access, it may be difficult for the other spaces to be used. As such there may be occasions where this layout results in cars having to be moved in order to allow other cars to access or leave the other parking spaces. This situation could be more prevalent for a HMO where the various occupiers of the rooms may have little interaction with each other, than if the property were used by a single family where an understanding between family members may be more easily achieved. The repetitive manoeuvring of vehicles in and out of the site to allow vehicles to be arranged satisfactorily within the site may cause disturbance to neighbouring occupiers.

10. An amended plan, No KK/1604/4 Rev B, has been submitted showing a slightly wider access point, a landscaping area, a larger storage area for bins and cycles and the whole of the front garden surfaced with block paving. Although this shows that only three spaces would be provided on site, this layout would be more useable than that shown previously and would allow all three spaces to be used independently which would minimise the need for repetitive vehicle manoeuvring. This layout would therefore ensure any noise or disturbance to neighbouring occupiers is minimised and, I consider, would not adversely affect their living conditions. Also the enlarged bin area would allay any concerns that there is insufficient provision of bin storage on site.
11. Therefore, with the alterations to the front of the property carried out as shown in the amended plan, the proposal would accord with Policy 3/4 of the CLP which requires development to respond to its context, Policy 3/7 of the CLP which aims to ensure development achieves good interrelations between buildings and Policy 5/7 of the CLP which requires development to have an acceptable impact on the residential amenity of the local area.

Other matters

12. I note the concerns from neighbours that the development would result in on-street parking which would affect the safe operation of the road. However there is ample opportunity for on-street parking nearby on March Lane and Teversham Drift, should the on-site provision not be sufficient, and March Lane does not appear to be of a narrow width such that on-street parking would necessarily prevent access to properties further along the road by large vehicles such as ambulances. Furthermore although the site is on a bend in March Lane and opposite the junction with Teversham Drift, visibility around this junction is good and I have no reason to consider that any on-street parking outside the site would affect the safety of highway users of this junction or March Lane generally.
13. Also I have no evidence before me to suggest the occupiers of the property would be likely to cause any noise or disturbance which would adversely affect the suburban character of the area.

Conditions

14. I have considered the requirements of the Planning Practice Guidance and the Framework in respect of conditions, and have imposed one condition in order to provide certainty.
15. The Council suggest a condition be imposed to ensure the surface of the parking area is permeable and avoids surface water flooding. Drawing KK/1604/4 Rev B shows the proposed paving to be permeable and that there

would be a drainage channel along the back of the paved area. As such, a condition requiring the parking area to be constructed in accordance with this plan would ensure this.

Conclusions

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

Andrew Owen

INSPECTOR