
Appeal Decision

Site visit made on 3 January 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/E2734/W/16/3160201

Clarke House, 18A Mount Parade, Harrogate HG1 1BX

- 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 Michael Warren- Smith (Substantia Developments) against the decision of Harrogate Borough Council.
 - The application Ref 6.79.2066.D.CO.U, dated 3 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is described as the change of use from a B1 Use Class (Commercial Premises) to a C4 Use Class (House in Multiple Occupation)."
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from commercial premises to 9 bed House in Multiple Occupation (Sui Generis Use Class) at Clarke House, 18A Mount Parade, Harrogate HG1 1BX in accordance with the terms of the application, Ref 6.79.2066.D.CO.U, dated 3 June 2016, subject to the following conditions:
 - 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: Site Location Plan; Existing Site Plan ID252031; and Proposed Site Plan ID252033.
 - 3) No part of the development hereby permitted shall be occupied until details of (i) the crime prevention measures to be incorporated into the development and (ii) the storage of refuse have been submitted to, and approved in writing by, the local planning authority. Both of the schemes shall be implemented in accordance with the approved details before any part of the development hereby permitted is occupied, and shall be retained as such thereafter.

Procedural Matter

2. Although the application form describes the development as referred to at the top of this decision, the appellant's appeal statement highlights that as the size of the proposed House in Multiple Occupation (HMO) would be for more than 6 residents, the application should have applied for a Sui Generis Use Class. As such they have requested that the description of development is amended to read "the change of use from commercial premises to 9 bed House in Multiple Occupation (Sui Generis Use Class)". It is clear that both the Council and third
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parties were aware that the proposal was for a 9 bed HMO, and so no party would be prejudiced by my determination of the appeal on this basis.

Main Issues

3. The main issues in the appeal are:

- Whether or not the proposed development would preserve or enhance the character or appearance of Harrogate Conservation Area with particular regard to the supply and mix of housing in the area; and
- The effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Character and Appearance

4. The appeal property is a 3-storey end of terrace dwelling that also has a basement. It is located just outside Harrogate town centre, and the area is marked by a mix of commercial and residential uses. Some of the streets in the area, such as Commercial Street, consist mainly of shops, whilst others, such as Granville Road, are predominantly residential. Mount Parade contains a mixture of both, although especially to the northern end it has a more residential character. The residential uses in the area comprise mainly a mix of single dwellings, and properties that have been converted into flats. The majority of residential uses on Mount Parade appear to be in the form of flats, although there are a number of single dwellings and two HMOs. The appellant's evidence, which has not been disputed by the Council, is these are the only 2 HMOs in the immediate vicinity, which in total comprises around 60 dwellings.
5. The only external alteration that would result from the conversion of the building is the reinstating of the cellar window which has been bricked up. This minor change to the building would have no significant impact on the appearance of the property or on the wider street scene. In addition, the appellant has confirmed that there is no intention to remove any of the vegetation in the front garden, and that this would be maintained in the future by the management company.
6. The Council have argued that the proposal would have implications for the balance of the community in the area. However, the conversion of the building from commercial to residential would accord with the predominantly residential character of the street, and would not reduce the number of single dwellings on Mount Parade. Moreover, given the limited number of HMOs that exist both on this road, and in the immediate vicinity, it would not result in an over-concentration of this form of accommodation to the detriment of the overall housing mix of the area.
7. Additionally, the most recent update to the Strategic Housing Market Assessment highlights the growth of 24-35 year olds in the borough, and the need for smaller and affordable residential units in what is predominantly a high value housing market. As such, the appeal scheme would make a positive contribution to diversifying the housing supply, and meeting this identified housing need.

8. The Council has argued that the short term tenancies often associated with HMOs can lead to a loss of community cohesion, but no substantive evidence has been provided to support this. In contrast the appellant, who operates other HMOs in Harrogate, has indicated that typically in his properties the minimum tenancy is 6 months, and some tenants have stayed over 12 months. As such the occupiers may be no more transient than occupiers of other rented accommodation, and would be able to contribute to the local community. Thus, I am not persuaded that the creation of an additional HMO in the area would have a detrimental impact on the character of the area in this respect.
9. Consequently, I am satisfied that the appeal scheme would not create an imbalance in the different forms of residential accommodation in the area, nor would it undermine the existing mixed nature of the community. As a result, I consider that the proposal would preserve the character and appearance of Harrogate Conservation Area, with particular regard to the supply and mix of housing in the area. Accordingly, there would be no conflict with Policy C1 of the *Harrogate District Core Strategy (adopted February 2009)* (HDCS) and Policy HD3 of the *Harrogate District Local Plan (adopted February 2001)* (HDLP) which indicate that proposals will be assessed having regard to community needs, and that development should not have an adverse effect on the character or appearance of a conservation area.

Living Conditions

10. The appeal property is currently an office building, and as such has the potential to attract a considerable number of comings and goings from staff and clients. The comings and goings associated with a 9 bed HMO would be unlikely to be appreciably higher than this. Whilst it has been suggested that it may generate more comings and goings in an evening than an office, I have not been made aware that the current use has any restriction over its hours of use. In addition there is no evidence to suggest that more than 9 people would occupy the property as suggested by some local residents.
11. The appeal property is located adjacent to the town centre, with a significant number of uses that open in the evening, including a restaurant with an outside seating area, close to the site, on the corner of Mount Parade and Cheltenham Mount. Given these locational characteristics the background noise levels in the vicinity of the appeal site are relatively high, and are likely to remain so until late in the evening. As a result, I am satisfied that any additional noise that may be created from the coming and going of residents, would be unlikely to cause significant harm to the living conditions of other nearby residents.
12. It has been highlighted that the area is one with a relatively high crime and disorder rate, but this figure relates to an area within 200m of the site, which covers the majority of the town centre, not specifically the immediate locality around the appeal property. My attention has been drawn to a relatively recent incident of anti-social behaviour in the area. However, I understand from the appellant's evidence that this was caused by a resident from a HMO elsewhere in the town. This has not been disputed by the Council, and there is no evidence before me to suggest that any of the existing HMOs or flatted properties on the street, unlike the nearby bars and restaurants, have resulted in any significant issues with noise and disturbance.
13. In addition, I note that, subject to a condition requiring details showing how designing out crime measures would be incorporated into the proposal, the

police have no objection to the scheme, and from the evidence before me, I see no reason to conclude that the proposal would increase crime, or the fear of crime, in the area. Moreover, excessive noise from residences is a matter which could be dealt with through other means.

14. Consequently, I consider that the proposal would not be detrimental to the living conditions of nearby residents with particular regard to noise and disturbance. Therefore, it would not be contrary to Policy SG4 of the HDCS or Policy HD20 of the HDLP which seek to ensure that new developments respect and protect the amenity of nearby residents.
15. It has been suggested that the proposal would result in overlooking of the property opposite. Whilst the scheme would have a number of bedrooms on the front elevation, the level of overlooking would be no greater than exists at present, or if the property was used as a single family dwelling. In addition, the HMO would be provided with a communal lounge in the basement, and a number of kitchens as well as the bedrooms, so that occupiers would be unlikely to spend all their time in the bedrooms. As such I do not consider that the appeal scheme would result in an unacceptable change in the levels of privacy for neighbouring properties.

Other Matters

16. The building at present has no off-street parking and none is proposed. The properties in the area are mainly terraced housing, with most having no dedicated off-road parking facilities. This, together with the location adjacent to the town centre, means that demand for on-street parking in the area is high. Residents parking schemes operate on many of the roads, although there are some places where time-limited parking is available for non-residents.
17. In contrast to the current commercial use, the proposal would be likely to create the greatest demand for parking overnight and at weekends, when the demand from those visiting the town centre is likely to be lowest. Furthermore, given the type of accommodation proposed, and its highly accessible location, I consider that the scheme is likely to attract people who do not own a car. As such, I am not persuaded that the proposed development would result in a significant increase in the demand for on-street parking in the area.
18. The appeal property is a substantial building with accommodation over four floors. There is no evidence to indicate that the size of the rooms would be inadequate. In addition, whilst I note the concerns of some local residents over the provision of fire exits, there is no persuasive evidence to indicate that the standard of accommodation provided is not acceptable. Therefore, the proposal would not represent the over-development of the site.
19. I note the concerns of local residents regarding the storage of waste, but there is adequate space on the site for refuse storage, and the location and nature of this can be satisfactorily dealt with by way of a condition.

Conclusion and Conditions

20. For the reasons set out above, I conclude the appeal should be allowed.

21. In addition to the standard implementation condition I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of visual amenity, a condition is required to ensure that a satisfactory storage area for the bins is provided, and made available, before the HMO is occupied. To ensure the safety of the occupiers of the building a condition to ensure the development incorporates adequate crime prevention measures is necessary, although as I consider it is adequate for this to be done before the development is first occupied, I have altered the wording of the condition suggested by the Council to reflect this.

Alison Partington

INSPECTOR