



Appeal Decision

Site visit made on 24 April 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 11th May 2017

Appeal Ref: APP/P1560/W/17/3168163

124 Wellesley Road, Clacton on Sea, Essex CO15 3PT

- 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 P Philippou against the decision of Tendring District Council.
 - The application Ref 16/01353/FUL, dated 22 August 2016, was refused by notice dated 6 January 2017.
 - The development proposed is the conversion of a residential dwelling to a 6 bedroom House of Multiple Occupancy.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a residential dwelling to a 6 bedroom House of Multiple Occupancy at 124 Wellesley Road, Clacton on Sea, Essex CO15 3PT, in accordance with the terms of the application, Ref: 16/01353/FUL, dated 22 August 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. Both the Council and appellant were afforded an opportunity to comment on the relevance and weight to be attached to Policies DM1 and DM8 of the Highway Authority's Development Management Policies 2011 (HADMP). I have taken all further submissions into consideration.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety with particular reference to parking.

Planning Policy

4. The proposal is for a change of use of the existing dwelling house to a House of Multiple Occupancy (HMO). The Council are concerned that there would be a lack of parking for the HMO, which would have six bedrooms occupied by up to six adult residents. To support its proposition the Council has referred to its emerging Policy LP11¹ which requires 1 parking space per HMO bedroom. However, this policy is not at an advanced stage and cannot be afforded more than limited weight. This is because it could be subject to amendments and has not been examined. As such, the requirements of this emerging policy are not a sound basis upon which a refusal of planning permission could be sustained.

¹ Of the Tendring District Local Plan 2013-2033 and beyond Preferred Options Consultation Document (July 2016)

5. Policy HG10 of the Tendring Local Plan 2007 (LP) states that highway safety should not be adversely affected by the conversion of buildings to flats/bedsits. The proposal is not for flats and the Council's Planning Officer stated in their committee report that the proposal is not for bedsits. As a consequence, Policy HG10 is not relevant to my assessment. Policy DM8 of the HADMP seeks to ensure development proposals comply with adopted parking standards, as does Policy TR7 of the LP, but I have not been directed to any specific up to date parking standard relating to HMOs. The Highway Authority considers the parking standard for dwelling houses (Use Class C3) should be applied, but such a standard is not relevant as an HMO falls within a different use class (use class C4).
6. Policy TR1a of the LP seeks to prevent hazards and inconvenience occurring to highway users. This is supported by Policy DM1 of the HADMP, which is a general policy that seeks to protect the highway network for the safe and efficient movement of people and goods. It is understood that Policy DM1 has been adopted by the Council as supplementary guidance. Whilst Policy DM1 of the HADMP pre dates the National Planning Policy Framework (the "Framework") there is nothing before me to suggest it is inconsistent with it. As such, it can be afforded significant weight as a material consideration. Policy TR1a is consistent with Paragraphs 30, 32 and 39 of the Framework and can thus be afforded significant weight as well.

Reasons

7. The appeal property is a detached period dwelling house situated on the eastern side of the A133 Wellesley Road. The street is distinguished by the strong building line and the period architecture. Properties in the street are set back from the edge of the pavement behind front gardens. Many of the front gardens in the street are used as a hard standing to park vehicles even though most overhang the pavement when parked at a right angle to the road. There are double yellow lines along the eastern side of the road with on-street parking available along its western side in-between vehicular accesses provided by dropped kerbs. A bus stop is positioned broadly opposite the appeal site.
8. Although there is not a dropped kerb in front of the appeal property the appellant suggests that the appeal site frontage could accommodate two parked vehicles. However, I am not satisfied this would be the case as the vehicles would over hang the pavement if parked next to one another. Moreover, the scheme drawings demonstrate only one vehicle can park within the frontage and this must be positioned parallel to the carriageway. It is on this basis that I have considered the appeal scheme.
9. A single parking space to serve an HMO that could be occupied by up to six adults could result in on-street parking. However, the appeal site is located close to bus routes, the train station and the town centre. Consequently, future occupants of the appeal scheme would not be reliant on private motorised transport. Additionally, the proposal could provide secure cycle storage and this would also provide an alternative to travel by a private car.
10. However, the good accessibility to public transport, services and facilities would not in itself necessarily mean car ownership amongst future occupants of the appeal scheme would be low and that the effect on highway safety would be negligible. Instead, whilst this suggests that car ownership would not be essential, residents of the HMO may still own a car and park on-street nearby but use that vehicle infrequently.

11. Nevertheless, both the Council's Planning Officer and the appellant have suggested that car ownership levels amongst residents of HMOs are very low. Although I have not been presented with data to support this proposition I have no reason to disagree. Consequently, this is a significant point as a low car ownership level is unlikely to result in an unacceptable level of on-street parking pressure and thus harm to highway safety from associated braking and turning movements and general inconvenience to highway users.
12. Notwithstanding the above, I have not been presented with substantive evidence to suggest on-street parking arising from the appeal scheme would result in a danger to users of the highway. It would be unlawful to park on the double yellow lines or in the bus stop and this would prevent inconsiderate parking and congestion from occurring. On-street parking elsewhere in Wellesley Road, and adjoining streets, is common place and I have not seen evidence to suggest these roads are suffering from parking stress or that the current situation has been injurious to highway safety through, for example, collisions or accidents. Moreover, other HMOs nearby are apparently operating on a car free basis without evidence of a detrimental effect on highway safety.
13. In conclusion, car ownership amongst the future residents of the appeal scheme is unlikely to be high due to the accessible location of the site and the likely trend of low car ownership amongst occupants of HMOs. Furthermore, there is one parking space available within the appeal site as well as secure cycle storage. There is also apparently safe on-street parking nearby. Taking these points together I am satisfied the appeal scheme would not harm highway safety. As a result, the proposal would adhere to Policy TR1a of the LP and Policy DM1 of the HADMP.

Other Matters

14. The Highway Authority requested the submission of a parking survey to demonstrate the availability of on-street parking. Whilst this would have assisted the appellant's case it has not proven to be necessary in this instance given my findings above. As such, the absence of a parking survey is not a determinative matter weighing against the appeal scheme in this instance.

Conditions

15. I have had regard to the Planning Practice Guide and the Council's list of suggested conditions. In the interests of safeguarding the living conditions of residents it is necessary for the development to be implemented in accordance with the approved drawings, for occupation to be limited to up to six adults and for bin storage to be provided. To promote sustainable patterns of travel it is necessary for details of secure bike storage to be submitted and approved.

Conclusion

16. From the evidence presented I conclude that the appeal scheme would accord with the requirements of the development plan taken as a whole. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be commenced within 3 years of the date of this permission.
2. The development hereby permitted shall be implemented, operated and occupied in accordance with the following approved plans and documents: Proposed Block Plan (1:250), Proposed Ground Floor Plan (Scale 1:50), Proposed First Floor Plan (Scale 1:50), Proposed Second Floor Plan (Scale 1:50), Proposed Roof Plan (Scale 1:50) and the document titled 'Stef & Philips Ltd Temporary Accommodation Welcome Pack'.
3. The House in Multiple Occupancy (HMO) hereby approved shall only be occupied by adults and shall not be occupied by more than 6 residents at any time.
4. Prior to the first occupation of the HMO hereby approved the proposed bin store, as shown on approved drawing titled 'Proposed Block Plan', shall be provided and made available for use and retained thereafter.
5. Prior to the first occupation of the HMO hereby approved, details of the number, location and design of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facility shall be secure, convenient and covered and provided prior to the first occupation of the development and retained thereafter.