



Appeal Decision

Site visit made on 2 October 2019

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/W0340/W/19/3229421

21 Woodside, Newbury, Berkshire RG14 6HL

- 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 Russell Hanson against the decision of West Berkshire Council.
 - The application Ref 18/02205/FUL, dated 1 August 2018, was refused by notice dated 5 December 2018.
 - The development proposed was originally described as “we have a 6 bedroom HMO which would like to apply for a change of use to a 7 bedroom HMO. No building work is needed to do this we already have the bedroom which is unused”.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a House in Multiple Occupation (Use Class C4) to a 7-bedroom Large House in Multiple Occupation (Sui Generis) at 21 Woodside, Newbury, Berkshire RG14 6HL, in accordance with the terms of the application, Ref 18/02205/FUL, dated 1 August 2018, 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: 1:50 Proposed Floor Plans; 1:500 Block Plan and 1:1250 Location Plan
 - 3) Prior to the change of use hereby permitted taking place, details of the cycle parking and storage space shall be submitted to and approved in writing by the Local Planning Authority. The change of use hereby permitted shall not commence until the cycle parking and storage space has been provided in accordance with the approved details. The cycle parking and storage space shall be retained for this purpose at all times during the lifetime of this development.

Application for costs

2. An application for costs was made by Russell Hanson against West Berkshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development, as stated on the application form, is set out in the heading above. The Council, on the decision notice, has described the development as ‘semi-detached house being used as 6 bedroom HMO. Change

of use for bedroom 7 to be used as HMO'. However, I consider that the description of development is more accurately described as 'change of use of the dwelling to a 7 bedroom HMO'. In order to provide clarity, I consider that the description of development is more accurately described as 'a House in Multiple Occupation (Use Class C4) to a 7-bedroom Large House in Multiple Occupation (Sui Generis)' and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on highway safety with particular regard to parking provision.

Reasons

5. The appeal site comprises a large, extended two-storey semi-detached property on a residential street on the outskirts of Newbury town centre. The existing plans show that the property has 7 potential bedrooms although the property is currently operational as a 6 bedroom House in Multiple Occupation (HMO). As such the existing use falls within Use Class C4 as a HMO. The proposal would utilise the seventh bedroom making the property a large HMO defined as a Sui Generis Use and provide 4 parking spaces off-road to the front of the property. Although no plans accompanied the planning application to indicate minimum dimensions required for such parking spaces, photographs are incorporated within the appellant's statement to demonstrate that four cars could be accommodated on the driveway.
6. The Highway Authority considered that there was available space for parking 4/5 vehicles clear of the highway. However, this was considered unacceptable because it did not comply with the adopted parking standards whereby the Council considered the proposal would require 'approximately 11 spaces'. As there are no adopted parking standards for HMOs, this figure was based on parking standards for 7 one-bedroom flats.
7. The Council's appeal statement, following some additional supporting information from the appellant, recognises that typically there is a low level of car ownership with HMOs and that parking demand is likely to be lower than for a block of 7 one-bedroom flats. Although the Council is now satisfied that 4 parking spaces is acceptable, it considers that sufficient space could be secured on site for no more than 3 cars. This is because tandem parking, as proposed for 2 vehicles, is not considered appropriate for individually occupied units of accommodation such as a HMO. Also, it is considered that the space required to park 2 cars in tandem is not adequate. Consequently, this would result in a shortfall of one space.
8. In the absence of any adopted parking standards for HMOs and any clear evidence of a local parking issue, I do not find that the proposal would result in a material shortage in off-road parking provision in this location. Furthermore, it has not been demonstrated that even if there was a material deficiency it would have a harmful effect on highway safety. I note concerns raised by an interested party about a shortage of parking spaces and parked vehicles creating obstructions. However, at my site visit, I did not see any restrictions on parking on the highway in the vicinity of the site. Although there was a degree of on-street parking straddling the pavement on the narrow road, the availability of off-road parking for many houses would not indicate a high degree of parking stress and overload in the locality.

9. Furthermore, the appeal site lies in a sustainable location where there are opportunities to travel other than by car. I noted a regular bus service with stops close to the site and there is a train station locally in the town. The National Planning Policy Framework 2019 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling. It also advises that parking standards should take account of the accessibility of development and the levels of car ownership.
10. Overall, I find that as the site lies in a sustainable location, development using alternative means of transport should be encouraged. In the absence of more detailed evidence of a clear parking problem, I consider that it has not been demonstrated that the small incremental addition of parking demand, which could potentially arise, would be materially harmful to highway safety.
11. I am therefore satisfied that there is adequate local capacity to accommodate potential overspill parking within reasonable walking distance of the appeal property without causing undue local competition for on-street parking space or obstructing the passage of vehicles. While the Council is concerned that an increase in reversing movements from the site would cause concern for highway safety, there is no compelling evidence before me to show that the site could not be accessed safely.
12. On this basis, I find no conflict with Policy P1 of the Housing Sites Allocations Development Plan Document (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (2012), saved policy TRANS.1 of the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007) and the Framework. These provide, amongst other matters, provide parking standards and generally support the promotion of alternative modes of transport and reducing the reliance on the private car.

Conditions

13. The conditions set out above are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
14. Planning permission is granted subject to the standard three-year time limit condition. A condition to require the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of certainty. A condition requiring safe storage of cycles space is necessary in the interests of providing opportunities for alternative methods of transport. Given that this storage space would be required in association with the change of use, it is necessary to agree the relevant details prior to the commencement of development.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

S Hanson

INSPECTOR