
Appeal Decision

Site visit made on 22 August 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 7th September 2017

Appeal Ref: APP/X2410/W/17/3176589

76 Hermitage Road, Loughborough LE11 4PE

- 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 Ms Kudirat Olowosale against the decision of Charnwood Borough Council.
 - The application Ref P17/0072/2, dated 15 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is a change of use from a single dwelling to a House in Multiple Occupation.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a single dwelling to a House in Multiple Occupation at 76 Hermitage Road, Loughborough LE11 4PE in accordance with the terms of the application, Ref P17/0072/2, dated 15 January 2017, subject to the following conditions:
 - 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 approved plans: Site Plan and Location Plan.

Procedural Matter

2. The Council have confirmed that Student Housing Provision in Loughborough Supplementary Planning Document 2005 referred to by the Council in its officer's report has been superseded by the Housing Supplementary Planning Document (SPD) which was adopted on 11 May 2017 since the planning application was determined. The aims of both SPDs in relation to Houses in Multiple Occupation (HiMOs) are similar and so neither party has been prejudiced by this change in policy circumstances.

Main Issue

3. The main issue is the effect of the proposal on the character and amenity of the area.

Reasons

4. The appeal site consists of a two storey mid terrace property located in a predominantly residential area close to the Loughborough University campus. The proposal would involve the change of use from a C3 dwelling to a C4 HiMO.

5. Policy CS4 of the Charnwood Local Plan 2011 to 2028 Core Strategy 2015 (CS), seeks to support the well-being, character and amenity of the communities by managing the proportion of HiMOs. The policy requires consideration of whether a new HiMO in itself or cumulatively with others, will impact negatively on the character and amenity of a street or residential area.
6. In accordance with this policy approach, HSPD 11 of the Council's SPD sets out that the Council will manage the proportion of HiMO by seeking to resist further HiMOs (small or large) where there are already 20% or more HiMOs within 100m radius of an application site. The SPD outlines that the Council will not adopt a rigid approach to decision making and the assessment of the current level of concentration of HiMOs will be an important consideration but will be considered alongside other matters identified in CS Policy CS4 and the HSPD 12 related to the impact on the character and amenity of the area.
7. The SPD acknowledges that an overconcentration of HiMOs can damage the social and physical character and amenity of the area through, amongst other things, an increase in litter, noise and anti-social behaviour as well as poorer standards of property maintenance and repair to the dwellings themselves. In addition, if HiMOs continue to increase in already over concentrated areas, there is a potential that the community will become imbalanced, resulting in a higher concentration of specific groups of people (e.g. students) in a primarily residential area which caters for families. It is recognised that a multiple occupation use is of an essentially different character to that of a single family use, often being more transient in nature, with more comings and goings, resulting in a generally more intensive use of the property.
8. The Council statement outlines that 14 of the 100 properties within a 100m radius of the appeal site are in current HiMO use, which amounts to 14% of the total properties, with higher levels of HiMOs in the surrounding area. The Council's statement outlines that the area is characterised by a relatively dense form of development in a relatively sensitive area in close proximity to the University Campus. I note the concerns raised by the Council regarding the increase in the proportion of students who occupy the area transitorily leading to further fragmentation and unbalancing of the local permanent community and the impact on the general amenities of the area.
9. However, this proposal would not exceed the HiMO threshold set out in the SPD and there were no obvious physical signs on my site visit as to which properties were existing HiMOs. A public list of Registered HiMOs for Charnwood Borough Council (May 2017) submitted by the appellant showed no HiMOs were registered on Hermitage Road, although it is recognised that some properties maybe let out to tenants and not registered. The overall residential environment was attractive with the dwellings in the vicinity of the appeal site along Hermitage Road and the surrounding streets being generally well maintained. Litter in the street was only very minimal.
10. I am mindful that no objections were submitted by the Council's Environmental Health Department concerning any adverse impact which might be caused to the living conditions of the occupiers of neighbouring properties by the proposed change of use. I also note the information provided by the Council's Community and Partnership Service showing that over the past year that only 4 out of 81 total recorded incidents in the area relating to anti-social behaviour came from cases involving students. Accordingly, I find that the current mix of

housing has not led to harmful impacts on the character and the general amenities of the area.

11. Based on the information provided by the appellant, it is proposed that a maximum of 5 persons would reside in the property. I am satisfied that no external alterations would be made to the appeal property therefore preserving its appearance in the streetscene. I am satisfied that the provision of a bin store would ensure that littering to the street would be avoided. Therefore, I am not persuaded that the addition of the proposed HiMO would result in any significant material detrimental effect on the character and amenity of the area.
12. Consequently, I conclude that the proposed development would not have a significant harmful effect on the character and amenity of the area. It would be consistent with the overall design and amenity aims of CS Policies CS2 and CS4 and the SPD, as it would not result in an overconcentration of HiMO uses in the area leading to a material detrimental impact on the social and physical character and amenity of the area.

Conditions

13. I have had regard to the planning conditions that have been suggested by the Council. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty.

Conclusion

14. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR