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## Appeal Decision

Site visit made on 2 May 2017

**by Richard Aston BSc (Hons) DipTP MRTPI**

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

**Decision date: 24<sup>th</sup> May 2017**

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**Appeal Ref: APP/Q3820/W/16/3161422**

**4 Victoria Mews, West Green, Crawley RH11 7AB**

- 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 Jonathan Monk against the decision of Crawley Borough Council.
  - The application Ref CR/2016/0445/FUL, dated 16 May 2016, was refused by notice dated 15 August 2016.
  - The development proposed is described as 'to convert the existing integral garage of 4 Victoria Mews into a residential bed space. The house is a registered HMO and is only let on the basis of no parking provision provided'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would provide acceptable living conditions for future occupiers, with regard to internal space.
  - Whether the proposed parking provision is acceptable and the effect on highway safety.

### Reasons

#### *Living conditions*

3. The appeal site is located within Victoria Mews a narrow cul-de-sac of 3-storey terraced town houses within proximity to Crawley Town Centre. The appeal property is in use as a 6 bedroom House in Multiple Occupation ('HMO') and the proposal would result in a change of use to a 7 bed large HMO. The lounge which previously occupied part of the first floor has been subdivided into 2 bedrooms and consequently, there is a communal kitchen and dining area on the ground floor that has access to a small rear garden area.
  4. I have taken into account that the space standards for all new developments set out in Policy CH5 Crawley Borough Local Plan 2015-2030 ('LP'), which are in accordance with the Nationally Described Space Standards 2015, only cover up to 6 bedrooms. Furthermore, that there are no objections to the overall gross internal floor area of the property or the size of the proposed additional bedroom. However the policy is clear that all new dwellings must create a safe,
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comfortable and sustainable living environment capable to adapting to the changing needs of residents.

5. The communal space was of an irregular shape and although it had a dining table with 4 chairs, it could not comfortably accommodate 4 adults. In addition there was a sofa for a similar number although I found that the circulation space was restricted by the arrangement of the furniture and there was limited opportunity for alternative layouts.
6. I consider that 7 independent residents, together with their possible guests, would find the one communal living space to be insufficient space for relaxation and leisure. Therefore, it is likely to result in residents and their guests having to rely on the use of bedrooms for relaxation and leisure time activities such as watching to and listening to music but I am not convinced that the existing rooms would be suitable to function both as bedrooms and additional living spaces in order to compensate for this. Overall, I consider that the single shared living space would not be sufficient to provide 7 permanent residents with adequate communal living space within the dwelling.
7. For these reasons, the proposal would not provide adequate acceptable living conditions for future occupiers, with regard to internal space. It would therefore conflict with Policies H6, CH3 and CH5 of the LP. When taken as a whole and amongst other things, these require all new development to provide a good standard of amenity for all existing and future occupants and that the design and layout of the development is appropriate for the proposed occupiers.

#### *Highway safety*

8. There is an integral garage and hardstanding area to the front that appeared to have sufficient space for 2 vehicles to park, including the garage. A footway runs on one side of the Mews and single yellow lines are in place resulting in no space for on -street parking. In the adjoining street of Victoria Road, there are double yellow lines and resident only parking bays between the hours of 09:00 and 17:00 and in the wider locality on-street parking was limited.
9. The Council's minimum parking standards<sup>1</sup> require 0.5 spaces per unit and no parking spaces are provided under the Tenancy Agreement. Given the limited availability of on-street parking, there would be no safe and convenient parking spaces for what would be a 7 bedroom HMO, notwithstanding its location within proximity of the town centre and space within the rear garden to store cycles.
10. I accept that the Tenancy Agreement states that parking is not provided and that the rooms are restricted under licence to single occupancy. The lack of parking provision however is solely the appellant's choice and this does not prevent occupants from owning a vehicle and is something which could not be controlled. Furthermore and on the evidence before me, I am not persuaded that future occupants would necessarily have a low car ownership rate and it is reasonable that there would also be guests and visitors who would arrive by car or other vehicles.
11. I also accept that the County Council, as highway authority have not objected to the proposal and that on-street parking controls exist during the day. In this particular case, given the existing parking situation, granting permission for an additional room without any off-street parking would cause inconvenience for

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<sup>1</sup> Urban Design Guide Supplementary Planning Document 2016.

pedestrians, cyclists and drivers of other vehicles using the limited on street parking spaces within the locality and increase the risks of conflict between users which would harm highway safety.

12. For these reasons, the proposed parking provision would not be acceptable and this would cause harm to highway safety. The proposal would conflict with Policies H6, INV4 and CH3 of the LP insofar as these require development to provide appropriate car parking to meet its needs in accordance with adopted standards and that such development can meet its operational parking requirements.

### **Other Matters**

13. I accept that the proposal would increase the availability of this type of accommodation. However, I do not consider that the benefits of one additional bedroom outweighs the inadequacy in the overall living arrangements for residents resulting from the shared living space not being suitable to accommodate the number of likely occupants and the harm to highway safety that I have identified.
14. Whilst I note the appellant's reference to sustainable development with the National Planning Policy Framework ('the Framework'), the proposal would not accord with an up to date development plan. As such, it would not be the sustainable development for which the Framework indicates a presumption in favour.

### **Conclusion**

15. For the reasons set out above the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR