
Appeal Decision

Site visit made on 22 May 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/N1920/W/17/3169273

87 Linton Avenue, Borehamwood WD6 4QY

- 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 Phillip Breindel against the decision of Hertsmere Borough Council.
 - The application Ref 16/1670/FUL, dated 25 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is described as 'we require change of use from a residential property to a nine bedroom HMO'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already been carried out and at my visit the property consisted of a home of multiple occupation (HMO) with 8 bedrooms; one of the downstairs rooms had been converted into a lounge type communal area from the bedroom shown on the plans. However, the description of development on the application form, decision notice and appeal form all state 9 bedrooms. In the absence of any written confirmation concerning the number of bedrooms I have considered the proposal as described.
3. In November 2016, subsequent to the determination of the application, the Site Allocations Plan¹ was adopted. Other than slight changes to policy numbers the policies have remained largely unchanged from those previously cited. Both parties have had the chance in their representations to take account of this change in the development plan.

Main Issues

4. The main issues in this case are as follows:
 - The effect of the HMO on the character and appearance of the area, including considerations of the levels of on street car parking.
 - Whether the HMO adversely affects the living conditions of surrounding residents, in terms of noise and disturbance, and whether the living conditions for existing residents in terms of private amenity space are adequately catered for.

¹ Hertsmere Local Plan Site Allocations and Development Management Policies Plan, November 2016

Reasons

Character and appearance

5. The appeal site consists of an end terrace property, and has a double frontage onto Linton Avenue and a side cul-de-sac of the same name. The main façade of the building faces roughly south on to the cul-de-sac, with an area of hardstanding between the building line of the property and the road. The area surrounding the property is mid-high density residential with terraced housing predominating. Although some houses nearby had parking spaces in place of front gardens, at the time of my visit there was extensive on street parking in the area, particularly to the south of the site. This was present even though my visit took place in the middle of a working day.
6. The conversion of the building to an HMO has had little physical external effects, although the painting of the property in a deep red colour does draw attention to the house in the street scene. The appellant states that the frontage could accommodate 4 small cars and that an area to the side could offer 2 more spaces. Plans indicate that the hardstanding to the front of the property can accommodate 3 cars and at the time of my visit the area to the side had been paved and was also being utilised for parking, providing 2 additional spaces. However, the use of these spaces would also remove some of the frontage space from parking use as it would be required for manoeuvring. Based on the plans and my observations the current arrangement would, I consider, allow 4-5 cars to be parked comfortably on the site frontage.
7. The Council's Parking Standards SPD² states that 1.5 spaces per studio/bedsit should be provided. This would result in a requirement of 13.5 car parking spaces for the site. The appellant considers that many of the current tenants walk to work in the centre of the town, notes that overnight visitors are not allowed by the terms of the tenancy agreements and that cars could be banned in future tenancies above 4 residents.
8. I consider that whilst 1.5 spaces per unit appears a high number, particularly given the sustainable location of the site and the size of the bedrooms in the property. However, it is reasonable to assume that all 9 residents could conceivably own cars, resulting in a shortfall of 4-5 spaces. Even in the current 8 bedroom layout there would be a shortfall of 3-4 spaces.
9. Evidence from neighbouring residents testifies to the practical effect of this lack of car parking spaces. Such an arrangement leads to more on street parking, often partially on pavements to allow a thoroughfare to remain on the road, making pedestrian circulation more difficult. Given the existing high levels of on street parking and the evidence submitted, I consider that the additional parking that the HMO results in causes harm to the character and appearance of the surrounding area.
10. I have noted above the appellants comments regarding tenancy agreements banning car use from residents. However, it is difficult to see how this could be enforced and no suggested conditions have been put forward to deal with this situation. It is also stated that parking spaces from another property nearby that the appellant owns could be allocated for use by the residents of this

² Hertsmere Local Plan Parking Standards Supplementary Planning Document, July 2014

property. However, and notwithstanding issues of enforceability, whilst this road is fairly close it is still around a 5 minute walk away. In times of inclement weather or with shopping bags it is highly likely residents of the proposal would just choose to park on the street closer to the appeal site.

11. I therefore conclude that the HMO has an adverse effect on the character and appearance of the area, including considerations of the levels of on street car parking. The development is contrary to policies SP1 and CS25 of the Core Strategy³, as well as policies SADM3, SADM30 and SADM40 of the Site Allocations Plan. When read together these policies state that all development should be appropriate in scale to the local context and make a positive contribution to the built environment, quantity of car parking at developments will be assessed on the land use and local on street parking conditions, and that HMOs will be refused permission if there would be insufficient off street parking and the effect on the adjoining highway would be unsatisfactory. The scheme is also contrary to the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people.

Living conditions

12. The use of the property as a 9 bedroom HMO would almost inevitably produce more comings and goings than the original use of the property would have; evidence submitted by neighbours indicates that the majority of nearby housing is generally occupied by single families, which would typically generate fewer trips than the HMO would.
13. At my visit I noted the high quality fixtures and fittings used within the property, including the communal kitchen and door entry system. I also note the appellant's comments regarding the tenants who use the property, usually young professionals employed locally, and I do not question their integrity. However, it is axiomatic that 9 tenants coming and going to the property every day will create more noise and disturbance in these terms than a family would likely do. Whilst the surrounding area is clearly residential such an intensification of the use of this property to 8 or 9 individual residents would and does, I consider have a harmful effect on the living conditions of nearby residents in an area characterised by family housing.
14. Concern is raised over the amount of outdoor amenity space provided for the tenants of the property. There are 2 areas of private amenity space adjacent. One of these, on the eastern side, is indirectly accessed, is paved and forms a functional area offering little in terms of amenity use. However, a smaller area on the western side offers a sitting out area for tenants should they wish to use it. Access to this space is through the communal well equipped kitchen which also provides multiple washer dryers. I consider that although the outside area is relatively small, it would adequately serve the tenants of the property should they wish to sit outside.
15. I therefore conclude that whilst the HMO adequately caters for the living conditions of existing residents in terms of private amenity space, the high intensification of the land use adversely affects the living conditions of surrounding residents, in terms of noise and disturbance. In this respect the

³ Hertsmere Local Plan Development Plan Document Core Strategy, January 2013

development is contrary to policy SADM30 of the Site Allocations Plan, which states that to have high quality design development must have limited impact on the amenity of neighbours to the site in terms of nuisance, and to the Framework which states that planning should always seek to secure good standard of amenity for all existing occupants of buildings.

Conclusion

16. I note the high quality of the fit out of the building and appreciate that the appellant has clearly invested significantly in the property. I also note the benefits of providing 8 or 9 single bed units to the area in terms of housing supply. Nevertheless, such matters do not outweigh my conclusions that the HMO has an adverse effect on the character and appearance of the area due to its under provision of car parking. The adverse effect of the noise and disturbance caused by the intensification of the residential use of the site as an HMO adds weight to my overall decision.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR