



Appeal Decision

Site visit made on 9 September 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/Q0505/W/20/3254412

6 Moss Bank, Cambridge CB4 1UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Powell against Cambridge City Council.
 - The application Ref 20/02085/FUL, is dated 15 April 2020.
 - The development proposed is described as a change of use from a 6 person house in multiple occupation to include the retention of an existing annex outbuilding to create an 8 person house in multiple occupation (Sui Generis).
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Decision

1. The appeal is dismissed and planning permission for a change of use from a 6 person house in multiple occupation to include the retention of an existing annex outbuilding to create an 8 person house in multiple occupation (Sui Generis) is refused.

Application for costs

2. An application for costs was made by Mr Andrew Powell against Cambridge City Council. This application is the subject of a separate decision.

Main Issues

3. There are two main issues. These are a) the effect of the proposed development on the living conditions of future occupiers; and b) whether sufficient space for the storage of refuse, cycles and drying would be provided to meet the needs of the scheme.

Reasons

Living Conditions

4. The crux of the Council's concerns in regard to this main issue appear to stem from the lack of communal space in the context of the total number of intended occupants and the suitability of the access to the communal garden space at the rear. I shall aim to tackle each matter in turn but there may be some overlap.
5. The proposals would result in five bedrooms including one in the detached outbuilding in the rear garden. Three of the bedrooms would be for double occupancy, two single. It is envisaged that a total of eight people will live in the building. In terms of available communal space, this would comprise an

- open plan kitchen and dining area on the ground floor and a paved garden space to the rear of the building.
6. In terms of the total available space on paper, it would be far from limited but when factoring in multiple unrelated occupiers wishing to use it at once, I foresee problems. The kitchen and dining area has a table in it but one that would not be sufficient to host all of the occupiers at once. Whilst such an occurrence might be rare, the perception of the reduced capacity could lead to occupiers spending more time in one room which in themselves are not sufficient for more than sleeping, dressing and washing (since they all have en suite facilities). A larger dining table could fit, but this would drastically reduce the available floorspace and impinge on good circulation.
 7. The lack of a separate lounge space means that occupiers would have to use the dining and kitchen area more, increasing the demand on and pressure for space. The garden is reasonable, of a compact but usable size and whilst this could cope with some overspill from the kitchen and dining room, it would be useful only for a small part of the year when weather conditions are suitable.
 8. The limited availability of communal space would be restrictive and somewhat claustrophobic for the intended eight residents. Bearing in mind they would likely be living as unrelated individual households in their own right. Further, sometimes couples may need time apart from each other which would be difficult with spare space at a premium. Also, my findings in this case have not taken account of the fact that occupiers may wish to socialise, inviting outside guests to the property and thus placing even greater pressure on the space available.
 9. The garden space is, as I have said, a usable one. Albeit difficult to rely on for quality communal space for the reasons I have given. It is also not accessible from inside the dwelling unless you are an occupier of the ground floor bedroom or the detached outbuilding. Others would need to leave by the front door and go around the side of the house and through what appears to be a private car park, itself accessed via an undercroft. The appellant suggests that occupiers would have a right of access along this route which I have no reason to doubt. However, the somewhat convoluted nature of the means to access the garden space would, for me, limit its appeal as meaningful communal space for occupiers that would not inhabit the ground floor bedroom or the detached outbuilding. In addition, and as advanced by the Council, both the ground floor bedroom and the detached outbuilding would have their only outlook onto this space. Other users of it would consequently feel overlooked and somewhat surrounded by other occupiers. I appreciate that there would be a lesser expectation of privacy in communal areas of a House in Multiple Occupation (HMO) but this would further add to the pressure on the limited space given by the kitchen and dining room.
 10. With the above in mind, the proposed development would not provide for a sufficiently acceptable standard of living conditions, such that it would be contrary to Policy 48 of the Local Plan¹ which seeks to ensure, amongst other things, that buildings are suitable for HMO use. The Council have also referred to Policy 50 of the Local Plan in their findings on this main issue, but they have not provided a copy in the evidence. I am not therefore able to form a view as to whether the appeal scheme would be contrary to it. Notwithstanding, I find

¹ Cambridge Local Plan 2018

that the aims of Policy 48 are sufficient for me to appreciate that the proposed development would conflict with the development plan in regard to this main issue.

Refuse Storage, Bicycles and Drying

11. As I have alluded to above, there is not necessarily any reason for me to doubt the fact that occupiers of the dwelling would have a right to access the rear garden, via the aforementioned undercroft and shared parking area.
12. As such, and whilst I appreciate that storing refuse receptacles in the rear garden would further reduce its usability as communal space, the fact remains that there would be sufficient room for this to be possible and for bins to then be wheeled out to the road edge for collection. I am not clear from the evidence as to what size or number of bins would be required but between this area and a small strip of land beside the front entrance door where existing wheelie bins appear to be kept, there would be sufficient room for storage for the purposes of the functioning of the proposed development.
13. I have not been directed to any minimum expected standards for bicycle parking but aside from occupiers of the detached building and the ground floor bedroom being able to bring bikes straight into their own rooms, there should still be sufficient space to fit any remaining in the rear garden. Acknowledging as I do however that this too would exacerbate the problems in regard to the first main issue. But, looking at this matter in isolation, a solution seems eminently achievable. I am also mindful that, again in the absence of being aware of any minimum standards expected, not all occupiers of the HMO would choose to own a bicycle, appreciating the availability of on and off street parking and services and facilities being walkable from the appeal site.
14. In terms of drying, I foresee the possibility of a tumble dryer being able to be accommodated in the existing kitchen and dining area and also that there would be sufficient space in the garden for some form of rotary clothes airer. Again, this would reduce the usability of the garden in terms of the quality of the living conditions of occupiers as I have described them above but equally, I cannot argue that some form of outdoor drying would not be able to be accommodated.
15. With these factors in mind it seems to me that, in regard to this main issue in isolation, there would be sufficient facilities available for refuse and cycle storage and a drying area to meet the needs of the proposed development. I therefore do not see there would be any conflict, again in regard to this main issue in isolation, with Policy 48 of the Local Plan which sets out, amongst other things, that houses in multiple occupation will be supported where provision is made for appropriate refuse and recycling storage, cycle parking and drying areas.

Other Matters

16. I have no reason to doubt the appellant's ability to adequately manage the building as a HMO. On my inspection of the interior of the dwelling, finishes were of a good standard. It was clean and tidy with modern en suite facilities. However, these would not be sufficient to make up for the shortcomings I have mentioned above and would arguably be expected in any event.

17. The appeal site is close to local amenities and would unlikely harm the living conditions of neighbours. It would also evidently not result in an unacceptable over concentration of HMOs in the area. Again however, these would be expected for a scheme such as the appeal to be successful. In any case they represent a lack of harm which, by definition, is incapable of weighing against it. The appellant also states that there is a need for affordable accommodation locally. Be this as it may, the proposals would not be for affordable housing in the sense of the planning definition and I have not been made aware of the nature of the rent that would be charged for each room and how that relates to affordability levels locally to be able to take a view on whether it would be so in other respects.
18. There is some commentary on the matter of the dwelling benefitting from a license to be a HMO. Indeed, the current use of the building is as a HMO for up to six people. That said, the existence of a licence, if that is for an eight bedroom HMO as opposed to the existing six which is not clear from what I have seen, does not absolve a decision maker in the case of a planning scheme therefore from making an assessment of the planning merits thereof.

Conclusion

19. I have found that there would not be any harm arising out of the second main issue. For the same reasons I have given in paragraph 17 however, such would not be sufficient to outweigh that which would arise out of the first. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR