The Planning Inspectorate

Appeal Decision

Site visit made on 5 June 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/T3725/W/17/3171607
26 Leam Terrace, Leamington Spa, Warwickshire CV31 1BB

- 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 B Dhinjan against the decision of Warwick District Council.
- The application Ref W/16/0382, dated 29 February 2016, was refused by notice dated 2 February 2017.
- The development proposed is change of use of basement to provide two additional bedrooms within existing 16 bed HMO (18 in total) and enlarged lightwells to front, and new railings to front.

Procedural

1. I have used the description of the proposal from the Council's decision notice. This reflects the amendment agreed with the appellant and confirmed in an email from the Council dated 7 October 2016. The revised description accurately reflects what is proposed.

2. I note that the plans were amended during the course of the Council determining the planning application and that the Council's decision notice relates to the most up to date plans (ref: 1604 02A). I shall determine the appeal on the basis of these plans.

3. One of the Council's reasons for refusal relates to the concentration of Housing in Multiple Occupation (HMO) in the vicinity of the appeal site. At the time the Council determined the planning application the concentration of HMOs in this area had exceeded the level deemed acceptable in policy H6 of the emerging Warwick District Local Plan 2011-2029. In a statement dated 28 April 2017 the Council confirmed that the way HMO concentration is calculated has been reviewed and that using the revised approach the concentration is 7.76%, below the 10% upper guideline in the policy. I have no reason to doubt the figure supplied by the Council and so shall determine the appeal on this basis.

Decision

4. The appeal is dismissed.

Main Issue

5. The main issue is the impact on the living conditions of future occupants with specific reference to outlook and light.

Reasons

6. 26 Leam Terrace is a detached villa style property in the Royal Leamington Spa Conservation Area. Currently a 16 bed HMO granted on appeal in 2011, the proposal seeks to extend this to an 18 bed HMO via a basement conversion. The proposal also seeks 2 enlarged lightwells to the front of the property along with new railings.

7. Whilst the size of the lightwells would be increased as part of the proposal the outlook from the windows would still be constrained. Predominant views would be onto the lightwell and walls of the property. Views beyond would be constrained when cars are parked in the road. Steel gratings covering the apertures would further contribute to an oppressive outlook.

8. The proposal has been amended to ensure the size of the rooms is proportionate to the light levels and I note that the amendments take the proposal out of a category 1 hazard. However, light would still be compromised by the gratings and would result in poor living conditions in what would be the principal living space of the occupants. The proposal would therefore conflict with policy DP2 of the Warwick District Local Plan 1996-2011 and policy BE3 of the emerging Local Plan which prevents development that does not provide acceptable standards of amenity for future users/occupiers of development.

Other Matters

9. I note that the Council has identified no harm to the character or appearance of the Conservation Area. The lightwells would not significantly change the appearance of the property and the wrought iron railings would preserve the character and appearance of the Conservation Area.

10. I also note the references made by both the Council and the appellant to other appeals and decisions. Each case however is determined on its own merits and I have based my decision on the information before me.

11. The appellant advises that the local University would be content with the accommodation and living conditions the proposed accommodation would provide, but this does not alter my concerns set out above.

Conclusion

12. Whilst the proposal does not breach policy in terms of the concentration of HMO's in the vicinity or the impact on the Conservation Area this is outweighed by the harm to the living conditions of future occupants. The appeal is consequently dismissed.

K Ford

INSPECTOR