



Appeal Decision

Site visit made on 19 May 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2020

Appeal Ref: APP/B1415/W/19/3235638
36 Devonshire Road, Hastings TN34 1NF

- 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 Felicia Gaule against the decision of Hastings Borough Council.
 - The application Ref HS/FA/19/00254, dated 27 February 2019, was refused by notice dated 19 July 2019.
 - The development proposed is applying for C3 (dwellinghouse) to be changed to C4 (house in multiple occupation) change of use.
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Decision

1. The appeal is allowed and planning permission is granted for C3 (dwellinghouse) to be changed to C4 (house in multiple occupation) change of use at 36 Devonshire Road, Hastings TN34 1NF in accordance with the terms of the application, Ref HS/FA/19/00254, dated 27 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (revised); block plan (revised); basement, ground floor and first floor drawings.
 - 3) The development hereby permitted shall not be occupied until details of the arrangements for refuse bin storage have been submitted to and approved by the local planning authority; and such arrangements shall thereafter be retained.

Main Issue

2. The main issue is the effect of the development on the mix and balance of housing in the area.

Procedural Matter

3. I have taken the description of development from the application form adding a brief explanation of each use class in brackets for clarity. I have also omitted the words *'This house was previously has had HMO license but has expired now. I have updated and improved the compatibility of the property for use of Multiple Occupation'* as it is not a description of development. I will address the points made as part of my reasoning below.

Reasons

4. Policy H4 of the Hastings Planning Strategy 2014 resists changes of use to houses in multiple occupation (HMOs) where more than 10% of the total number of properties within a 100m radius of an application property are already in use as HMOs.
5. The reason for the policy is to ensure that local communities contain a mix and balance of different housing tenures and the people that live there. While it is recognised that shared housing is important in meeting the housing needs of some residents, including those on low incomes and young people starting out on their careers, there are also negative effects arising from concentrations of HMOs on local communities.
6. The Council considers there to be 16 HMOs and 106 properties within 100m of the appeal property. The 106 properties exclude those classified as HMOs. 'Properties' is defined as self-contained accommodation with its own separate address. On my reading of Policy H4, the proportion of HMOs in the *total* number of properties (ie: HMOs plus other properties) within a 100m radius would be 16/122 or 13.1%, rather than the 15.1% calculated by the Council. The conversion of the appeal property to an HMO would increase this ratio to 17/122 or 13.9%. Either way, the proportion of HMOs in the area would exceed the 10% threshold set out in Policy H4 as being the point at which the housing mix becomes unbalanced.
7. However, the degree of variance is small. It is therefore necessary to consider whether harm of the sort Policy H4 is intended to prevent, for example a lack of community cohesion, would occur in practice, and whether there are any other material considerations that need to be taken into account.
8. Devonshire Road lies within a town centre location surrounded by commercial uses, including shops, offices, a college and railway station. The property has no garden and the only private amenity space is two small courtyards at the rear enclosed by the building and dominated by a retaining wall that runs along the back of the site. The property has no parking, and on-street parking is limited and controlled by permit. In its own report, the Council concludes that due to the central location, lack of parking and inadequate amenity space, the property is not considered appropriate as a single dwellinghouse suitable for a family and is better suited for a house in multiple occupation. I largely agree with that assessment other than that the lack of parking, albeit a desirable feature, would not necessarily prevent a property being used for family accommodation where it is in an accessible location.
9. The proposal has been assessed by the Council's housing and licensing teams, who confirm that the conversion would meet statutory prescribed standards and the Council's adopted standards for HMOs. The Housing Development Manager has also confirmed that whilst there is demand for family sized homes across the Borough, there is also a need for accommodation that is suitable for smaller households, which this proposal would provide. An objection was raised on the grounds of refuse bin storage, but this could be overcome by an appropriately worded condition.
10. According to the appellant, the property has previously been used as an HMO. Whether or not that is the case, the Council considers it currently to be a single dwellinghouse, and I have determined the appeal on that basis.

Conclusion

11. The proposed conversion would add to an imbalance in the mix and balance of housing in the area and would therefore conflict with Policy H4 of the Hastings Planning Strategy 2014. However, that imbalance is only marginally over the threshold set out in the policy and therefore the harm is limited. In the particular circumstances of this case other material considerations weigh in favour of the proposal. These factors include its town centre location where the character is already one of a mix of uses rather than being predominantly residential; and the situation of the property where limited amenity space, and to a lesser extent lack of parking, make it less desirable for family occupation.
12. I conclude that the other material considerations in favour of the development outweigh the limited harm caused by the imbalance in the housing mix, and as a consequence the appeal should be allowed and planning permission granted.

Conditions

13. In addition to the standard time limit, I have imposed a condition listing the approved plans for clarity. I have also included a condition requiring the approval and provision of refuse bin storage in the interests of future occupiers and the character and appearance of the area.

Guy Davies

INSPECTOR