



Appeal Decision

Site visit made on 22 July 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019

Appeal Ref: APP/G2625/W/18/3212264
21 Sotherton Road, Norwich NR4 7DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Saravana of Trident Norwich Ltd against the decision of Norwich City Council.
 - The application Ref: 18/00544/F, dated 11 April 2018, was refused by notice dated 22 June 2018.
 - The development proposed is single storey extension with associated alterations to create 7 bed large HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the decision notice as it is more accurate than that shown on the application form.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - a) the living conditions of the occupants of neighbouring dwellings, with particular regard to noise and general disturbance, and
 - b) highway safety.

Reasons

Noise and general disturbance

4. The appeal property is a two-storey, semi-detached dwelling within a housing estate. The property is one of a cluster of eight dwellings which face inward onto the turning head of a cul-de-sac. It appears to be a quiet suburban cul-de-sac, with the majority of dwellings occupied by families.
5. The use of the appeal property as a HMO for seven unrelated occupants would result in additional activity, when compared to the use of the property as a three bedroom home by a single family. This would involve more deliveries, visits, vehicle movements and general comings and goings. This would result in a significant intensification in the residential occupation of the appeal site.

6. Access to the appeal property is via a driveway shared with 19 Sotherton Road, leading from the corner of the tight turning head of the cul-de-sac. The front doors of both properties are close to each other, with no boundary fence or wall between. Given the proximity of these houses and the respective entrances, occupants and visitors accessing the proposed HMO would pass close by the front of No.19, and this would result in a harmful level of noise and disturbance. Moreover, given the tightly arranged configuration of the cul-de-sac, the intensification in residential occupation would be apparent to the occupants of the other dwellings, which are clustered around the turning head.
7. The increased comings and goings described would occur whether the proposed HMO was occupied by students or non-students. The proposed HMO may not be continuously fully occupied but, given the site's accessibility to the university and other facilities, it is probable that the proposed HMO would be occupied for much of the year.
8. The appellant argues that a six-bedroom HMO could be created under permitted development rights, as a 'fallback' position. However, the existing building is a three-bedroom dwelling and, judging by the appeal proposal's layout, creation of a six-bedroom property would require substantial work to extend, and alter the interior of, the existing building at ground floor level. There is no evidence before me of such works being undertaken or granted a lawful development certificate. Therefore, in my view, there is no greater than a theoretical possibility of such a development taking place.
9. Taking the above together, I find that the proposal for a seven-bedroom HMO would result in a significant increase in noise and disturbance and this would harm the living conditions of the occupants of No. 19 and, to a lesser extent, other residents in the cul-de-sac, compared to the existing three-bedroom family dwelling. As such, it would conflict with Policies DM2 and DM13 of the Norwich Development Management Policies Local Plan (2014) (DMPLP). Together the policies seek to ensure that development safeguards the living conditions of residents, with particular regard to factors including the prevention of noise disturbance.

Highway safety

10. During my site visit I observed a number of cars parked on the road within the cul-de-sac, which does not have parking restrictions on it. Given the small turning head and tightly arranged cul-de-sac, on-street parking capacity is limited, and not all properties in the area have off-street parking. Moreover, residents of the cul-de-sac experience acute parking stress, with cars obstructing both the pavement and the road around the turning head.
11. The proposed site plan shows four car parking spaces at the appeal dwelling, two to the side and two to the front. However, access via the shared driveway to and from space in front of No.19's garage and to the side of the proposed rear extension would be constrained by the space available. There is not substantive evidence before me - in the form of vehicle swept path analysis, for example - to demonstrate that the proposed off-road parking would be safe and practicable, taking into account any shared access requirements.
12. It has not been demonstrated that the parking demands of the appeal scheme could be accommodated on site. This would result in pressure for on-street parking for occupants and visitors. This, combined with anticipated increased

vehicle movements, would increase congestion and obstruction of the road and pavement within the cul-de-sac, thereby reducing safe movement and visibility for drivers and pedestrians.

13. The Council's Transportation Officer did not object on highway grounds, based on the view that the proposal would not impact upon a classified or busy road. I accept that the proposal would not lead to severe residual cumulative impacts on the road network. However, I find that the proposal would result in an unacceptable impact on highway safety within the cul-de-sac, for the reasons described above.
14. Findings from Transport for London's Residential Parking Provision in New Development research report (2012), cited by the appellant, are noted. I recognise that the appeal site is well placed to access the city by bus services. Cycling is apparently a popular choice of students at the UEA, and the proposed provision of secure storage for seven bicycles is positive in terms of sustainable travel. Nevertheless, there is no guarantee that occupants without cars would be attracted to the proposed development, whether students or non-students.
15. For the reasons described above, I conclude that the proposal would harm highway safety within the cul-de-sac. As such, the proposal would conflict with Policies DM13, DM30 and DM31 of the DMPLP. Together the policies seek to ensure that development safeguards highway safety, including achieving a satisfactory standard of parking for residents. Furthermore, the proposed development would conflict with paragraph 109 of the National Planning Policy Framework¹ (the Framework) which requires, amongst other things, that development should be refused if there would be an unacceptable impact on highway safety.

Planning Balance

16. The appellant considers that Norwich does not have a five-year supply of deliverable housing sites, and the Council has not provided evidence on this matter. If there is not such a supply, development plan policies which concern the location of development are considered to be out of date, under the terms of paragraph 11 of the Framework. Given that areas or assets of particular importance would not be harmed by the proposed development, paragraph 11 d) ii of the Framework is engaged, which tells us that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
17. The proposal would provide an additional seven-bedroom HMO, in place of a three-bedroom family dwelling. Given the modest scale of proposed development, the planning benefit, in terms of additional housing capacity and associated economic activity during and after construction, would be limited. Having regard to all of the above, including paragraph 11 of the Framework, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the planning benefits, when assessed against the policies in the Framework taken as a whole. This weighs in favour of dismissing the appeal.

¹ Published on 19 February 2019.

Conclusion

18. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

William Cooper

INSPECTOR