
Appeal Decision

Site visit made on 30 November 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2020

Appeal Ref: APP/U3935/W/20/3250935

27 Prospect Hill, Swindon SN1 3JS

- 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 Brett (Brett Property Developments Ltd) against the decision of Swindon Borough Council.
 - The application Ref S/19/1505/RACH, dated 8 October 2019, was refused by notice dated 13 February 2020.
 - The development proposed is described as the 'increase in size from existing 6 person HMO to 8 person HMO (Sui Generis) plus first floor rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as the 'increase in size from existing 6 person HMO to 8 person HMO (Sui Generis) plus first floor rear extension' at 27 Prospect Hill, Swindon SN1 3JS in accordance with the terms of the application, Ref S/19/1505/RACH, dated 8 October 2019, 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: 460/001, 460/005, 460/010, 460/020, 460/050, 460/100A and 460/200.
 - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing.
 - 4) The change of use hereby permitted shall not be first brought into use until the first floor extension has been constructed and the accommodation made available for use in accordance with details shown on the approved plans.
 - 5) The change of use hereby permitted shall not be first brought into use until the cycle racks have been provided in accordance with details shown on the approved plans. Once provided the cycle racks shall be retained thereafter.
 - 6) The change of use hereby permitted shall not be first brought into use until the bin storage has been provided in accordance with details shown on the approved plans. Once provided the bin storage shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of future occupiers of the development and the occupiers of nearby dwellings.

Reasons

3. Policy DE1 of the Swindon Borough Local Plan 2026, Adopted 26th March 2015 (LP) requires high standards of design assessing proposals against principles such as living conditions. Relevant considerations listed are light, privacy, outlook, noise, disturbance, smell, pollution and space. The proposed extension to the property is not part of the Council's reason for refusal. I note that the extension has extant planning permission and I have no reason to reach a contrary conclusion.
4. The appeal site is a two-storey terraced property currently used as a house in multiple occupation (HMO) for up to six people. The proposals would facilitate the accommodation to be extended and reconfigured, facilitating two enlarged bedrooms to a double size and a communal living room and kitchen to the ground floor. Whilst the property has not been purpose built as an HMO, the Council does not contest that the proposals meet their space standards, including the four single occupancy and two double occupancy rooms. Furthermore, each room has its own en-suite facilities, adding to the space and quality of the living facilities.
5. Externally, the appeal site has a walled front garden suitable to provide discrete waste and recycling facilities for the existing and additional occupants. To the rear, the private and enclosed yard provides a space for storing bicycles, drying clothes and sitting out. There is existing unlit and unsurfaced rear pedestrian access which provides a satisfactory alternative option to bringing items, such as bikes, through the house. In summary, the proposed internal and external space and configuration appears sufficient to meet the basic needs of the occupiers of the development.
6. The Council and a number of local residents have raised concern that HMOs within the vicinity are causing issues, for example with parking, noise, rubbish and nuisance. However, I have little evidence to indicate that the proposal would exacerbate these existing matters. Nor have I been provided with details of the location and number of other HMOs in the vicinity such as to consider that there may be a cumulative effect. The appeal site is currently lawfully used as an HMO and the proposal seeks to make a modest increase in the number of occupants. Given that only up to two more people would be housed by the development, the additional comings and goings would likely be limited. This is unlikely to result in any demonstrable increase in noise or disturbance. Furthermore, adequate space is available for the storage of waste and recycling such as to avoid rubbish becoming a nuisance.
7. The appeal site does not provide any car parking and the highway officer indicates that there is no policy requirement to. The site is located within an area where on-street parking is subject to permit controls and demand is high. However, the site is accessible to the services and facilities of Swindon town centre making walking a convenient option. Furthermore, suitable cycle storage space can be provided reducing the likelihood of car ownership further. As such, despite the acknowledged demand for parking, I have little evidence to

indicate that potential additional parking, commensurate with two single bedrooms becoming double bedrooms, would cause demonstrable harm.

8. Therefore, in conclusion on the main issues the proposal would not harm the living conditions of future occupiers of the development and the occupiers of nearby dwellings. As such, the proposal would not conflict with policy DE1 of the LP.

Conditions and conclusion

9. The Council have suggested a number of conditions within their evidence and the appellant has been provided with opportunity to comment on these. I have imposed the implementation and approved plans conditions in the interests of completeness and certainty. I have imposed conditions for the provision of the proposed cycle and waste storage in the interests of the living conditions of occupants of the development and neighbouring residents.
10. The Council seek that the existing first floor kitchen window is obscure glazed as part of the proposals. However, I do not find this necessary as it is an existing window and although the function of the room would be changed as part of the proposal, this could also happen without the development. Additionally, I note the various suggested conditions regarding parking permits. However, I do not find sufficient evidence that such conditions would meet the relevant tests. Furthermore, I have considered whether a negatively worded condition to require a planning obligation would be appropriate. But having regard to my earlier findings this would not be necessary, nor have I been provided with any policy to support such an approach.
11. In addition to the Council's suggestions I have also imposed a condition to require that the first-floor extension is provided prior to the change of use. This is to ensure that suitable space provision is made so as to provide adequate living conditions for additional occupiers. Furthermore, in the interests of the character and appearance of the area I find a condition to require the use of matching materials on the extension is necessary. Neither of these conditions would prejudice the appellant as they are consistent with what they have proposed.
12. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR