



Appeal Decision

Site visit made on 10 February 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 11th May 2020

Appeal Ref: APP/U2615/W/19/3239810

Rhonadean, 110-111 Wellesley Road, Great Yarmouth NR30 2AR

- 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 Mrs Barbara Wheeler against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0260/F, dated 8 March 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described as: 'Retrospective permission for change of use - guesthouse to 13 bed HMO with alterations to form kitchen/dining rooms for tenants'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have used the description contained in the Council's decision notice as this accurately portrays what is proposed.
3. The proposal for change of use has already taken place. The Council refused planning permission for use of the appeal property as a 14 bed House of Multiple Occupancy (HMO) in 2017 and a subsequent appeal¹ was dismissed in February 2019.
4. Following the submission of this appeal, the appellant has submitted a revision to the proposed layout plan (Ref. 102 DWG 02 Rev D) following consultation with the Council. According to the appellant, the relevant officer indicated that if certain additional changes to the proposed building layout were undertaken, this would improve the acceptability of the scheme. The revised plan reduces the number of letting rooms to twelve in total and provides a greater level of communal space.
5. I have had regard to the revised plan in my assessment. It is understood that the basement floor would be for the personal use of the appellant, therefore it is not part of the assessment.

Main Issues

6. The main issues are the effects of the development on (1) the living conditions of the occupants of the appeal property, in respect of internal space provision,

¹ APP/U2615/C/18/3194940

and (2) the living conditions of occupiers of properties in the surrounding area, in terms of general disturbance.

Reasons

Living conditions of occupants

7. The appellant has sought to address the concerns of the Inspector at the previous appeal. These include an additional kitchen and a greater level of communal facilities, including storage for residents.
8. In the latest layout plan, the number of rooms would be reduced to twelve. Since the last appeal, the appellant has introduced several changes to the internal layout, including combining some of the rooms to form larger internal spaces or subdividing a large room in two smaller ones. Room 16, identified as having an inadequate configuration by the previous Inspector, has become an additional kitchen. Some rooms due to their reduced size would still present similar deficiencies in terms of configuration and inadequate living space as identified by the previous Inspector.
9. The windows of some rooms (rooms 5, 10, 11 and the ground floor lounge) face into the narrow communal area to the rear east of the property. This area is overshadowed within the rear parts of the building and the adjacent property and, therefore, does not provide sufficient natural light especially within room 5 and the lounge on the ground floor. The outlook of those rooms is towards the wall of the existing building to the south, thus creating an oppressive and therefore inadequate living condition for occupants. Since the occupiers of an HMO live independently of one another rather than as part of a household and, therefore, would use their bedrooms as their primary and long-term living space, such a bleak outlook would fail to provide satisfactory living conditions.
10. As pointed out in the previous application and ascertained during the site visit, the living space of several rooms, although exceeding the minimum room size for single occupancy (6.51 m²) set out in the Nationally Described Space Standards (NDSS), would still be constrained by door opening and access; in some cases, the presence of sinks or the unusual configuration resulting from room division and en-suite facilities restrict further the usable living space. The presence of communal areas does not adequately compensate for the lack of open outlook, lack of natural light and limited living and usable space identified above. Furthermore, from the appellant comments, it is understood that no measures have been adopted to mitigate noise in rooms adjacent to communal areas.
11. In summary, the latest proposed internal layout is still considered to be unacceptable in terms of configuration, outlook, poor natural light and actual usable space of several rooms and, together with the absence of noise mitigation measures, would result in detrimental living conditions for occupiers.
12. Therefore, I conclude that the proposal would conflict with point (e) of the Policy CS1 of the Local Plan Core Strategy that seeks promote healthy lifestyle. Paragraph 4.1.12 of the supporting text recognises the impact that poor housing conditions and design can have on health inequalities. These policies are consistent with paragraph 127 of the National Planning Policy Framework (the Framework), which seeks to promote health and wellbeing and create a high standard of environment for all existing and future occupiers of the site.

Living conditions in the surrounding area

13. The Rhonadean residence occupies a corner plot within a secondary holiday accommodation area and is within the Seafront Conservation Area. The property is surrounded by flats and guest houses to the south and west and is adjacent to HMOs to the north and east. In the previous appeal, the Inspector found that despite the intensive use of the property, offering at the time 18 units, there was little evidence that such occupation had resulted in unacceptable loss of amenity to local residents. I agree with that assessment.
14. It is understood that since the time of last appeal the number of permitted HMOs in the area has increased and the proposal may result in the creation of a cluster of HMOs in conflict with Policy HOU23 (D) of the Borough Wide Local Plan. However, the accesses and roads between the new HMOs do not constitute a continuous frontage and, therefore, do not qualify as a cluster according to the definition given in the policy.
15. Although the use of the appeal property as a HMO would lead to a higher level of disturbance, in terms of comings and goings, throughout the year rather than seasonal as in a guesthouse, there is a lack of evidence before me that the cumulative impact of the HMOs in the area would generate an over-intense area of dense living and disturbance detrimental to the local residents. Therefore, I conclude that the proposal would not harm the living conditions on the surrounding area in terms of increased comings and goings or disturbance in the immediate surroundings and therefore would not be in conflict with Policy HOU23 (D).

Other Matters

16. The main parties have not raised concerns about the appeal site being within Seafront Conservation Area. The proposal would preserve the character and appearance of the Conservation Area.
17. The parties agree that the Council is presently unable to demonstrate a five year housing land supply. Thus, whilst the appeal scheme would provide new housing within the Borough, it does not accord with the development plan and thus the route for applying the presumption in favour of sustainable development to the proposal is closed.
18. Notwithstanding, even if I were to consider that the provision of new housing would in part help address the shortfall in the five year housing land supply as suggested by the appellant and thereby constitute a benefit, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, as explained in paragraph 11(d)(ii).

Conclusion

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

S A Schinaia

INSPECTOR