
Appeal Decision

Site visit made on 21 December 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15th February 2021

Appeal Ref: APP/Q0505/W/20/3258087

4 Moss Bank, Cambridge CB4 1UR

- 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 Powell against the decision of Cambridge City Council.
 - The application Ref 20/02821/FUL, dated 24 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is the change of use from a 4 person house in multiple occupation (C4 use) to an 8 person house in multiple occupation (Sui Generis).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Powell against Cambridge City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. During the site visit it was noted that the refurbishment of the building as carried out differs somewhat from the application plans. The appellant was therefore invited to submit revised plans which allowed the appeal to proceed. The Council were given the opportunity to make further submissions on the revised plans followed by final comments from the appellant.

Main Issue

4. The main issue is whether the property is suitable for use as an eight-person house in multiple occupation.

Reasons

5. The proposal is for the use of No 4 Moss Bank, a two storey mid-terrace house in a residential area, as an eight-person house in multiple occupation (HMO). At the time of the site visit the house was unoccupied but the appellant states that the property was last used as a four person HMO. As such it could be occupied by up to six people without planning permission. The property has been extended with a ground floor rear extension over part of the rear garden and a rear facing box dormer to convert the roof space into a further bedroom.
6. The property has recently been refurbished with new fixtures and fittings and a good standard of decoration throughout. It comprises four bedrooms, each

with an ensuite shower/wc, and a communal kitchen/dining area. The proposal is for each bedroom to be occupied by two persons making eight in total.

7. Whilst the bedroom at the rear of the kitchen/dining room on the ground floor and that on the top floor are a good size, the two on the first floor are smaller. In particular, on the appellant's figures, excluding the shower/wc, the front first floor bedroom is about 10.81 sq m in size, significantly less than the 11.5 sq m required by Policy 50 of the Cambridge Local Plan 2018 (the CLP) for a double bedroom¹. The appellant argues that the ensuite shower/wc, just over 2 sq m in size, should also be included in the floorspace figure, but unlike a built-in wardrobe this is not allowed for in the policy. In addition, the L shape of the bedroom means the width of the space where the double bed would be placed is only about 1.93 m wide, insufficient for a bedside table on each side and less than the 2.55 m or 2.75 m required by Policy 50.
8. Furthermore, again on the appellant's figures, the kitchen/dining room is about 19.41 sq m in size. Whilst well fitted out with kitchen appliances, storage units and work surfaces on three sides, this leaves only limited communal space for dining and socialising. With the necessary circulation space it was noted on the site visit that there is only room for a table and four chairs which would be insufficient to comfortably accommodate eight residents and their visitors coming and going at mealtimes. As a result the kitchen/dining room would provide unsatisfactory and cramped living conditions for the residents.
9. Thirdly, partly due to the ground floor extension, the rear garden is relatively small, according to the Council only 20 sq m or so, of which about 8 sq m would be used for a cycle store. This would be insufficient to provide a reasonable sized external amenity space for sitting out, drying clothes etc given the number of residents. In addition, the rear garden is not directly accessible except through the ground floor bedroom which would make it inconvenient to use for the other residents. Access would be by walking around the end of the terrace and along the rear access path, about 50 m, which would deter use of both the rear garden and cycle store. Whilst the deficiencies of the rear garden would also be the case for a smaller HMO, an increased number of residents would make the problem more significant.
10. The appellant argues that the property has an existing HMO licence, and that the bedrooms and kitchen/dining room satisfy the requirements of the HMO Regulations, in particular that a two-person bedroom should be not less than 10.22 sq m. However, the licence is for a maximum of six persons and the HMO Regulations do not take precedence over CLP policies for the purposes of planning control.
11. For these reasons the property would not be suitable for use as an 8 person HMO. The proposal would conflict with CLP Policies 48(b), 50 and 82 which limit large HMOs to suitable buildings and sites, require specific bedroom space standards, direct access to an area of private amenity space and the provision of easily accessible cycle parking.

Conclusion

12. The proposal would provide a large HMO which have an important role to play within the local housing market of the city, providing significant social and

¹ The CLP standards are themselves based on the Nationally Described Space Standards 2015.

economic benefits. The building concerned is light and airy, provides clean, well decorated accommodation, and is sustainably located being close to a wide range of services and facilities and public transport options. The property could accommodate six people without the need for planning permission and has the use of one parking space and unrestricted on street parking. However, these material considerations are not sufficient to outweigh the disadvantages of the proposal and the resulting conflict with the development plan.

13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR