



Appeal Decision

Site visit made on 18 November 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/W2465/W/19/3235775 16 Thurlow Road, Leicester LE2 1YE

- 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 Crockett against the decision of Leicester City Council.
 - The application Ref 20182700, dated 12 December 2018, was refused by notice dated 2 April 2019.
 - The development proposed is the change of use from house (class C3) to house in multiple occupation (4 persons) (class C4).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. 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 Council's decision notice for completeness because this accurately and simply describes the development proposed.

Main Issues

3. The main issues are the effect of the proposal on the character of, and the living conditions within, the street and surrounding area, with particular regard to the balance and mix of housing.

Reasons

Character

4. The appeal building is a mid-terraced two-storey property, one of a number of similarly designed dwellings in the street. The property is currently inhabited by 2 students with another 2 bedrooms currently unoccupied. The property is located within an area covered by an Article 4 Direction in respect of Houses in Multiple Occupation (HMO's) (Class C4).
5. Policy 8 of the City Local Development Framework Core Strategy adopted November 2010 (CS) seeks neighbourhoods to be sustainable places. In the inner areas, which includes the appeal site, its priority is to retain good quality existing housing, including larger houses appropriate for family use. It goes on

to say that a new HMO requiring planning permission will not be permitted where it would result in a local over concentration.

6. Although the Officer Report refers to the Student Accommodation Supplementary Planning Document, I understand there is no defined threshold for when a local over concentration occurs in this document or elsewhere. The appellant's have referred me to Charnwood Borough Council's policy where a figure of 20% of HMO's within 100m of a site defines a threshold by which a tipping point is deemed to have been reached. However, I do not have full details of the evidence base for that policy to make a direct comparison. In any event such a policy is not relevant to the assessment of the proposal before me in Leicester. A planning judgement is therefore required, and I have therefore assessed the application on its own merits based on the evidence before me.
7. The Council's Officer Report states that Thurlow Road currently has 2 properties benefitting from HMO licences. However, third party representations dispute these figures and suggest more properties are occupied as HMO's along the street. The evidence base for the Article 4 Direction also suggested that there were 2 registered HMO's at that time along the street and a substantial number within the Clarendon Park neighbourhood. The number of HMO's within the area at the time of the Article 4 Direction suggests that there was already an over concentration. I have no substantive evidence before me that the situation has significantly changed at the neighbourhood level.
8. In addition to registered HMO's, the Council's records for 2017-18 suggest there were 17 properties with students based on Council tax exemptions for that period. The data provided by the Council is not exhaustive and I recognise that there may have been problems in data gathering. However, it is clear, based on the evidence before me, third party representations and my own on-site observations, that there is a current high concentration of properties occupied by students along Thurlow Road.
9. Given the nature of student accommodation, occupants generally vacate the property outside term time and do not make the social contributions to community cohesion that permanent residents do. Moreover, for certain parts of the year, many properties on the street could be largely vacant.
10. The existing property has 3 good sized bedrooms on the first floor and is well proportioned making it suitable as a family home. Whilst I recognise it is not an especially large house, it nonetheless contributes to the housing stock as a potential family home within the area.
11. The existing property is currently let to 2 students and is not occupied by a family. However, the proposed HMO, would incrementally increase the level of student accommodation along the road at the expense of a potential family home. This increase in student accommodation with a further HMO, combined with the loss of a potential 3-bed family home, would in my view, result in a material harm to the balance and mix of housing along Thurlow Road. Moreover, it would result in a further HMO in an area where there appears to be an existing over concentration of such properties.
12. To conclude on this main issue, the proposal would result in significant harm to the character of the street and surrounding area, with particular regard to the balance and mix of housing. It would therefore conflict with Policy 8 of the CS which generally seeks to promote balanced communities.

Living Conditions

13. I saw that the property has been maintained to a high standard, the rooms are well proportioned and furnished to a good level. Nevertheless, the proposal could result in an increased level of noise and disturbance. Such sources could be, for example, from people conversing inside and outside the property, increased comings and goings of occupants and visitors, multiple sources of music and doors frequently closing, which could be readily discernible from the neighbouring dwellings.
14. I recognise that, whether it is occupied by a small family or as a HMO the potential for noise and disturbance exists. Moreover, there is no substantive evidence of increased noise complaints at the appeal property from previous or existing occupants. However, the proposal would, in my view, significantly increase the activity at this property from a C3 use, thereby increasing the risk of noise and disturbance. In combination with the existing localised concentration of HMO's within the area and other properties occupied by students that are not registered as HMO's, this would likely lead to a discernible conflict between the lifestyles of students and local residents.
15. I therefore conclude on this issue that it is likely that the appeal proposal would cause harm to the living conditions of nearby residents in terms of noise and disturbance. I therefore find conflict with policy PS10 of the City of Leicester Local Plan adopted 2006.

Other Matters

16. I have had regard to the appellant's suggested use of a condition limiting the number of occupants to 4 persons. However, given that I have assessed the appeal based on a 4-bedroom HMO, this would not overcome the harm I have identified.
17. The appellant has referred me to an application at 11 Thurlow Road for the subdivision of a similar 3-bedroom home to 2 flats which was approved. However, other than the resulting loss of a 3-bedroom home this is not comparable to the proposal before me as that application made a small contribution to the mix of housing types in the area. Whereas the proposal before me would result in a further HMO in an area where there is a large number already.
18. I recognise that student accommodation can make a positive contribution to an area and renting 2 additional rooms in the property would make full use of the building. However, the wider public benefits would be small, and do not outweigh the harm that I have identified to the balance and mix of housing along Thurlow Road and in the wider area and the living conditions of nearby residents.

Conclusion

19. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR