The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2020

Appeal Ref: APP/T3725/W/19/3242428
21 Elizabeth Road, Queensway, Leamington Spa CV31 3LJ

- 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 Ms S Walton against the decision of Warwick District Council.
- The application Ref W/19/1265, dated 23 July 2019, was refused by notice dated 19 September 2019.
- The development proposed is Change of Use of Class C3 (Residential unit) to Class C4 (HMO).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of residents in the area with regard to noise, disturbance and anti-social behaviour.

Reasons

3. The appeal property is a 3 bedroomed, two storey semi-detached property, located in a predominately residential area. The surrounding properties are similar to the appeal building, although their design and materials differ along the road. Elizabeth Road is a traditional sub-urban road. Parking is provided via a mix of on and off-street parking. The appeal site has no off-street parking provision.

4. The proposed development would result in the conversion of the existing property into a four bedroomed house in multiple occupation (HMO). To accommodate the development, internal alterations would include the sub-division of the existing kitchen/dining room to create an enlarged kitchen and a ground floor bedroom. No external alterations to the property are proposed.

5. Policy H6 of the Warwick District Local Plan (the Local Plan) seeks to manage the proliferation of HMOs and avoid the potential noise, disturbance and anti-social behaviour often associated with an over concentration of HMOs. The purpose of this policy is to control the location of new HMOs in order to prevent these uses from either exacerbating existing concentrations or leading to new concentrations. The harm attributed to HMOs is identified within the justification for the policy. To support the assessment of proposals, the policy outlines a number of criteria against which proposals are to be assessed.

6. The appeal proposal meets criteria b), c), d), and e) of the Policy and there is agreement between the parties in this regard.

7. Criteria a) of the Policy requires that the proportion of dwelling units in multiple occupation, including the proposal, within a 100m radius of the application site to not exceed 10% of the total dwelling units in that area.

8. The Council's Statement of Case indicates that within a 100 metre radius there are 10 other HMOs. Out of 76 residential units within this radius, the proposal would increase the current number of HMOs from around 13% to around 14%. The appellant does not contest these figures. They do however disagree over interpretation of the numbers, focusing instead on the number of HMOs along Elizabeth Road. The appellant has produced a list of licensable and non-licensable HMOs, of which there are three listed along Elizabeth Road. There are 43 properties along Elizabeth Road, therefore the current concentration is 7%, which would increase to around 9% with the proposal.

9. Whilst I acknowledge the appellant's submission in relation to the concentration along Elizabeth Road, the wording of Criteria a) of Policy H6, is clear with regards to the test to be applied. The proposal would not meet this policy requirement. Furthermore, the proposal does not meet any of the exceptions to Criteria a) identified within the policy.

10. I have been referred to an appeal decision in relation to a property on Willies Road, as providing justification for allowing this proposal. However, in coming to his decision, the Inspector was clear that he was faced with conflicting evidence with regards to the concentration of HMOs within a 100m radius of the appeal site. This is not the case in this appeal, with it being clear that the 10% threshold set in Policy H6 would be breached by the appeal proposal. In any case, I have determined the appeal on its own merits.

11. I therefore conclude that the proposed development would have a harmful effect on the living conditions of neighbouring occupiers with regard to noise, disturbance and anti-social behaviour and, in this respect, is contrary to Policy H6 and BE3 (Amenity) of the Warwick Local Plan, which amongst other things seeks to prevent development that has an unacceptable impact on the amenity of nearby residents.

Conclusion

12. I conclude, for the reasons outlined above, and having considered all matters, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR