
Appeal Decision

Site visit made on 28 February 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 13 March 2017

Appeal Ref: APP/X2410/W/16/3163895

94 Hermitage Road, Loughborough LE11 4PF

- 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 Ian West against the decision of Charnwood Borough Council.
 - The application Ref P/16/0845/2, dated 17 April 2016, was refused by notice dated 25 July 2016.
 - The development proposed is the change of use from residential C3 to C4 multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4) at 94 Hermitage Road, Loughborough LE11 4PF in accordance with the terms of the application, Ref P/16/0845/2, dated 17 April 2016, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Procedural matter

2. The description of development given is imprecise. I have therefore amended it to 'the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4)'. This description accurately reflects what is applied for and I shall use it in the determination of the appeal.

Main Issues

3. The main issues in this appeal are;
 - the effect of the proposed House in Multiple Occupation (HMO) on the level of HMOs in the area; and,
 - the effect of the proposed HMO on the residential character and amenity of the area, with particular regard to anti-social behaviour, noise, disturbance and car parking.

Reasons

4. Loughborough is a university town and there is significant demand for student houses. The proposed development would result in the conversion of a modest end terraced house into a three bedroom HMO. An Article 4 Direction has removed permitted development rights in respect of the change of use of dwellinghouses to HMOs. As a result, an application for planning permission was required for the proposed development.
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5. Policy CS4 of the Charnwood Core Strategy seeks to manage the number of HMOs in order to support the wellbeing, character and amenity of communities. This is consistent with paragraphs 50 and 58 of the National Planning Policy Framework ('the Framework') which, amongst other matters, seek new development that results in inclusive mixed communities and safe environments, and where crime and disorder do not undermine quality of life or community cohesion.

HMO levels in the area

6. The supplementary planning document 'Student Housing in Loughborough' provides guidance on how HMOs will be controlled in the town. However, as it was adopted in 2005 it predates the introduction of the C4 use class for small HMOs. As a result, in order to achieve a balanced community, the Council applies a threshold of 20% of HMOs in an area. Beyond this level there is a presumption against granting permission for a further change of use of dwellinghouses to HMOs.
7. At the time the application was determined by the Council last summer, the level of all HMOs in the area, assessed in accordance with the SPD methodology, was 12.6%. The latest position, using more refined data, is that 9.2% of households are HMOs. By any reasonable estimate, this is considerably below the 20% threshold set by the Council.
8. Reference has been made to the output area in which No 94 is located and adjacent areas having higher percentages of HMOs. The proposed development would also result in three HMOs next to each other. Nevertheless, with no more than 13.7% within these output areas, levels locally are still considerably below the point at which community imbalance would occur.
9. For these reasons, I therefore conclude that when compared to the standards applied by the Council the proposed development would not result in an over concentration of HMOs in the area. As a result, the proposed change of use would not adversely affect community balance and the availability of family housing.

Residential character and amenity

10. In terms of anti-social behaviour, the evidence of the Council is that levels on Hermitage Road and surrounding residential roads are low. Indeed, the number of student related incidents in the area are in proportion to the number of student households and no higher proportionally than found in the non-student population. I therefore find there is insufficient evidence to substantiate the Council's and local residents' concerns that the proposed development would increase noise, disturbance and other forms of anti-social behaviour. If such behaviour did occur, as with any residents in the community, the local authority and police have powers to deal with it.
11. Concerns have been expressed that as student HMOs may be vacant at certain time of the year, this would invite crime and that litter and refuse is associated with such properties. In relation to the first concern, a large majority of houses on the road are not HMOs. As a result, in my judgement, there would be enough activity and natural surveillance for crime not to materially increase. With regard to litter and refuse, I saw that there was adequate provision for the storage of refuse and recycling bins at the house. Furthermore, I did not

- see any problems with littering and refuse in the area. Should these problems occur the Council has statutory powers to deal with them.
12. In terms of parking, policy TR/18 of the Charnwood Local Plan seeks the provision of off road parking in order to secure highway safety and minimise harm to visual and local amenities. In relation to a three bedroom property, the Council states two parking spaces are sought. The policy describes its parking standards as the starting point in assessing provision and that they represent the maximum level. As a result, dependant on circumstances, two or fewer parking spaces would be appropriate.
 13. There are local concerns regarding on road parking pressures which result in cars parking partly on the pavement. Such parking reduces the effective width of the road so that cars travelling in opposite directions cannot pass each other without pulling in and giving way.
 14. At present the house has one off road parking space to the front of the property. The house is close to bus route and the university is within easy cycling distance. For students, who are typically in their late teens and early twenties, the university is also within reasonable walking distance. Given these considerations and the difficulties highlighted by the Council in relation to obtaining parking permits for the University, it is unlikely that students living in the house would keep a car in Loughborough. Furthermore, given that the creation of a second parking space to the front of the property would result in the loss of an on road parking space, increased parking provision at the house would not improve the parking pressures in the area. The creation of a second parking space by removing the lawn in front of the house would also result in a car dominated development that would be detrimental to the appearance of the streetscene.
 15. Taking all of these matters into account, I therefore find that the house, with its one off road parking space, has adequate off parking provision for a small HMO and that the proposed change of use would not exacerbate on road parking to the extent that highway safety or the free flow of traffic would be materially harmed. It would therefore comply with policy TR/18 of the Local Plan.
 16. The Council has referred to four applications in relation to the change of use of other dwellinghouses to small HMOs that were dismissed on appeal. However, in each of these cases the 20% HMO threshold for HMOs in the area was already exceeded, or would have been exceeded by the proposal. In addition, in these areas students were implicated in far higher percentages of recorded incidents of antisocial behaviour. As a result, the circumstances in these other appeals are materially different to those in the appeal before me. Reference to these decisions therefore has not altered my findings in relation to the proposed development.
 17. For all of the reasons given above, I therefore conclude that the proposed change of use would not result in an overconcentration of HMOs in the area that would imbalance the community and result in harm to the residential character and amenity of the area. It would therefore comply with policies CS2 and CS4 of the Core Strategy and policy TR/18 of the Local Plan. Policy CS2 seeks high quality design that protects the character of an area and the amenity of those who live nearby.
 18. It has been suggested that off road car parking spaces should be required by condition at the property and retained in perpetuity. However, for the reasons

that I have given above, adequate parking provision already exists and an additional car parking space in front of the house would not increase car parking provision in the area. Such a condition is therefore unnecessary to make the development acceptable in planning terms. I therefore conclude that no conditions, other than in relation to the statutory time period for implementation of the permission, are necessary.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be allowed. In reaching this decision, the views of local residents and councillors have been taken into account.

Ian Radcliffe

Inspector