



Appeal Decision

Site visit made on 30 November 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 18 January 2017

Appeal Ref: APP/N1160/W/16/3155084

36 Burleigh Park Road, Plymouth, PL3 4QH

- 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 Mrs Suzanne Dilorenzo against the decision of Plymouth City Council.
 - The application Ref 16/01019/FUL, dated 23 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the change of use from dwelling (Class C3) to 4-bedroom HMO (Class C4).
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Suzanne Dilorenzo against Plymouth City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made retrospectively and I note from the application form that the change of use started on 29 April 2016. The evidence before me indicates that the use of the property continues to fall within Class C4 at the time of writing.
4. I considered the appellant's request that I carry out an internal viewing of the appeal property as part of my site visit but decided that, given the focus of the main issue in this case, an internal viewing would not be necessary. This is consistent with advice contained within 'Planning Appeals: Procedural Guide'¹.
5. For reasons of clarity, the description of development set out above is taken from the Council's decision notice. During the course of the appeal, some correspondence has been received from the appellant under the name of Suzanne Devonshire. However, I have not received formal confirmation that the appeal should proceed in a different name to that stated on the original application form.

Main Issue

6. The main issue is the effect of the development on highway safety.

¹ The Planning Inspectorate (5 August 2016)

Reasons

7. The appeal property is a two storey, mid-terrace house on the south side of Burleigh Park Road. The appeal development involves its change of use from a three bedroom dwelling to a four bedroom house in multiple occupation (HMO). Burleigh Park Road sits north of the city centre and is one of a series of parallel streets running between Weston Park Road and Peverell Park Road and comprising relatively high density terraced housing.
8. The site falls within an area covered by a 2012 Article 4 direction which removes permitted development rights relating to the change of use from Class C3 to Class C4. The Council's records indicate that there are no existing HMOs within 100 metres of the appeal site and I note that the concentration of HMOs in the area falls below the 25% threshold deemed acceptable within the Council's 'Development Guidelines' Supplementary Planning Document (adopted May 2013) (DGSPD). However, development proposals must be assessed in the context of the development plan as a whole, and the Council's refusal in this case relates to the effect on parking demand and consequently, highway safety.
9. Policy CS34(8) of the Plymouth Core Strategy 2006-2021 (adopted April 2007) (CS) states that planning permission will be granted where, amongst other things, the development provides for safe and satisfactory access and making a contribution to meeting the parking requirement arising from necessary car use. Policy 28(4) of the same plan stipulates that parking requirements arising from development should ensure highway safety.
10. Properties along both sides of Burleigh Park Road are set back from the pavement by modest front garden areas, largely bounded by low retaining walls due to the downhill slope of the road from north east to south west. Rear service lanes run to the rear of the terraces but are of restricted width and in most cases provide only pedestrian access to the rear of houses. In common with the majority of other houses in Burleigh Park Road, the appeal property has no off-street parking provision.
11. I saw on my visit that unrestricted car parking is available along both sides of Burleigh Park Road. I note that no resident parking permit scheme operates in the street but do not consider that this necessarily indicates that there is no difficulty in relation to parking availability in the vicinity of the site. The Council's evidence calculates the demand for parking spaces on Burleigh Park Road to be around 96 spaces, whereas space for approximately 57 vehicles exists, resulting in an existing shortfall of around 27 on-street parking spaces. These figures are approximations based on averages but, having viewed the site, seem to be based on reasonable assumptions. A shortfall in on-street parking is also evidenced in the representations of neighbouring residents.
12. I visited the site around midday and found that approximately two thirds of the spaces along Burleigh Park Road were occupied by parked cars. This is a time of day when it might reasonably be expected that many residents are away from the home at work or conducting day-to-day activities. A small number of unrestricted parking bays exist to the east of the site along Weston Park Road and, to a lesser extent, further to the west along Peverell Park Road, although both of these roads also have high density housing with minimal off-street parking provision. The same is true for the majority of the parallel roads closest to Burleigh Park Road.

13. Even at the time of my visit, I saw repeated incidence of cars parked informally along the stretch of Weston Park Road nearest to the appeal site, which due to the restricted width of the road involved parked cars mounting the pavement. The informally parked cars were clearly restricting the space available for travelling vehicles to pass, especially where larger vehicles such as buses were using the road. This was disrupting the flow of traffic along the road. The informally parked cars were also creating obstacles in the road, to the detriment of the safety of all highway users, not least cyclists travelling along the road and pedestrians using the pavement.
14. Whilst my observations during the site visit only provide a snapshot in time, it is reasonable to anticipate that these parking behaviours would be exacerbated in the evening and early morning, when more residents are seeking to park close to home, and when dark conditions would be likely to further compromise the ability of all users to use the highway safely.
15. Section 8.2 of the DGSPD states that for HMOs, a maximum parking standard of one space per two occupiers is expected with a view to reducing the adverse impacts of inadequate residential parking such as excessive on-street or illegal parking and protecting surrounding areas from overspill parking and resulting problems for highway safety. Following this approach, the appeal proposal would be expected to generate a requirement for two parking spaces, where none are currently provided on site.
16. Whilst I accept that the use of the property as a residential dwelling under Class C3 would also generate parking requirements, I consider that a four bedroom property occupied by four unrelated adults can be reasonably expected to generate a materially greater level of parking demand than that arising from the property were it occupied by a single household. That only one UK driving licence is held amongst the current tenants does not overcome the fact that granting permission would allow a permanent change of use of the property.
17. The appeal site is within walking distance of bus routes along Weston Park Road and Peverell Park Road serving the city centre. In addition, a local cycle route to the city centre passes through the street and I note the intention of the current occupiers of the property to construct a cycle store, which would support bicycle use. Nonetheless, given that the city centre is approximately 1.5km away, I consider it likely that future occupiers of the property would wish to use a car and therefore require space to park.
18. I note the Highway Authority view that only a small degree of detriment to public safety would arise from the development. However, my attention has been drawn to a 2016 appeal decision² for a different site within the city where it was found that the development would have an adverse effect on the safety of highway users due to inadequate parking provision. Whilst acknowledging that the proposal in that case involved the change of use from a dwelling to four self-contained flats, I consider that there are some clear parallels between that case and the one before me. That appeal also fell within an area of limited on-street parking and was found to be likely to give rise to unsafe parking behaviours. As such, I afford it moderate weight in my assessment.
19. On balance, I consider that the proposal leads to additional pressure on the availability of already severely limited on-street parking such that it is likely to

² APP/N1160/W/16/3152868

give rise to increased incidence of poor parking behaviour on Burleigh Park Road and the surrounding roads. This could have a detrimental effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Imposing a condition to limit the total number of occupants residing at the property would not be sufficient to overcome this harm.

20. In reaching my findings on this case, I am mindful that a decision to allow the change of use could realistically lead to demand for the similar conversion of other properties in the road and surrounding area to Class C4 use. The cumulative effects of a wider shift in the nature of tenure would undoubtedly give rise to higher parking demand and, given the limited opportunities for local provision, greater informal and illegal parking, to the detriment of highway safety.
21. Having regard to all of the above matters, I conclude that the development has an unacceptably harmful effect on highway safety. As such, it is contrary to Policies CS28(4) and CS34(8) of the adopted CS. I also find conflict with paragraph 2.5.20 and Sections 8.1-8.2 of the DGSPD, and paragraph 39 of the National Planning Policy Framework insofar as it recognises that demand for car parking is affected by factors such as the type, mix and use of development.
22. Moreover, whilst having not reached publication stage at the time of writing and therefore being afforded only limited weight, the proposal is contrary to Policy 30(5) of the emerging Plymouth Plan which requires that sufficient provision is made for car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.

Other Matters

Benefits of the development

23. The development appears to satisfy the basic requirements for conversions of properties into HMOs as set out in CS Policy CS15(3). In providing a four bedroom HMO, the appeal development contributes to the range, mix and affordability of housing within the city, bringing social benefits. The site is also well connected to the city centre by the local bus and cycle networks, providing environmental benefits. However, whilst these benefits weigh in favour of the development, they are not sufficient to overcome the unacceptable harm that I have identified in respect of the main issue in this case.

Offensive or inaccurate third party representations

24. I note the appellant's concern that some third party representations have exhibited offensive attitudes to the current tenants or made inaccurate comments about the appellant's motivations as landlord. My decision has been made solely on the basis of the substantive planning matters before me.

Conclusions

25. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR