
Appeal Decision

Site visit made on 2 February 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/K0425/W/20/3261885

114 Deeds Grove, High Wycombe HP12 3NZ

- 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 Tom Rourke against the decision of Buckinghamshire Council – Wycombe Area.
 - The application 20/05457/FUL, dated 28 February 2020, was refused by notice dated 16 September 2020.
 - The development proposed is change of use from 5-bed dwelling (C3) to an 8-bed Housing in Multiple Occupation (Sui Generis) facilitated by a single storey rear extension, two storey side extension, rear dormer and replacement front rooflights, widening of dropped kerb and hardsurfacing to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the application the former Wycombe District Council merged with other councils to form Buckinghamshire Council. Buckinghamshire Council is now the local planning authority for the purposes of the appeal.

Main Issues

3. The main issues are the effect of the development on: (a) highway safety and the environment with regard to parking (b) the living conditions of future occupants with regard to communal rooms and parking space, and (c) the effect on the living conditions of neighbouring occupants, with regard to noise and disturbance, and the pattern of activities associated with the proposed use.

Reasons

Highway safety, environment, and parking

4. The Buckinghamshire Countywide Parking Guidance 2015 provides guidance on optimum parking standards for new development. In the case of houses in multiple occupation (HMOs), the guidance advises providing the same number of spaces as other residential dwellings but with flexibility where there is evidence that would not be appropriate. The optimum standard for an 8+ habitable room/5 bedroom dwelling is 3 spaces, although where other rooms are likely be used as bedrooms, the guidance advises that local planning authorities may wish to consider including these within the calculation for parking provision.

5. As a result of more recent experience, the Council and Highway Authority consider that a higher parking standard is necessary for out-of-town-centre HMOs and seek 1 space per bedroom, a standard akin to that applied to bedsits.
6. The appellant considers this requirement to be unnecessarily high and refers to surveys¹ that indicate only between 43-47% of HMO occupants own their own car, that other local authorities have lower parking standards for HMOs, and that differing views on parking provision have been reached in other appeal decisions².
7. The parking guidance includes a degree of flexibility in setting optimum parking standards, based on the circumstances of each case. I accept the appellants' argument that a 1:1 ratio of parking spaces to bedrooms appears high, as it assumes that all tenants would have a car, a situation I consider would be unlikely. However, having regard to the experience of the Council and Highway Authority I equally accept that a higher parking standard than that applied to a similar sized family dwelling is necessary. Occupants of HMOs, who would almost all be adults, are likely to own more cars than a family occupying the same dwelling. Even using the survey information provided by the appellant, the parking requirement would be a minimum of 4 spaces (43-47% of 8 bedrooms). I note that differing views have been reached in other appeal decisions on the optimum parking standard for HMOs, but these were based on the evidence before each of the inspectors at the time of their decision. I must do the same with the evidence before me.
8. I also give weight to the argument put forward by the Council that in this suburban location, HMO occupants are more likely to use cars than if the site were in a more easily accessible location such as the town centre, or were drawn from different groups. The difference in parking standards between local authorities can be explained by these factors where in some cases, such as university towns, HMOs are often targeted at students living in town centres who have a lower car dependency, compared to a situation where HMOs outside town centres are targeted at young professionals, who have a higher car dependency. I note that the appeal scheme is aimed at young professionals and is also outside the town centre. This reinforces my view that a higher optimum parking standard than that for a family dwelling is necessary in this case.
9. Taking all of this evidence into account, my own view is that the optimum parking standard for the appeal proposal lies somewhere between 5-7 parking spaces. The proposed parking provision of 3 spaces does not achieve this standard.
10. The appellant makes a comparison to a fallback situation³ whereby if the existing dwelling and garage were converted to an HMO within Use Class C4 (up to 6 people) (a 'small HMO') but without any additional parking provision, there would be a deficit of 5 parking spaces. This is argued as being no different to the parking deficit arising from the proposed scheme assuming a parking requirement of 1 space per bedroom. It was on the basis of this

¹ Shared Living Survey 2020, and appellant's own survey of Oxliving properties (undated).

² APP/K0425/W/15/3140985 (76 Deeds Grove) and APP/K0425/W/19/3228997 (116 Deeds Grove).

³ 19/079112/CLP – Certificate of Lawfulness for use of property within Use Class C4 (HMO for up to 6 people), granted 29 January 2020.

argument that the Highway Authority withdrew its initial objection to the scheme.

11. However, the appeal proposal, by removing 1 on-street parking space because of the widened crossover, would make the overall parking deficit worse than would be the case with a small HMO. Furthermore, while conversion of the existing dwelling and garage to a small HMO may lead to a parking deficit, there would be scope within the site to respond to that situation by hardstanding part or all of the front garden. The flexibility to respond by increasing parking provision would not be available in the appeal scheme, where all front garden space has already been assigned for parking. I am also not persuaded that a scheme which falls under planning control, such as the appeal scheme, should be allowed purely on the basis that an alternative scheme, over which there is no planning control, would also result in a deficit in parking. Taking these factors into account, I do not consider that the fallback position would be as worse as the proposed appeal scheme in terms of parking deficit, or even if it were that it amounted to an adequate justification to allow such a deficit to occur.
12. From the evidence before me, including that in representations, it is clear that Deeds Grove and the surrounding roads suffer from parking stress. There is heavy demand for on-street parking, notwithstanding that many of the houses have their own forecourt or garage parking. Deeds Grove is too narrow to allow parking on both sides of the road while allowing the free passage of vehicles in the middle. This results in vehicles being parked on pavements or straddling the grass verges. I noted on my site visit that almost all the verges were badly rutted as a result of such activity. The appellant has carried out an on-street parking survey to show that space is available in the vicinity of the appeal site, but this is predicated on parking taking place on both sides of the roads, which would have the adverse consequences I have outlined above.
13. The parking deficit arising from the proposed development would make this situation worse. It would add to the on-street parking stress with increased obstruction of pavements and crossovers as described in some of the representations from local residents. It would obstruct the safe and efficient operation of the highway. It would also worsen damage to highway verges, with a consequent erosion of the character and appearance of the area. As a result of those effects, I conclude that the appeal proposal would conflict with Policies DM23 and DM33 of the Wycombe District Local Plan, which require new development to provide for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking.

Living conditions of future occupants

14. Policy DM23 of the Wycombe District Local Plan requires that developments for HMOs have an acceptable number and arrangement of communal facilities within the building. The supporting text to the policy sets out an expectation of 1 common room to every 3 bedrooms. For the appeal scheme, that amounts to a requirement for 3 common rooms.
15. The scheme fails to achieve that requirement. The appellant argues that even though only 2 common rooms are proposed, they exceed the minimum sizes set out in the Council's HMO licensing requirements, as do the bedroom sizes. While that may be the case, the requirement for 3 common rooms is a policy

requirement rather than a licensing requirement and reflects the desirability of having multiple spaces so that different communal activities can be carried out without interfering with one another. The proposed development would not enable that to happen and would therefore result in less than adequate living conditions for future occupants.

16. The Council raises concern at the size of the rear garden being adequate to cater for the outdoor domestic activities of up to 9 people (one of the bedrooms being a double). There is no standard or guidance on garden sizes for HMOs contained within either Policy DM23 or the Council's HMO licensing requirements. While the garden would be reduced in size from its existing extent because of the proposed extensions and cycle and bin stores, there would still be some space for incidental use. It is also unlikely that all of the occupants of the HMO would choose to use the garden at the same time. I consider the size of the garden is not therefore a limiting factor on the living conditions of future occupants.
17. While I do not find the garden space to be inadequate, I do conclude that the lack of sufficient common rooms would harm the living conditions of future occupants. The lack of adequate parking provision would also harm the living conditions of future occupants. For those reasons, the development would conflict with Policy DM23 of the Wycombe District Local Plan.

Living conditions of neighbouring occupants

18. The Council raises concerns at the effect of the development on the living conditions of neighbouring occupants through increased noise and disturbance as a result of increased comings and goings, and the more intensive use of outdoor space.
19. In my view the appeal proposal would generate a different and busier pattern of activities to that associated with a family dwelling. It would also be greater than the activity associated with a small HMO, although more by degree rather than the pattern of activities. However, I am not convinced that such differences in activity would necessarily be harmful to the living conditions of neighbouring occupants. They would still be of a domestic nature, and the majority of activities would be contained within the building. As noted earlier, I consider it unlikely that all occupants would use the outdoor garden space at once, or that its use would be more disturbing than those activities commonly carried on in residential gardens.
20. The supporting text to Policy DM23 advises that large scale HMOs will generally be unacceptable in areas of predominantly family housing unless they are designed to create small groups of bedrooms with domestically scaled facilities dispersed around the development. The appeal scheme does not achieve this requirement, but it is still necessary to identify what harm would be caused. I have been provided with no evidence that other HMOs in the locality and of the size proposed cause unacceptable noise and disturbance. In the absence of such evidence, I consider that the extent and pattern of activities associated with the appeal proposal is unlikely to cause unacceptable harm to the living conditions of neighbouring occupants.
21. On a more general theme, I note the concern of the Council about the transient nature of HMO occupants, which they consider to be at odds with the more settled character of this single household dominated area. However, Policy

DM23 states that developments for other residential uses, including HMOs, will be acceptable in principle in locations where housing is acceptable, and only resists such uses where there is already an overconcentration of them existing in the neighbourhood. The principle of HMOs being located in existing residential areas is therefore accepted in policy terms, including the short term occupancy inherent in such accommodation.

22. I acknowledge that an overconcentration of any form of housing tenure can upset the mix and balance of a community and lead to an erosion of the sense of neighbourliness. However, I have been provided with no evidence that there is an overconcentration of HMOs in Deeds Grove or that the use of the appeal site as an HMO would lead to an overconcentration of such uses. If the Council considers that there is a danger of an overconcentration of HMOs in the Deeds Grove area, it could address that problem through further policy guidance and/or restrictions on permitted development rights to change residential dwellings to Class C4 (small HMO) use. In the absence of any evidence that there is an overconcentration of HMO uses in the area, I consider there is no objection in principle to the use of the appeal site as an HMO.
23. I conclude that the proposed development would not cause harm to the living conditions of neighbouring occupants, or result in an overconcentration of HMOs, and would not therefore conflict with Policies DM35 and CP9 of the Wycombe District Local Plan that protect the sense of a place and the way it functions.

Other Matters

24. I acknowledge the recommendation of the Council's officers, which was in favour of the proposal. I also acknowledge that the proposed extensions would not cause any harm. However, the absence of harm in this respect does not alter my conclusions on the main issues.

Conclusion

25. Although I have identified no harm to the living conditions of neighbouring occupants or that there is any objection to the use of the property as an HMO in principle, I have found that harm would be caused to highway safety and the general environment through worsening of on-street parking stress, and to the living conditions of future occupants through a lack of communal rooms and inadequate parking provision.
26. For those reasons I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR