
Appeal Decision

Site visit made on 14 February 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/B1415/W/16/3163046
127 Queens Road, Hastings TN34 1RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Russell Mountford against Hastings Borough Council.
 - The application Ref HS/FA/16/00608, is dated 27 July 2016.
 - The development proposed is the change of use from domestic dwelling (C3) to HMO (C4).
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Decision

1. The appeal is allowed and permission is granted for the change of use from domestic dwelling (C3) to HMO (C4) at 127 Queens Road, Hastings TN34 1RP, in accordance with the terms of the application, Ref HS/FA/16/00608, dated 27 July 2016, subject to the following conditions:
 - 1) The use hereby permitted shall be carried out in accordance with the following approved plan: 2318/16/01
 - 2) Within six months of the date of this decision, or such other date to be agreed in writing by the local planning authority, the 'Wardrobe Dressing' area on the first floor shall be converted into a second kitchen.
 - 3) Within three months of the date of this decision, cycle parking spaces and refuse/recycling storage facilities shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority and shall be retained at all times thereafter.

Preliminary Matters

2. The application was not determined in the prescribed period but the Council have submitted an appeal statement which makes clear its objections to the proposal.
3. The application is retrospective as the change of use took place in May 2016.

Application for costs

4. An application for costs was made by Mr Russell Mountford against Hastings Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposal would result in the loss of accommodation suitable for single family occupation.

Reasons

Single family housing

6. No 127 is a three storey terraced house fronting onto Queens Road behind a narrow forecourt. Queens Road is a busy thoroughfare close to the town centre with a mix of commercial and residential uses, the ground floor of several nearby properties having shop fronts. To the rear the property backs onto Stonefield Road which is quieter and more residential in character.
7. The property has a living room, dining room and kitchen on the ground floor together with an external yard having rear access onto Stonefield Road. On the first floor are three bedrooms and bathroom and on the second floor two further bedrooms and another bathroom.
8. With five good sized bedrooms, two bathrooms, two substantial reception rooms and a large kitchen over three floors the property offers unusually extensive accommodation for single family use. In addition, the location of the property is relatively poor being situated on a busy town centre road and the external amenity space, a paved yard, is small in relation to the size of the house. As such, the property would only be suitable for a small number of large families and would not be ideal for those with young children.
9. The appellant confirms in the planning statement accompanying the application that after renovation attempts were made to let the property to a single family. However, these proved unsuccessful. In addition, two letters from local letting agents Kinzett & Bowler and The Property Pad have been submitted which both advise that they would struggle to let this particular property as a single family home. The letters confirm that whilst the property itself provides good quality accommodation the busy location, lack of parking and outside amenity space militate against single family use. In addition, for such a large house, the likely rental price would be out of reach of most local families.
10. Policy H2 of the Hastings Planning Strategy 2014 (HPS) aims to deliver a balanced mix of housing within existing communities across the town and to this end Policy HC1 of the Hastings Development Management Plan 2015 (HDMP) allows the conversion of a dwelling into another use provided that it can no longer be retained in its entirety for single family occupancy. As explained above, this is the case in relation to this particular property.
11. For these reasons the proposal would not result in the loss of accommodation suitable for single family occupation and would therefore comply with Policy HC1 of the HDMP.
12. The Council have drawn attention to a recent appeal decision dismissing the proposed change of use of No 24 Waldegrave Street nearby to a house in multiple occupation (HMO)¹. Whilst that property has a small rear yard it is on a quiet road and is significantly smaller than No 127 Queens Road with just two

¹ APP/B1415/A/14/2213442

storeys of accommodation and two bedrooms. The circumstances of the current case are not therefore comparable.

Other matters

13. There is no dispute that with certain modifications the property is suitable for conversion to a five bedroom HMO. The various room sizes meet the necessary standard and the change of use would not breach Policy H4 of the HPS which seeks to ensure that the number of HMOs within a 100 m radius does not exceed 10%.
14. The bedrooms on the top floor are more than one floor away from the existing communal kitchen but this objection can be overcome by conversion of the 'wardrobe dressing' area on the first floor into a second kitchen. This should be the subject of a condition. A further condition is necessary to ensure the provision of suitable cycle parking spaces and refuse/recycling storage facilities in order to encourage sustainable transport and protect residential amenities respectively. Finally, a condition is required to specify the approved plan in the interests of certainty.

Conclusion

15. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR