



Appeal Decision

Site visit made on 30 September 2019 by Scott Britnell MSc FdA

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/K0425/W/19/3228997

116 Deeds Grove, High Wycombe, HP12 3NZ

- 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 Andrew McMullan against the decision of Wycombe District Council.
 - The application Ref 18/07392/FUL, dated 11 September 2018, was refused by notice dated 22 November 2018.
 - The development is described as "Retrospective change of use from C3 dwelling house to seven bed HMO (Sui Generis) together with permission for dropped kerb".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Following the decision on the planning application, Wycombe District Council (the Council) adopted a new Local Plan (LP)¹. This replaces the earlier Local Plan and Core Strategy against which the application was assessed, as well as the submission version of the now adopted plan policies. During the appeal process, both parties were asked to confirm which policies of the new Local Plan they considered to be relevant to the refusal reasons. The parties have agreed on these policies and I have assessed the appeal on that basis.
4. In accordance with the terms of the application I have assessed the appeal on a retrospective basis.

Main Issues

5. The main issues are:
 - whether the development results in an over-intensification of the use of the site, having particular regard to the character and appearance of the area and residents' living conditions; and

¹ Wycombe District Local Plan Adopted August 2019.

- the effect of the proposal on the safe and efficient operation of the highway, with particular regard to the provision of parking.

Reasons for the Recommendation

6. The appeal site comprises a semi-detached dwelling located on the east side of Deeds Grove, close to the junction with Knights Hill. The appeal property benefits from a two-storey side extension and is operated as a 7 bedroom HMO.

Intensification of use

7. I note that the Council accept that the principle of the development is acceptable. The Council also acknowledge that the development involves very minimal external changes with the bin store likely to have the most effect on the character and appearance of the area. I consider the latter in more detail below. However, in terms of the wider impact on the character and amenity of the area, as the appeal property can accommodate a single large family, the general levels of activity and noise from the development is unlikely to be significantly different in comparison. Whilst there might be additional parking pressures, which are also discussed later, relative to the existing visual impact of parking congestion in the area, the increase in demand would not have any significantly noticeable effect. Consequently, I do not consider that the use, in principle, has resulted in harm to the character or amenity of the wider area.
8. Turning to the more specific considerations, three of the bedrooms have en-suite shower/WC facilities, while two bedrooms on the ground floor and two on the first floor share two shower/WCs, one located on each floor. LP Policy DM23 states that the number and distribution of bathroom facilities is not a quantitative exercise and that the quality of provision is a factor. Having observed the bathroom facilities, I consider these to be acceptable.
9. LP Policy DM35 requires development to provide a level of amenity for future occupants appropriate to the proposed use. In respect of HMOs, it requires an assessment of the number and arrangement of communal facilities provided. Generally, the Council will expect a ratio of one common room to every three bedrooms, with the proposed number of bedrooms rounded up or down to the nearest multiple of three. In this case there are seven bedrooms so that the policy requires two common rooms. Located at the rear of the property on the ground floor is a communal kitchen/dining area. This is a single communal space, thereby conflicting with the requirements of Policy DM23. At the time of my visit, the dining area included seating and a television. As there is no other separate communal space, this area must act as the primary place for residents to relax in outside of their bedrooms. However, it is a cramped space and comparatively small for the number of residents it is intended to serve.
10. The appellant argues that residents also have use of the rear garden. However, this is unlikely to be used after dark, during the winter months or at times of inclement weather. Consequently, the use of the rear garden does not compensate for the inadequate provision of communal facilities identified.
11. I observed that all of the bedrooms are of a size that affords adequate space for their occupants, except for bedroom 2. Once essential furniture is accounted for, there is little space for the occupant to move around. Consequently, this bedroom, due to its inadequate size, provides a cramped

environment that is harmful to the living conditions of its occupant. I note the standards set out in the Council's licensing standards, however the cramped bedroom space is exacerbated by the lack of communal space, so that the size of bedrooms takes on added importance.

12. Cycle storage is provided in the form of a bike store in the rear garden. It is shown on the site layout drawing in plan form only and no further details have been submitted, including its height, overall appearance or how bikes may be secured within it. Consequently, the development fails to demonstrate adequate cycle storage is provided. While I observed a small timber shed close to the rear elevation of the dwelling, this was in a different location than the bike store shown on the site plan.
13. The drawings also show the bike store located on the lower part of the rear garden and there is no rear access to the site. Therefore, cycles must be transported through the communal hall and dining area. This is an unreasonable requirement, particularly during the winter months, when bikes can get muddy, and would significantly affect the enjoyment and living conditions for occupants of the property. There are also a number of steps in the rear garden to negotiate to reach the bike store, which renders it poorly located and thus unlikely to be used.
14. Bin storage is provided to the front of the property in the form of a bin store close to the front boundary. I observed a timber structure at my visit within which bins were kept. However, the drawings show the store in plan form only and full details of the structure, including its height and appearance are not provided. These are essential to ensure that the store is both functional and, given its prominent location, would not harm the character and appearance of the area. Consequently, the proposal fails to demonstrate that adequate bin storage is available. Further, the location of the bin store restricts access to one of the car parking spaces and so it is not appropriately located in any case.
15. With respect to both stores, I have considered whether the outstanding details could be required by condition. However, in their proposed locations, both elements raise concerns that could not be overcome by imposing such a condition.
16. Notwithstanding that I find the HMO use to be acceptable in terms of its general impact on the wider area, it has not been demonstrated that the more localised effect of the bin store on the character and appearance of the localised area would be acceptable. The development also affords a poor living environment for the occupants of the HMO and fails to deliver adequate communal facilities and cycle / bin storage. In these circumstances I conclude that the development results in an over intensification of the use of the property with consequent adverse effects on the character and appearance of the area and the living conditions of the occupiers of the development. It therefore conflicts with LP Policies DM23 and DM35 which require HMOs to provide adequate communal facilities and that developments provide a level of amenity for future occupants appropriate to the proposed use. It also runs counter to the purpose of LP Policies CP9 and DM35 which seek, among other things, to ensure that developments demonstrate attractive and high quality design, and appropriate character in the scale, form, layout and detailed design of buildings and structures around them.

Highway safety

17. Three on-site parking spaces are provided to the front of the property. However, the bin store is located in front of the parking space to the left of the front garden so that only two practical parking spaces have been provided. At the time of my visit, Deeds Grove was heavily parked, and I observed that some vehicles were parked partially or fully on grass verges and the footway. I note that the case officer's site photographs (Appendix A of the Council's Appeal Statement) show a similar scene.
18. According to the Buckinghamshire Countrywide Parking Guidance, September 2015 (BCPG), HMOs should provide the same number of spaces as other residential dwellings. The appeal site is located in Residential Zone A, wherein the BCPG indicates a property with eight habitable rooms, including five bedrooms, requires three parking spaces. This is the conclusion of the appellant's Transport Technical Note submitted with the appeal. However, the appeal development relates to an HMO with one habitable room and seven bedrooms, so is not directly comparable. The Council suggest each bedroom should be treated as a one bed flat for the purposes of parking provision, with each requiring a parking space, as set out at Table 6 of the BCPG. I consider this to be a reasonable approach, given the nature of occupation at HMOs whereby tenants are likely to live more separate lives. As such, I consider there is a shortfall of five parking spaces, although there is flexibility in parking provision requirements if it can be demonstrated that this is appropriate.
19. The County Highways Authority indicates that on-street parking demand along Deeds Grove is high, reducing the width of the carriageway and delaying vehicles simultaneously passing and restricting manoeuvring space. They also highlight instances of vehicles parking upon and obstructing highway footways, which can force pavement users on to the carriageway. This is supported by photographs taken outside of peak demand for residential parking, indicating the existing high level of demand for parking in the area. My attention is also drawn to the level of parking opposite the site and within the vicinity of the junction between Deeds Grove and Knights Hill.
20. I am satisfied, given the information that the Highway Authority has provided and from my own observations, that the highway network is already at saturation point within the locality of the appeal site. Consequently, I do not consider that the displacement of five vehicles from the appeal site, or four if all three parking spaces were accessible, could be accommodated without creating an obstruction to vehicle users or pedestrians. Consequently, the development causes harm to the safe and efficient operation of the highway.
21. The appellant argues that it is a common misconception that each tenant will need their own off-road car parking space. Reference is made to research in support of this claim. However, I have not been provided with a copy of the research and cannot attribute any weight to it.
22. The appellant also argues the HMO is in a sustainable location with access to local shops, services and employment opportunities, as well as a bus service. However, no further details of these have been provided. Therefore, based on the evidence before me, I consider that the appellant has failed to demonstrate that the appeal site is in a sustainable location. In conjunction with the lack of secure cycle storage on site, there is no compelling evidence to justify a lower parking provision. While the appellant states that they encourage tenants not

to bring cars to the property, no mechanism for ensuring this has been suggested.

23. In light of the foregoing, I conclude that the development conflicts with LP Policies DM23 and DM33 which require, among other things, HMOs to secure sufficient parking to meet the needs of the residents and for development to provide parking sufficient to meet the needs of future occupants and to ensure that there is no significant adverse impact from overspill parking.

Other Matters

24. In support of his case, the appellant refers to the professional approach, vetting process, adherence to health and safety standards and recognition that accommodation is required for key workers and young professionals. I also note that the purpose of the development is to offer affordable shared accommodation to working professionals. However, I do not consider any of these issues are determinative to my assessment or overcome the harm that I have identified.
25. I have also had regard to the appellant's case that the proposal would be an efficient use of previously developed land and contribute to affordable housing. Nonetheless, the contribution to housing supply and choice would be modest, and these factors must be weighed against other impacts a development can have. In this case, these considerations do not alter my recommendation.

Conclusion and Recommendation

26. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

P J Davies

INSPECTOR