



Appeal Decision

Site visit made on 12 November 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/T2405/W/19/3235639

107 Westover Road, Braunstone Town, Leicester LE3 3DW

- 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 Umesh Kalra (Kalra Property Services LTD) against the decision of Blaby District Council.
 - The application Ref 19/0745/FUL, dated 7 May 2019, was refused by notice dated 5 August 2019.
 - The development proposed is described as a "change of use from C3 Dwelling House to Sui Generis. 4 additional bedrooms to be added to the existing 4 to provide a total of 8 bedrooms".
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 6 December 2019.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice provides two reasons for refusing planning permission. However, the issues identified within each reason overlap each other with the first reason citing noise and disturbance to, from and within the property including nuisance from on-street parking in the area. The second reason for refusal also cites intensification of on-street parking and the intensified level of pedestrian comings and goings at the property, which are considered to be out of keeping with the quiet residential character of the immediate area. With the above in mind, I find that the main issues are those as set out below.

Main Issues

3. The main issues are the effect of the development on the living conditions of adjoining occupiers with particular regard to noise and disturbance through the occupation of the dwelling and the intensification of vehicular and pedestrian movements and the availability of on-street parking in the area.

Reasons

4. The appeal site forms a semi-detached property that lies within a predominantly residential area. The building has been converted so that it contains eight bedrooms over the entire property with three on the ground floor and a further five on the first floor. A kitchen area and bathroom are also

provided on the ground floor with a further WC and bathroom at first floor level. A parking area for three cars is provided to the front of the site with a private garden area to the rear.

5. The appellant has referred to a lawful use of the site as a house in multiple occupation (HMO) that would be occupied by six persons. Nevertheless, in this location I find that the use proposed for the property would increase the number of comings and goings over that of a similar property occupied by a single family or indeed by six unrelated persons. Moreover, the occupation of the dwelling as an eight bed HMO would also be a increase of 33% and materially different to the permitted use as a six bed HMO.
6. Thus, notwithstanding that the site has the ability to be occupied by six unrelated persons, the development before me seeks the occupancy of the building by eight unrelated persons. Although I do not accept the premise that occupiers of an HMO would be disruptive, it must be accepted that the level of occupancy proposed would reasonably result in an increase in comings and goings of tenants, when compared to a family unit, or indeed six adults. This could reasonably result in additional noise from pedestrian and vehicular comings and goings to the property by the occupiers, as well as an increase in visitors and other movements associated with deliveries and servicing. The use of the building by up to eight persons could also reasonably result in additional noise from separate televisions and radios in bedrooms and general socialising within the kitchen, living/dining room and outside communal areas. This is over and above that which could be expected if the building was occupied by a large family or even six adults and is likely to result in a conflict with the neighbouring low intensity uses in the immediate vicinity, due to the close relationship of the appeal site to nearby dwellings in Westover Road.
7. Turning to parking in the area, the appellant has provided data from the Office of National Statistics (ONS) relating to the percentage of households with cars¹. This data confirms that for unfurnished and furnished rented accommodation the level of car ownership is significantly lower than properties that are owner occupied. Leicester City Council (LCC) as local highway authority also state that car ownership associated with an HMO is generally low.
8. While I have no reason to question the veracity of the information provided by the ONS, there is no evidence that the use of the appeal property as an HMO meets the definition of private rented accommodation represented within the data. The breakdown of the household composition of the accommodation only considers properties with up to three adults and children, and does not refer specifically to properties where up to eight adults could live. Furthermore, while LCC agree that parking requirements for HMOs are not explicitly detailed within the Leicestershire Highway Design Guide, it nonetheless accepts that the proposal is likely to increase the number of trips to and from the site. In addition, the appellant states that the accommodation is of a high specification to attract young professionals and neighbouring occupiers state that car ownership at the site is high. Thus, the data presented by the ONS may not be representative of the HMO proposed.
9. Moreover, there is greater potential for shared journeys within a single family household which would reduce the need for an increased number of vehicles.

¹ Table 47: Percentage of households with cars by income group, tenure and household composition, UK financial year ending 2018

In contrast, the greater independence of individuals within an HMO would significantly reduce the potential for shared journeys, and whether occupied by six or eight adults, there is a significant likelihood that the increase in the number of residents which would arise from the proposal would lead to increased parking demand.

10. Therefore, although LCC did not object to the proposal with regard to lack of parking at the site, the provision of three spaces for eight adults may lead to the displacement of vehicles with subsequent increased demand for on-street parking. Whilst there were on-street parking spaces available at the time of my site visit, I visited the site during the day and I am mindful that demand for parking in this residential area is likely to be highest in the evening and at weekends. I note that on-street parking problems in the area exist as highlighted by residents that live in the vicinity and I am not persuaded that signage in the accommodation would overcome this particular matter.
11. Thus, the development would result in material harm to the living conditions of adjoining occupiers through increased noise and disturbance and as a result of nuisance from on-street parking. It would be in conflict with Policy DM1 of the Blaby District Council Local Plan (Delivery) Development Plan Document 2019 which seeks, amongst other things, to ensure that developments provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, in terms of noise, disturbance and vehicular activity.

Other Matters

12. I accept that a licence from the Council for use of the building as an HMO for up to eight people at the property. However, a licence for an HMO would not have considered housing provision or the impact of the development on the living conditions of adjoining occupiers. It seeks to ensure that the property provides suitable facilities such as bathrooms, toilets and cooking areas and that rooms are of an acceptable size, which is not in dispute.
13. I acknowledge that the site lies close to amenities, services and transport links and thus, is within a sustainable location. I also acknowledge that the HMO is of a high standard and could meet local housing needs for individuals that are early on in their working career and looking to make the next step into purchasing their own property. While noting the benefits that would result in this respect, I do not consider that either individually or cumulatively they outweigh the harm identified above.

Conclusion

14. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR