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## Appeal Decision

Site visit made on 23 November, 2016

**by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

**Decision date: 10<sup>th</sup> January, 2017**

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**Appeal Ref: APP/D1590/W/16/3156354**

**70 Heygate Avenue, Southend-on-Sea, Essex, SS1 2AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Property & Commercial Ent. PLC against the decision of Southend-on-Sea Borough Council.
  - The application Ref 16/00174/FUL, dated 2 February, 2016, was refused by notice dated 15 April, 2016.
  - The development proposed is to convert 2 No self-contained flats to house in multiple occupation.
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### Decision

1. The appeal is allowed and planning permission is granted to convert 2 No self-contained flats to house in multiple occupation at 70 Heygate Avenue, Southend-on-Sea, Essex, SS1 2AR in accordance with the terms of the application, Ref 16/00174/FUL, dated 2 February, 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

### Main Issues

2. The main issues are the effect on the living conditions of adjoining occupiers with respect to noise and disturbance and the effect on the character and appearance of the area.

### Reasons

*The effect on the living conditions of adjoining occupiers with respect to noise and disturbance*

3. Heygate Avenue is in a residential street of two and three storey houses close to the town centre, and with access to amenities, facilities and transport links. The appeal property is a two storey Edwardian house, and the proposal is for the conversion of two existing self-contained flats to a House in Multiple Occupation (HMO). Some work toward implementing this use had been carried out at the time of my site visit.
  4. The evidence put before me indicates that the area around the appeal site is in intensive residential use, with high levels of conversion to flats and HMOs. I note also the evidence from the appellant which indicates that other areas adjoining the town centre have similar or greater concentrations of HMOs and that the area around the appeal site does not therefore have an unusually high
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concentration of such uses for such a location. I conclude therefore that the appeal proposal would not represent an over-concentration of such uses.

5. The evidence shows that while there is a cluster of licensed HMOs in adjoining York Road, there are no licensed HMOs in Heygate Avenue. There is evidence for a small number of smaller HMOs in Heygate Avenue which have been created without the need for planning permission or are unlicensed HMOs as they occupy two storey buildings. They would therefore be relatively small in scale, and likely to have a less pronounced effect on the living conditions of occupiers of the area than larger HMOs which require planning permission or a license. I conclude therefore that a single additional HMO is unlikely to represent a harmful over-intensification of such dwellings in the area.
6. The appeal proposal would create one double and six single bedrooms able to accommodate up to eight people, although the appellant has confirmed that it is intended to accommodate only seven. I have considered the argument of the appellant that the proposed HMO would have fewer occupants than the pre-existing flats. The drawings put before me show that there were four bedrooms in the previous flats, and although reasonably sized, the smaller bedrooms in each of the two flats do not appear suitable for double occupancy. I consider therefore that the number of occupants of the HMO use would be likely to be higher. However, the increase would be likely to be a small one, and its effect on the density of residential use of the property limited.
7. Heygate Avenue is bounded to the east by the dual carriageway of Queensway and to the west by a shopping centre and bus station. During my site visit, during a weekday afternoon, I noted reasonably high levels of pedestrian footfall as well a noticeable level of background noise from these adjacent roads and town centre uses. I conclude therefore that the appeal building is in an area which due to its location is characterised by relatively high levels of noise and activity, and that the minor intensification of residential use in this location is not likely to have a harmful effect on noise and activity already experienced by the occupiers of dwellings in the area. It would not therefore harm the living conditions of these occupiers.
8. I conclude therefore, that as the appeal proposal would not have a harmful effect on the living conditions of the occupiers of adjoining dwellings, it would not conflict with Policy DM1 of the Development Management Document 2015 (the DMD) which seeks development which maintains the amenity of existing neighbourhoods, including in respect of noise and disturbance.

*The effect on the character and appearance of the area*

9. Heygate Avenue and the streets around are characterised by a majority of dwellings with functional, paved front garden spaces which in some properties reflect their intensive residential use through multiple meter boxes and refuse bins. Although I noted some properties which were relatively poorly maintained, and some where there was careless disposal of refuse these were in the minority.
10. The appeal dwelling has a hard-surfaced front garden to the front, and passageway leading to the rear garden area. No changes are proposed to the exterior of the building, and it is not proposed to alter the arrangement of the external spaces beyond some landscaping. Refuse facilities for the property will be located in the rear garden rather than prominently in front. The

appellant, a landlord company, has stated the intention to manage the behaviour of tenants and ensure that the property is maintained and cleaned.

11. I conclude therefore that the appeal proposal by a change of use from two flats to an HMO would not alter the external appearance of the building, nor of the communal character of the spaces to front and rear of the property and that it would not therefore cause harm to the overall character of the area. It would not therefore conflict with Policy CP4 of the Plan Document One – the Southend-on-Sea Core Strategy (the CS) which seeks development which maintains and enhances the amenities, appeal and character of residential areas, nor with Policy KP2 of the CS, which seeks development which is within the capacity of the urban area, and respects the character and scale of the existing neighbourhood. I conclude also that it would not conflict with DM1 of the DMD which seeks development which is sympathetic to its surroundings.

### **Other Matters**

12. The creation of additional demand for on-street parking has been raised by a neighbour. However the area is one with very good access to public transport facilities, and one where census information supplied by the appellant indicates that levels of car ownership are low.
13. It is likely that problems with levels of on-street car parking are related to the lack of parking restrictions in Heygate Avenue, in contrast to adjacent roads, and its use for parking by those unwilling to use the large public car park to the west. I do not consider therefore that the appeal proposal would be likely to add significantly to levels of on-street car parking, and would not therefore cause harm to the living conditions of occupiers of Heygate Street or to highway safety.

### **Conclusion**

14. For the reasons given above, and taking into account matters raised, I conclude therefore that the appeal should be allowed.

### **Conditions**

15. I have considered the conditions put forward by the Council. A condition requiring implementation of the scheme in accordance with the approved plans is added in the interests of clarity. A condition relating to external facing materials is added in the interests of protecting the character and appearance of the area. Details of bicycle storage are required by condition to ensure that satisfactory off-street bicycle storage is provided. A condition requiring the implementation and retention of refuse storage is required by condition in the interests of the character and appearance of the area and of the living conditions of the occupiers of adjacent dwellings.

*S J Buckingham*

INSPECTOR

## **SCHEDULE**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AS 2154.1 and AS 2154.2
- 3) All new work to the outside of the building shall match existing original work in terms of the choice of materials, method of construction and finished appearance.
- 4) The property hereby approved shall not be occupied until bicycle storage has been created in the site in accordance with details which have first been submitted to and approved by the local planning authority, and that space shall thereafter be kept available for the storage of bicycles.
- 5) The development hereby permitted shall not be occupied until refuse storage shall has been constructed in accordance with details shown on plan no. AS 2154.1, and the storage provided thereby shall be retained permanently in that form.