
Appeal Decision

Site visit made on 20 October 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2021

Appeal Ref: APP/K0425/W/20/3253171

193 New Road, High Wycombe HP12 4RQ

- 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 Andrew McMullen against the decision of Wycombe District Council.
 - The application Ref 19/07293/FUL, dated 23 September 2019, was refused by notice dated 03 December 2019.
 - The development is described as retrospective change of use from C3 dwelling to eight bed HMO (sui generis).
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Procedural Matters

1. The property is currently managed as an 8-bedroom House in Multiple Occupation (HMO), having obtained a HMO licence from the Council in September 2019. I have made my decision on the basis that the change of use has occurred. Notwithstanding this, I note that although the licence confirms that the property meets the required licensing standards, it does not confirm that planning permission should or will be forthcoming; the licensing legislation is separate to planning legislation.
2. The appellant has submitted an amended site plan with the appeal, Ref NewRd-193-04 dated 06-05-20, which is not one of the plans the Council made its decision on. This plan supersedes drawing Ref NewRd-193-04 dated 24-05-19. The difference between the 2 plans is that the area labelled 'bin store' on the plan dated 24-05-19 is labelled cycle store on the amended plan dated 06-05-20. I consider that no one would be prejudiced by me accepting the amended plan at this stage. Notwithstanding my observations on site, I have made my decision based on the following plans: Location Plan, site plan NewRd-193-04 dated 06-05-20 and floor plans NewRd-193-02 dated 17-06-16.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are:
 - whether the development would provide satisfactory living conditions for future occupiers, with particular regard to internal communal space, and

- whether the development would raise any highway safety issues, with particular regard to the level of on-site parking.

Reasons

Living conditions

5. Policy DM23 of the Wycombe District Local Plan-2019 (LP) requires HMOs to provide an acceptable number and arrangement of communal facilities within the building. The policy reasoning explains that, in quantitative terms, this requirement generally equates to a ratio of one common room to every 3 bedrooms (rounded up or down to multiples of 3). Additionally, the Policy requires residential developments other than C3 uses to meet other criteria, which includes the provision of enough car parking and refuse bin and cycle storage to meet the needs of residents.
6. Given that the HMO has 8 bedrooms, the number of common rooms required is 3. As only one is provided, ie a shared open plan kitchen/living room, it could be concluded that the development has 2 fewer common rooms than Policy DM23 requires. However, the Council conclude that there is a shortfall of one common room. From the evidence provided, it appears that the Council consider the kitchen/living room to be 2 common rooms, thereby concluding that the development has a shortfall of one.
7. It is often the case with HMOs that occupants must pass through the communal areas to access individual bedrooms. I therefore do not consider the quality of the layout to constitute a reason to withhold planning permission.
8. The open plan kitchen/living room provided covers an area of around 25 sqm. The appellant considers this to be sufficient within the context of the bedroom sizes, the provision of separate bathrooms, the quality of the accommodation in respect of eg furnishings, broadband and televisions, and the provision of private communal outdoor space.
9. However, although a few of the bedroom sizes are reasonably generous, several are at the smaller end of the range, providing little space to be used by occupants for leisure and/or socialising. As regards the quality of the accommodation, I consider that nothing exceptional is provided. Furthermore, although at the time of my visit 2 private outdoor areas were in situ (a patio on the eastern side of the property and a paved area with outdoor seating on the western side of the property), the plans show only one outdoor amenity area, as 3 car parking spaces are proposed in the area to the west of the property.
10. Nevertheless, suffice to note at this stage (as the matter of car parking will be addressed below) that I consider a second private outdoor amenity area could be provided on the western side of the property, details of which could be secured by condition, should I be allowing the appeal.
11. A bin storage area is shown on the submitted plans. Again, if I were allowing the appeal, to ensure the extent of refuse storage provided is suitable for the potential number of occupants, details of bin storage could be secured by condition, as I consider there to be sufficient space within the site for suitable bin storage.
12. Notwithstanding my conclusions regarding bin storage and outdoor space, I consider the extent of communal outdoor space that could be provided would

not mitigate against the shortfall of internal communal space. Given this shortfall I conclude that the development does not provide satisfactory living conditions for occupiers of the property. Consequently, the proposal does not accord with Policy DM23 in this regard. Nor does it accord with Policy DM35 of the LP, or paragraphs 117 and 127 of the National Planning Policy Framework (the Framework), which collectively require development to provide healthy living conditions and a high standard of amenity for future occupants.

Highway safety

13. The site is located on the corner of New Road, a classified road, and Turnpike Road, an unclassified road. Both are subject to 30 mph speed restrictions and both have parking and waiting restrictions on them in the form of double yellow lines. The evidence indicates that there is potential for road accidents to occur within the vicinity of the New Road/Turnpike Road junction.
14. The plans show 5 on-site car parking spaces. However, there is currently no dropped kerb that allows lawful vehicle access to the area at the western side of the property, and the Local Highway Authority (LHA) has made it clear that it would not sanction a dropped kerb in this location, close to the junction of New Road and Turnpike Road. I have therefore made my decision on the basis that the maximum level of on-site parking that could be provided, without any alterations to the building, is 2 spaces.
15. I acknowledge that the plans associated with approved planning application 13/06160/FUL show a third car parking space at the western side of the property. However, it is clear from the Council officer's report associated with that permission that the Council considered the 2 retained on-site car parking spaces to be adequate for the use of the property. In addition, there are no conditions on the associated decision notice that require the third car parking space to be provided or for the kerb to be dropped.
16. Policy DM33 of the LP requires development to provide enough parking to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking.
17. Guidance in the Buckinghamshire Countywide Parking Guidance-2015 (BCPG) states that the Council's aim is to ensure that the right amount of parking is available to meet demand, as well as there being flexibility where there is evidence to suggest that applying specific standards would not be appropriate.
18. Table 8 deals with exceptions, and states that HMOs should provide the same number of spaces as other residential dwellings, adding that where a property is converted to a HMO developers will need to agree with the Council how sufficient parking is to be provided.
19. Table 6 calculates that, within zone 'A' (the zone the property is located within), a property with 8+ habitable rooms/5 bedrooms, requires 3 on-site parking spaces. The appellant considers that as the development has 9 habitable rooms 3 on-site car parking spaces are therefore required.
20. The Council suggest that each bedroom in a HMO should be treated as a one bedroom flat and therefore a space is required for each tenant, ie 8 spaces. Hence, there is disagreement between the parties regarding interpretation of the guidance.

21. It is not for me to provide a lawful interpretation of the guidance. Notwithstanding, the suggestion (which is not specified within the guidance) that a space is required for each bedroom in a HMO seems to me to be excessive, given that occupants of HMOs tend to be on low incomes and/or new entrants to the employment market and less likely to own a car.
22. Evidence submitted by the appellant regarding the level of car use of tenants of the property since 2015 concludes that 36% used a car. To provide car parking for this level of car usage 3 car parking spaces would be required.
23. I note that the site is located close to a range of services and facilities to meet the day to day needs of residents, that there is access to employment opportunities from the site and that occupants would have easy access to public transport options. Additionally, some walking and cycling opportunities are available from the site.
24. I consider the factors outlined above to be evidence which suggests that applying specific standards would not be appropriate. Hence, in this instance I consider 3 car parking spaces would be sufficient to meet the needs of residents of the HMO. Furthermore, I also note that should the property be used in accordance with its lawful use, ie a dwellinghouse with 5 bedrooms, to accord with the guidance the property would require 3 car parking spaces.
25. As only 2 spaces can be provided on site, there would be a shortfall of one space in each of the circumstances outlined. I consider a shortfall of one space, in either instance, could be readily accommodated by the all-be-it limited off-site parking available in the area, eg in front of the shop parades. Bearing these factors in mind, and subject to the provision of suitable on-site cycle parking facilities, I consider 2 on-site car parking spaces would be sufficient to meet the needs of future occupants of the development, without resulting in a significant adverse impact from overspill parking.
26. Table 3 refers to cycle parking standards. For a residential dwelling in multiple occupancy 0.5 cycle parking spaces are required per bedroom plus one visitor space when up to 10 bedrooms. Hence, with 8 bedrooms, the guidance requires 5 cycle parking spaces.
27. The plans show a cycle storage area between the northern facing side elevation of the property and the side boundary. A structure was in-situ when I visited the site. Although it may be physically possible to fit 6 bicycles into the designated area, given the narrow width and long depth of the storage area, bicycles would be stored side by side and in tandem. Consequently, I consider that bicycles would not be readily accessible from the storage area and as such the use of bicycles as a mode of transport would not be encouraged.
28. Nevertheless, as the outdoor space to the western side of the property cannot be used for car parking, I consider there to be sufficient space within the site for good quality cycle parking/storage facilities to be provided. Should I be allowing the appeal, such details could be secured by condition.
29. I therefore conclude that the development could, subject to conditions should I have been allowing the appeal, provide adequate on-site car parking, bin and cycle storage facilities to meet the needs of residents. As such, the development accords with Policy DM33 of the LP.

Other considerations

30. There are certain factors that weigh in favour of the development. Thus, use of the property as a HMO would make efficient use of land and the development supports national and local housing policies, contributing to the provision of affordable accommodation for working professionals such as key workers and graduates. I attach moderate weight to these matters. The site is within proximity of employment opportunities and a range of services and facilities to meet the day-to-day needs of residents. There is also access to suitable public transport options from the site and the opportunity is provided for walking and cycling. The Chiltern Hills Area of Natural Beauty is within walking and cycling distance from the site, providing opportunities for outdoor leisure and recreation. I attach moderate weight to the locational suitability.
31. However, notwithstanding my conclusions regarding parking and outdoor amenity space, these considerations neither individually nor collectively outweigh the harm I have found in respect of the development not providing a satisfactory extent of internal communal space.

Conclusion

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

J Williamson

INSPECTOR