



Appeal Decision

Site visit made on 13 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/C1055/W/19/3239823

7 The Old Steam Mill, Pelham Street, Derby DE22 3UG

- 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 Sam Berry (Berry Homes UK Ltd) against the decision of Derby City Council.
 - The application Ref 19/00914/FUL, dated 20 June 2019, was refused by notice dated 18 September 2019.
 - The development proposed is change of use from 6 bedroom HMO (house of multiple occupation) to Class C4 (Sui generis) 13 bedroom student accommodation, including improved parking arrangements and bin storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development is described on the application form as per the banner heading. The application form also indicates that the existing use is a six bedroomed HMO. The appellant's statement states that work is underway for the conversion of the first floor of the building to a 6 bedroomed HMO. The description within the Council's report refers to the use as being a single domestic dwelling (use Class C3) and this description is consistent with the existing plans for the site submitted with the application. However, I noted at my site visit that the first floor of the building appeared to be operating as an HMO. I have therefore determined the application as described in the banner heading and in accordance with the details on the planning application form.
3. The evidence before me is that the Council cannot demonstrate a 5-year housing land supply. Therefore, the provisions of Paragraph 11 (d)(ii) of the Framework are engaged and I have assessed and determined this appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of neighbouring properties, with particular regard to noise, disturbance and car parking arrangements; and
 - the character and appearance of the area.

Reasons

Living conditions

5. The appeal site is a brick built former Steam Mill building located within Pelham Street. The appeal building is orientated with its gable end adjacent to the back edge of the footpath. It has long elevations running back into the site with a single storey extension to its north elevation and courtyard to the south. The extension and courtyard separate the building from adjacent residential properties. Within the courtyard a raised platform provides access to the kitchen at first floor level and the former chimney to the Steam Mill is located in the south-eastern corner. The courtyard is enclosed along the street frontage by a wall and large access gates.
6. At my site visit I observed that, with the exception of the short terrace to the north of the appeal site and the housing office at the northern entrance to the street, Pelham Street is mainly characterised by terraced properties located on the back edge of the footpath with habitable rooms facing the road. The orientation and design of the properties and the restricted width of the road provides a relatively enclosed environment where properties are more vulnerable to increased pedestrian and vehicle activity within the street.
7. A reasonable expectation is that each student occupant of the HMO would have their own domestic arrangements. Each of the additional 7 student occupants would have their own schedule, deliveries and visitors. As a consequence, there would be a significantly higher level of comings and goings to the site and increased general activity at the site. Based on the evidence before me, I consider that the comings and goings associated with the number of proposed students at the property would result in a significant increase in the level of activity along Pelham Street. This would lead to noise and disturbance that would be detrimental to residents within Pelham Street because of the character of the street I have identified.
8. Within the site it is proposed to provide 4 car parking spaces, as well as bicycle and motorcycle parking. The access gates and front wall would be removed to provide improved vehicular access. The Council consider that the car parking arrangements are not practical, stating that it would only be possible to park two cars within the site with the current proposed arrangement. Given the size and positioning of the parking spaces shown on the drawings I agree.
9. During my site visit I noted that on street car parking along Pelham Street and adjacent streets is not restricted. I also noted that generally Pelham Street is in a relatively accessible location with a range of services and where there are opportunities to travel other than by car. The National Planning Policy Framework (the Framework) states that the use of sustainable transport should be encouraged, and I am satisfied that it is likely that a reasonable proportion of students occupying the building would not need access to a car.
10. However, I observed that the area is a residential environment with a high reliance on parking on the street. At the time of my site visit some street parking spaces were available close to the appeal site. The Council observe that the additional 7 occupants could attract an additional 5 vehicles although these may not all be cars.

11. Notwithstanding this, it is difficult to anticipate the number of vehicles generated by the development as student accommodation would result in regular tenancy changes where the level of car ownership may vary from year to year. It seems to me that limited on site parking arrangements in conjunction with an additional 7 occupants would result in significantly more vehicles being attracted to the street. This would likely be due to a combination of residents, visitors to the property, deliveries and car ownership. As a result, this would likely introduce additional on street parking pressure. In this street environment I consider this would be a source of annoyance and disturbance for residents, particularly as available on-street parking is limited by existing dropped kerbs adjacent to and outside the site so that the increased need for parking would be dispersed beyond the frontage of the appeal site.
12. I have no evidence before me which would lead me to conclude that harm to highway or pedestrian safety would result from the increased parking demands. Nevertheless, the increased pressure for on street parking would inconvenience local residents. Consequently, the existing living environment for occupiers of neighbouring properties would be adversely affected.
13. I saw at my site visit that the first-floor rooms of the building are already in use as a six bedroomed HMO. These rooms have views towards the adjacent properties. The additional rooms are provided at ground level and would not change the current inter-visibility between the site and adjacent dwellings, and, in this respect, the additional occupation of the building would not detract from adjacent occupiers living conditions.
14. Overall, I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring properties, with particular regard to noise, disturbance and car parking arrangements. Therefore, it would be in conflict with Policy H13 and Policy GD5 of the City of Derby Local Plan Review 2006 (Local Plan Review) which seek to ensure that development does not cause unacceptable harm to the amenity of nearby areas, and Policy CP4 of the Derby City Local Plan, Part 1 – Core Strategy adopted January 2017 (Core Strategy) which states that proposals that do not respond to their context will be resisted. Furthermore, the proposal would be contrary to the Framework, when considered as a whole.
15. I also find conflict with Policy CP22 of the Core Strategy which, although supportive of new student accommodation, particularly where this could lead to the release of existing accommodation for family/market housing, also seeks to ensure that the character and amenity of the local area is respected and parking, traffic or access issues are satisfactorily addressed.

Character and Appearance

16. There are limited external alterations proposed to facilitate the development. These include a small number of new/altered window/door openings, alteration to the roof design on the single storey section of the building and reduction in the first-floor platform to provide light to the ground floor of the building. I am satisfied that these alterations would not detract from the character or appearance of the street.
17. The scheme proposes the loss of the gates and wall to the street frontage. The loss of the gates and wall would open up the building's courtyard to the street, thereby putting on display all the domestic paraphernalia associated with the

use of the site including bin storage, car, motorcycle and bicycle parking and outside amenity space. The layout plan indicates that appropriate enclosure would be provided for the bin storage. However, as this would be the only outside space available to the residents of the building, I consider that the courtyard area would be likely to be used intensively. As a result of the number of residents independently using the area, I consider that opening the courtyard to the street would detract from the appearance of the site within the street scene.

18. Therefore, I conclude that the proposed development would harm the character and appearance of the area. As a result, it would be in conflict with Policy H13 and Policy GD5 of the Local Plan Review. These policies seek to ensure that development does not cause unacceptable harm to the amenity of nearby areas. Furthermore, it would not accord with Policy CP4 of the Core Strategy which states that proposals that do not respond to their context will be resisted. The proposal would also conflict with Policy CP22 of the Core Strategy which seeks to protect the local character of the area.

Other Matters

19. I appreciate the building has historically been in industrial use, however, other dynamics in the area may have changed since that use has ceased. I have therefore considered the merits of the proposal based on the evidence before me, relevant local and national policies and my own observations at the site.

Planning Balance

20. The proposal would contribute to the Framework objective of boosting the supply of homes. The Planning Practice Guidance¹ confirms that student housing can in principle count towards contributing to an authority's housing land supply. This is based on: the amount of accommodation that new student housing releases in the wider housing market and/or the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.
21. I have not been provided with any evidence of the contribution the student housing would make to the wider housing market. As such, while the proposal would contribute to meeting identified needs, the contribution to housing land supply has not been quantified in terms of number of dwellings. In my estimation the seven bedrooms gained at the appeal site would only have the potential to release a very limited number of dwellings to the housing market. The contribution to the housing supply would therefore be small and consequently carries limited weight.
22. The proposed development would provide student accommodation in an accessible location. The occupation of the building would provide some local economic benefits to services and facilities. It would accord with the objectives set out in the Framework to make efficient use of land and support the re-use of under-utilised buildings, especially where this would help meet identified needs for housing. It would however conflict with Framework policies which require development to be of good design, that functions well and achieves high standards of amenity.

¹ 035 Reference ID: 68-035-20190722

23. I have identified that the proposal would harm the living conditions of adjacent occupiers and the character and appearance of the area. As such, I find that the proposed development would conflict with the development plan, when read as a whole, and I give substantial weight to this conflict. Consequently, even when taking into account the scale of the potential shortfall in the five-year housing land supply, I conclude that these adverse impacts would significantly and demonstrably outweigh the benefits of providing seven additional student HMO bedrooms, when assessed against the policies in the Framework taken as a whole.
24. Overall, taking account of the Framework and all of the above considerations, including the benefits of the development, I find there to be no material considerations that would indicate that the appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Diane Cragg

INSPECTOR