



Appeal Decision

Site visit made on 6 August 2019

by J E Jolly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Appeal Ref: APP/K0235/W/19/3230280

44 St Michaels Road, Bedford, Bedfordshire MK40 2LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sam Richards (Mooncourt Limited) against Bedford Borough Council.
 - The application Ref 19/00735/COU, is dated 4 April 2019.
 - The development proposed is a Change of Use 6 bed HMO (C4) to a 7 bed HMO (Sui Generis).
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Decision

1. The appeal is dismissed and planning permission is refused for a Change of Use 6 bed HMO (C4) to a 7 bed HMO (Sui Generis) at 44 St Michaels Road, Bedford, Bedfordshire MK40 2LU.

Main issues

2. The effect of the proposed development on; (i) the living conditions of future occupants with regard to overcrowding; and (ii) the effect on highway safety with particular reference to parking.

Procedural Matter

3. The appeal was not determined by the Local Planning Authority. The council have submitted suggested reasons of refusal in their statement of case. The appellant has addressed these reasons through their final comments. I have taken these in to consideration in forming, what I see as, the main issues in this case.

Reasons

4. The appeal site is located in St Michaels Road, which forms part of the 'Saints' area of the Bedford Conservation Area. The area is in close proximity to local services and the town centre.
5. Along St Michaels Road there are multiple pairs of substantial semi-detached Edwardian dwellings with small garden frontages, some of which are in use as Houses in Multiple Occupation (HMO).
6. 44 St Michaels Road currently operates as a 6-bedroom HMO. The occupants share the rear garden, cycle storage and bins to the front of the property. On-street parking is available in St Michaels Road and in the adjacent streets.

7. Within the dwelling there are 2 x ground floor bedrooms, 3 x first floor bedrooms and a larger, second floor flatlet with a self-contained kitchen and shower-room.
8. The shared facilities include; a ground floor kitchen, shower room with toilet, breakfast room with a table and 2 chairs, cycle storage/laundry room and separate toilet. On the first-floor there is a further kitchen, shower room and separate toilet.
9. To the rear there is a garden which is currently undergoing renovation for future shared use.

Living Conditions

10. The proposal is to provide an additional bedroom through conversion of a first-floor storage room. The room appears to have been sub-divided from the original master bedroom or sitting room to the front of the house.
11. The appellant, in his final comments, states that the proposed room is 7.34 square metres (sqm). The council, having been unable to visit the dwelling, has estimated, from plan, that the bedroom size is 6.5 sqm. In both cases the size calculated exceeds the requirement in the council's Guide for Standards in HMOs which requires bedrooms, without kitchens, to be at least 6.51 sqm.
12. The room has a window to the front, three double electrical sockets, pendant light and space to accommodate a bed and small storage unit. Despite meeting the council's minimum space standards there would be little circulation space in the room once the furniture is in place.
13. The occupant would share the first-floor communal kitchen, shower room and toilet with the other residents on the same level. The kitchen is compact and offers a fridge, hob, sink and limited food preparation areas. There were no table or chairs in the room, meaning that meals would need to be taken in the breakfast room on the ground floor. The alternative would be to eat a meal within the proposed bedroom. However, the room is of insufficient size to do this in any comfort.
14. The shower room on the first floor provides a simple sink and cabin-style shower cubicle. Although there is a separate toilet, at peak times, the existing demand for these facilities will be high. The provision of an additional bedroom would make the level of demand unacceptable and harm the overall living conditions of the existing and future occupants.
15. Other than the garden, the shared breakfast room is the only communal space in the property for eating and socialising. This limited shared-space currently provides a table for meals, as well as a sofa and wall-mounted television for relaxation.
16. The dwelling is already operating at capacity, meaning that an additional bedroom would lead to over-crowding and increase the demand for the spaces needed to eat and socialise.
17. As the breakfast room would be the only living space for the occupant of the additional bedroom, over time, it is likely to have a negative effect on their physical and mental health.

18. Therefore, the proposal is contrary to the Bedford Borough Local Plan (BBLP) policy BE30 (vii) which, amongst other things, states that consideration should be given to health and safety matters related to a development. For similar reasons the proposal is contrary to reasons set out in paragraph 127 (f) of the National Planning Policy Framework (the Framework) which indicates that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety

19. St Michaels Road is a residential area with no obvious parking restrictions. I noted some limited on-street parking opportunities at the time of my afternoon site visit. The availability of on-street parking may well rise and fall during the course of the day, but I have limited evidence before me to support this either way.
20. Even if a future occupant is a car user, the impact of one additional HMO unit is likely to be limited, especially as the dwelling is well within reach of public transport and local services.
21. Therefore, the proposal is in accordance with the BBLP policy BE30 (iv) which sets out requirements related to any additional traffic generated by new development.

Conclusions

22. Although I have found in favour of the appellant with regard to Highway Safety this does not overcome the harm to the living conditions of future occupants in relation to over-crowding.
23. Further, although the main parties agree that the council cannot demonstrate a five-year housing land supply, and as such, paragraph 11(d) of the Framework is engaged, in this case, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, which include the provision of one room in an HMO.
24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JE JOLLY

INSPECTOR