
Appeal Decision

Site visit made on 28 August 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/G2625/W/19/3231035

36 Primula Drive, Norwich NR4 7LZ

- 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 Dr Hebba Haddad against the decision of Norwich City Council.
 - The application Ref 18/01583/U, dated 22 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is converted garage and associated new windows to change a C4 small HMO to a 10 bed HMO.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which adequately describes the development proposed.
3. The plans submitted with the planning application have formed the basis of my consideration of the appeal. However, the appellant has submitted amended Plan Ref: Dwg:04 to address the Council's concerns regarding the internal living conditions within the proposed development.
4. I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to the 'Wheatcroft' principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.
5. In this case, the amendments would alter the internal layout of the bedrooms within the proposal. In my view, the amendments would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. In these circumstances, I see no material conflict with the Wheatcroft principles. I have therefore taken the amended plan into consideration.

6. The works subject of this appeal have been partially undertaken as the garage has been converted to habitable accommodation. The appellant says that these works have been undertaken under permitted development rights as agreed with the Council. However, I have not been provided with any evidence to confirm that the works are permitted development therefore, I am considering this part of the appeal as applied for, retrospectively. Although I was able to see during my site visit internally, the refurbishment undertaken, the proposed change of use and other external alterations have not been undertaken and I have determined the appeal on this basis.

Main Issues

7. The main issues in this appeal are:

- Whether the proposal provides acceptable living conditions for existing and future residents;
- The effect of the proposal on the living conditions of the occupants of neighbouring residential properties with particular reference to noise and disturbance; and
- Whether the arrangements for car parking to the frontage would harm the character and appearance of the area.

Reasons

Living conditions of the occupants of the host property

8. The appellant contends that the proposal would provide generous internal space for all occupants with an amended plan showing how single beds could be provided in rooms with additional seating areas. I recognise that these rooms are in accordance with the Council's Private Sector Housing Amenity Standards for Houses in Multiple Occupation (HMO's). However, in my view, the proposal would result in crowded internal arrangements with very limited shared space other than the communal kitchen area which would contain a dining table.
9. The appellant advises that the proposals have resulted from feedback from tenants and says that each bedroom would be provided with kitchenettes and seating. However, the plans do not show provision for kitchenettes and even if they did this would not overcome my concerns regarding the lack of communal space for the number of occupants proposed. The proposed layout provides very little opportunity for communal activity, such as general socialising. I recognise that some tenants might not use communal living space. However, there is no substantive evidence to suggest that such space would not be used.
10. The appellant refers me to Policy DM2 of the Norwich Development Management Policies Local Plan Adopted December 2014 (the Local Plan), the Housing Act 1985 and the Council's Private Sector Housing Amenity Standards for HMO's. Whilst recognising the varying requirements of these documents in relation to the appeal site, it is the lack of communal living space rather than the size of bedrooms, kitchen, garden or overall building size which leads me to conclude that the proposed layout of the property would be sub-standard and would provide poor levels of amenity for the number of occupants proposed.

11. I therefore conclude on this matter that the proposal would fail to provide acceptable living conditions for occupants of the host property. It would therefore be contrary to Policies DM2 and DM13 of the Local Plan and the National Planning Policy Framework (the Framework) which, among other objectives, seek to ensure that development provides an acceptable quality of accommodation meeting appropriate standards for the needs of its occupants, including amenity space and appropriate communal facilities. Policy DM12 is not relevant to this aspect of the proposal.

Living conditions of neighbours

12. The appeal site is a two-storey property located on the corner of Primula Drive and Salter Avenue within a predominantly suburban residential area. I understand that there are also other HMO's within the area, however I have not been presented with the location or precise numbers.
13. I recognise that the existing use of the property is not a family house like others in the vicinity. However, the proposed increased use of the property to a 10 bed HMO would result in a significant increase in the number of comings and goings to and from the property by both residents and visitors. I accept that the location of the property on the corner with multiple entrances would help dissipate some of the activity. Furthermore, many properties are at a distance whereby the occupants may be aware of the comings and goings, but this would not necessarily translate to disturbance that would cause harm to living conditions.
14. However, the appeal site does have a close relationship with the adjacent property No 35 Primula Drive. At my site visit I noted that the background noise levels are relatively low in the area. Therefore, disruption from general noise, disturbance and activity associated with the proposed increased use would be likely to be particularly noticeable to the occupants of the adjacent property.
15. I recognise that the bulk of the house is detached from the neighbouring property and the only room adjacent would be the communal kitchen/dining area. However, it is the external activity within the rear garden, outside of the communal kitchen/dining area and the comings and goings at the frontage at the intensity proposed, even with the multiple entrances which would in my view be likely to cause a significant level of general noise and disturbance to the occupants of No 35.
16. I therefore conclude on this matter, that the proposal would have a harmful effect on the living conditions of the occupants of the adjacent neighbouring residential property, No 35 Primula Drive, with particular reference to noise and disturbance. As such it would be contrary to Policies DM2, DM12 and DM13 of the Local Plan and paragraphs 127 and 180 of the Framework. Among other objectives, these seek to ensure that development does not unacceptably effect living conditions.

Frontage Car parking

17. Although many of the properties within the area have laid hardstanding within the front gardens, it retains a pleasant, open and spacious character. The proposal would result in a large area of hardstanding to the frontage to provide 6 parking spaces. The layout is such that it would be difficult to manoeuvre

vehicles into and out of the spaces. Only 2 of the 6 spaces would be able to manoeuvre freely. All others would necessitate another car to be moved first. As a HMO occupied by 10 unrelated occupants such an arrangement would not function well.

18. Within the area I observed many properties with hardstanding to the frontage. The extent of hardstanding *per se* would not appear out of character with the area. However, the proposed increase in occupation of the property from a 6 bed HMO to 10 beds would result in an intensification of use. This would have a potential for a significant level of additional parking on the hardstanding in comparison with other properties within the area.
19. I recognise that due to the site's location the occupants to date have been students and have had a low car ownership with preferences for walking and cycling. However, 6 spaces are proposed and there would be no restriction on the type of occupants of the property which could change with future tenants. The proposal would have the potential to clutter the frontage and provide an unattractive appearance on a prominent corner position that would, in my view, detract from the overall quality of the area.
20. I understand that the appellant was open to amend the proposal during the planning application and appeal process to reduce the amount of parking proposed. However, I am only able to make my decision taking into account the plans that were before the Council when they made their decision.
21. I therefore conclude that the proposal does not provide suitable arrangements for car parking and would not accord with Policies DM3, DM12, DM13 and DM31 of the Local Plan and the requirements of paragraph 127 of the Framework. Taken together, these seek to ensure high quality design that is sympathetic to local character, functions well and adds to the overall quality of an area.

Other matters

22. I recognise that the proposal would provide additional bedrooms which are intended to be let for students. The appellant's evidence indicates a need for student accommodation, and this would increase choice. Given its location in relation to the University any students that do occupy the property would be able to walk or cycle. Social benefits would also occur from providing a mix of accommodation. I therefore recognise the benefits of additional accommodation in this location, with 4 additional bedrooms proposed, this would make a modest contribution.
23. Both parties have referred me to an appeal (Ref: APP/G2625/C/17/3174414) at 55 Cunningham Road. However, the characteristics of each site are different. 55 Cunningham Road is a semi-detached property with a materially different design and relationship to its neighbouring properties than the appeal site. I have, in any case, reached my own conclusions on the appeal proposal based on the evidence before me.

Conclusion

24. I have had regard to all the other matters raised in the evidence, including the possibility of imposing conditions on a permission. However, the unacceptable harm to the living conditions of the occupiers of the neighbouring property, the living conditions of the future occupants of the host property and the unsuitable

arrangements for car parking would significantly outweigh the benefits of the proposal. For the reasons given above the appeal is dismissed.

Robert Walker

INSPECTOR