

Appeal Decision

Site visit made on 4 January 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 26th January 2017

Appeal Ref: APP/K0235/W/16/3159889
106 Chantry Avenue, Kempston MK42 7RJ

- 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 Katherine Carter of Modan Ltd against the decision of Bedford Borough Council.
 - The application Ref 16/01342/COU, dated 10 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed is change of use of a 6-bed House of Multiple Occupation (C4) to a 7-bed House of Multiple Occupation (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a 6-bed House of Multiple Occupation (C4) to a 7-bed House of Multiple Occupation (Sui Generis) at 106 Chantry Avenue, Kempston MK42 7RJ in accordance with the terms of the application, Ref 16/01342/COU, dated 10 May 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be occupied by not more than seven residents at any one time.

Main Issue

2. The main issue is the effect of the proposed development on parking and highway safety.

Reasons

3. The appeal property is situated in a cul-de-sac past a bend at the end of Chantry Avenue. At the time of my late morning site visit, the road was largely free from on-street parking and was very quiet in terms of traffic movements. Most properties have at least one off-road parking space, including the appeal property, which were not fully occupied at my visit. Nevertheless, I recognise that the levels of parking will fluctuate, and note the Council's evidence regarding the parking situation at different times of day, including a greater amount of parking in the evening.
 4. At my site visit, I also noted that the appeal property is within a five minute walk of a bus stop with frequent services during the daytime on Mondays to Saturdays between Kempston and Bedford town centre. There are also signed bicycle routes, including to the nearby industrial estate and to the town centre, some of which are off-road.
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5. The driveway in front of the appeal property has capacity for up to five parked cars, but in reality only three can be parked independently, meaning others may be parked on the street. A seven bed house in multiple occupation (HMO) could thus increase pressure for parking spaces. However, I am mindful that the property already functions as a six bed HMO under Class C4 of the Use Classes Order 1987 (as amended) which permits up to six residents in such properties. Provided that the seven bed HMO is only occupied by a maximum of seven residents at any one time, something which the appellant says would be the case, and something which could be controlled via planning condition, then the increase in one extra bedroom would not result in a significant increase in car parking demand.
6. The bend in the road causes some visibility issues, but traffic is likely to be moving slowly given the nature of the road and its cul-de-sac layout. The proximity of the school to the north would likely cause parking demand at specific times, but would be relatively short-lived and unlikely to coincide with the evening peaks. Therefore, even if there was additional on-street car parking as a result of the proposed development, it would not have a significant detrimental effect on highway safety.
7. Furthermore, while many services, facilities and employment sites are a reasonable distance away by foot, for example at Kempston High Street or in Bedford town centre, there are realistic and more sustainable transport modes available than the private motor car. Thus, it is not automatically the case that an additional bed will result in more car parking.
8. I note the concerns of a local resident regarding damage to grass verges and telecommunication boxes as a result of parking, but the proposed development is unlikely to have a significant effect on such matters. I also note that the Town Council have concerns regarding overcrowding, but I have no evidence to suggest that a seventh bedroom would result in unacceptable harm to the living conditions of occupiers of the property.
9. Concluding on the main issue, the proposed development would have an acceptable effect on parking and highway safety. Therefore, it would accord with Policies BE30 and H38 of the Bedford Borough Local Plan 2002 and Policy CP21 of the Bedford Core Strategy and Rural Issues Plan 2008. Amongst other things, these policies seek suitable parking and access for all members of the community. The development would also comply with Policy AD1 of the Bedford Allocations and Designations Local Plan 2013 which states that proposals that accord with the development plan will be approved unless material considerations indicate otherwise. I have also considered this HMO proposal on its own merits, in line with the Parking Standards for Sustainable Communities Interim Policy and Supplementary Planning Document 2014.

Conditions

10. The formal decision requires the development to be in accordance with the plans submitted with the application. I have attached a standard time limit condition for the commencement of development for clarity and compliance. Following the request of the Council, I have also imposed a condition restricting the number of residents occupying the development to seven at any one time. A sui-generis HMO has no limit on the number of residents, unlike a Class C4 HMO which is restricted to six residents. Notwithstanding the appellant's assurances that each bedroom is intended for single occupancy, it would be

possible for the sharing of bedrooms and a greater number of residents occupying the property. Such a scenario would be likely to have a more significant effect on parking and highway safety. Therefore, the condition is necessary and reasonable.

Conclusion

11. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR