
Appeal Decision

Site visit made on 13 February 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 24th February 2017

Appeal Ref: APP/V2004/W/16/3163241

31 Beresford Avenue, Beverley Road, Kingston-upon-Hull HU6 7LS

- 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 Lakehill Estates Ltd against the decision of Kingston-upon-Hull City Council.
 - The application Ref PP-05220169 (16/00848/FULL), dated 9 June 2016, was refused by notice dated 26 October 2016.
 - The development proposed is use of property as a 4 bedroom HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly the effect of the proposal on the character of the area by reason of any concentration of houses in multiple occupation in the area and secondly the effect of the proposal on the living conditions of the occupiers of surrounding residential properties with particular regard to noise and disturbance

Background

3. 31 Beresford Avenue was previously the subject of an appeal against an enforcement notice which required the cease of the use of the premises as a house in multiple occupation (HMO) and its return to a single dwelling house (APP/V2004/C/15/3131059). The appeal was dismissed. At the time of my site visit only two of the six bedrooms were occupied.

Reasons

Character and appearance

4. Policy H12 of the Hull City Plan Written Statement 2000 (the HCP) gives five criteria that development should meet for a property to receive planning permission for conversion into multiple occupation. There is no dispute between the parties that the first four criteria of the Policy are met by the proposal. The final criterion requires that the change of use would not result in a concentration of similar uses adversely affecting the character of the area.
 5. No 31 is a two storey mid terrace house. It is sited within a residential area formed predominantly from rows of similar designed dwellings. I saw at the time of my site visit evidence from advertising boards that a number of
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properties were used as HMO. The Council confirm that figures from Private Housing Standards from 2016 show that about 66.6% of properties on Beresford Avenue are either in use as a shared house or flats. Furthermore, 63.1% of properties on Heathcote Street and 51.8% on Wellesley Avenue are also in shared use. As a result of the proliferation of houses in shared use in the area causing problems of anti-social behaviour, noise, nuisance and negative effects on the physical environment the Council introduced an Article 4 Direction. Accordingly, planning permission is required for the change of use of a dwelling to use for a HMO. The Article 4 Direction was confirmed 1 year after it was made following a period of public consultation.

6. Within that context my colleague on the previous enforcement appeal regarding No 31 found that the use of the property as a HMO would be harmful to the character of the area given the already high concentration of properties in HMO use. I note though that at that time the percentage of properties in shared use was higher than currently is the case. Nevertheless, it is clear from the current figures that this area of the city still has a heavy concentration of HMOs and an existing imbalance of housing mix due to the loss of family accommodation over the years.
7. The proposal would result in an additional HMO in this location which, irrespective of the number of bedrooms, would add further to that concentration of uses which has already been found to have a harmful effect on the character of the area both through the erosion of the social balance within the community, and harmful environmental effects. Furthermore, whilst in isolation the change of use of one dwelling is unlikely to be harmful, it would further add to the concentration of one particular type of housing. Moreover, its approval would be likely to lead to more applications, given the similar type of housing in the area, which the Council would find difficult to resist.
8. For the reasons above therefore the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy H12v of the HCP.

Living conditions

9. I am advised that the Article 4 Direction was also imposed due to high levels of anti-social behaviour, noise and nuisance that were being experienced in the area due to the excessive number of properties in shared occupation. Although the occupants of this particular property may not historically have given rise to formal noise complaints, I must also have regard to the long-term implications of the development.
10. I appreciate that the existing proposal is for 4 bedroom rather 6 bedrooms which was previously considered. Furthermore, the house could be occupied by a large family and therefore have more occupants than the four proposed. Nonetheless, it is evident from the information before me that HMOs are not directly comparable to family dwellings, mainly because they appeal to different client groups such as students and young professionals. The occupation of the appeal premises by multiple, unrelated tenants, and their visitors, appears to me likely to result in a greater intensity of activity than would be expected from single family occupation. There is a substantial and compelling evidence base through the imposition and confirmation of the Article 4 Direction that the high number of HMOs has resulted in harm to the living conditions of the occupiers of neighbouring residents. The addition of a

further HMO would therefore have the potential to cumulatively exacerbate that harm.

11. The appellant states that the rooms would not be let to students. However, I have no means of controlling who would occupy the property and therefore this suggestion can be only be given very limited weight.
12. For the reasons above I conclude that the proposal would be harmful to the living conditions of neighbouring residents. It would therefore be contrary to Policy H1 of the HCP which states that housing development will be allowed where its impact on local amenity amongst other things is acceptable.

Conclusion

13. The appellant refers to the benefits to the economic and social wellbeing of the City caused by the proposal but offers no further explanation of such benefits. While the change of use would provide a certain type of housing, it would do so in a manner that would lead to a concentration of uses causing harm to the character of the area.
14. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR