



Appeal Decision

Site visit made on 29 June 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/N1540/W/20/3244497

98 Copse Hill, Harlow, Essex CM19 4PP

- 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 Steven Gill (Letcetra Limited) against the decision of Harlow District Council.
 - The application Ref HW/FUL/19/00295, dated 15 July 2019, was refused by notice dated 23 October 2019.
 - The development proposed is change of use from C4 (HMO) to sui generis (Large HMO).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form as this description clarifies the nature of the use for which planning permission is sought.
3. The use of the property as a house in multiple occupation (HMO) with 7 bedrooms had commenced prior to submission of the application the subject of this appeal. I have determined the appeal on this basis.
4. Both parties have made submissions regarding the status of the Harlow Local Development Plan Pre-submission Publication May 2018 (the emerging Plan). The plan has been submitted for examination and the examining Inspector has not raised any unresolved objections to the relevant Policy H3. I am satisfied that significant weight can be given to this policy in determining this appeal.

Main Issue

5. The main issue is whether the development proposed would make an acceptable provision for off-street parking.

Reasons

6. Policy H3 of the emerging Plan requires, amongst other things, that parking is provided at a level of one space per bedroom for the creation of an HMO. The appeal provides less than one space per bedroom and is therefore in conflict with Policy H3.
7. There is a hardstanding at the front of the HMO which was in use for parking 4 vehicles side by side during my site visit. The parking plan submitted shows

that the hardstanding is 11 metres wide, and up to 6 metres deep. Due to the appeal property projecting forward the depth reduces at one point to less than 5 metres. This is less than the 5 metres set as a minimum parking bay depth acceptable in exceptional circumstances by Essex County Council's Parking Standards Design and Good Practice September 2009 (the Parking Standards). In addition, the hardstanding is not wide enough to accommodate 4 parking bays of the preferred width of 2.9 metres, although it could accommodate 4 bays of the minimum width of 2.5 metres acceptable in exceptional circumstances. However, I am not aware of the existence of exceptional circumstances in this instance. While smaller vehicles could be parked in this short space, the property currently provides 3 off-street parking spaces that meet both the preferred width and depth.

8. The current development plan is the Adopted Replacement Harlow Local Plan July 2006 (the LP). I have not been directed to any policy in the LP specifically regarding HMOs or their associated parking. However, Policy T9 of the LP states that parking for new developments shall be provided in accordance with the Parking Standards. The Parking Standards do not contain a specific standard for the number of spaces for HMOs, and the appellant suggests that the standard for a 2+ bedroom house of 2 spaces should be used. However, I consider that a family home is different in nature to a large HMO. A large HMO is typically occupied wholly by adults rather than occupants of a range of ages as typically occurs in a family house, and this pattern of occupation is likely to generate a higher demand for parking. Furthermore, the appellant states that up to 4 cars have been parked at the site, exceeding the 2 spaces required for 2+ bedroom houses. I do not therefore consider that the parking standard for a family house can be substituted for this large HMO.
9. LP Policy T9 states that the Parking Standards should be treated as a maximum. The supporting text states that this is to encourage the use of sustainable transport measures, based on national policy at the time of the LP's adoption. While the site is in an urban location, the Council has stated that the site is 350 metres from the nearest bus stop, and I do not have any details of the destinations of buses serving this stop. In addition, the town centre is 30 minutes' walk from the site and I have not been provided with details of how far occupants of the premises have to travel for day-to-day services and facilities such as shops. I do not therefore consider that the site is particularly well-served for sustainable transport means so that a lower level of parking provision may be justified.
10. Taking all the above factors into account I therefore consider it reasonable to afford greater weight to Policy H3 of the emerging Plan than to LP Policy T9. In doing so, I am mindful that the Framework states that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary. In addition, the Framework requires that applications for development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.
11. The appellant states that provision of 4 off-street spaces at the property has consistently proven sufficient to meet the needs of occupiers. However, there is no mechanism before me to guarantee that demand from the property will never exceed 4 spaces. I must also consider that the property does not provide 4 spaces that meet the Council's minimum size, and therefore it may not

always be possible for 4 vehicles to park on the hardstanding without overhanging the pavement and obstructing pedestrian traffic.

12. I carried out my site visit mid-morning at a time when parking would typically be expected to be light in a residential area such as this. Due to the ongoing recommendations to limit travel due to the COVID-19 pandemic, parking was undoubtedly heavier than typical for that time of day. While parking laybys do exist, I saw during my visit that cars were parked intermittently on the kerbs throughout Copse Hill, suggesting that there is insufficient space in the laybys and off-street parking at times of peak demand to accommodate all parking in the area. I have not been provided with any evidence, for example parking surveys, to suggest that the typical demand for parking in the vicinity of the appeal site is met by the available off-street spaces and laybys.
13. I consider that the ongoing use of the appeal property as a large HMO will, at best, perpetuate the apparent shortfall in off-street parking evidenced by what I saw on site. The occupation of all 7 bedrooms could result in a greater demand for parking than can be met by the hardstanding at the site, resulting in additional vehicles parking on the street. I consider that this would result in increased traffic along Copse Hill with drivers seeking parking spaces, the displacement of existing resident parking and harm to the amenities of existing residents.
14. The appeal site provides less than 1 parking space per bedroom in the HMO. It would therefore fail to make an acceptable provision for off-street parking. It therefore conflicts with Policy H3 of the emerging Plan, the requirements of which I have set out above. It would also conflict with the aim of the Framework to promote sustainable transport.

Other Matters

15. Planning permission was not granted for the change of use of the appeal property from a dwellinghouse to an HMO for use by up to 6 occupants. However, the appellant contends that this change of use would be 'permitted development' and there is nothing before me to suggest that this is not the case. I have given this weight in my determination of this appeal, but I must assess the development proposed on its own merits.
16. I note that there was no objection from the local highway authority to the planning application. The absence of identified harm is a neutral consideration in the determination of this appeal.
17. The appeal property has a private rear garden with a separate access from the street. I am satisfied that secure parking for 1 bicycle per room in the HMO could be provided on-site and secured by an appropriately worded condition, were I minded to allow the appeal.
18. My attention has been drawn to a permission for an HMO granted on appeal in Bury St Edmunds. In that case the Inspector did not have before him details of the Council's parking standards. I have also been referred to a decision by the Council granting permission for an HMO which could not provide 1 parking space per bedroom. The site in that case benefitted from closer siting to sustainable transport than the appeal site. Given the difference in circumstances I therefore have given limited weight to these decisions in

determining this appeal. I must, in any case, base my decision on the evidence submitted.

19. The appeal property has an HMO licence granted by the Council. However, this was issued under separate legislation and I can therefore only give it limited weight in determining this appeal.

Conclusion

20. For the reasons set out above, the appeal does not succeed.

M Chalk

INSPECTOR