The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2020

Appeal Ref: APP/C1055/W/20/3257344
149 Almond Street, Derby DE23 6LY

- 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 Ms Kudirat Olowosale against the decision of Derby City Council.
- The application Ref 19/01432/FUL, dated 4 October 2019, was refused by notice dated 29 July 2020.
- The development proposed is the change of use from dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis Use) including installation of doors to the rear elevation.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis Use) including installation of doors to the rear elevation at 149 Almond Street, Derby DE23 6LY in accordance with the terms of the application, Ref 19/01432/FUL, dated 4 October 2019, subject to the conditions set out in Annex A.

Procedural Matter

2. The application was amended prior to its determination by the Council from a 10 person to an 8 person house in multiple occupation (HMO). In the banner heading and my formal decision, I have used the description of the development used in the decision notice as this reflects the change made to the proposal.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the living conditions of nearby residents with particular regard to the intensification in the use of the building.

Reasons

4. The appeal property is a detached dwelling on the corner of Almond Street and Crewe Street. The surrounding area is a densely developed, predominantly residential neighbourhood. However, adjacent to the site is a church, and a library/community centre and a small retail centre are also located nearby. As such, the general level of activity in the area is greater than in a purely residential area, and given the nature of these uses, activity associated with them is likely to occur during the evening as well as during the day.

5. The property is currently a 4 bedroom house, with additional accommodation in the roof. As such it could be occupied by a large family, and so could generate a considerable number of comings and goings. Moreover, it is common ground that the building could be used as a 6 person HMO without the need for planning permission, which could also generate a significant level of activity. Nonetheless, in comparison to either the existing use or the fallback position of a 6 person HMO, the appeal scheme would represent an intensification in the use of the building.

6. As HMOs are occupied by unrelated individuals, comings and goings associated with them are generally greater than a family dwelling, and whether by car or on foot such activity can generate noise and disturbance. However, I am not persuaded that in this case the noise and disturbance that would be created by the appeal scheme would be appreciably greater than would be the case if the dwelling were occupied by a large family or if it were used as a 6 person HMO.

7. Furthermore, given the general activity levels already prevalent in the area, I consider any noise and disturbance created by the proposed use would be minimal in comparison with, and indistinguishable from, that associated with the other dwellings and uses in the vicinity.

8. The majority of houses in the area have no off-street parking and so both the Council and local residents have indicated that demand for parking in the area is high. This was confirmed at my site visit. Demand in the area is likely to be intensified when activities are taking place at the church and the community centre, neither of which appeared to have any dedicated parking areas. However, the site is close to bus stops, which it is stated provide a high frequency service into and out of the city centre, as well as being within walking distance of a range of shops and services in the local centre.

9. The proposal would be provided with 2 parking spaces and bicycle storage to the rear that would utilise the existing vehicular access on Crewe Street. Given the accessible location and the type of accommodation proposed I consider it is likely to attract people who do not own a car. However, even if the intensification in the use did create some additional demand for on-street parking, the Highway Authority have indicated that they do not consider this would lead to unacceptable impacts on highway safety. This is a conclusion with which I agree. Moreover, the increase in demand is not likely to be so great that it would result in unacceptable harm to the living conditions of surrounding residents.

10. The plans show that bins would be stored at the side of the house, which has sufficient space for a number of bins as well as providing storage space for bicycles. Given the height of the boundary wall, the bins would not be visible from the public realm. As such, any additional refuse facilities needed for the proposed use would have no impact on the wider area.

11. In addition, there is no substantive evidence to show that any increase in demand from the intensification in the use of the property would be so great that local services or infrastructure would be unable to cope. In fact, spending by future occupiers is likely to be beneficial to the local economy.

12. All in all, I consider that the proposal would not result in unacceptable harm to the living conditions of nearby residents as a result of the intensification in the use of the building. Accordingly, there would be no conflict with Policy GD5 of

the City of Derby Local Plan Review (adopted January 2006) which seeks to ensure that new developments do not cause unacceptable harm to the amenity of nearby areas.

Other Matters

13. Whilst the proposal would result in the loss of a house suitable for occupation by a family, the Council's evidence indicates that there are not large numbers of other HMOs in the area. As such, I am satisfied that the proposal would not alter the character of the area. Given my conclusion that the proposal would not cause unacceptable harm, I see no reason why the proposal would have any adverse impact on property prices in the area.

14. I note the concerns about anti-social behaviour in the area. However, there is no persuasive evidence that future occupiers would be likely to engage in such behaviour or that they would cause litter in the area.

Conclusion and Conditions

15. For the reasons set out above, I conclude the appeal should be allowed.

16. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of highway safety, a condition to ensure the provision of the off-street parking spaces is necessary. To promote sustainable transport options conditions are necessary to ensure the provision of an electric car charging point and the bicycle storage. Where necessary, and in the interests of precision and enforceability I have amended the wording of the suggested conditions.

Alison Partington

INSPECTOR

Annex A

Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing Number 19070-P-001 Rev B; Existing Plan Layouts Drawing Number 19070-P-002; Existing Elevations Drawing Number 19070-P-003; Proposed Plan Layouts Drawing Number 19070-P-102 Rev D; and Proposed Elevations Drawing Number 19070-P-103 Rev A.

3) No part of the development hereby permitted shall be occupied until the parking area shown on Drawing Number 19070-P-001 Rev B has been provided and delineated and that area shall thereafter be kept available at all times for the parking of vehicles.

4) No part of the development hereby permitted shall be occupied until the details of an on-site scheme to provide electric vehicle charging has been submitted to, and approved in writing by, the local planning authority. The agreed details shall be implemented before the development hereby permitted is occupied and retained as such for the life of the development.

5) No part of the development hereby permitted shall be occupied until details of a covered space for the parking of bicycles has been submitted to, and approved in writing by, the local planning authority. The agreed details shall be implemented before the development hereby permitted is occupied and that space shall thereafter be kept available for the parking of bicycles.