



Appeal Decision

Site visit made on 28 October 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/H0724/W/19/3234896 183 Park Road, Hartlepool, TS26 9LP

- 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 Saeed Khalid against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0051, dated 23 January 2019, was refused by notice dated 10 May 2019.
 - The development proposed is change of use from house in multiple occupation (C4) to a large house in multiple occupation (Sui-Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from house in multiple occupation (C4) to a large house in multiple occupation (Sui-Generis) at 183 Park Road, Hartlepool, TS26 9LP in accordance with the terms of the application, Ref H/2019/0051, dated 23 January 2019, subject to the following 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: 2051-SLP Rev A; 2051/P/4 Rev A; 2051/P/2 Rev A.
 - 3) The use of the property as a house in multiple occupation shall not exceed more than 8 residents at any one time.

Procedural Matter

2. I have taken the description of development from the decision notice as it more accurately describes the development and is used by the appellant in his appeal form and statement of case without raising objection to it.

Main Issues

3. The main issues are the effect of the development on:
 - i) the character and appearance of the surrounding area;
 - ii) the living conditions of occupiers of neighbouring residential properties, with particular regard to noise and disturbance, and fear of crime; and
 - iii) highway safety, with particular regard to parking congestion.

Reasons

Character and appearance

4. Park Road has a busy arterial character, which leads into the Hartlepool town centre a short distance away. The appeal site is located on the southern side of the road, outside the Grange Conservation Area (CA), which lies to the north. It is a large two-storey, mid-terraced property with additional accommodation in the roof and a rear outrigger. A passageway shared with No 185 provides access through to an enclosed rear garden for the use of residents and where the bins are kept out of sight.
5. There appears to be no dispute that the property is currently in lawful use as a 6 bedroom house in multiple occupation (HMO). The proposal would create two further bedrooms utilising existing rooms at ground floor.
6. As the property is already a HMO and no external alterations are proposed, the building would retain its current appearance in the street scene and in turn, the character and appearance of the adjacent CA would be preserved. Furthermore, the property is in a residential part of the road and a HMO is a residential use. To that extent there is compatibility in use.
7. Whilst two additional bedrooms would intensify the residential use of the property, this would be at a modest level. In the context of the busy character of Park Road, and in the absence of any external changes to the building, it is unlikely that the intensification through two additional occupants would lead to any discernible change in the nature and appearance of the current residential use.
8. Moreover, the proposal would have no effect on the mix of residential accommodation in the area other than through addition of two bedrooms in the existing HMO. There is also no evidence before me of an overconcentration of such uses in the area, which would otherwise change the predominant character of the area and go against the aims of the National Planning Policy Framework (the Framework) of building sustainable neighbourhoods and balanced communities with a wide choice of housing sizes, types and tenures.
9. I conclude that the development would not be harmful to the character and appearance of the surrounding area. In this regard, the proposal accords with Policy QP4 of the Hartlepool Local Plan 2018 (LP), in so far as it seeks to ensure development is appropriate to the local area and sustains the setting of the historic environment.

Living conditions

10. During my site visit I had the opportunity to observe the general activity associated with the appeal site and the surrounding area, including the occupiers of other residential properties coming and going from their properties and parking on the road.
11. Bearing in mind that the property is already in use as a HMO for six residents, there was nothing about its use that distinguished it in any way from the surrounding residential properties in respect of noise, odour or comings and goings. Whilst activity during the evenings and at weekends is likely to be greater, that would be the case for most residential properties, and given the size of the appeal property, it would in any event be capable of being occupied

by a large single household family with not too dissimilar trip patterns relating to travel to work and for education, leisure and shopping purposes. Furthermore, there is no substantive evidence to indicate that the existing HMO has led to any direct identifiable noise and disturbance, or other nuisance impacts on the occupiers of neighbouring properties.

12. Given the above, and in the context that Park Road is a busy thoroughfare close to the town centre and with relatively high background noise levels from traffic, the effect from two additional occupants would not be likely to lead to any significant increase in noise and disturbance from comings and goings, or other general use of the property. I note the Council's Environmental Health (Public Protection) Section did not raise any objections in this respect.
13. In addition, whilst not explicitly referred to in the refusal reasons, the Council's appeal statement expresses concerns over potential internal noise transfer to rooms in the adjoining properties. However, the only change to the internal use of the rooms would be at the ground floor. As those rooms were previously used as communal living areas where socialising, tv and playing music are likely to have taken place, it is very unlikely that their use as bedrooms would lead to significantly greater noise and disturbance to neighbours. Moreover, the new bedrooms do not abut the party walls of the adjoining neighbours as they are separated by the existing hallway on the side of No 181 and the shared passageway on the side of No 185. Therefore, even though I note that the appellant would be willing to introduce sound insulation, this would be unnecessary to make the development acceptable.
14. I have also had careful regard to the numerous comments relating to fears over crime and anti-social behaviour. Whilst Cleveland Police have commented that HMOs have the potential to be of concern in relation to increased incidents of crime and disorder, they have not formally objected to the proposal, nor have they identified the appeal property, which is already an HMO, as generating any incidents of crime and disorder. Furthermore, claims that the area suffers from high rates of crime and anti-social behaviour are not supported by the crime figures provided by the Council's Community Safety Section, which did not identify the appeal site or surrounding area as being higher than average for crime and anti-social behaviour incidents.
15. Therefore, whilst I appreciate that local residents may have genuine concerns about the fear of crime, there is no substantive evidence before me that establishes a link between the use of the appeal site and increased crime and anti-social behaviour. Nor is there any evidence that the proposal would significantly exacerbate any ill effect, including community cohesion and the quality of the local environment.
16. In addition, as the HMO will be registered, it will be subject to management and monitoring by the Council, which would be the appropriate means to deal with un-neighbourly conduct and incorporation of the general management and security recommendations suggested by Cleveland Police.
17. I conclude that the development would not be harmful to the living conditions of the occupiers of nearby residential properties, by reason of noise and disturbance, and increased fear of crime. In this regard, the proposal accords with LP Policy QP4 and paragraph 180 of the Framework, where they seek to protect the amenity of occupiers of neighbouring properties from noise and disturbance. The proposal also accords with LP Policy QP5 and paragraphs 91

and 127(f) of the Framework, which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Highway safety and parking

18. The Council has referred to a typical requirement of 1 parking space per 5 occupants for this type of development, which cannot be achieved on-site at the appeal property. However, it is not clear where this requirement is derived from and whether it makes allowance for on-street provision where it is available, so I can only give it limited weight.
19. I note that the local Highways Authority did not object to the proposal on the basis that HMOs generally exhibit lower levels of car ownership than equivalent sized occupancy as a single household. As the appeal site is close to bus stops and in close walking and cycling distance of the range of services and facilities in the town centre, it seems likely that in such a highly accessible location, car ownership associated with the HMO would be low, such that any additional parking demand generated from the proposed development would be very modest.
20. Irrespective, even if the additional occupants were car owners, Park Road is wide and straight with unrestricted designated parking bays along its length. This allows parking to take place on the road without inhibiting the passage of vehicular and pedestrian traffic. Furthermore, nearly all of the properties on the north side of Park Road, and many on the south side as well, are semi-detached and have their own on-site parking. At the time of my mid-day site visit there were many spaces available on both sides of the road, and also down the side streets where there appeared to be no parking restrictions.
21. I appreciate my observations are only a snap shot of local parking conditions, and it would be reasonable to assume that on-street parking demand would be greater in the evenings and at weekends. However, I have not been presented with any firm evidence that parking pressure is at a level where there would not be capacity through local on-street parking for the modest parking needs that might be generated by the development, or that this would cause highway safety problems, including prejudicing any plans for a school crossing patrol on Park Road and effecting visibility at junctions. I also have no evidence of speeding problems or that the proposal would exacerbate this.
22. I conclude that the development would be unlikely to have a significant adverse effect on highway safety, having particular regard to parking congestion. In this regard, the proposal accords with LP Policy QP3, which seeks to ensure development is safe and accessible in highway terms.

Other Matters

23. I have also noted the variety of other issues raised by local residents that have not already been encapsulated within the main issues above. This includes the impact on property values and the financial motives of the owner, but such private interests would not be reason to withhold planning permission. There would also be no additional overlooking of residential properties given the proposals relate to the ground floor of the property and no physical alterations are proposed. In addition, there is no evidence that local amenities, services

and infrastructure are under stress and would not be able to cope with the small scale of the development.

24. The standard of facilities within the property would have to be assessed as part of the licencing process and I note the Council has not raised any objections in this respect. Waste is stored appropriately at the rear of the property and there is no evidence that the property attracts vermin. Even if other properties may be empty or available elsewhere, I have determined the proposal on its own merits and found it to be acceptable. Any future proposals would also be considered on their own merits and therefore I do not consider any precedent would be set by allowing the appeal.
25. Consequently, none of the other issues raised alter or outweigh my findings on the main issues.

Conditions

26. I have considered the planning conditions that have been suggested by the Council against advice in the Framework and the Planning Practice Guidance to ensure they meet the relevant tests.
27. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. Instead of a restriction on the use of the property, I have imposed a condition limiting occupation of the building to no more than 8 persons to provide certainty. Both main parties have had the opportunity to comment on the condition and raised no objection to it.
28. A requirement to provide a scheme for the storage of waste would be unreasonable as the property is already in use as a HMO and appropriate arrangements already exist, so it is not imposed.
29. A requirement to provide a noise report and a scheme of sound insulation would also be unreasonable for the reasons already stated, so it is not imposed.

Conclusion

30. For the reasons given and having taken into consideration all matters raised, I conclude that the appeal should be allowed.

Adrian Caines

INSPECTOR