



Appeal Decision

Site visit made on 4 December 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/G2625/W/19/3236874 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 H Haddad against the decision of Norwich City Council.
 - The application Ref 19/00063/U, dated 11 January 2019, was refused by notice dated 11 March 2019.
 - The development proposed is described as '6 bed HMO since 2007 to become an 8 bed HMO using existing rooms.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issue is the effect of the proposed development on the living conditions of existing and future occupiers with specific regard to communal space provision and disturbance from noise and activity respectively.

Reasons

3. The appeal building is a substantial two storey detached property which abuts its nearest neighbour to the north through its single storey garage. It is a corner plot, occupying a triangular shape at the junction of Primula Drive and Salter Avenue. The evidence suggests that the building has been used as a HMO for six occupiers (House in Multiple Occupation), allowed as such without the need for express planning permission. The appeal scheme seeks to increase the number of occupants to eight.
4. At the time of my site visit, seven of the eight bedrooms were occupied. The final one was in mid fit out and used temporarily as a storage area. There would be four bedrooms on the ground floor and four bedrooms on the first as part of the proposal, each with en suite shower rooms. Communal space would be provided in the form of a kitchen/diner in a converted single garage attached to the side of the building. This was also completed at the time of my visit and contains a six seater dining table and a fitted kitchen with two hobs and ovens, two sinks and two fridge freezers. There are three ways in and out of the building. Two via the kitchen/diner and one via the hallway onto Salter Avenue.
5. As a result of the appeal scheme, there would be eight unrelated individuals living at the property and whilst each room appears well enough laid out with

access to its own bathroom facilities, the lack of communal space gives me cause for concern in not only quantitative but also qualitative terms. The kitchen covers a large proportion of what is the only communal room and this would be mainly used for preparation of food and laundry duties. A comparatively small area of the kitchen/diner is given over to a dining table and one that could not accommodate each occupant at the same time. It does not strike me that a larger table could fit. As unlikely though it may be that each occupant would want to use the space at the same time, it nonetheless highlights how insufficient the communal space would be in terms of both its size and usability, especially in the absence of a dedicated or integral lounge space for socialising. This would, as a result, lead to occupants being more likely to use their own rooms for more than their overall size was intended.

6. These factors would all combine to make for a cramped and crowded environment for occupants. The fact that previous and current occupants of the building expressed a lack of desire for additional communal space, for me, is largely beside the point and does not automatically mean that concessions should be made. Particularly where such concession could give rise to harm in planning terms.
7. In general terms, HMOs are occupied and used in a different way to conventional dwellings. Comings and goings tend to be more fragmented, disjointed and spread out through the day and night and deliveries can increase in their frequency as a result of occupation by a high number of separately inhabiting households. However small each 'household' may be in context. The lack of communal space in the building leads me to conclude that there would be a higher likelihood of more intensive use of outdoor spaces, particularly during the summer months. It seems evident from third party representations that the concerns expressed by the Council in their reasons for refusal have some grounding in the experience of neighbours and it seems logical to me that such effect can only be exacerbated should the intensity of the occupation of the building increase, albeit by a contextually small number.
8. It also seems to me that parking at the site has the potential to give rise to further problems associated with disturbance from noise, particularly through vehicles entering and exiting with limited available controls as to the frequency and time of day that they may do so.
9. The site currently provides for three parking spaces. They are however 'stacked' line astern and would require either moving several to get one out or the creation of further space to the side to allow for manoeuvring before exiting onto the road. I note that some space has been gravelled over to provide for this. This a large area of the front and side gardens that are open to the street. The proposed plans do not show an increase in parking for the larger number of occupiers but it is reasonable to consider the possibility that demand for spaces could increase and thus make the problems associated with the existing situation worse.
10. I note the appellant's assertions that the building provides for student housing but this is not what is applied for in the appeal scheme and there are no reasonable controls before me (or necessarily sufficient justification to impose such) to ensure that the property would provide solely student housing. In any event, and the proximity of the university to the appeal building aside,

preventing students from having access to their own car would not be reasonable.

11. I would therefore consider that the appeal scheme would give rise to noise disturbance associated with general activity and vehicle use, particularly in what appears to me through my own experience of the immediate area to be a quiet and mainly private, conventional residential one. My colleague in respect of a previous decision at the appeal site¹ did allude to there being other HMOs in the area but I have not been provided with precise details as to their concentration or ratio when compared to family occupied dwellings. I am not therefore minded to change my conclusions.
12. Taking all of the above into account, the appeal scheme would be harmful to the living conditions of future occupiers as well as neighbours, such that it would fail to comply with Policies DM2, DM12 and DM13 of the Local Plan². Amongst other things, these policies seek to ensure that new development (flats, bedsits and HMOs specifically) provides a high standard of amenity for occupiers and does not result in an unacceptable impact on the amenity of the area or the living conditions of neighbours.

Other Matters

13. A number of examples of other appeal decisions have been advanced by both the appellant and the Council as has commentary to support the conclusions of each party. However, each development proposal should be considered on its own merits since matters of circumstance and site situation can be individual to a given scheme.
14. I note the appellant's comments regarding the size of the dwelling and specifically the amount of private amenity space which I do not feel would be unsuitable in isolation. In addition, and whilst there is some discussion as to the amount of floorspace available and how that compares with the requirements of Policy DM2, there are no development plan standards that I have seen that set out minimum requirements for HMOs. My conclusions do not therefore change. Particularly since the requirements in DM2 only reach a dwelling type, over two storeys, for six persons.
15. There is mention in the evidence that some sitting space would be provided within the bedrooms but on the basis of what I saw on my visit to the property, and with regard to some of the smaller rooms particularly, I wasn't convinced there would be sufficient circulation space should chairs be included when considering some may elect to have double beds and storage, neither of which could be reasonably controlled. This further highlights to me that the appeal scheme would represent over intensification of the use of the building beyond its available limits.
16. I see that the size of the bedrooms would exceed the expressed minimums of the 1985 Housing Act but as I have explained, my concerns with the appeal scheme go beyond the size of the bedrooms. The appellant also points out the same with regard to the Private Sector Housing Amenity Standards from 2018, with which the facilities provided in the shared kitchen would also comply. It is not clear however that these standards are adopted for planning purposes so my earlier comments still apply. In any case, if the actual size of the rooms in

¹ APP/G2625/W/19/2321035

² Norwich Local Plan: Development Management Policies Plan 2014

the building are deemed to be acceptable, that would not make up for its shortcomings in terms of overall quality and usability of other spaces.

17. The Council's Private Sector Housing Officer does not seem to object to the appeal scheme and the appellant notes that there are other examples of HMOs in Norwich where there is no communal living room. Be this as it may, the lack of objection from a consultee does not absolve any decision maker from conducting their own assessment of impact and I have not been provided with specific details of the other HMOs to which the appellant refers. I am not therefore minded to allow the appeal in this light.

Conclusion

18. For the reasons I have given, and having regard to other matters that have been raised, the appeal is dismissed.

John Morrison

INSPECTOR