



Appeal Decision

Site visit made on 15 May 2019

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2019

Appeal Ref: APP/F0114/W/19/3223456

97 Sheridan Road, Whiteway, Bath, BA2 1RA

- 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 Mrs Josephine Vercoe against the decision of Bath and North East Somerset Council.
 - The application Ref 18/02507/FUL, dated 7 June 2018, was refused by notice dated 30 August 2018.
 - The development proposed is change of use from dwelling house (use class C3) to HMO (use class C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling house (use class C3) to HMO (use class C4) at 97 Sheridan Road, Whiteway, Bath, BA2 1RA in accordance with the terms of the application, Ref 18/02507/FUL, dated 7 June 2018 and subject to the conditions listed below:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 07/06/2018 & Elevations and Floor Plan 25/06/2018.

Procedural Matters

2. The description of development on the Council's decision notice is different to that on the application form. I have adopted the former, as this gives a fuller and more accurate description of the change of use.
3. The application form and the appellant's submissions indicate that the appeal site is already being used as an HMO. Whilst I was unable to confirm this on my site visit, I have proceeded to determine the appeal on the basis that the change of use has occurred.
4. The Council's Planning Committee Report confirms that the appeal site lies within the City of Bath World Heritage Site (WHS). However, no concerns have been raised by the Council over the impact of the appeal proposal on the WHS or its setting. I have no reason to disagree with those findings and the proposed development would not, therefore, be at variance with paragraphs 189 – 192 (inclusive) of the National Planning Policy Framework (Framework).

Main Issues

5. The main issues in this appeal are: (a) the effect of the development on the living conditions of nearby residents and future occupiers in respect of noise and activity; and, (b) the effect of the development on highway safety in respect of parking provision.

Reasons

Living conditions

6. The appeal site is situated on the western side of Sheridan Road, within a large terrace of similar three storey properties. The surrounding area comprises similar terraces, as well as some semi-detached properties. Most of the properties, on the western side of the road, including the appeal site, benefit from one off street parking space.
7. The Council contends that there will be a mis match between the layout of accommodation within the House in Multiple Occupation (HMO) and adjoining properties, which could give rise to noise and disturbance, impacting on both the occupiers of the HMO and neighbours. Also, that this would be exacerbated by the fact the occupiers of the HMO were more likely to keep irregular hours.
8. The Council's Houses in Multiple Occupation in Bath Supplementary Planning Document (HMO SPD) confirms that only an overconcentration of HMO's is likely to result in a significant impact on the living conditions of nearby residents or where a single-family dwelling is sandwiched between two HMO's.
9. The Council's Planning Committee report confirms that the appeal site is not located within a Census Output Area where HMO's occupy 10% or more of the households. The report also confirms that the development will not lead to two HMO's either side of an existing single-family dwelling. In view of this, the change of use would meet the criteria of the HMO SPD, which aims to ensure that there is not a proliferation of HMO's within a particular area and that residents living conditions are not significantly impacted on by such uses.
10. I acknowledge that the comings and goings of an HMO may be less regimented than a single family dwelling or may occur earlier in the morning or later in the evening, but even if this was the case, there is no evidence before me to indicate that this would lead to any significant increase in noise or disturbance. In addition, there is nothing to suggest that an HMO would generate any more noise and activity than a single-family dwelling occupied by a large family. In this respect, the submitted plans show the original house with 4 bedrooms, whereas the HMO would have 5/6 bedrooms. This small increase in bedrooms would not, in my view, lead to a significant increase in noise and activity.
11. The Council refers to the potential impact from bedrooms being located adjoining a main living or dining room. However, the submitted plans show that the bedrooms would be located on the same floors that the bedrooms were previously on. In addition, I have no details of the current layout and use of 95 Sheridan Road, which adjoins the appeal site to the south nor any evidence of the potential harmful effect that the HMO could have on the occupiers of that property. In relation to 99 Sheridan Road, which adjoins the appeal site to the north, that property is already in use as a HMO (reference 18/02256/FUL).

12. Planning permission for the latter was granted retrospectively, at the same Planning Committee meeting that the appealed application was refused. The only apparent difference, is that it was for a 4-bed HMO. Even so, no explanation has been given as to why that proposal was considered acceptable, in terms of its impact on living conditions, whereas, on the appeal site, the Council allege such significant harm.
13. Based on the above and the evidence before me, I find that the change of use to an HMO would not result in a significant increase in noise or disturbance and that the living conditions of adjoining residents and future occupiers would not be harmed by the use of the appeal site as an HMO. Accordingly, the change of use would be compliant with Policy D6 and parts i, ii and iii of Policy H2 of the Bath & North East Somerset Core Strategy & Placemaking Plan (CSPP) and the HMO SPD. Combined, these seek, amongst other things, to ensure that the living conditions of existing and future occupiers are not harmed as a result of noise and disturbance generated by new development and that new HMO's are not located in areas with high concentrations of such uses or where they would be incompatible with the character and amenity of adjacent uses.

Highway Safety

14. The Council contends that the HMO would increase parking demand as a result of the increase in the number of bedrooms and as they would be occupied by independent individuals. Whilst the Council accepts that there are no adopted parking standards for HMO's, they allege that the HMO would exacerbate existing parking problems and result in an unacceptable impact on highway safety, contrary to paragraph 109 of the Framework.
15. No evidence, in the form of surveys of the existing parking position in Sheridan Road or likely demand based from HMO's, to demonstrate an increased level of parking demand compared to a single-family dwelling use, has been provided by the Council to support their contention.
16. The Council's Planning Committee report confirms that the Highway Authority raised no objection to the HMO. This finding was based, in part, on surveys undertaken by the Department for Communities & Local Government, which led the Highway Authority to conclude that the level of car ownership generated by a 6-bed HMO was likely to be similar to its previous use as a single-family dwelling.
17. I have not been provided with a copy of this survey or a reference for it, but note that this evidence has not been challenged in the Council's Appeal Statement. Whilst I cannot, therefore, comment further on this survey, I do attach significant weight to the fact that the Highway Authority did not object to the change of use on highway safety grounds.
18. The appellant has referred to the University of Bath Travel Survey 2014/15, which showed that only 1 in 8 students in the City travelled by car to and from the University. A copy of this Survey is included in Appendix 5 to the appellant's Grounds for Appeal. This evidence has not been challenged by the Council. Whilst I appreciate that the HMO could be occupied by non-students, the appellant has indicated that the accommodation is aimed and marketed at students and, therefore, I attach significant weight to this Survey's findings.

19. As I observed on my site visit, demand for on-street parking in the area is high. Within this context, the appeal site benefits from an off-street parking space and there is no reason as to why, if properly managed, the space in front of this, on the road, could also not be used for parking by one of the occupants of the HMO.
20. The appeal site is also located within a sustainable and highly accessible location, with good access to local services and facilities. There is a regular bus service into the City Centre and to the University, with bus stops within easy walking distance of the appeal site. There are, therefore, opportunities to use other modes of transport and reduce reliance on the private car.
21. For the above reasons, I find that the change of use to an HMO would not lead to any material increase in parking demand and would not be harmful to highway safety. Accordingly, the development would be compliant with Policy ST7 and part iv of Policy H2 of the CSPP and paragraph 109 of the Framework. These policies seek to ensure that new development does not result in an unacceptable impact on highway safety.
22. The Council, in their Appeal Statement, also refers to Policies CP10 (housing mix) and B1 (spatial strategy) of the CSPP, but does not discuss these further or allege any conflict with these policies. In view of this and as neither policy is, in my view, directly relevant, I have not considered them further.

Other Matters

23. Interested parties have raised various concerns, including the precedent that the change of use could set for HMO's in the area. However, I have considered this appeal on its individual merits, having particular regard to the circumstances of the case and the prevailing planning policies. My decision will not prevent future proposals from being considered on the same basis. In relation to the loss of a single-family dwelling, there is no evidence before me to suggest that this loss would lead to any harm. Even so, the policies of the development plan and Framework seek to promote a mixture of housing types and tenures to meet local needs, which this change of use would go some way towards addressing. There has also been a suggestion that the works undertaken on site do not tie in with the submitted plans. However, I note, from the Planning Committee report, that this issue was addressed through the submission of revised plans.

Conditions

24. The Council has suggested two conditions which I have considered against the advice in the Framework and the Planning Practice Guidance on the use of planning conditions.
25. Conditions relating to the time limit for implementing the development and compliance with approved drawings, are necessary and reasonable in order to provide clarity, to reflect the details submitted and secure a good standard of accommodation.
26. The appellant has suggested a condition be imposed to restrict the HMO use to two cars. However, as I have found above, the change of use would not result in any harm to highway safety and an additional condition along the lines suggested would not, therefore, be reasonable or necessary.

Conclusions

27. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR