



Appeal Decision

Site visit made on 29 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/M2515/W/17/3175820
256 West Parade, Lincoln LN1 1LY

- 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 T. Heblewhite against the decision of Lincoln City Council.
 - The application Ref 2016/1057/FUL, dated 14 October 2016, was refused by notice dated 10 March 2017.
 - The development proposed is described as a 'change of use from dwelling to HIMO by bringing existing seventh bedroom into use in an existing three storey student let house. There will be no building work.'
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a 6 bed House in Multiple Occupation (Class C4) to a 7 bed House in Multiple Occupation (Sui Generis) at 256 West Parade, Lincoln LN1 1LY in accordance with the terms of the application, Ref 2016/1057/FUL, dated 14 October 2016, 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 following approved plans: Drg Ref 16.42.1 dated 14/10/2016.

Procedural Matters

2. I have used the description of development that was given on the appeal form and the Council's decision notice in my determination of this appeal as it better reflects the nature of the proposal. During the appeal, the appellant submitted a revised Site Ownership Certificate to reflect the name of the owner of the site, as is required under the procedural regulations¹.
3. Since the Council determined the planning application, the Central Lincolnshire Local Plan (2017) (Local Plan) has been adopted. Hence, I have considered the appeal on the basis of the policies contained within the Local Plan.

¹ The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

Main Issue

4. The main issue is whether the proposal represents an over concentration of Houses in Multiple Occupation (HMO) in the area and whether this would cause an imbalance in the community.

Reasons

5. The appeal property is a three storey mid terrace building, which contains 6 bedrooms and communal facilities, with a parking area to the rear. The property is in use as an HMO. The proposed seventh bedroom, at the time of my site visit, was in use for general storage. The area where the property is found is predominantly residential in nature.
6. The Council's Houses in Multiple Occupation Supplementary Planning Document Approved Draft (updated May 2017) (SPD) seeks to control the numbers of HMOs by applying a 10% maximum concentration threshold within a 100m radius of a property subject of a planning application for an HMO development. The justification the SPD cites is that a high concentration of HMOs can lead to an imbalance in the local community and that local people can perceive that HMOs negatively affect their quality of life.
7. The Council have stated that the concentration within 100m radius of the property is 28.99%, therefore exceeding the 10% threshold under the SPD. However, the SPD also states that HMO concentration is commonly expressed as a percentage of the total number of residential properties within a certain area. This percentage would not change under the proposal, because the property is already in HMO use and so the total number of properties in HMO use would therefore also not change. Moreover, the SPD also identifies exceptional circumstances where the 10% threshold may not apply. This includes when a development comprises a change of use from a C4 HMO to a Sui Generis HMO, as with the proposal subject of this appeal.
8. I am therefore not persuaded that the proposal would be in conflict with regard to how the SPD seeks to control numbers of HMOs and prevent an overconcentration. The proposal comprises a modest intensification of an existing HMO and given the prevailing residential use of the area and the associated number of properties, I consider it would not result in a significant imbalance in the community, despite of the number of existing HMO properties in the area.
9. In respect of the impacts on the living conditions of the residents and the users of adjoining properties, I consider it is unlikely that the occupation of one additional bedroom is likely to cause undue noise and disturbance, or anti-social behaviour. The living conditions for the occupier of the room would also be reasonable, including having regard to the shared facilities that are available in the building. As the property benefits from off street car parking, the proposal would not put undue pressure on on-street car parking. It would also not result in the loss of family type accommodation, with the existing HMO use.
10. I therefore conclude the proposal would comply with Policy LP26 of the Local Plan which state that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by, or as a result of, development. It would also comply with Policy LP37 of the Local Plan which states that houses in multiple occupation

will be supported where a building is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area, and that the development will not lead to, or increase, an existing over-concentration of such uses in the area.

11. I also conclude the proposal would comply with paragraph 17 of the National Planning Policy Framework (Framework) which states, as a core land use principle, planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. It would also comply with paragraph 50 of the Framework which provides for inclusive and mixed communities, as regards housing. The proposal would comply with the SPD, overall, in respect of its purpose in managing the future development of HMOs.

Other Matters

12. The property lies in the West Parade and Brayford Conservation Area. No external alterations are proposed and I find that the proposal would accord with the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would preserve or enhance the character or appearance of the Conservation Area.

Conditions

13. In addition to the standard time limit condition (1), I have imposed a condition so that the development is carried out in accordance with the submitted plan, in the interests of certainty (2).

Conclusion

14. For the reasons set out above, I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR