
Appeal Decision

Site visit made on 6 December 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/G1250/W/16/3156746

2, St Albans Avenue, Bournemouth, BH9 9EE

- 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 Paul Brook against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-6912-C, dated 19 May 2016, was refused by notice dated 28 July 2016.
 - The development proposed is alterations and change of use from a dwellinghouse (Use Class C3) to a 7 bedroom house in Multiple Occupation (suis generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwellinghouse (Use Class C3) to a 7 bedroom house in Multiple Occupation (suis generis) at 2, St Albans Avenue, Bournemouth, BH9 9EE in accordance with the terms of the application, Ref Ref 7-2016-6912-C, dated 19 May 2016 and the plans submitted with it, unless otherwise specified, subject to the conditions on the attached list.

Background

2. The application was submitted for an 8 bedroom property. However, with both parties agreement this was amended to a 7 bedroom property prior to the Council's decision. This is taken into account in the description of the application in the above bullet points. This description also has regard to the more accurate description of the proposal by the Council as being for alterations and change of use rather than a conversion.

Main Issues

3. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area and the living conditions of those nearby; and **second**, whether satisfactory living conditions would be provided for future occupants of the proposed development.

Reasons

Character and appearance of surrounding area and living conditions of those nearby

4. The appeal property is a large detached Edwardian style house. It has recently been converted internally, to a high standard, in accordance with the submitted plans. However, the property is unfurnished and its occupation as an HMO, as applied for, has not occurred.
5. The Council is not alleging that the proposed development would give rise to an over-concentration of Houses in Multiple Occupation (HMOs) in this area. Correctly so given that only a notably small number of properties in the vicinity are HMOs. However, it is the Council's view that even in such cases an HMO may be harmful to the character and appearance of an area and living conditions.
6. Turning to the Council's concerns the appeal site is in a residential area. However, it is at very fringes of that area fronting a busy main road and adjoining a thriving and bustling area of commercial properties associated with a local shopping area. In this context noise and disturbance that may be associated with increased movements to and from the property, whether by those living in it or visitors, would not harm the character and appearance of the area or the living conditions of those in nearby houses. A modestly sized rear garden would not be of a size likely to generate levels of activity, and hence disturbance, than could arise from the property's use as a single house.
7. The Council is concerned that inadequate space is shown on the application site for bin storage. However, there would be sufficient space in the rear garden for an adequately sized bin store to be located. This would help to prevent the unsightly external storage of bins and could be required by condition were I minded to allow the appeal.
8. Also of concern to the Council is the fact that no management statement has been submitted to show, for example, that a manager would live on the premises as a deterrent against bad behaviour and for general supervisory purposes. In my experience it is not uncommon for HMOs to have no on-site manager. However, a management plan to control the operation of the premises would assist in ensuring that it would be occupied in a way that respects the character and appearance of the area and the living conditions of those nearby. The absence of a such a plan need not stand against the proposal at this stage as it may be sought by condition were I minded to allow the appeal.
9. It is concluded that the proposed development would accord satisfactorily with the character and appearance of the surrounding area and the living conditions of those nearby. It would accord with Policy 6.17 of the Bournemouth District Wide Local Plan (DWLP) which seeks to ensure that that new HMO development is compatible with the character of the area and causes no harm to living conditions. It would also accord with Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (CS) which seek to ensure that new development generally does not cause such harm.

Living conditions of future occupants

10. The Council's concern on this issue is on the space provided for future residents internally and externally. Turning first to external space the Council has no standards by which to assess this. However, although the proposed garden area would be relatively modest in size it would be large enough to provide some space for sitting outside and, for example, for the provision of rotary clothes lines. This would be so even if additional bin space was provided. As such I consider that there would be sufficient external amenity space to cater acceptably for the needs of future occupants.
11. Internally some quite spacious bedrooms would be provided. In addition all 3 floors would contain a well fitted out shower and toilet area. On the ground floor would be a good size lounge and a small study. The first floor would contain a well equipped kitchen and on the ground floor would be a sizeable kitchen/dining area. Given that it is often characteristic of such development that occupants lead relatively separate lives it is likely that the communal facilities would be in demand at different times. Taking this into account, and in the absence of any Council standards to suggest to the contrary, I consider that sufficient space would be provided internally to provide acceptable living conditions. In arriving at this view I note local concerns on potential occupancy rates. However, this is a matter that could be covered in a management statement.
12. It is concluded that satisfactory living conditions would be provided for future occupants of the proposed development. Thus it would accord with DWLP Policy 6.17 which aims to ensure that acceptable living conditions are provided. It would also accord with CS Policy CS41 which requires a high standard of amenity to meet the day to day requirements of future occupants.

Other matters

13. Only one on-site parking space is to be provided, and there is third party concern that this would be inadequate. However, the Council is satisfied that, based on its standards, the net increase in parking would be negligible. Moreover, being located close to a shopping area and major route into the town centre the appeal site is sited in a way that would provide good access by non-car modes for future residents to access facilities and services. It would thus be attractive to those without a car.
14. There is some concern that building works may have been undertaken without building control consents. However, that is a matter for consideration under other regulatory controls if necessary and is not greatly material to my decision.

Conditions

15. As I am minded to allow the appeal I have considered what conditions to impose. For the reasons given above I shall require the management agreement/plan sought by the Council. To assist in residents making sustainable transport choices I shall require the provision and retention of the proposed cycle store, though I see no need for the condition to be as prescriptive as suggested. In the interests of highway safety I shall require the provision and retention of the proposed car parking space, though again I see no reason for the condition to be quite as prescriptive as proposed. For

reasons given in my decision I shall require details to be provided and approved of a bin store.

16. In the interests of good planning I shall require that development be undertaken in accordance with the approved plans, unless otherwise required. This condition shall have regard to the fact that the building is correctly shown with 7 bedrooms on the main plan of the internal layout but incorrectly as 8 bedrooms on the plan of the proposed cycle store and parking area.

Conclusion

17. For the reasons given above it is concluded that the appeal should be allowed.

R J Marshall

INSPECTOR

Conditions

- 1) Prior to commencement of the use hereby permitted a management agreement/plan shall have been submitted to, and approved in writing by the local planning authority. The management agreement/plan shall provide for details of:
 - i) how, and by whom, incidents relating to noise complaints will be dealt with;
 - ii) the maximum number of tenants in occupation of the premises at any one time;
 - iii) arrangements for the maintenance of the garden and other open areas; and
 - iv) the management of the storage of refuse and its placement for collection.

The approved management agreement/plan shall be adhered to throughout the duration of the use hereby permitted.

- 2) The use hereby permitted shall not be first occupied until the cycle store shown on Plan No. 937/5c has been constructed as shown. The store shall thereafter be kept available for the parking of bicycles.
- 3) The use hereby permitted shall not be first occupied until space has been laid out within the site in accordance with Plan No. 937/5c for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 4) Prior to commencement of the use hereby permitted details of a refuse store shall be submitted to and approved in writing by the local planning authority and the store shall have been constructed in accordance with the approved details. It shall thereafter be retained as a refuse store.
- 5) The use hereby permitted shall be occupied in accordance with the following approved plans: Plan No. 937/4d and Plan No. 937/5c except that the room shown as "single bed 2" on Plan No. 937/5c shall not be occupied as a bedroom.