
Appeal Decision

Site visit made on 2 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/G2625/W/20/3252026
36 Primula Drive, Norwich NR4 7LZ

- 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 Dr H Haddad against the decision of Norwich City Council.
 - The application Ref 20/00318/U, dated 5 March 2020, was refused by notice dated 23 April 2020.
 - The development proposed is 6 bed Student HMO to become a seven bed Student HMO using existing rooms, with only 4 students allowed to have cars.
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Decision

1. The appeal is allowed and planning permission is granted for a seven bed student HMO using existing rooms at 36 Primula Drive, Norwich NR4 7LZ in accordance with the terms of the application, Ref 20/00318/U, dated 5 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and site plans 5 March 2020; proposed floor plans & elevations 5 March 2020.
 - 3) The car parking spaces provided shall be kept available at all times for the parking of motor vehicles by the occupants of the HMO and their visitors and used for no other purpose.

Main Issues

2. These are the effects of the proposal on the living conditions of occupiers of the appeal property and neighbouring houses and on the character and appearance of the area.

Reasons

3. The appeal property is in an area of modern suburban housing comprising mainly family-sized detached homes. These are quite closely arranged but with front and rear gardens of sufficient size to provide a reasonably spacious character. The University of East Anglia is not far away, generating a local demand for student accommodation. No 36 has for a number of years helped meet this demand by operating as a Class C4¹ House in multiple occupation (HMO), accommodating up to six student residents.

¹ The Town and Country Planning (Use Classes) Order 1987

4. The intention is to fit out a currently vacant room to provide an additional study bedroom with ensuite facilities, in addition to six of the same already in use. The increase in accommodation would comprise a large HMO. This becomes a *sui generis* use requiring express planning permission. Previous applications to increase the accommodation to ten and eight bedrooms respectively have been refused with the subsequent appeals recently dismissed². These previous appeal decisions are material considerations to which I have had regard in assessing this case.
5. The additional study bedroom, like the others, would be of a reasonable size and include an ensuite wc/shower room. The shared kitchen/dining room appeared well-appointed and adequate in size and facilities for seven occupiers to use to prepare and eat meals. The other communal room was quite small, but like the kitchen/dining room would likely not be occupied by all the residents at the same time. The good-sized garden provides ample outside amenity space and facilities for outdoor clothes drying.
6. The Council acknowledges that the internal layout proposed meets its Private Sector Housing Amenity Standards for seven occupants. In respect of the Council's standards for purpose-built student accommodation, the HMO would provide at least an equivalent amount of communal space and acceptable study bedroom sizes. The residents would no doubt make use of the quite spacious garden in fine weather during the summer months and this is a further benefit of the accommodation provided. With the additional study bedroom and other modifications, the property would continue to offer good living conditions for its occupiers.
7. Regarding the effects on the living conditions of neighbours, the appellant advises me that there have been no noise complaints during the thirteen years the property has been an HMO. I am assuming this refers to no formal complaints to the Council and I have no reason to doubt the veracity of this. The Council's case rests mainly on the increased vehicular movements to and from the address by occupiers, visitors and delivery drivers. There are no persuasive grounds to find the current use of No 36 having a materially harmful impact upon the living conditions of any neighbouring occupiers for this reason. An additional bedroom and any small increase in vehicular movements would not be sufficient to alter this. Given the location of the HMO, and the options for public transport use, cycling and walking to reach the University and other destinations, the provision of four on-site car parking spaces seems adequate. The arrangement would avoid the visual harm of a larger area of garden being taken over for this purpose.
8. The increase in vehicular movements, and any other additional noise or disturbance, arising from a single further occupier would not be sufficient for a finding of material harm to the living conditions of any of the neighbouring residential occupiers in this area.
9. The use of the property as an HMO does not alter its appearance as that of a conventional, family-sized dwelling. The additional bedroom proposed, and any resulting small increase in movements at this address, would not alter the present character and appearance of this residential area to any material degree.

² Appeal references APP/G2625/W/19/3231035 for 10 bed HMO dismissed on 2 October 2019 and APP/G2625/W/19/3236874 for 8 bed HMO dismissed on 13 December 2019.

Other Matters

10. I have had regard to the concerns expressed by interested parties, at both the application and appeal stages. Beyond those already covered in the main issues, other matters were raised. The question of the HMO being licensed is a matter separate to planning control and has no bearing on my decision. The appellant has advised an HMO license application is pending a decision, following recent legislation requiring this.
11. The level of building and garden maintenance would not amount to grounds upon which to resist the principle of the additional study bedroom sought.
12. On-street parking is permit controlled in Primula Drive. The appeal address would appear eligible for just one permit, despite being an HMO. I cannot substantiate harm to highway safety from this proposal adding to on-street parking and interfering with visibility at the adjacent road junction.
13. There would be no material harm from this proposal establishing a precedent leading to further large HMOs in this area and the Council will continue to be able to assess any future proposals on their individual merits.

Conclusion

14. I am aware of the effect that a concentration of HMOs can have on the character and living environment of a residential area, due to the more intense form of occupation and greater degree of independent activity and movement. However, this proposal is for just a single additional study bedroom and a further resident over the permitted six. Having reviewed the two earlier appeal decisions, I consider this reduced proposal would preserve adequate living conditions for the occupiers at No 36 and neighbouring homes, as well as the character and appearance of the surrounding area. Consequently, the proposal would not be in conflict with policies DM3, DM12, DM13 and DM31 of the Development Management Policies Local Plan 2014 or with the National Planning Policy Framework.
15. The usual standard conditions are required which specify the period for commencement and the plans approved. To ensure adequate parking, another condition is necessary to secure the spaces shown for this purpose. Subject to these conditions, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

Inspector