
Appeal Decision

Site visit made on 18 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/Y0435/W/19/3242234

52 Bossiney Place, Fishermead, Milton Keynes MK6 2EG

- 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 Egor Aboymov against the decision of Milton Keynes Council.
 - The application Ref 19/01003/FUL, dated 12 April 2019, was refused by notice dated 6 June 2019.
 - The development proposed is change of use from C3 to C4 house in multiple occupation.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 to C4 house in multiple occupation at 52 Bossiney Place, Fishermead, Milton Keynes MK6 2EG in accordance with the terms of the application, Ref 19/01003/FUL, dated 12 April 2019, and the plans submitted with it, 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: Site Plan; Location Plan
 - 3) The use hereby permitted shall not be brought into use until details of the provision of cycle storage have been submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained in its approved form.
 - 4) The use hereby permitted shall not be brought into use until details of the provision of refuse storage facilities at the site (including day to day refuse storage areas and day of collection storage areas as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided prior to occupation and retained at all times.
 - 5) The building shall not at any time be adapted to enable formation of more than 5 bedrooms and shall not be occupied by more than 6 people at any one time.

Main Issues

2. The main issues are:

- the effect of the proposal on parking conditions, and consequently highway safety;
- the effect on the character and appearance of the area, with particular regard to the mix of housing types; and
- whether the development would provide acceptable living conditions for future occupants in respect of provision of waste storage facilities and outside amenity/drying space.

Reasons

Highway Safety

3. The appeal site comprises a mid-terrace three storey property, located within Bossiney Place a predominately residential area. The property faces onto an existing parking court. The site is located within Zone 1 Central Milton Keynes and Campbell Park as defined by the Parking Standards Supplementary Planning Document (January 2016) (PSSPD).
4. Policy CT10 of the Milton Keynes Council Plan:MK 2016-2031 (2019) (LP) requires development to meet the Council's full parking standards and that on-site parking should not be reduced, if this would result in additional pressure in off-site parking.
5. The PSSPD advises that the existing 4-bedroom dwelling should have two spaces. It currently has no off-street parking and is dependent on the parking provided within the adjacent parking court. Both the PSSPD and Houses in Multiple Occupation Supplementary Planning Document (April 2012) (the HMOSPD) set out that the relevant parking standard for the proposed HMO, which for the purposes of the PSSPD is located within Zone A. The proposal would therefore be required to provide 0.5 spaces per bedroom, which would equate to a requirement of 2.5 spaces.
6. Evidently the appeal site provides a shortfall of spaces when compared to this standard. As indicated within the HMOSPD, applications for HMOs with sub-standard on-plot parking provision will normally be refused unless it can be demonstrated that the shortfall can be satisfactorily accommodated within properly marked, or laid out, parking spaces in the highway.
7. In that regard, the appeal property offers direct surveillance over the adjacent parking court and kerbside parking. The off-street parking that exists in this location is close to the site and therefore has a direct and immediate relationship with the appeal property and thus would likely be appealing for future occupiers of the property.
8. In addition, the site is within walking distance of central Milton Keynes and the services and amenities it provides. The site is also well located in terms of access to bus stops. Therefore, occupiers of the development would not be reliant on the private car to access the full range of community facilities such as shopping, healthcare, leisure and entertainment, given the distance to the centre of town. In that light the reduction in parking from the adopted standards in this instance would be acceptable.

9. In conclusion, taking into account the existing dwelling's lack of parking provision, the proximity to on-street parking and the range of alternative means of transport, including walking to access nearby services, I consider that the development would accord with policy CT10 of the LP as the lack of on-site parking would not result in an unacceptable level of additional pressure on off-site parking. The proposal would also accord with the HMOSPD as the shortfall of parking can be satisfactorily accommodated within properly marked, or laid out, parking spaces in the highway.

Mix of housing types

10. Policy HN7 of the LP sets out that to maintain mixed, balanced, sustainable and inclusive communities, proposals for HMOs will be approved where they would not create an over concentration of such accommodation resulting in imbalance within local communities. The HMOSPD dictates that the HMO concentration should not exceed 35% of the total number of properties (within a 100m diameter buffer of the property under consideration). As also set out in the HMOSPD, the 35% figure is used as a guide to when the concentration is too great, but the character of the surrounding area will also be taken into account.
11. In this instance both main parties have referred to a 50m radius, within which the Council have identified 12 flats and 3 x 3bed HMOs and 22 dwellings. They have calculated that this represents a concentration of 47%. However, this figure is contested by the appellant who has identified that a number of the flats taken into account by the Council are more than 1 bedroom and therefore should not count towards the concentration of HMOs. The appellant has therefore calculated that the concentration of HMOs as a result of the proposal would be 31% which is below the 35% figure set out by the HMOSPD.
12. No evidence has been provided by either party with regard to the 100m buffer and the Council have not responded to a request for comments on the appellant's evidence. I have had regard to the representation from Campbell Park Parish Council which identifies 4 licensed HMOs within Bossiney Place and 1 within Padstow Avenue, however of these, only two appear to be within the 50m radius used by the Council and appellant within their calculation.
13. The HMOSPD identifies that an over concentration of any one particular type of housing or household would not be in-line with the aim of creating mixed communities. HMO occupants are generally perceived as being younger and more transient than other residents within a community. It goes on to say that this can lead to wider effects on the character of an area and can give rise to a lack of community integration and cohesion, and less commitment to maintain the quality of the local environment.
14. However, there is no substantive evidence before me to demonstrate that the proposal would result in an over concentration of HMOs within the area. In particular no evidence has been submitted by either party in relation to the 100m buffer specified within the HMOSPD. The evidence puts the figure at between 31-47% but this is within a smaller 50m radius. Nevertheless, it is agreed by the main parties that within 50m of the site a maximum of 3 HMOS have been identified. Therefore, I am satisfied that given this relatively low number an undue concentration of such properties would not result.

15. The Campbell Park Parish Council Neighbourhood Development Plan 2018 (NP) sets out within Housing Policy 1 that the change of use must not result in a concentration that would adversely affect the character of the area, or undermine the maintenance of a balanced and mixed local community. The wording is similar to policy HN7 of the LP which sets out similar aspirations.
16. For the above reasons, the development would not result in harm being caused to the character of the area, with particular regard to the mix of housing types. The proposal accords with Policy HN7 of the LP and Housing Policy 1 of the NP in so far as these policies require that HMOs will be approved where they would not create an over concentration of such accommodation resulting in an imbalance within local communities.

Living Conditions

17. The HMOSPD states that adequate space, 15 square metres, should be provided for a drying area and bin storage as part of any change of use to an HMO. The guidance defines that gardens will be considered acceptable to meet this standard. The appellant advises that the rear garden provides 40 square metres of space. I have no reason to disagree from the information before me and from what I saw on site I am satisfied that this space would be more than adequate for washing to be dried and for appropriate bin storage.
18. The property also benefits from an area to the front, which would enable the storage of bins without being unduly obtrusive to the wider character and appearance of the area. I note that storage of bins in front gardens is relatively commonplace elsewhere in the street and surrounding area. The arrangement, even if it included more bins than most houses would have, would be unlikely to unacceptably harm the character and appearance of the area in such a context. Furthermore, precise details of bin storage will be required by way of a condition thereby avoiding adverse effects on neighbouring occupiers' living conditions.
19. In conclusion, the development would provide acceptable living conditions for future occupants in respect of provision of waste storage facilities and outside amenity/drying space and therefore accords with policy HN7 of the LP which requires development to comply with the HMOSPD. The development accords with the standards required by the HMOSPD.

Conditions

20. I have considered the suggested conditions in light of the Planning Practice Guide and the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
21. With regards to the provision of bin and cycle storage, no details were provided originally such that I will require further details of these to be submitted, prior to the use commencing in order to safeguard the appearance of the area. I have sought and obtained agreement to impose this pre-commencement condition.
22. It is also necessary in the interests of safeguarding the living conditions of neighbours and future occupants to limit the number of individuals that can reside in the HMO.

23. I have not found it necessary to impose a condition requiring details of the car/vehicle parking area to be provided, as the development does not include the provision of a parking area and will be reliant on the communal parking area directly opposite the site.

Conclusion

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

G. Pannell

INSPECTOR