
Appeal Decision

Site visit made on 28 July 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/X2410/W/20/3253246
77 Storer Road, Loughborough LE11 5EH

- 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 Roy France against the decision of Charnwood Borough Council.
 - The application Ref P/20/0095/2, dated 20 January 2020, was refused by notice dated 16 March 2020.
 - The development proposed is the change of use of dwelling (Use Class C3) to a small house in multiple occupation (use Class C4).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council in its Statement of Case stated that the appeal site was erroneously identified in the Officer Report as being within the Ashby Ward, and that the proposal is actually within the Storer Ward. Therefore, I have determined the appeal on this basis.
3. Reference has been made to a Policy in the Draft Charnwood Local Plan. However, I have little information to suggest when the plan is likely to be adopted, if any policies will be modified, or if there are any unresolved objections. Therefore, I only afford this limited weight in the determination of the appeal.

Main Issue

4. The main issue is the effect of the proposed House in Multiple Occupation (HMO) on the social character and amenities of the area in respect of the balance of the local permanent community and noise and disturbance and anti-social behaviour (ASB).

Reasons

5. The appeal site is a 2 storey end of terrace property on Storer Road and it is located on the corner of with the junction on Station Street. The surrounding area is predominately residential. The submitted plans show that the property has a sitting room, dining room and kitchen on the ground floor. On the first floor there are 2 bedrooms and a bathroom. The site lies within the Ashby Road Conservation Area (CA). An Article 4 Direction has removed permitted development rights in respect of the change of use of dwellings in the area to

- HMOs. As a result, it is a requirement for planning permission to be obtained to use a house for 3 or more unrelated people who live together.
6. The proposal would change the use of the property from Use Class C3 to a Use Class C4 HMO, which would accommodate 3 people split across 3 bedrooms. No external changes to the property are proposed, with the changes only relating to the designation and purposes of the rooms within the property.
 7. Policy CS4 of the Charnwood Core Strategy (CS) (2015) seeks to manage the number of HMOs in order to support the wellbeing, character and amenity of communities. The Policy's supporting text explains that the local University and College are important contributors to the local economy, employment and investment. However, the large numbers of students can negatively impact on the character and social functioning of areas due to over-concentration of HMOs.
 8. The Council states these impacts have affected some community facilities, the character and appearance of the area, and caused disturbance/parking problems and that particular concentrations of HMOs can be found in the Storer Ward and Southfields Ward in Loughborough. The Council has sought to address these issues in the adopted Housing Supplementary Planning Document (HSPD) (2017).
 9. The HSPD uses a threshold approach for the assessment of HMO proposals. It seeks to resist further HMOs, where there are already 20% or more of properties in HMO use, within a 100 metre radius of the site. The HSPD states the assessment of the current level of concentration of HMOs will be an important material consideration, but it cannot be regarded as the determining factor. Therefore, it will also be considered with other reasons, such as the existing concentration of HMOs in an area and the relative impact of adding further to this concentration, and factors such as the impact on the social and physical character and amenity of the area.
 10. At the time the proposal was determined by the Council, it stated that the level of HMOs in the area, assessed in accordance with the HSPD methodology, was 88 out of a total of 163 properties, equating to 54% of the residential stock, a figure significantly higher than the threshold. The Council also states that out of the 22 properties along the north-eastern side of Storer Road, between Paget Street and Havelock Street, 18 are identified as HMOs.
 11. The figure for the threshold has been described as being arbitrary by the appellant. However, the Council has provided a considerable number of previous appeals where this approach has been accepted by Inspectors. Consequently, I attach considerable weight to the threshold. Given that the threshold has been significantly exceeded, the character of the area in terms having a balanced mix of different types of residential occupation, has already been undermined.
 12. Reference has been made to a study undertaken by Loughborough University and Loughborough College¹, which confirms that HMOs are concentrated around the Loughborough wards closest to Loughborough University and Loughborough College. The appeal site is located within the Storer Ward, which

¹ A study of Housing in Multiple Occupation (HMO) in Charnwood (2018)

has the second highest concentrations of student HMOs (12.2%) in the town and is in what is known as 'the Golden Triangle'.

13. The appellant states that the proposal, would have a de minimus impact on the already high concentration of HMOs in the area, based on the percentage increase by this proposal. Whilst one additional HMO may appear insignificant in itself, in that it would be only a minor increase in the overall proportion in the area, cumulatively, it would increase the already high concentration of HMOs and student households in the area. Consequentially, it would materially harm the character of the surrounding area, and further imbalance the overall makeup of the community.
14. The impact of the proposal would exacerbate a situation which already requires careful management and Council intervention, which is why the Article 4 Direction is in place. I have had regard to the appeal² highlighted by the appellant which has a similar percentage of HMOs in the area. However, this was not the sole determinative factor for the appeal or this one. In any case, I have determined the proposal on its own merits and within its own immediate context.
15. The HSPD states that where the mix and balance of a community is threatened by the dominance of one group to the exclusion of others it can lead to both social and physical problems developing. Where there is a high proportion of HMOs in student occupation, this can lead to a distinct contrast between busy term times and holiday periods where the community feels empty. This has a detrimental impact on social interactions, surveillance and local services and facilities. I agree that the contrast in the activity levels, and turnover of residents, would have a detrimental impact on the local community.
16. It has been suggested by the appellant states that student HMO landlords now rent out rooms in their properties over the summer period to non-students needing rooms on a short-term, ad hoc basis. However, whilst that may help to prevent 'ghost towns', it would conversely exacerbate the churn of occupants in the area and would not help the cohesion of the neighbourhood or the sense of community spirit.
17. On my site visit, which was in a summer month, I observed several letting signs and vacancies advertised in windows around the area, and properties showing signs of vacancy. Whilst only a snapshot in time it did illustrate the Council's concerns with seasonal turnover of properties within the road and surrounding area. An increase in HMOs would increase the extent of such trends, and would adversely affect the character of the area, particularly outside of term time dates.
18. The HSPD sets out that where there is a high proportion of HMOs it can often result in a higher incidence of ASB, particularly at unsociable hours. The Council in its Officer Report, states that over the past year there have been 32 reported incidents of ASB on Storer Road and the surrounding streets.
19. I acknowledge that not all students will engage in ASB, nor are students the only source of ASB. However, the Council's 2019 assessment³ of HMOs states that there is a strong correlation between the number of HMOs in a ward and the number of recorded ASB incidents. Whilst a correlation is not definitive, it

² APP/X2410/W/19/3232767

³ Charnwood Borough Council Houses in Multiple Occupation Assessment (2019)

- suggests that an increase in the concentration of HMOs would increase the potential for ASB, and thereby, it would harm the well-being of residents in the area.
20. The Police Crime report data which has been provided by the appellant, shows that there were four reported instances of anti-social behaviour in the given reporting year, December 2018 to November 2019, which were recorded on or near Storer Road. However, crime figures would inevitably not reflect or record all instances of ASB that might occur. Table 3.3 of the HMO Assessment (2019) shows that there were 123 instances of ASBs in the Storer ward between January 2013 and December 2018, which was the 2nd highest of all the wards. The report also states that the most common type of ASB incident was noise (37%), followed by nuisance (18%), and rowdy behaviour (12%).
 21. I note that the report states that the data shows that most recorded noise incidents took place in single family houses, with only small proportions taking place in bedsits or HMOs first. However, it also states that it may be that complaints regarding noise nuisance due to student activities are more likely to be presented to the university or police than the local authority; and second, it may be that a large proportion of the noise nuisance incidents are repeat complaints arising from the same property i.e. the figures are skewed.
 22. I have had regard to the appeals provided by the appellant where issues around noise and disturbance were considered, and I acknowledge that all residents have the potential to cause nuisance according to the individual, and that this is not just restricted to the use of a property as an HMO. However, the use of the property as a HMO would have a distinctly different relationship with the residential character of an area and neighbouring living conditions when compared with a single-family dwelling.
 23. Occupants within a HMO would often have individual lifestyles resulting in comings and goings at different times of the day and night, when compared with a single-family dwelling. Such activity can increase the potential for noise and disturbance and be detrimental to the residential character of an area. In addition, there is potential for more visitors to the property, which would increase the potential for noise and disturbance causing nuisance to the neighbouring occupants.
 24. Whilst I note that the appellant has stated that Document E of the Building Regulation would be adhered to, that may well adequately mitigate any internal noise. However, this would not resolve the likelihood of a material increase in external noise and disturbance with the comings and goings of the occupants who would be likely to be acting independently, compared to a family dwelling.
 25. The appellant suggests that historical problems with poorly managed, student occupied HMOs may be reduced over time given current legislation and better property/occupier management, which would safeguard against potential noise and disturbance issues. I also note the various policies and procedures set in place by the University in terms of managing student behaviour.
 26. However, it would appear that the University policies and procedures have been introduced in part due to the past reporting of incidences involving students. Whilst I note the intention of the suggested condition around the management of the property, this would not overcome the cumulative impact of HMOs in this location. In any case, the Council considers that such a

condition would fail to meet the necessary legal tests which why it states that such a condition has not been imposed on other planning permissions for HMOs in the area.

27. The proposal would increase the concentration of HMOs in the area, and when combined with the cumulative effect with other HMOs nearby, it would have a significant effect on the social character and amenities of the area in respect of the balance of the local permanent community. It would add to the number of residents and potential visitors to the area, which would increase the potential for noise and disturbance and anti-social behaviour, which would harm the residential character and amenities of the area. Therefore, the proposal would be contrary to Policy CS4 of the CS and the guidance in the HSPD. This Policy and guidance, amongst other things, seeks to prevent houses in HMOs that either in themselves, or cumulatively with other HMOs, damage the social and physical character and amenity of a street or residential area or generate noise and disturbance which is detrimental to the amenity of the street or residential area.
28. In the Council's Statement of Case it states that whilst Policy CS2 of the CS was not referred to in the Council's reason for refusal, there is also conflict with this Policy. Whilst the Policy refers to protecting the living conditions of adjoining occupants, this is with respect to the design of new development, which is no relevant to the main issue of this proposal.

Other Matters

29. The appeal site lies within the CA. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The appeal proposal does not involve any alterations to the external appearance of the building. The Council determined the impact of the proposal to be neutral, and raised no objections regarding the matter, and I have no reason to disagree with this assessment. Therefore, the significance of the CA would be preserved.
30. The appellant suggests that the Council's HMO policy will mean that if there is insufficient supply in areas close to academic institutions and occupancy levels are high in purpose-built student accommodation, students will be forced to live further afield in less sustainable areas and would push students wider and wider afield, which would not contribute to the achievement of sustainable development.
31. However, there is no substantive evidence before me to suggest that the purpose built student accommodation is at full capacity. In any case, this is just one aspect of sustainable development, and whilst I acknowledge that this proposal could cater for the student population in the area, it would be to the detriment of the existing residents and the balanced makeup of the community for the reasons set out above.

Conclusion

32. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR

