
Appeal Decision

Site visit made on 8 October 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2019

Appeal Ref: APP/V2004/W/19/3227862

170 Coltman Street, Kingston-upon-Hull HU3 2SQ

- 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 Mark Girdham (Myton Gate Property Group) against the decision of Kingston-upon-Hull City Council.
 - The application Ref 18/01546/FULL, dated 19 December 2018, was refused by notice dated 5 April 2019.
 - The development proposed is conversion of 4 flats into 8 bedroom HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of 4 flats into 8 bedroom HMO at 170 Coltman Street, Kingston-upon-Hull HU3 2SQ in accordance with the terms of the application Ref 18/01546/FULL, dated 19 December 2018, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr Mark Girdham (Myton Gate Property Group) against Kingston-upon-Hull City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed parking arrangements on highway safety and the free flow of traffic in the area.

Reasons

4. The appeal property is a two storey mid-terrace building situated within a predominately residential area located close to the city centre. It is within walking distance of several bus routes, shops, services, and facilities. The property currently comprises four separate residential apartments. The appeal site is also within the Coltman Street Conservation Area (CA).
5. Policy 32 and Appendix C of the Hull Local Plan 2017 (HLP) set the required parking standards for Houses in Multiple Occupation (HMOs). Policy 32 states that the standards will be applied flexibly, taking into consideration, amongst other things, the accessibility of the development and the availability of public transport.

6. Policy 7 of the HLP relates specifically to HMOs with criterion 2(c) stating that HMOs will not be permitted where unacceptable parking problems would harm local amenity.
7. The Council indicates that the proposed development would generate an increased requirement for on-street car parking spaces (particularly in the evening) without providing any additional spaces to meet this increased demand, thereby causing harm to the local amenity of the area and a risk to the safety of local road users.
8. As the appeal scheme would not provide any off-street car parking, it would therefore not meet the standards set by HLP Policy 32 and Appendix C, notwithstanding these are to be applied flexibly. It would also generate demand for two additional spaces leaving a shortfall of seven spaces. However, at the time of my visit (mid-afternoon) I could see several available on-street parking spaces in the vicinity of the appeal property. Whilst I acknowledge that this only provides a snapshot in time regarding parking demand, I have also had regard to the evidence before me. This includes the results from four traffic surveys undertaken by the Council, two of which indicate the availability of off-street car parking spaces within the vicinity of the appeal property in the evening. Whilst the number of available spaces would be slightly less in the evening than in the morning, I consider the existing capacity to be sufficient in this particular case given the appeal property's accessible location and the flexibility in the application of the standards set by Policy 32.
9. The appeal property is within walking distance from services within the Anlaby Road/Coltman Street neighbourhood centre and the bus stops on Anlaby Road. It is also within cycling distance of a wider range of services and the appeal scheme would provide approximately six secure cycle parking spaces on-site. With such alternatives, I find that the reliance of its future occupiers on private cars would be reduced significantly. I note that the number of cycle spaces proposed would be two short of the standard set by HLP Appendix C. However, given the flexibility in the application of these standards and the accessible location of the appeal property, I consider the provision of six cycle parking spaces to be sufficient in this particular case.
10. Consequently, in view of the accessibility of the appeal site; its proximity to local shops, services and facilities; the proposed provision of on-site cycle parking facilities and the availability of on-street parking in proximity to it, I find that the appeal scheme would not harm the local amenity of the area or pose a risk to the safety of local road users. Therefore, having regard to the flexible approach to parking standards set out in Policy 32 and having considered the particular circumstances in this case, I find that the high level of accessibility of the proposed HMO would clearly and demonstrably outweigh any limited adverse impact.
11. I note the Council's argument that as the percentage (65%) of flats and HMOs on Coltman Street is excessive, this would negate the flexible application of the standards. However, the percentage of HMOs on Coltman Street is 2.5% which I do not consider to be sufficiently high to override the flexible application of Policy 32. Policy 7 does not permit the change of use from a dwelling to an HMO where an article 4 direction is in place and the concentration of flats and

HMOs in a specific street exceeds 50%; however, based on the evidence before me¹ there is no article 4 direction currently in place on Coltman Street.

12. I therefore conclude that the proposed development would not harm highway safety or the free flow of traffic in the area. Consequently, it would accord with Policies 7 and 32 and Appendix C of the HLP which seek to ensure that development has no significant adverse impact on parking, highway safety or local amenity amongst other considerations.

Other Matters

13. The only material alteration to the external appearance of the property would be the proposed rear dormer extension. It would be located on the rear roof slope and so it would not be visible from the front of the property or public highway. Furthermore, it would sit below the existing ridgeline of the appeal property, be set back from the eaves and sides of the building and cover less than half of the roof area. It would therefore appear subordinate and the materials to be used would also be in keeping with other properties within the CA. Consequently, I consider that it would not detract from the existing uniform and well preserved roofscape on Coltman Street. Hence, it would preserve or enhance the character or appearance of the CA.
14. I note the Council's reference to a previous appeal decision for a similar proposal which was dismissed. However, I do not have all the details of this case before me or the circumstances which led to that decision being taken. In addition, the circumstances applicable to the Morpeth Street scheme² (resident parking permits being in operation on the street and the dramatic reduction in available on-street parking spaces during the evenings) are not exactly the same as those presented in this case, which I have determined on its own merits.
15. The appeal site lies within Flood Zone 3 where, as set out in the National Planning Policy Framework (the Framework), development should only be considered following the Sequential Test (and, if required the Exception Test) where, informed by a site-specific flood risk assessment (FRA), it can be demonstrated, among other things, that development is appropriately flood resilient and resistant. National Planning Practice Guidance³ (PPG) indicates that the Sequential Test does not need to be applied to applications for changes of use. It further states that such development is also not required to pass the Exception Test⁴.
16. In this instance an FRA was submitted with the planning application. The Council has raised no objections on flood risk grounds. I am satisfied that, subject to a condition to secure the mitigation measures set out in the FRA, the proposal would represent an acceptable form of development having regard to its flood zone location and the provisions of the Framework and the Guidance.
17. I have also had regard to the concerns of local residents in respect of the balance of the community and the potential for increased littering and noise disturbance from the proposal. However, I have no evidence before me to suggest that the proposal would give rise to significant levels of littering and

¹ Map 5.3 on page 73 of the Hull Local Plan.

² Council Statement of Case.

³ PPG Paragraph: 033, Reference ID: 7-033-20140306

⁴ PPG Paragraph: 067, Reference ID: 7-067-20140306

noise disturbance to the detriment of the living conditions of neighbouring occupiers or that it would result in any harmful imbalance to the established community in the area.

Conditions

18. In addition to the standard implementation condition relating to the time limit and a condition with regard to compliance with the approved plans to provide certainty, I have imposed conditions relating to external materials, cycle parking facilities and the storage of refuse. These conditions are necessary and reasonable in the interests of, respectively, character and appearance, living conditions by way of the provision of adequate refuse storage, and highway safety. In addition, a condition relating to the development being in accordance with the approved Flood Risk Assessment is reasonable and necessary to minimise the impact of the proposal with regard to flood risk.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and planning permission is granted, subject to conditions.

C Coyne

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18 84 002 and 18 84 105.
- 3) The windows in the dormer roof extension of the development hereby permitted shall not feature any trickle vents. Prior to the installation of the dormer roof extension, a sample window or vertical and horizontal cross-section drawings of the windows to be used in the development shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be brought into use until secure cycle parking facilities have been provided in accordance with approved plan 18 84 105. The cycle parking shall thereafter be retained in accordance with the approved scheme for the entirety of the development hereby permitted.
- 5) The development hereby permitted shall not be brought into use until secure refuse storage has been provided in accordance with approved plan 18 84 105. The secure refuse storage shall thereafter be retained in accordance with the approved plan for the entirety of the development hereby permitted.
- 6) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ettridge Architecture reference 18 84, dated December 2018 and the following mitigation measures set out within the FRA:
 - a) Identification and provision of a place of safety above 5m AOD as detailed within section 6.6 of the FRA;
 - b) Finished floor levels are set no lower than the existing finished floor level;
 - c) Flood proofing measures shall be incorporated to a minimum level of 600mm above finished floor level as detailed within Section 6.6 of the FRA; and,
 - d) New electrics to be set above 900mm (over existing floor levels) as detailed within Section 6.6 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.