



Appeal Decision

Site visit made on 10 March 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2020

Appeal Ref: APP/X2410/W/19/3243278

18 Park Road, Loughborough LE11 2EE

- 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 Perridge against the decision of Charnwood Borough Council.
 - The application Ref P/19/1107/2, dated 28 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is change of use to C4 HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Town and Country Planning (Use Classes Order) 1987 was amended in 2010 and a new Use Class (C4) for small houses in multiple occupation (HMOs) was introduced. The Town and Country Planning (General Permitted Development) Order 2015 sets out that a change of use from Class C3 to Class C4 is permitted development. However, the Council has an Article 4 Direction in place covering Loughborough which removes the permitted development rights for changes of use from Class C3 to Class C4.
3. The Council have advised that the methodology for assessing the concentration of HMOs set out in The Charnwood Housing Supplementary Planning Document (2017) (SPD) is currently under review in preparation of the new replacement local plan. Early indications are that the threshold beyond which HMOs would usually be resisted may be reduced from 20% as a percentage of the properties in an area to 10%. However, the evidence before me indicates that the replacement plan is in the early stages of its preparation. Given I am unaware of any outstanding objections or need for modifications, I only attach limited weight to this prospect. My assessment is therefore made against the adopted development plan policies and supplementary guidance currently in place.

Main Issue

4. The main issue in this case is whether the proposal would conflict with the aims of national and local planning policy to create balanced communities, having regard to the level of Housing in Multiple Occupation (HMO) in the surrounding area and its effect on residential character and the living conditions of neighbouring residents with particular regard to noise and other disturbance.

Reasons

5. No 18 Park Road is a semi-detached two-storey dwelling. It is situated close to Loughborough town centre but within an area which is predominantly characterised by residential properties. There are a mix of detached, semi-detached and terraced properties in the area.
6. Policy CS4 (Houses in Multiple Occupation) of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) (the CS) confirms that the Council will support the well-being, character and amenity of communities by managing the proportion of HMOs. Amongst other things, HMOs will be prevented where, either by themselves or cumulatively with other HMOs, they would damage the social and physical character and amenity of a street or area; or generate noise and disturbance which is detrimental to amenity.
7. Policy CS4 is consistent with the sustainability objectives of the National Planning Policy Framework (the Framework) to create mixed and balanced communities as well as Paragraph 61 of the Framework which states amongst other things that the size, type and tenure of housing needed for different groups should be reflected in planning policies.
8. The Council has been sufficiently concerned about the housing mix in the area that it has sought to carefully manage this including through the introduction of the Article 4 Direction. The Charnwood Housing Supplementary Planning Document (2017) (SPD) sets out a methodology for assessing the concentration of HMOs. The SPD includes amongst other things that the Council will seek to resist further HMOs where the proportion of such properties is already at 20% or more within a 100 metre (m) radius of an application site. The Council's evidence suggests that of the 88 dwellings within a 100m radius of the appeal site, 20 are HMOs. This equates to 22.7% of the properties being in HMO use. On this basis, HMOs in the area surrounding the appeal site already exceed the 20% threshold and the proposal would increase this to 23.9%.
9. I have given regard to the appellant's concerns over the accuracy of the Council's percentage figure. I appreciate that some of the data may be of a sensitive nature and for this reason the Council has not provided this information. However, my observations on site were that numerous properties close to the appeal site were in HMO use and that many of these were student lets. On this basis, I consider it likely that the Council's figure is closer to the reality than the appellant's more conservative figure of 3.8% which does not include HMOs of less than 5 unrelated persons. Whether I accept the Council's figure, or factor in the possibility that there may be a small discrepancy, the SPD confirms that the threshold will provide one material consideration to be considered alongside a number of other matters identified in Policy CS4 and the SPD including those related to the character and amenity of the area.
10. The use of a property as a HMO can often have a distinctly different relationship with the residential character of an area and neighbouring living conditions when compared with a single-family dwelling. For example, a HMO can increase the density of occupation as is illustrated by the proposed layout which indicates two of the ground floor rooms would be used as bedrooms. Occupants within a HMO would often have individual lifestyles resulting in comings and goings at different times of the day and night when compared with a single-family dwelling. Such activity can increase the potential for noise

and disturbance and be detrimental to the residential character of an area. Where this occurs early in the morning or late in the evening, this can be a cause of particular nuisance to other residents in the area. The evidence before me indicates at least one of the immediate neighbours remains in C3 use which increases the potential for such activity to be perceptible to neighbouring occupiers.

11. Whilst all residential property types have the potential to generate noise and disturbance, the SPD acknowledges that anti-social behaviour and increases in crime and fear of crime are amongst the potential issues that require assessment when considering new HMOs. The Council indicates there were 20 recorded incidents of anti-social behaviour on roads close to the appeal site over the past year. They also suggest that there is a strong correlation in the Borough between areas with higher concentrations of HMOs and levels of anti-social behaviour. I have no substantive evidence before me to dispute this. Such incidents conflict with the Council's aim to protect the well-being, character and amenity of communities. I find that the proposal when taken cumulatively with the existing levels of HMOs in the area has the potential to exacerbate the current problems which are harmful to residential character and neighbouring living conditions.
12. The SPD also states that a high concentration of shared homes can sometimes negatively impact on the social functioning of areas. It recognises that where there is a high proportion of HMOs occupied by students, it can lead to a sharp contrast between busy term times and a sense of abandonment during the holidays which can impact on social interactions, surveillance and the viability of local services and facilities. Given the prominent student population in the area, I consider there to be a reasonable prospect that the proposal could contribute to such impacts.
13. On its own, the proposal would result in a relatively small increase in the overall number of HMOs in the area. However, the number of HMOs in the area means that the retention of a balanced population is already under threat. It is for these reasons that the Council saw it necessary to introduce an Article 4 Direction. When taken together with the existing number of HMOs in close proximity to the site, I find that the proposal would be likely to further compound the housing imbalance in the area and this would be harmful to residential character.
14. To conclude, the use of the dwelling as a HMO would be detrimental to the housing mix and residential character of the area including the living conditions of nearby residents. Consequently, in those regards, the proposal conflicts with Policies CS2 (High Quality Design) and CS4 (Houses in Multiple Occupation) of the CS and saved policy EV/1 (Design of the Borough of Charnwood Local Plan (2004)). The proposal would also be contrary to the aims of the Framework to create balanced communities.

Other Matters

15. My attention has been drawn to another site on Park Road where the Council granted Planning Permission for a HMO¹. This related to a site further along Park Road. However, the Council's report in that particular case confirms amongst other things that the percentage of HMOs within 100m of that

¹ LPA Ref P/19/1140/2

particular site stood at 8.2%. There had been no recent reports of anti-social behaviour on the roads closest to that site. From the evidence before me, the material considerations were not therefore identical to the appeal site and I do not therefore find this example persuasive.

16. I acknowledge that HMOs make an important contribution towards providing a range of accommodation. The site is also sustainably located in close proximity to Loughborough town centre and the range of services and facilities it has to offer. Even so, these matters do not outweigh the need to ensure that HMOs are distributed and integrated in a way that safeguards a mixed and balanced community and protects the residential character of an area.
17. The appellant has confirmed that they would be agreeable to a management plan. However, a management plan would be unlikely to be effective in influencing the individual lifestyles of tenants. Furthermore, a planning permission would relate to the land and not the owner and therefore effective management of the site could not be guaranteed in the future. Powers under Environmental Health legislation do not on their own provide sufficient certainty that the residential character or social functioning of the area could be safeguarded from any cumulative impact of a high concentration of HMOs.
18. The appeal site is situated outside but close to the Loughborough Victoria Street Conservation Area (CA). The Council has not identified that any harm would result to the setting of the CA and given no changes are proposed to the external appearance of the building I find no reason to disagree.
19. Third-party comments in support of the proposal refer to the appeal property having been previously in a state of disrepair and empty for a number of months. However, a HMO would not be the only way to resolve these issues. The appellant has also confirmed that they would be accepting of a condition limiting the number of individual occupants to no more than 3. The submitted drawings show a total of 5 bedrooms could be provided and therefore such a restriction could be difficult to enforce. In any case, the proposal would still reduce the level of family housing in the area which would be harmful to the housing balance and residential character in this location for the reasons already set out.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR