



Appeal Decision

Site Visit made on 1 April 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/D0121/W/20/3263373

5 Claremont Crescent, Weston-super-Mare BS23 2ED

- 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 Martin Fey, Legion House Developments Ltd, against the decision of North Somerset Council.
 - The application Ref 20/P/0994/FUL, dated 30 April 2020, was refused by notice dated 25 August 2020.
 - The development proposed is Retrospective application to change the use of 5 Claremont Crescent from C3 dwelling houses to a sui generis House of Multiple Occupancy (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 5 Claremont Crescent from C3 dwelling houses to a sui generis House of Multiple Occupancy (HMO) at 5 Claremont Crescent, Weston-super-Mare, BS23 2ED in accordance with the terms of the application, Ref 20/P/0994/FUL, dated 30 April 2020, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The evidence before me, including my site visit observations, indicates that the conversion of the site to a House in Multiple Occupation (HMO) has been carried out. I have dealt with the appeal on this basis, albeit omitting the text 'retrospective application' from the description of development because such words do not describe acts of development.
3. The appeal site contains a Grade II listed building and I note that the Council has granted consent for the proposed works to the listed building. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would harm the character of the surrounding area and compromise its regeneration.

Reasons

5. The appeal site is situated in a prominent seafront position within a relatively built-up part of Weston-super-Mare town centre. Although there are several commercial premises such as hotels, shops and food outlets, the surrounding area has a generally residential character due to the predominance of residential accommodation in the locality. The Council's Weston-super-Mare Town Centre Regeneration Supplementary Planning Document (SPD) divides the town centre regeneration area into various parts, with the site located

within The Bay character area. The SPD sets out that The Bay is characterised by, amongst other aspects, hotels, bars, apartments and HMOs.

6. Policy DM39 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (SPP) sets out that conversions to HMOs outside of the defined Areas of Restricted Subdivision but within settlement boundaries – which is the case for the appeal site – will be permitted subject to certain criteria. The SPD indicates that conversions to poor quality residential accommodation and HMOs will be resisted.
7. HMOs provide a form of residential accommodation and, as identified by the SPD, The Bay is characterised by, amongst other things, HMOs. Accordingly, the conversion of the property to an HMO cannot reasonably be described as affecting the area's residential character. In coming to this view, I have taken into account the Council's observations of other HMOs in the town and their view that allowing the appeal scheme would not encourage the upgrading and maintenance of the property. However, there is little substantive evidence which indicates that the proposed conversion to an HMO would preclude any upgrading of the property, the listed terrace as a whole and/or improvements of the wider area in-line with the regeneration aspirations set out in the SPD. Although the property and its external décor may be in need of some maintenance, the appeal scheme would thus not necessarily undermine the Council's regeneration intentions nor the securing of the listed building's future.
8. Although HMOs may involve a more intensive use than a single dwelling for example, I have little substantive evidence that an HMO on the site would create significantly more noise, disturbance or anti-social behaviour than other residential uses, such as the Council's suggestion of one flat per floor, or the previous use of the site as a hotel. This is also a relatively busy, built-up residential area in the town centre, where some noise and disturbance would not be unexpected. As per the Council's Officer Report regarding impact on neighbours, I am therefore satisfied that the appeal scheme would also not harm the living conditions of adjoining occupiers.
9. It has been put to me that the proposed accommodation would not be of a high quality and that the feedback from the Council's Town Centre Regeneration Officer on the planning application was that the proposed accommodation would be poor. However, there would be toilets on each floor, the proposed bedrooms would be relatively large and many would be en-suite, and occupiers of the HMO would have access to two kitchens, one of which would include a reasonable-sized communal living area with good light and outlook provided by the large bay window. It seems to me that the standard of accommodation would therefore be satisfactory and thus the living conditions of the occupiers would be acceptable. In addition, neither the Decision Notice nor the Council's Officer Report identify that the living conditions of occupiers of the HMO would be inadequate nor suggest that the proposed development would create an over-intensive use of the site.
10. It is not alleged that the proposed development would singularly or cumulatively contribute to an unacceptable change in the balance of types of properties in one street or area, and the submitted evidence does not lead me to a different view. In addition, although concern has been raised about parking pressure in the area, D&E Highways & Transport did not object to the planning application and identified that the proposed development would be

likely to cause a reduction in the traffic generation and that occupants of the HMO may be less likely to be car owners. They therefore concluded that, despite the lack of off-street parking provision, the development is unlikely to have a significant detrimental impact on the existing localised on-street parking conditions and is in line with CS Policy CS11, and the Council's Officer Report concludes that the development would not adversely impact highway safety.

11. For the above reasons, I conclude that the proposed development would not harm the character of the surrounding area and would not compromise its regeneration. I therefore find that it accords with Policy CS12 of the North Somerset Council Core Strategy and SPP Policies DM32 and DM39. Amongst other aspects, these require development proposals to demonstrate sensitivity to existing local character and set out that conversions to HMOs outside of the Areas of Restricted Subdivision will be permitted subject to certain criteria. For the above reasons, the appeal scheme cannot reasonably be described as providing a poor quality HMO and is therefore also consistent with Development Principle 4 of the Town Centre Regeneration SPD and the provisions in chapter 12 of the National Planning Policy Framework (Framework).
12. Despite not referring to these in the Decision Notice and Officer Report, the Council's appeal statement alleges that the proposal would also be contrary to SPP Policies SA2 and SA9, which cover development within settlement boundaries and town centre regeneration respectively. However, little detail has been provided as to how or why the appeal scheme is alleged to conflict with these policies. Accordingly, and on the basis that the site is within a settlement boundary and I have found that the proposed conversion would not compromise regeneration, they have not been determinative in my decision.

Other matters

13. The appeal site is a Grade II listed building and is located within the Greater Weston Conservation Area. However, the Council does not allege that the development would have an adverse effect on either the listed building or the character or appearance of the Conservation Area. Having considered the development and visited the site, I concur with that view and find that the development would preserve the designated heritage assets.
14. A number of other matters have been raised by interested parties and I have taken them all into account. Those related to planning include residents' safety, parking issues, over-development, waste/refuse and construction works affecting neighbours. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.
15. The Council's Officer Report indicates that the development is unlikely to affect protected species, including bats. The available evidence does not lead me to a different conclusion. With each case determined on its own merits, allowing this development would also neither set a precedent nor mean that the conversion of other properties in the terrace to HMOs would necessarily be permitted.

Conditions

16. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and to ensure that details are submitted to and considered by the Council where relevant.
17. As the development has already commenced, the standard condition requiring development to begin within 3 years is not necessary. I have however imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition covering details of waste and recycling storage and collection arrangements is necessary in the interests of local amenity, the listed building and sustainable waste management. A condition requiring the provision of cycle parking on the site is also necessary in relation to providing occupiers with sustainable transport choices, as required by the development plan.
18. The Council suggested two other conditions. However, with little substantive evidence before me in relation to the alleged potential for anti-social behaviour arising from the proposed development, it has not been demonstrated that the suggested condition requiring a full-time manager to reside at the HMO would be necessary and reasonable. In coming to this view, I have taken into account the concern that the Crime Prevention Design Advisor of Avon and Somerset Police is said to have raised. Given that the appeal scheme relates to a change of use, the suggested condition requiring the submission of an external enhancement and maintenance scheme for the building would neither be directly related to the development nor necessary and reasonable. I have therefore declined to impose both conditions.

Conclusion

19. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan and Location Plan (Drawing No 1959-00); Existing & Proposed Elevations (Drawing No 1959-01); Existing Ground Floor Plan (Drawing No 1959-02); Existing First Floor Plan (Drawing No 1959-03); Existing Second Floor Plan (Drawing No 1959-04); Existing Third Floor Plan (Drawing No 1959-05); Proposed Ground Floor Plan (Drawing No 1959-06); Proposed First Floor Plan (Drawing No 1959-07); Proposed Second Floor Plan (Drawing No 1959-08); and Proposed Third Floor Plan (Drawing No 1959-09).
- 2) Within three months of the date of this permission, details, including plans and specifications, of the space and facilities for the separate storage and collection of waste and recycling materials for the development hereby permitted shall be submitted to the local planning authority for their approval in writing. Within one month of the written approval of the local planning authority or some such other time as agreed in writing by the local planning authority, the approved space and facilities shall be provided and thereafter kept permanently available for the storage and collection of waste and recycling materials only for the occupiers of the HMO.
- 3) Within three months of the date of this permission, details of secure parking facilities for four bicycles shall be submitted, alongside any required application for listed building consent, to the local planning authority for their approval in writing. The approved details shall be provided within one month of the local planning authority's written approval of the condition and, if necessary, the corresponding listed building consent (whichever is later). The four bicycle spaces shall be provided in accordance with the approved details and once provided the facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

END OF SCHEDULE