
Appeal Decision

Site visit made on 23 January 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 1st February 2017

Appeal Ref: APP/J4525/W/16/3158238

18 Park Place West, Sunderland, Tyne and Wear, SR2 8HT

- 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 Nicola C MacKenzie against the decision of Sunderland City Council.
 - The application Ref 16/01049/FUL, dated 24 May 2016, was refused by notice dated 3 August 2016.
 - The development proposed is described as 'convert dwelling house into seven flats with community kitchen and lounge'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision describes the proposal as 'change of use from single dwelling house to seven bedroomed house in multiple occupation (HMO) (amended description 30.06.2016). I have based my decision on that description as it describes the proposal more clearly than the description in the application.

Main Issues

3. The main issues in this case are the effect of the proposed development on:-
 - the living conditions of neighbouring occupiers in terms of noise and disturbance;
 - the character of the area.

Reasons

4. The creation of sustainable, inclusive and mixed communities and the meeting of housing need for different groups in the community are important objectives of national policy in the government's National Planning Policy Framework (the Framework).
5. Policy H18 in the City of Sunderland Unitary Development Plan (UDP) (1998) indicates that proposals for HMOs will normally be approved where the intensity of use will not adversely affect the character and amenity of the locality. Policy B2 requires new development proposals to maintain an acceptable standard of residential amenity. These policies are consistent with the Framework which also says that proposals should always seek to secure a

good standard of amenity for all occupants and should take account of the character of different areas.

6. I have given only limited weight to Topic 4 of the Council's Development Control Guidelines Supplementary Planning Guidance (SPG) which indicates that permission may be refused in an area of predominantly single family dwellings. This appears inconsistent with the Framework's objective of seeking to create mixed and balanced communities. The Council's emerging policy DM4.4 in the Draft Core Strategy and Development Management Policies (2013) is similar to policy H18 but goes further in seeking to avoid an over-concentration of HMOs or student accommodation. Whilst I can only give limited weight to this in view of its early stage, it is based on more recent evidence than the other policies and is consistent with national policy in this respect.
7. The appeal dwelling is a grade II listed building, in a long, elegant terrace of 24 houses built in the Victorian period. Park Place West is a private, gated road and forms one of three listed terraces of dwellings which form a prominent feature of the Ashbrooke Conservation Area. Another of the terraces, Park Place East is sited opposite and has a frontage onto the same road. I have had special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses in accordance with the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the desirability of preserving or enhancing the character or appearance of the Conservation Area under Section 72 of the same Act. The Council has not sought to object in terms of the effect of the proposed use on the listed building and I am satisfied that, by reason of the limited internal works and the lack of any external alterations to the building, there would be no material harm to the significance of the listed building or its setting.
8. The Council says that most of the dwellings in the area are in use as single family dwellings. However, and whilst their figures differ slightly, both local residents and the appellant have indicated that around one third of properties are in use as HMOs or flats although it seems that not all of these might be lawful. The Residents Association's figures show that there are two existing licensed, large HMOs in the street.
9. I visited the street during the daytime and noted that there was a high degree of peace and tranquillity which contributes positively to the character of the area. However, the area is close to the city centre and the appellant says that the street is used as a walking route to and from the centre. The adjoining property is used as a bridge club several nights a week. Several local residents have referred to problems of late night disturbance and noise. Whilst this forms anecdotal evidence only and there is insufficient evidence that it is related to the current occupiers of the appeal dwelling or indeed occupiers of any other HMO, the proposed change of use would be likely to exacerbate any such problems. The comings and goings of seven occupiers and their visitors is likely to generate a significantly higher level of noise and disturbance than those of a single dwelling.
10. The Council has not raised any objection with regard to additional demand for on-street parking and the property is located close to the centre and good public transport routes. However, there can be no guarantee that future

occupiers would not have cars. Although the appellant's family previously had five vehicles, the existing arrangement of the rear yard would not have enabled all of those to park at the rear of the property. Whilst the proposal would provide additional spaces amounting to parking for five vehicles to the rear of the property, given the small size of the rear yard, this would lead to additional noise and disturbance from the manoeuvring of vehicles and the closing of car doors in close proximity of neighbouring occupiers over and above that which would normally be expected from a single dwelling.

11. The resulting noise and disturbance would therefore harm the living conditions of neighbouring occupiers and would fail to preserve and enhance the character of the Conservation Area. The proposal would therefore be contrary to UDP policies H18 and B2.
12. I have noted the appellant's personal circumstances that have led to this proposal and that she has every intention of maintaining the building and seeking to ensure that the student occupiers are monitored. However well intentioned, this would not be sufficient to guarantee that noise and disturbance were kept to a reasonable level. A condition restricting permission to a time limited period, as suggested by the appellant, would not outweigh my concerns sufficiently as any harm that may arise would still have a significant impact on local residents even in the short term.
13. Although the proposed development would provide student accommodation for the appellant's nephew and his friends, I have not been told of any compelling need for student accommodation in this particular area that would override my concerns.

Conclusion

14. I have found that the proposal would result in significant harm in terms of the character of the area and the living conditions of neighbouring residents. It would not, therefore, fulfil the social and economic role of national policy and when assessed against the Framework, the proposal does not constitute sustainable development. It would conflict with the development plan as a whole and there are no other material considerations that would justify determining the appeal otherwise. I conclude then that for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Sarah Colebourne

Inspector