
Appeal Decision

Site visit made on 6 November 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 20 December 2017

Appeal Ref: APP/P0240/W/17/3180809

3 Alfred Street, Dunstable, LU5 4HZ

- 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 A Reeves against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/01322/FULL, dated 14 March 2017, was refused by notice dated 15 June 2017.
 - The development proposed is two storey side extension to create 7 bed HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the creation of an HMO on (a) the living conditions of existing occupiers, with particular regard to noise and disturbance; (b) highway safety and (c) the character and appearance of the area.

Reasons

3. The decision notice refers to Policy H9 of the South Bedfordshire Local Plan Review (LP) which refers to the conversion of a property to provide additional residential units. The appellant submits that it is not consistent with the National Planning Policy Framework (the Framework). In particular the requirement to provide a wide choice of homes and create sustainable, inclusive and mixed communities. Nevertheless, the scheme would be the conversion of a building which in my view makes H9 applicable. Furthermore, the policy does not prohibit a change rather seeks to ensure that where a change is permitted it would not be harmful. As such I do not consider that it would conflict with the Framework which also seeks to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings.
4. The appellant argues that a 6 bed HMO could be created using permitted development rights. However, I agree with the Council that to create a 6 bed property would require the existing dwelling to be extended. The existing building is a three bed family dwelling. As it stands a 6 bed HMO could not be created immediately. Therefore, whilst I appreciate the appellant intends to move toward doing this it is not the existing situation on site. In my view this limits the weight that can be attached to this issue as a 'fallback' scenario.

Living conditions of existing occupiers

5. I set out above that I attach very limited weight to the appellant's proposed 'fallback' position. Even if I were to accept that the increase in people at the premises would be limited to one I consider that this change would be perceptible. This would be due to the difference in character between a single family dwelling and an HMO. It is likely that the pattern of use of an HMO would be substantially different to that of a single family unit. Specifically it is likely that there would be more comings and goings at various points in the day. I note that the extension would be at the point furthest away from No 5. However, residents would all use the same entrance. Nevertheless, impact from noise and disturbance generated by movements would be particularly acute for the immediately adjoining dwelling (No 5) and other nearby properties could also be adversely affected.
6. I therefore conclude that the proposal would have a harmful effect on the living conditions of existing occupiers, with particular regard to noise and disturbance. In this regard it would be in conflict with LP policies BE8 and H9 in so far as they seek to prevent new development that would lead to a nuisance to neighbouring properties from noise disturbance. It would also be in conflict with the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

7. The roads surrounding the appeal site are generally quite narrow and in some cases there is a one way system in place. Alfred Street has parking along both sides. At present the dwelling has the ability to provide off street parking in the side area. I also note that the site is close to the town centre and its facilities. The appellant suggests that one parking space could be provided for the HMO. Nevertheless, even if this were the case, the scheme could have up to 7 independent occupants and associated vehicles.
8. There are local concerns regarding existing on road parking pressures. The appeal scheme would in my view add to the need for on street parking which could result in cars parking indiscriminately. Such parking can reduce the effective width of the road so that cars travelling along the road cannot pull in and give way. I consider that any increase in demand is likely to result in further obstructive and potentially dangerous parking.
9. I therefore conclude that the proposal would have a harmful effect on highway safety. It would be in conflict with LP policies BE8, T10 and H9 which amongst other things require the satisfactory provision to be made for parking.

Character and appearance

10. The appeal property is an end of terrace house positioned at the junction of Alfred Street with St Peter's Road. It is currently a three bedroom dwelling. It has a garden area to the side and rear and a vehicle access point from Alfred Street. LP Policy H9 sets out a number of criteria that need to be met in order for a conversion to be acceptable. The first of these focusses on the character and appearance of the area. In this case to facilitate the use of the building as an HMO the building would have to be extended. The addition would be substantial in width. However, it would be set back from the front elevation and set down slightly in height from the main roof. It would have the

appearance of a two storey extension to the existing three bed terrace dwelling. Internally the extension would allow the creation of seven bedrooms to form an HMO.

11. The Council point out that the street of terraced properties is predominantly single dwellings. I understand that the appellant submits there is no evidence that this is the case. However, I have no detailed evidence either way regarding the mix of dwellings in the immediate area. I appreciate that the appellant has referred to a site nearby where a conversion to an HMO was permitted¹. In addition the neighbour representations refer to one existing HMO but the majority suggest that single family dwellings remain the prevailing character. Overall, in view of the effect on living conditions of neighbours, granting planning permission for an HMO in this context would also result in an unacceptable change in the character of the surrounding area, with associated potential to increase problems of public and private amenity.
12. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with LP policies BE8 and H9 which amongst other things seek to enhance or reinforce the character and local distinctiveness of an area.

Conclusion

13. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

¹ LPA Ref CB/17/00610/FULL