

Appeal Decision

Site visit made on 28 February 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/A0665/W/16/3164377

27 Gladstone Road, Chester, Cheshire, CH1 4BZ

- 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 Gordon Emery against the decision of Cheshire West & Chester Council.
 - The application Ref 16/04435/COU, dated 29 September 2016, was refused by notice dated 11 November 2016.
 - The development proposed is described as a *"change of use from class 3 (residential) to class 4 (small HMO)"*.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from Class C3 (residential) to Class C4 (small HMO) at 27 Gladstone Road, Chester, Cheshire, CH1 4BZ in accordance with the terms of the application, Ref 16/04435/COU, dated 29 September 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Appeal Site Marked in Red; 27 Gladstone Road Existing; 27 Gladstone Road Proposed.

Procedural Matter

2. The description of development given in my formal decision differs slightly from that provided on the planning application form. These minor changes are to ensure that the relevant use classes are correctly referenced.

Application for costs

3. An application for costs was made by Mr Gordon Emery against Cheshire West & Chester Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are whether the development would, firstly, lead to an over concentration of houses in multiple occupation (HMOs) in the area and, secondly, prejudice highway safety.
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Reasons

Over concentration of HMOs

5. The appeal property is a terraced house on the south western side of Gladstone Road. It is in a location that already contains a high proportion of student HMOs, including the properties on either side and directly opposite.
6. The Council adopted its Houses in Multiple Occupation and Student Accommodation Supplementary Planning Document (SPD) in 2016. This states that a change of use from a dwellinghouse to a HMO will be resisted where it would result in the concentration of HMOs in a defined area exceeding 15 per cent of the residential properties. The SPD further states that where this threshold is exceeded, permission will only be granted in exceptional circumstances.
7. The appeal property is located in an area that already significantly exceeds the 15% threshold. In this regard, the appellant has provided evidence that 48% of the properties within a 50 metre radius are currently HMOs. Within this radius, the appeal property is located within a particularly dense cluster of HMOs, which includes both of the adjacent terraced properties, and those directly opposite. In this regard, the SPD identifies the sandwiching of an existing terraced family dwelling between HMOs as being of particular concern. However, that is already the case here. In my view, these factors constitute the 'exceptional circumstances' necessary to justify the development. Whilst there is no evidence before me of a lack of demand for the existing C3 dwellinghouse, that does not alter my view in this regard.
8. The Council has also referred to a conflict with Policies HO 16 and HO 17 of the Chester District Local Plan (2006) in its Decision Notice. These policies apply restrictive criteria to the conversion of dwellings into HMOs and student accommodation. However, the Council has not provided any evidence that these criteria are in breach or are not met. In this regard, I note that the Council is satisfied that the proposed accommodation would not lead to any significant adverse noise impacts, and would provide sufficiently sized accommodation for future occupants. In any case, given my findings above, I consider that the proposal would meet the objectives of these policies.
9. I conclude that the development would not lead to an over concentration of HMOs in the area. It would therefore accord with Policies SOC3 and SOC5 of the Cheshire West and Chester Local Plan (2015), saved Policies HO16 and HO17 of the Chester District Local Plan (2006), and guidance contained in the Houses in Multiple Occupation and Student Accommodation SPD (2016). These policies and guidance seek, amongst other things, to create and maintain balanced communities.

Highway Safety

10. Gladstone Road consists of terraced properties with no off-street parking facilities. The development does not propose to provide any additional parking spaces and would therefore be reliant on on-street parking.
11. At the time of my site visit, cars were parked on both sides of Gladstone Road, albeit several spaces were available. This had the effect of restricting traffic to a one-way flow in places. However, there are several white 'H bar' road markings along the road that act as potential passing places. The bend in the

road also only limits visibility along a short section of the road. Whilst I note the concerns regarding inappropriate parking on the junctions to Granville Road, these corners are some distance from the appeal property. There is also no evidence before me of accidents or reported incidents taking place along the road.

12. No 27 is in a highly accessible location, in walking distance of the City Centre, the University, and bus services along Cheyney Road. Whilst the proposed HMOs could in theory be occupied by young professionals or other groups with a higher likely parking demand than students, the fact that the property is surrounded by student HMOs makes this unlikely. I also note that the appellant currently makes use of 2 spaces at present.
13. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with Policy STRAT10 of the Cheshire West and Chester Local Plan (2015), saved Policy TR13 of the Chester District Local Plan (2006), and guidance contained in the Houses in Multiple Occupation and Student Accommodation SPD (2016). These policies and guidance seek to ensure, amongst other things, that development provides an appropriate level of parking.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development.
15. The Council also suggested a condition that would require details of the finishing and facing materials to be submitted for approval. However, the application does not propose any significant external changes to the property and so this condition is unnecessary.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR