



Appeal Decision

Site visit made on 1 September 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th January 2021

Appeal Ref: APP/J4525/W/20/3253700

11 Azalea Terrace North, Sunderland, SR2 7ES

- 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 Paul Smith of Blue Oak Properties Limited against the decision of Sunderland City Council.
 - The application Ref: 20/00548/FUL, dated 27 March 2020, was refused by notice dated 22 May 2020.
 - The development proposed is described as conversion of a single dwelling to a 5 bedroom house in multiple occupation.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion of a single dwelling to a 5 bedroom house in multiple occupation at 11 Azalea Terrace North, Sunderland, SR2 7ES in accordance with the terms of the application, Ref: 20/00548/FUL, dated 27 March 2020, and the plans numbered 1969 01a – Existing floor plans; 1969 01b – Existing elevations; 1969 02a – Proposed floor plans; 1969 02b – Proposed floor plans; 03 – Site location; 1:1250 Location Plan.

Procedural matter

2. The development has already been carried out and I was able to see it when I visited the site. I have noted that the Council has previously granted planning permission for the use of the property as a 4 bedroom house in multiple occupation (HMO) and that most of the works that have been carried out would also fall under the provisions of that planning permission. Nonetheless, I also saw that an ensuite shower room/w.c. has been installed in each main room as shown on the submitted drawings. Section 55 of the Town and Country Planning Act 1990 (the Act) describes development as the carrying out of building operations, or the making of material changes of use, as opposed to their retention or continuation. Section 73A of the Act also makes allowance for the submission of a planning application for development which has been carried out before the date of the application and, consequently, I have considered the appeal on that basis.

Main Issue

3. The main issue in this appeal is whether the proposed development would provide suitable living conditions for the future occupiers with particular regard to outlook and internal communal space.

Reasons

4. The appeal building is a two storey, mid-terraced, house which has additional accommodation within the roof space. To the rear of the property is a walled yard area that also provides access to the back lane behind the property. It is proposed to use the property as a five bedroom HMO with a shared kitchen and dining area on the ground floor provided in an existing rear addition to the property.
5. I have noted that the Council consider that there are no objections in principle to a further HMO use on the street. The Council's principal objection arises from the standard of accommodation that would be provided by the appeal proposal. Policies BH1 and H6 of Sunderland Core Strategy and Development Plan 2020 (the Core Strategy), when read together, expect new development to ensure a good standard of amenity for all existing and future occupiers of buildings and, in respect of HMOs in particular, that the accommodation provides a good standard of living space and amenity for the occupiers. The National Planning Policy Framework (the Framework) contains similar provisions to Policy BH1 at Paragraph 127.
6. The proposed bedrooms would exceed the minimum floorspace requirement for bedrooms in an HMO that are set out in the Council's standards, and the kitchen and dining area at the property also exceeds the minimum size required. The Council officer's report also accepts that most of the proposed bedrooms would have an acceptable outlook.
7. The Council's concerns focus on the ground floor, rear, room, identified as bedroom 2 on the submitted drawings. I saw when I visited the site that this room is comparable in size to the other proposed bedrooms within the property. The room has a large window that looks out into the rear yard area. This yard area has been subdivided by a timber fence to create an external space that would be separate from the rear part of the yard.
8. The existing rear addition and the yard wall separating the appeal building from its neighbour are visible in oblique views from the ground floor rear room window. However, as neither of these features is excessively high, I saw that the outlook from the window was not excessively constrained by these and that there was a good level of natural light within the room. I appreciate that levels of daylight will vary depending on the time of day and time of year, however, overall, I consider that the room would receive sufficient natural light.
9. Due to its position within the building the ground floor rear room would have a less open aspect than the other rooms within the building. Nonetheless, the room experiences a good level of daylight and has a comparatively large floor area. As such I do not find that it would be an unpleasant space to occupy or provide a poor standard of accommodation.
10. There is dispute between the parties over whether the level of communal space that would be available for the future occupiers would be adequate and whether communal lounge spaces within HMOs are used. This latter point notwithstanding, no evidence has been put to me which would indicate that there is a policy requirement to provide a communal lounge area within an HMO, or that the proposed 21m² kitchen/dining area does not meet a specific policy requirement.

11. The appellant's evidence, which is not contradicted by the Council, sets out that the minimum bedroom space requirement for an HMO is 10m². All the proposed bedrooms within the building are significantly in excess of this minimum area. In this context and combined with the 21m² shared kitchen and dining area, I find that the proposal would provide suitable and practical living space for the future occupiers.
12. I therefore conclude that the proposed development would provide suitable living conditions for the future occupiers with particular regard to outlook and internal communal space. It would not conflict with the relevant requirements of Core Strategy Policies BH1 and H6 or the requirements of the Framework.

Other Matters

13. The appeal building is located within the Ashbrooke Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of that area. The conservation area is predominantly residential in character and contains a large number of Victorian terraced properties and individual villas, together with extensive areas of open space. The appeal proposal would not alter the fundamental residential character of the building and the works that have been carried out maintain the appearance of the building. As such the appeal proposal would preserve the character and appearance of the conservation area.
14. The Council have suggested that the alteration to the yard area would result in the loss of car parking provision and potentially have impacts on highway safety. The submitted drawings show two parking spaces in the rear yard with vehicles parked in a tandem arrangement. The alterations to the yard area would result in the loss of one of these car parking spaces.
15. The Council's Development Control Guidelines Supplementary Planning Document 2000 (the SPD) sets out car parking requirements for different types of development. This expects that an HMO of the size proposed should have two car parking spaces.
16. Azalea Terrace is subject to permit controlled parking restrictions which is generally indicative of a level of parking stress. However, neither party has provided any evidence in respect of parking demand in the area. When I visited the site, I observed that there was a low take up of on-street parking on the street and that there were many spaces available. I recognise that this is just a snapshot of the time that I was at the site and that car parking demand will vary. Nonetheless, I am mindful that the SPD is guidance only and not prescriptive, and that there are bus stops in the near vicinity of the site on Belvedere Road, Stockton Road and Tunstall Road that provide access to several bus routes. The future occupiers of the building would, therefore, not necessarily be dependent on private car use.
17. I also saw that Azalea Terrace has a wide carriageway and that parking of vehicles to each side did not unduly restrict the width of the carriageway or impede the flow of traffic. In this context, whilst the proposal would not provide the full quantum of car parking provision that is sought by the SPD, there is no substantive evidence that the shortfall of one parking space would result in an unacceptable impact on highway safety.

Conditions

18. As the proposed works have already been carried out, it is not necessary to include a condition setting a time limit for the commencement of the development. In order to provide certainty regarding what has been granted planning permission, I have specified in the formal decision the approved drawings which show these works.
19. The Council has suggested that a condition is necessary requiring the materials to be submitted for approval. At the time of my site visit the works to the property were substantially complete. From the submitted evidence the external works were limited to overhauling and repairing the timber sash windows on the front elevation of the property, replacing uPVC windows on the rear elevation with new uPVC windows, and installing uPVC patio doors in the end elevation of the existing rear addition. From what I saw during the site visit, these works, particularly those to the windows on the front elevation of the building have been carried out to a high standard, using appropriate materials and windows and, consequently, I do not consider that this suggested condition is necessary.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR