



Appeal Decision

Site visit made on 20 June 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/L3815/W/19/322232

22 Peacock Close, Chichester, West Sussex PO19 6YD

- 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 Rupert Day decision of Chichester District Council.
 - The application Ref CC/18/02818/FUL, dated 22 October 2018, was refused by notice dated 30 January 2019.
 - The development proposed is the change of use of a 6-bedroom house (Class C4) to a 7-bedroom House of Multiple Occupancy (Sui Generis) for a maximum of 7 professionals.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a 6-bedroom house (Class C4) to a 7-bedroom House of Multiple Occupancy (Sui Generis) for a maximum of 7 professionals at 22 Peacock Close, Chichester, West Sussex PO19 6YD in accordance with the terms of the application, CC/18/02818/FUL, dated 22 October 2018, subject to the following conditions:-
 1. The development hereby permitted shall be begun 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 approved plans: TQRQM18303145611401 (Location Plan), 002 (Parking Plan), 003 (Block Plan) & 006 (Proposed First Floor Plan).
 3. Prior to the occupation of bedroom 7 details of the covered and secure cycle parking shall be submitted to and approved by the Local Planning Authority. The cycle parking shall be retained thereafter.
 4. The parking arrangements as shown on plan 002, for a minimum of 3 on-site car parking spaces, shall be available to the occupiers of the property at all times.

Main Issue

2. The main issue is the effect of the proposed use on the character of the property, the street and the surrounding area.

Reasons

3. The detached property is positioned towards the end of a long cul de sac which forms part of a modern housing estate. The property currently operates as a

- house of multiple occupation (HMO) with 6 bedrooms and communal facilities including kitchen/dining area, a lounge and garden.
4. The proposal would require no external changes to the property. The additional room is on the first floor located to the rear and would have originally been a bedroom when the property was a family house. It is similar in size to the other bedrooms and it would share a bathroom with bedroom 6. All the other bedrooms have en-suite facilities.
 5. The property has recently been refurbished by the appellant which included the insulation of the conservatory roof so that the room, which provides a lounge, can be used all year round. Overall the accommodation is of a high standard which is confirmed by the Council's Environmental Health Officer and the property is part of the Chichester and Arun Accreditation Scheme.
 6. The Council indicate that a change to a sui generis use would eliminate the ability under the Use Class Order to change back to a family house, and therefore the property would be permanently operated as a large HMO. However, the residential form and layout of the property is unchanged, and I do not consider the need for consent to revert to a family house is a reason to withhold planning permission. Reference is also made to the loss of a family house/small HMO, although I have not been referred to any policy which requires the retention of such properties. Furthermore, whilst classed as a 'sui generis' use the property would still be providing residential accommodation.
 7. Externally the level of occupation would not be perceivable. There are various objections from interested parties to the intensification of the use, although it is noted that there have been no instances of noise complaints to Environmental Health relating to this property which is currently in operation as a 6 persons HMO. This is a large detached property and the increased occupancy by 1 person would not in my view increase the level of activity, especially through noise and disturbance, to a level which would be unduly harmful to the occupiers of the neighbouring properties.
 8. The front garden area can accommodate parking for 3-4 cars which accords with the parking standards of a maximum of 0.5 car spaces per room, and there is no objection from the Highway Officer. Furthermore, there are on street parking bays along the road, and the site is within an accessible location for the city centre. Whilst there is reference to parking issues in the area it is acknowledged that students and hospital staff utilise the area for parking. Thus, there is no evidence before me that this existing or intensified use would directly adversely impact on highway safety.
 9. I therefore find that the proposal would provide for a high-quality living environment and would be in keeping with the character of the area. Thus, the proposal would accord with Local Plan Policy 33 of the Chichester Local Plan. Similarly, I find no conflict with paragraph 127 of the National Planning Policy Framework.

Other Matters

10. I am aware that the application received a large number of objections from interested parties including the local residents' group and the Parish Council which I have had regard to. I acknowledge that the current standard of accommodation and letting to professionals cannot be controlled, nevertheless

there are a range of other measures and legislation requirements which control matters such as noise and disturbance, and obstructive parking. Additionally, an HMO licence is required for the property.

Conclusion and conditions

11. Conditions are required to ensure compliance with the statutory requirements relating to the commencement of development and the plans in order to provide certainty. I have had regard to the Council's suggested conditions and agree that conditions are necessary to ensure that sufficient and appropriate levels of parking and cycle storage are provided and retained.
12. For the reasons set out above I conclude that the appeal should be allowed, and planning permission granted subject to conditions.

G Ellis

INSPECTOR