



Appeal Decision

Site visit made on 11 December 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/Y0435/W/20/3258702

2 Farjeon Court, Old Farm Park, Milton Keynes, MK7 8RE

- 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 David Wright against the decision of Milton Keynes Council.
 - The application Ref 20/01259/FUL, dated 27 May 2020, was refused by notice dated 11 August 2020.
 - The development proposed is change of use from a single dwelling house to a house in multiple occupation (HMO) for 8 persons.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety, with particular regard to parking provision.

Reasons

3. The appeal site is located within a predominately residential area on the periphery of the built-up area of Milton Keynes. The site comprises a large detached property situated within a cul-de-sac, and the proposal would change the use of the building to a House in Multiple Occupation (HMO) with 8 bedrooms to be provided on the ground and first floors.
4. The Milton Keynes Council Parking Standards Supplementary Planning Document, 2016 (SPD) and the Houses in Multiple Occupation Supplementary Planning Document, 2012 (HMO SPD) set out parking standards for HMOs and the site would fall within Zone B, where 7 on-plot parking spaces would be required.
5. There are currently 2 parking spaces within the site, though the existing landscaping to the site frontage would be reduced as part of the appeal scheme to increase this provision to 4 spaces. Nevertheless, the proposal would still result in a shortfall of 3 on-plot parking spaces.
6. I saw on my site visit that the width of the cul-de-sac is restricted, the road curves to the front of the site and there is a footpath to only one side of the road. Whilst on-street parking would be available, this is not properly marked or laid out, and due to existing driveway accesses, the junction with Boyce Crescent and relatively short length of the cul-de-sac, the level of on-street provision is significantly limited.

7. In addition, I saw that due to the restricted width of the road, vehicles park inappropriately, partially on the footpath, in an attempt to avoid obstructing two-way traffic. I appreciate my observations provide just a snapshot, though this does reflect the concerns raised by interested parties.
8. Any increased demand for on-street parking would add to this, and I consider the deficiency in on-plot parking could lead to further inappropriate parking, either wholly or partially on the footpath and within the turning head of the cul-de-sac. This would impact on visibility and the safe manoeuvrability of vehicles along the road and at driveways. It may also lead to increased instances of vehicles having to reverse out of the cul-de-sac, particularly in respect of larger vehicles. Vehicles parking on the footpath would also leave little or no room for pedestrians to pass, particularly those with pushchairs or in wheelchairs. These could lead to conflicts between pedestrians and vehicles to the detriment of highway safety.
9. Whilst there is on-street parking on the adjacent road, this would be remote from the site and not within the surveillance of the site, and it is likely that occupants and visitors of the HMO would aim to park as close to the site as possible.
10. There are some local facilities though these are limited. Bus stops are located within walking distance of the site, though little detail has been provided on the routes, or frequency of those services. Although the bus service may provide connections to the centre of Milton Keynes where more facilities, services and connections to the central train station would be available, I note these are some distance away and journey times, via bus or cycling, would be long.
11. There are other train stations in closer proximity to the site, though from the details before me it is not clear if there are any connecting bus services. Although more accessible from the site by cycling, the details submitted indicate these are much smaller stations, where the frequency and level of service is restricted. The appeal of public transport for future occupants may well be limited and they would be more reliant on the private car for access to services and facilities.
12. The appellant states that the rooms would be let to young professionals who are less likely to own cars. There is little detail in the evidence before me to substantiate this, though it is noted that this is already reflected in the zoning and parking standards set for this location and type of accommodation. The proposal would create 8 bedrooms to be occupied by adults, and even taking into account access to some local services, facilities and public transport the use would generate an increased demand for parking provision from future occupiers and their visitors, that would significantly exceed that associated with a family dwelling.
13. Therefore, having regard to the above factors I consider the deficiency in on-plot parking provision would lead to inappropriate parking that would affect the safe manoeuvring of vehicles and visibility. This could lead to conflicts between pedestrians and vehicles to the detriment of highway safety.
14. Therefore, for the reasons stated, the development would be contrary to Policy CT10 of the Milton Keynes Plan: MK 2016-2031, adopted 2019, which seeks to ensure that development meets the Council's full parking standards and on-site parking is not reduced below the Council's full expectations if this would

increase additional pressure in off-site parking. For the same reasons the proposal would also fail to accord with Paragraph 109 of the National Planning Policy Framework, which states that proposals should be refused if there would be an unacceptable impact on highway safety, and the guidance within the SPD and HMO SPD which seek to ensure sufficient parking provision for HMOs so that they do not cause traffic problems, such as obstructions.

15. The appellant has referred to other appeal decisions relating to HMOs where there was a deficit in the level of on-plot parking proposed. From the details before me these other decisions appear to have related to sites which were closer to a greater range of local services and facilities, and where the highway was of a generous width and there was a high number of unrestricted kerbside parking opportunities. As detailed above this is not the case with the appeal scheme. Therefore, whilst I am mindful of those decisions, they dealt with sites and schemes that were different to the one before me. In any event, each site must be considered on its own merits and these other decisions do not, therefore, lead me to a different conclusion.
16. The site is close to local outdoor amenity spaces, not within a conservation area and is not listed. There would be no concerns in relation to the concentration of HMOs, neighbour amenity, noise, level of internal or external accommodation for future occupants and sufficient cycle and bin storage could be required by condition. However, these matters would have a neutral effect, and therefore do not weigh in favour of the appeal.
17. The proposal would contribute to the housing mix and provide affordable accommodation, though due to the size of the scheme this would only have a limited impact, and this does not outweigh the harm I have identified.

Other Matters

18. The appellant has stated that they would be willing to amend the scheme to a 6-bed, 8-person property and have submitted a sketch plan indicating how a further parking space may be provided within the site. The amendments would reduce the number of bedrooms, though the number of proposed occupants would remain unchanged. The parking would result in further reduction to the landscaping at the site frontage and parking closer to the boundary with the adjacent property.
19. To determine the appeal based on these amendments may deprive the Council and interested parties of the opportunity to comment on the revised development. In the interests of fairness, I am obliged to determine the appeal on the basis of the application considered by the Council, and this is what I have done. It is not the role of the appeal process to evolve a scheme, and if the appellant considers that amending their application proposals would overcome the Council's reason for refusal, then they should make a fresh planning application.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

A Denby INSPECTOR