
Appeal Decision

Site visit made on 24 May 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/D1590/W/16/3166312
91-93 Leigh Road, Leigh-on-Sea SS9 1JL

- 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 Planet Leasing against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01707/FUL, dated 15 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is loft conversion to form additional HMO units and change of use from C3 to Sui Generis HMO.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on on-street parking in the area.

Reasons

3. The development would involve the construction of front and rear dormers at the premises (Nos 91/93). The roof alterations would provide three bedrooms, a communal kitchen and a bathroom as an extension to the existing first floor, five bedroom, house in multiple occupation (HMO). The development would also involve the formation of a second floor rear terrace.
4. Nos 91/93 are two storey, mid terrace, premises within a local shopping centre and the ground floor of the premises are occupied by a car leasing company. To the rear of the premises there is a yard, accessible via Lansdowne Avenue, which the application plans show can accommodate two parked cars.
5. There is no question that this is a location that is accessible by public and private modes of transport, with Chalkwell railway station being in walking distance. However, Leigh Road is subject to on-street parking restrictions¹ and the Council considers this to be a location where parking is under stress. I undertook an afternoon site visit and the majority of the on-street parking spaces on Leigh Road were occupied. I also saw there were very high levels of on-street parking in Lansdowne Road, Woodfield Park Drive and Beach

¹ Up to two hours with a no return period of four hours between 09.00 and 18.00 Mondays to Saturdays

Avenue. I therefore consider that the Council's view that this area is subject to parking stress to reasonable.

6. I recognise that car ownership amongst the occupiers of HMOs tends to be lower than that for other forms of housing. However, that does not mean that car ownership, and thus parking demand, amongst the occupiers of HMOs can automatically be discounted, something the appellant appears to accept, given the intention to dedicate the rear yard as a parking area for the HMO's occupiers.
7. I am also mindful of the fact that the existing HMO accommodation has been marketed on the basis of it being for single, young, commuting, professionals. However, for the purposes of land use planning it would not be possible to limit the occupancy of the HMO to particular types of tenants. I therefore consider that there is potential for car owning tenants to be occupiers of both the existing and additional HMO accommodation.
8. There is a limited amount of off-street parking available to Nos 91/93 and at the time of my site visit it appeared that the yard and the access to it were fully occupied by parked cars. There were also two cars, displaying the appellant company's name, parked within the on-street parking area on Leigh Road immediately in front of Nos 91/93. A third company car was parked wholly on the pavement directly in front of Nos 91/93. My observations of the parking associated with the appellant company's occupation of Nos 91/93 ranging beyond the realms of the rear yard are consistent with the third party representations made in connection with the appeal.
9. The existing occupation of Nos 91/93 would appear to be generating a level of parking demand in excess of the off-street parking available to these premises. The dedication of the on-site parking area to the HMO would deprive the commercial premises at Nos 91/93 of any off-street parking and would be likely to add to the parking stress in the area.
10. Three appeal decisions² for HMOs have been drawn to my attention. However, I consider that the circumstances for these other cases are not comparable with Nos 91/93. That is because these other properties were or had been single houses and therefore did not concern a property with a ground floor commercial use, with HMO accommodation above.
11. On the available evidence I consider that the development would leave Nos 91/93 with an inadequate level of off-street parking for all of its occupiers. I therefore conclude that the development would be detrimental to highway safety and efficiency because of the potential for it to increase on-street parking in the area. There would therefore be conflict with Policy CP3 of the Southend on Sea Core Strategy of 2007 and Policy DM15 of the Southend on Sea Development Management Document of 2015 (the DMD). That is because there would insufficient on-site parking to meet the needs of Nos 91/93's occupiers in an area where there is limited on-street parking and it would not improve highway safety.
12. While conflict has been cited with Policies KP2 and CP4 of the Core Strategy, as those policies do not address the issue of parking provision I find them not to be relevant to the consideration of the main issue I have identified. I also

² APP/B4215/A/10/2139091, APP/C2741/A/12/2182758 and APP/W0340/A/14/2229273

consider that while the third criterion of Policy DM3 of the DMD addresses parking provision that criterion is not relevant in this instance because the development does not concern a single dwelling.

13. I consider that the various parts of the National Planning Policy Framework drawn to my attention by the appellant do not provide support for the development sufficient to outweigh the conflict with the development plan that I have identified.

Conclusion

14. For the reasons given above the appeal is dismissed.

Grahame Gould

INSPECTOR