
Appeal Decision

Site visit made on 14 November 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 11 December 2017

Appeal Ref: APP/M2515/W/17/3180815
5 Ploughmans Court, Lincoln LN2 4FP

- 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 Ryan Bradbury against the decision of Lincoln City Council.
 - The application Ref 2017/0218/C4, dated 6 March 2017, was refused by notice dated 13 April 2017.
 - The development proposed is change of use from 1 no. five bedroomed C3 dwelling house to a 1no. five bedroomed C4 house in multiple occupation (re-submission).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The submitted "HMO Floorplan" depicts six bedrooms. However, the description of the development specifies that the house in multiple occupation (HMO) would have five bedrooms and this is also confirmed in the appellant's supporting evidence - I have therefore dealt with the appeal on that basis.

Main Issues

3. The main issues in this appeal are:
 - Whether there is an established lack of demand for the single family use of the property; and
 - The effect of car parking generated by the proposal with particular reference to character and appearance, and highway safety.

Reasons

Demand for Family Use

4. Policy LP37 of the Central Lincolnshire Local Plan 2017 (LP) states, amongst other things, that the change of use of an existing dwelling to a HMO will be supported where it can be demonstrated that there is an established lack of demand for the single family use of the property.
5. The Council states that the appellant has failed to demonstrate such a lack of demand. In part, this concern stems from the marketing of the property as furnished which the Council contends is unduly limiting, particularly for a family dwelling where tenants may wish to bring their own furniture. Furthermore,

reference is made to a letter from a letting agent¹, provided by the appellant, which indicates that this has deterred interest.

6. Whilst I consider that it was not unreasonable to initially market the property as furnished, the reported lack of demand and the feedback from the letting agent should have made the appellant aware of the limitations of marketing it on that basis. It was then open to the appellant to market the property as unfurnished and no compelling reason has been provided to me as to why such a course of action was not taken. Marketing the property on an unfurnished basis would have more fully explored the level of demand in accordance with Policy LP37.
7. In support of the proposal, the appellant states that he has been flexible in this respect and has discussed with potential tenants the possibility of letting the property on a part-furnished basis. However, I consider that the initial stipulation that the property is furnished would be sufficient to deter a significant amount of interest prior to such discussions taking place, as is reflected in the letting agent's letter.
8. I note that Policy LP37 and the Supplementary Planning Document² (SPD) do not define what an open marketing exercise should consist of. However, on balance, I do not consider that a suitably robust marketing exercise has been undertaken. I therefore conclude that the appellant has failed to demonstrate that there is an established lack of demand for the single family use of the property and that the proposal conflicts with Policy LP37 of the LP.

Car Parking

9. Ploughmans Court is a residential cul-de-sac which is accessed via a shared surface highway. I saw that there is very limited provision for on-street parking and that there was evidence of ad-hoc parking on the highway verge. I am also mindful that my visit took place during the day and that the peak times for parking in this residential area are likely to be in the evening and at weekends.
10. The appellant questions whether the use of the property as a five bedroomed HMO would be sufficiently different to warrant refusal of planning permission. However, I consider that the nature of vehicle use is likely to differ from a family dwelling as, for example, a family are more likely to share vehicles and trips whereas individual HMO residents may have their own vehicles with a resultant effect on the level of vehicle ownership and associated car parking. It is therefore likely that the proposed HMO would generate a materially greater demand for car parking than the use of the property as a family dwelling.
11. In support of the proposal the appellant has referred to access to bus routes in the surrounding area and I acknowledge that this reflects Policy LP37 in respect of demonstrating that the site is sustainably located on a regular bus route. However, due to the suburban location of the proposal, I do not consider that this bus service would provide a significant alternative to a reliance on the private car due to the relative convenience of these modes of transport. Moreover, this accommodation is likely to be occupied by young professionals who may well have their own cars, even if they use alternative methods of transport to access employment and other facilities.

¹ Letter from Your Home, 17 February 2017.

² Houses in Multiple Occupation Supplementary Planning Document Approved Draft 2016

12. The submitted plans indicate that three off road parking spaces would be provided to the front of the garage. However, the Council dispute this as they consider that this would be unachievable without overhanging the road. This reflects my own observations as I saw that the off road parking provision in front of the garage was limited and would only accommodate two cars off the highway.
13. Photographs provided by local residents add weight to my concerns in relation to the capacity of the driveway as well as the cluttered streetscape arising from on-street parking. I am mindful that this evidence may relate to a period when there were more residents at the property. Nevertheless, I consider that even with five bedrooms the proposal would generate on-street parking greater than that of a typical family dwelling with the same number of bedrooms. This increase in parking would lead to a cluttered and congested streetscape to the detriment of this open plan cul-de-sac. Whilst I saw that there was some on-street parking associated with existing residential properties, this does not justify further harm to the appearance of this residential area.
14. A number of comments raised locally have also referred to the effect of on-street parking on highway safety. Although there is a turning head further within the cul-de-sac, I saw that the shared surface highway adjacent to the appeal site is also used as a vehicle turning area as well as providing access to garages. An increase in on-street parking may impact on the manoeuvring of vehicles in this area and would also obstruct pedestrians, with a resultant increase in conflict between pedestrians and vehicles to the detriment of highway safety. Whilst I note that the Highways Authority has not objected to the proposal, this does not negate my observations on this matter and does not lead me to a different conclusion.
15. The appellant has suggested that a condition could be used to control the number of cars parked at the property. However, such a condition would be difficult to monitor and would not meet the provisions of paragraph 206 of the National Planning Policy Framework in relation to whether it would be enforceable.
16. The appellant has also offered to put in place a tenancy agreement in relation to car parking. However, no such agreement has been provided to me and in any event an agreement of this nature could be amended in the future without recourse to the planning authority.
17. I conclude that due to the nature of the accommodation and limitations of parking provision, the proposal would lead to an increase in on-street parking to the detriment of the character and appearance of the area and highway safety. The proposal would therefore be contrary to Policy LP37 of the LP in respect of harm to the amenity of neighbours and the wider area, and Policy LP26 in respect of the creation of safe environments.

Other Matters

18. I have had regard to the benefits of the proposal, including the provision of good quality accommodation for which there is an identified need as reflected in the letters provided by tenants of the property. However, these benefits do not outweigh the harm identified above.

Conclusion

19. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR