



Appeal Decision

Site visit made on 4 July 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 10th August 2017

Appeal Ref: APP/V2004/W/17/3172157

374a Anlaby Road, Kingston Upon Hull HU3 6NS

- 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 MJ Developments Limited against the decision of Kingston-upon-Hull City Council.
 - The application Ref 16/01269/FULL, dated 25 August 2016, was refused by notice dated 4 January 2017.
 - The development proposed is a change of use of upper floors to provide 2 x 8 bedroom HMOs (total 16 bedrooms) and external alterations including installation of render, cladding and upvc windows to all elevations.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of upper floors to provide 2 x 8 bedroom HMOs (total 16 bedrooms) and external alterations including installation of render, cladding and upvc windows to all elevations at 374a Anlaby Road, Kingston Upon Hull HU3 6NS in accordance with the terms of the application, Ref 16/01269/FULL, dated 25 August 2016, subject to the attached schedule of conditions.

Procedural Matters

2. Amended plans were submitted during the planning application that reduced the number of bedrooms in each House in Multiple Occupation (HMO) to 8. I have determined the appeal on this basis. I have also used the description of development that was given on the appeal form and the Council's decision notice, amended to reflect the 8 bedrooms in each HMO, as it better reflects the nature of the proposal.

Main Issues

3. The main issues are whether the proposal makes adequate provision for off street car parking, and the effect on the character and appearance of the building and the area.

Reasons

Parking

4. The proposal includes the provision of 6 off street car parking spaces located within the rear yard of the appeal property. This would serve the occupants of the 16 bedrooms in total that are proposed. When the proposed car parking

provision is compared to the parking standards the Council operate for HMOs, there would be a shortfall of 2 spaces.

5. The proposal is located where there are a broad range of shops and services along Anlaby Road within easy walking distance. There are also bus stops in both directions within 200 metres of the site, and there are very frequent services into Hull city centre, as well as destinations in the west of Hull and beyond. The accessible location of the proposal would be likely to lessen the reliance on the private car and thus reduce the need to provide off street car parking. As a consequence, the proposal would also not result in significant levels of competition with existing users of the on street parking spaces subject to restrictions on Anlaby Road and Lonsdale Street, or place reliance on the use of the public car park on Walton Street.
6. I conclude the proposal makes adequate provision for off street car parking, and would thus comply with 'Saved' Policy M29 of the Kingston Upon Hull City Council Hull CityPlan (Local Plan) (2000) which states in part that development will be allowed if it provides adequate parking for motor vehicles.
7. It would not technically comply with 'Saved' Policy M30 of the Local Plan because of the shortfall against the Council's parking standards. Paragraph 17 of the National Planning Policy Framework (Framework) however states, as a core planning principle, to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and under paragraph 39 local parking standards should take account of the accessibility of development. The shortfall is modest, and the proposal would comply with the less rigid approach to parking standards and the greater emphasis on accessibility under the Framework. I conclude this outweighs the conflict with 'Saved' Policy M30.
8. The Hull CityPlan Supplementary Planning Guidance Note 17: Converting a house (2000) is not of direct relevance due to the appeal property type. I have already addressed the Council's parking standards for HMOs with regards to 'Saved' Policy M30 in this decision.

Character and Appearance

9. The property comprises of a large three storey flat roofed building. It is constructed of brick with concrete banding between a horizontal arrangement of windows on the first and second floors. The shop fronts on Anlaby Road are set between narrower bands of concrete which extend vertically through the first and second floors. The project is imposing in terms of its size and bulk, in particular when viewed from Lonsdale Street and from Anlaby Road to the west. There is not a distinctive design, form or external finish to buildings in the area, with a variety of styles which accommodate commercial uses on Anlaby Road, with residential properties set behind.
10. The proposed external alterations would retain the vertical bands and the building would present more of a vertical appearance than at present, with the window and cladding arrangement, and the removal of the horizontal bands. This would give the building though a more pleasing and up to date appearance, and not detract from the contribution the property makes to the streetscene. The shop units already maintain a different appearance to the upper floors and this would not substantially alter with the proposals.

11. The use of render and UPVC windows is already evident in the area amongst the variety of external finishes, and the loss of the areas of brickwork would not significantly detract from the area. Whilst there is no evidence of modern cladding, this would complement the render and help break up the massing of the property's elevations, when viewed from Anlaby Road and Lonsdale Street. The type of proposed materials would be acceptable in terms of their visual appearance, and a condition could adequately control details of their specific finishes.
12. In respect of the materials that have been used on the external finish of Essex House, this is found some distance from the site in the city centre. This building and location is sufficiently different in respect of character and appearance so as to not alter my conclusions.
13. I conclude the proposal would have an acceptable effect on the character and appearance of the building and area, and as such would comply with 'Saved' Policies BE1 and H1 of the Local Plan that require that high standards of design will be sought, design must be acceptable in its relationship to adjacent or surrounding buildings and that housing development will be allowed if detailed considerations are acceptable, including design.

Conditions

14. I have imposed conditions necessary in the interests of certainty (1 and 2); to safeguard the character and appearance of the building and area (3); to ensure that satisfactory levels of parking are provided on site (4, 5 and 6); that adequate and secure refuse storage is provided (7); and the living conditions of future occupiers are protected from noise and odour in respect of fume extraction equipment associated with the ground floor shop uses, which include a hot food takeaway and a bakery (8 and 9).
15. I also require details to be submitted pre-commencement where these matters need to be addressed at the start of the implementation of the permission (3, 8 and 9).
16. I have not included a condition that requires details of meter and letter boxes, as this would not be reasonable with the modest size of these items and the character and appearance of the area. Further details of the proposed car parking also do not need to be provided, although a condition is required to ensure they are provided in accordance with the details of the application (4). Sound attenuation measures fall under measures to protect the future occupiers of the development from noise, if required (8). Where I have altered the wording of the remaining conditions put forward by the Council, I have done so in the interests of precision, without changing their overall intention.

Conclusion

17. I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan: 1:1250@A4, 16164-1 Existing Plans and Elevations, 16164-2 Rev B Proposed Plans & Elevations and 16164-3 Proposed Site Plan.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The development shall not be occupied until space has been laid out within the site in accordance with drawing no. 16164-3 for 6 vehicles to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 5) The development shall not be occupied until space has been laid out within the site for bicycles to be parked in accordance with a scheme that has previously been agreed in writing with the Local Planning Authority and that space shall thereafter be kept available for the parking of bicycles.
- 6) The development shall not be occupied until space has been laid out within the site for motor cycles, mopeds and scooters to be parked in accordance with a scheme that has previously been agreed in writing with the Local Planning Authority and that space shall thereafter be kept available for the parking of motor cycles, mopeds and scooters.
- 7) The development shall not be occupied until space has been laid out within the site for refuse storage in accordance with a scheme that has previously been agreed in writing with the Local Planning Authority and that space shall thereafter be kept available for refuse storage.
- 8) No development shall take place until a noise assessment has been submitted and approved in writing with the Local Planning Authority which concerns the effect of fume extraction equipment from the ground floor shop units on the future occupiers of the development hereby approved. The assessment shall include details of any measures to protect the future occupiers of the development from noise and these shall be implemented prior to the occupation of the development and thereafter retained.
- 9) No development shall take place until an odour assessment has been submitted and approved in writing with the Local Planning Authority which concerns the effect of fume extraction equipment from the ground floor shop units on the future occupiers of the development hereby approved. The assessment shall include details of any measures to protect the future occupiers of the development from odour and these shall be implemented prior to the occupation of the development and thereafter retained.