
Appeal Decision

Site visit made on 21 August 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 4th September 2017

Appeal Ref: APP/D0515/W/17/3176139
17 Leverington Road, Wisbech PE13 1PH

- 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 Alan Samuels against the decision of Fenland District Council.
 - The application Ref F/YR16/1185/F, dated 20 December 2016, was refused by notice dated 28 April 2017.
 - The development proposed is change of use, dwelling to 9 bedroom HMO.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Alan Samuels against Fenland District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Although it is unclear at this stage whether all double bedrooms would be occupied by two people, the proposed internal layout could accommodate a maximum of 16 people. I have therefore determined the appeal on the basis that this number of people would occupy the building.
4. The Council's reasons for refusal do not precisely explain what is meant by 'domestic facilities'. However, it is apparent from the Council's evidence that such concerns relate to the provision of access to bathroom and kitchen facilities. It is on this basis that I have considered the appeal.

Main Issues

5. The main issues in this appeal are (i) whether the proposal would provide acceptable living conditions for future occupiers with regard to access to bathroom and kitchen facilities; and (ii) its effects on the character and appearance of the area.

Reasons

Living conditions

6. The existing detached building is currently unoccupied and the appeal proposal would result in its renovation to create an HMO¹. The building would have a

¹ House of Multiple Occupation

communal kitchen on the ground floor and one shared bathroom on each of the two floors incorporating both a bath and a separate shower cubicle, WC and wash basin.

7. I note the appellant has suggested that the proposed facilities would exceed national requirements in relation to HMOs although I have not been provided with these. Nevertheless, I have no reason to doubt that powers under other legislation are available to control the standard of accommodation in HMOs and I also recognise that Planning should not seek to duplicate other controls.
8. However, the sharing of two bathrooms by 16 people would be likely to result in substantial waiting periods, particularly as both the bath/shower and toilet/wash basins would be contained in the same spaces. I do not consider that this would provide the appropriate level of access to these facilities to meet the day-to-day washing and toilet needs of the number of occupants who would reside in the property.
9. I accept that the appellant could provide en-suite facilities in some of the rooms without the need to apply for planning permission. However, there are no details within the submitted application documents of how these might be laid out. Notwithstanding this, as no internal communal sitting space is proposed, each room would be self-contained and would therefore need to accommodate beds, other private furniture, appliances and other domestic accoutrements. From what I observed at my site visit in terms of the general room sizes, I have doubts over the practicalities of providing additional bathroom facilities within the individual living spaces and thus give this aspect of the appellant's argument limited weight.
10. The proposed kitchen would have 2 sinks and 2 hobs in runs either side of the room. It is unclear from the evidence before me how many refrigerators and how much cupboard space there would be for the storage of food, crockery and cutlery etc. However, in my view the kitchen would just about be of sufficient size to provide enough in the way of facilities to meet the likely day-to-day cooking and storage needs of the HMO's occupants.
11. Accordingly, although the kitchen facilities would be adequate, the proposal would not provide a satisfactory living environment because of insufficient access to bathroom facilities. Thus, it would run counter to the objectives of Policy LP2 of the Fenland Local Plan 2014 (LP) that seeks to ensure that development positively contributes to, amongst other things, the creation of a healthy, safe and equitable living environment by promoting high levels of residential amenity.

Character and appearance

12. The surrounding area is built up and Leverington Road is a busy main route into and out of Wisbech. At my site visit, I observed a high level of both on and off-street parking such that parked vehicles are an omnipresent feature of the local street scene.
13. The appeal proposal would provide for the parking of 11 cars within a gravelled area extending around the front and side of the building. The brick wall fronting the property would be rebuilt as part of the proposal and would therefore provide some screening of the parking area and the cars within it. The extent of the parking area proposed would in my view, be proportionate to the

development it would serve and would also reflect the character of the very substantial open areas of hardstanding fronting a number of dwellings nearby. I am therefore satisfied that the parking of vehicles within the site would not have an adverse effect on the character or appearance of the area.

14. Notwithstanding this, the available evidence, including a number of other appeal decisions, indicates that occupiers of HMOs have a low level of car ownership. Moreover, the building is sited within easy walking distance of the shops, services and facilities in the main market town of Wisbech. Furthermore, I share the appellant's view that a couple sharing a room in an HMO would be unlikely to own two cars. I am not therefore convinced that the agreed level of parking provision would be fully utilised and consider that the number of parked cars around the building would be minimal. In addition to all of this, the proposal would result in an improvement to the current run-down appearance of the site.
15. To conclude on this second main issue, the proposal would accord with LP policy LP16 that amongst other things, seeks to ensure development makes a positive contribution to local distinctiveness and character and does not adversely affect the street scene.

Other Matters

16. I must have regard to whether the proposal would preserve or enhance the character or appearance of the nearby Leverington Cemetery Chapel which is a grade II listed building. The character of the appeal building would not be materially altered and there would be an improvement to its appearance by way of the proposed renovation works and the tidying up of the external spaces around it. There is no compelling evidence to demonstrate that any physical harm would be caused to the chapel building or any structures within the surrounding cemetery. I am therefore satisfied that the proposal would not result in harm to the designated heritage asset or its setting.

Conclusion

17. I have found that the proposal would not harm the area's character or appearance and that there would be no harm to designated heritage assets. Bringing the appeal property back into use to provide additional living units that would add to the range of local housing opportunities represent benefits of the scheme. However, any such benefits would be outweighed by the clear identified harm to the living conditions of the development's future occupiers.
18. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector