



Appeal Decision

Site visit made on 2 June 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2020

Appeal Ref: APP/Y0435/W/20/3245164

8 Wisley Avenue, Bradwell Common, Milton Keynes, MK13 8AQ

- 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 Miss Gurleen Gawera against the decision of Milton Keynes Council.
 - The application Ref 19/01246/FUL, dated 9 May 2019, was refused by notice dated 7 October 2019.
 - The development proposed is change of use from dwelling house to use class C4 Houses in multiple occupation 5 bedrooms.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In their submission to the appeal the appellant has referred to the proposed House in Multiple Occupation (HMO) providing 4 bedrooms and indicate that the property is already being used for this purpose. However, the description of development on the original planning application form, and the submitted plans, showed the proposal was for a 5-bedroom HMO. The Council considered the planning application based on 5 bedrooms being provided and, in determining this appeal, my decision has also been considered on that basis.

Main Issues

3. The main issues are:
 - highway and pedestrian safety, with particular regard to parking provision; and
 - the effect of the proposal on the mix and balance of housing in the area, having particular regard to the number of HMOs.

Reasons

Highway safety

4. The appeal site is within a predominately residential area and comprises an end of terrace property positioned at the end of a cul-de-sac. The proposal would change the use of the building to an HMO with 5 bedrooms to be provided on the first floor with communal living areas at ground floor.

5. The Houses in Multiple Occupation Supplementary Planning Document, 2012 (SPD) sets out parking standards for HMOs and the site would fall within Zone A, where 3 on-plot parking spaces would be required.
6. There is currently 1 parking space within the site, and this would not change as part of the appeal scheme. Although the appellant has indicated a second parking space to the side of the dwelling, this appears to be an unallocated space. I therefore cannot be certain that it would remain available solely for occupants of the HMO. The SPD is also clear that garages are not counted as parking spaces. The proposal would therefore result in a shortfall of 2 on-plot parking spaces.
7. The cul-de-sac is set out as a shared space between vehicles and pedestrians with no designated footpath and limited informal on-street parking is available. I consider the deficiency in on-plot parking could lead to inappropriate parking within the cul-de-sac. Due to its restricted width, this would impact on the safe manoeuvrability of vehicles and increase instances of vehicles having to reverse out of the cul-de-sac, particularly in respect of larger vehicles.
8. Whilst there is on-street parking on the road to the north, this would be remote from the site and not within the surveillance of the site, it is also similarly limited and not properly marked or laid out. I saw on my site visit that due to the restricted width of the road vehicles park inappropriately, either partially or wholly on the footpath, in an attempt to avoid obstructing two-way traffic. This leaves little or no room for pedestrians, particularly those with pushchairs or in wheelchairs to pass.
9. I appreciate my observations provide just a snapshot, though I also saw vehicles parked inappropriately wholly on the footpath at the junction of the cul-de-sac. Any increased demand for on-street parking would add to this, and it is likely that occupants and visitors of the HMO would aim to park as close to the entrance to the cul-de-sac as possible. This would further affect the ability of vehicles to safely enter and leave the cul-de-sac due to reduced visibility.
10. The appellant has stated that current occupants have fewer than 4 cars and the rooms attract tenants who work in the city centre and therefore do not need a car, there is however little detail in the evidence before me to substantiate this. I must consider that occupancy could change and the proposal would create 5 bedrooms to be occupied by adults, and even taking into account the proximity to nearby facilities and services, I consider the use would generate an increased demand for parking provision from future occupiers and their visitors, that would exceed that associated with a family dwelling.
11. Furthermore, the SPD already sets lower parking requirements in recognition of the location of the site. As mentioned above, although the appellant has referred to 4 bedrooms being provided, this is not a matter which I can consider as part of this appeal.
12. Therefore, having regard to the above factors I consider the parking shortfall could not be satisfactorily accommodated within properly marked, or laid out, parking spaces in the highway and the deficiency in on-plot parking provision would lead to inappropriate parking that would affect the safe manoeuvring of vehicles and visibility. This could lead to conflicts between pedestrians and vehicles to the detriment of highway safety.

13. Therefore, for the reasons stated, the development would be contrary to Policy CT10 of the Milton Keynes Plan: MK 2016-2031, adopted 2019 (LP), and the guidance within the SPD, which seek to ensure that development meets the Council's full parking standards and on-site parking is not reduced below the Council's full expectations if this would increase additional pressure in off-site parking that could not be resolved by on-street parking controls.

Over concentration of HMOs

14. LP Policy HN7 states 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 that would result in an imbalance within local communities or other significant adverse impacts.
15. The SPD states that the concentration of HMOs should not exceed 35% of the total number of properties within a 100-metre diameter buffer of the site. It also states that this threshold is a guide and the character of the surrounding area will also be taken into account. Both parties refer to a 50m radius and the appellant indicates that there are no HMOs with planning permission or a licence within this buffer zone. The Council have however stated that No 14 Wisley Avenue is in use as an HMO.
16. On the basis that No 14 is an HMO, the proposal would result in a concentration above the SPD threshold. However, this would only equate to 2 properties in HMO use in the buffer. Although the properties would be on the same cul-de-sac they are at opposite ends, separated by the highway and the proposal would not result in 'sandwiching'.
17. For these reasons, and in considering the character of the surrounding area, I am satisfied that the proposal would not result in an undue overconcentration of such uses that would result in an imbalance or harm to the mix of housing within the local community. The proposal would therefore accord with LP Policy HN7 and the guidance within the SPD.

Conclusion

18. Whilst I have not found harm in relation to the concentration of HMO uses, as detailed above, the proposal would result in unacceptable harm to highway safety. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR