



Appeal Decision

Site visit made on 23 March 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021.

Appeal Ref: APP/M3835/W/20/3261270

36 Valencia Road, Heene, Worthing, BN14 4QD

- 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 Karl Edwards and Mr Ian Boyd (Conway and Edwards Property Co Ltd) against the decision of Worthing Borough Council.
 - The application Ref AWDM/0617/20, dated 14 April 2020, was refused by notice dated 19 August 2020.
 - The development proposed is change of use of 6 no. bedroom dwellinghouse (Use Class C3) to 9 no. bedroom house of multi occupation (HMO- Sui Generis) including rear bike storage to east and 1 no additional bin store to the west.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 6 no. bedroom dwellinghouse (Use Class C3) to 9 no. bedroom house of multi occupation (HMO- Sui Generis) including rear bike storage to east and 1 no additional bin store to the west at 36 Valencia Road, Heene, Worthing, BN14 4QD in accordance with the terms of the application, Ref AWDM/0617/20, dated 14 April 2020 and subject to the conditions listed below:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 001, 002/Rev.A, 003, 004/Rev.A, 005 and 005/Rev.B
 - 3) The 9 bedroom house in multi occupation hereby permitted shall be limited to no more than 9 occupants.
 - 4) Within 3 months of the first occupation of the 9 bedroom house in multi occupation hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how tenancies at the HMO will be controlled so as to minimise the potential for anti-social behaviour or nuisance by the occupiers thereof. Tenancies of the HMO shall thereafter be managed at all times in accordance with the approved Plan.
 - 5) No part of the development hereby permitted shall be first occupied until the covered secure cycle parking spaces have been provided in accordance with

the approved plans, and these spaces shall thereafter be retained at all times for their designated purpose.

- 6) No part of the development hereby permitted shall be first occupied until the facilities for storing refuse and waste, including waste that can be recycled, have been provided in accordance with the approved plans, and these facilities shall thereafter be retained at all times for their designated purpose.

Application for Costs

2. An application for costs was made by the Appellant against Worthing Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The description of development on the Council's decision notice is different to that on the application form. I have adopted the former as it provides a more accurate description of the change of use.

Main Issue

4. The main issue in this appeal is whether the proposed development would provide a satisfactory living environment for future occupants, with particular regard to the proposed number of residents and standard of accommodation.

Reasons

5. The appeal site is situated on the eastern side of Valencia Road and comprises a large two storey semi-detached Edwardian property with rooms in the roof. The surrounding area largely comprises similar semi-detached Edwardian properties, most of which are single family dwellings although some have been converted into flats. The properties to the north of the appeal site, fronting Tarring Road, form part of a local centre with predominantly commercial uses at ground floor level and ancillary or residential accommodation above.
6. The Council accepts that the appeal property has already been converted to a HMO under permitted development, and currently provides accommodation for 6 occupants (6 bedrooms). As a consequence, the appeal proposal would not result in the loss of a single family dwelling. The Council also accepts that HMOs provide a valuable source of low-cost accommodation, but contend that, in this case, these needs must be balanced against the suitability of the appeal property for the number of proposed occupants.
7. The Council's reason for refusal does not contend that the appeal proposal would result in any harm to the character of the area. Even so, there are some references to such harm in the appeal submissions, but no evidence before me to suggest that the existing HMO, as proposed to be extended, would result in any harm to the character of the area or to the living conditions of existing neighbouring occupiers. As I observed on my site visit, the outward appearance of the appeal property is no different to that of other properties in Valencia Road.
8. The appeal property has been extended and altered. However, all these works have, I understand, been undertaken with the benefit of planning permission granted by the Council. The appeal proposal does not seek planning

permission for any further extensions or alterations, other than the proposed cycle and refuse storage areas. All the proposed accommodation would, therefore, be provided within the existing (extended) building. In doing so, it would, in my view, make full and effective use of the property, consistent with paragraphs 117 – 118 of the National Planning Policy Framework (February 2019) (Framework).

9. The Council's concerns relate to the intensification of use of the HMO from 6 to 9 bedrooms, and the quality of the resulting accommodation that would be available for the occupants. The Council contend that the proposed internal and external communal areas would be limited and would not be of a high quality, resulting in the overdevelopment of the appeal site.
10. In relation to the proposed accommodation, the Council acknowledge that there are no local adopted planning space standards for HMO's. In this respect, the Council's concerns appear, therefore, to be based on judgements as to the standard of accommodation that should be provided, with the emphasis on securing a 'high quality'. Whilst I recognise the Council's concerns and accept that the proposed HMO would, in the majority of cases, have a higher occupancy than a large single family house in Valencia Road, the appeal property, as extended, is, in my view, of sufficient size and layout to accommodate 9 bedrooms. Moreover, the evidence before me indicates that the proposal would secure a good standard of low cost accommodation, it would be well managed and would be subject to an agreement entered into with the Council's housing needs team whereby the appeal property would assist in procuring temporary accommodation at reduced cost, for which there is high demand.
11. The above findings are supported by my own observations and are also consistent with the Council's Planning Committee Report (PCR). The latter found that the proposed accommodation would be of a good standard and that the bedroom space standards complied with the licensing requirements for HMOs. In terms of consultees, the PCR states that the Council's Private Sector Housing Team raised no objections, advised that the HMO would "*be subject to Mandatory Licensing of HMOs, as well as the additional management regulations that apply to HMOs*" and confirmed that the appeal property was capable of accommodating the proposed number of occupants. The PCR also confirms that the Council's Head of Housing supported the development in that it would provide much needed affordable housing for those unable to get onto the housing ladder.
12. The submitted plans show, in my view, a typical HMO layout, with good sized bedrooms, some with en-suites and a reasonable level of communal facilities, as well as a rear garden. Whilst I accept that the size of the latter has been reduced due to the provision of a management office building, the remaining space is sufficient, in my view, to be used, for example, for sitting out and/or for drying clothes. The plans also include covered cycle storage, within a secure and accessible location, an enclosed refuse storage area and space for off-street parking.
13. Given the above, I am satisfied that the proposal would secure a good standard of accommodation for up to 9 occupants (9 bedrooms).
14. Whilst there is no specific policy in the development plan in relation to HMO's, the Council have referred, in their reason for refusal, to Policy 8 of the

Worthing Core Strategy (April 2011) (WCS), which seeks to deliver a wide choice of homes to meet the needs of the community. The supporting text at paragraph 8.11 states that its objective is to redress the imbalance in housing mix that had dominated development at that time. Whilst Policy 8 does not refer directly to HMO's, insofar as it seeks to secure a wide choice of high-quality housing with higher density housing within town centre locations, I am satisfied that it is relevant to this appeal and that the proposed development would be consistent with its aims and objectives.

15. Both parties have referred to the HMO policy within the emerging Local Plan, but appear in agreement that given the early stage in the production of this plan it cannot be accorded any weight. More up to date policy advice is, of course, provided in the Framework. The latter includes policies seeking to promote higher density developments within sustainable locations (paragraphs 122 – 123), identify land that will meet the Government's objective of significantly boosting the supply of homes (paragraph 59) and to ensuring that local planning policies provide for the differing housing needs of local communities including affordable and rented (paragraph 61). Overall, the Framework seek to promote a mixture of housing types and tenures to meet local needs and specific housing requirements, which this appeal proposal would go some way towards addressing.
16. Accordingly, I find that the change of use to a 9 bedroom HMO would be acceptable and that the proposed accommodation, both internally and externally, would be of a good standard and quality. The appeal proposal would, therefore, be compliant with the aims and objectives of Policy 8 of the WCS, and also consistent with the more up to date policies of the Framework.

Other Matters

17. Interested parties have raised various concerns including the precedent that the change of use could set, the lack of parking and impact on highway safety and the risk of overcrowding leading to anti-social behaviour.
18. In relation to precedent, I have considered this appeal on its individual merits having particular regard to the circumstances of the case and the prevailing planning policies. My decision will not prevent future proposals from being considered on the same basis.
19. In relation to parking, there is no evidence to demonstrate an increased level of parking demand for the enlarged HMO compared to the previous single-family dwelling or its current use as a 6 bedroom HMO. I note in this respect that the Highway Authority raised no objection to the HMO on highway safety grounds, to which I attach significant weight. Whilst, as I observed on my site visit, demand for on-street parking in the area is high, the appeal site benefits from two/three off-street parking spaces. The Appellant indicates that none of the existing tenants own a car and whilst this position could change, there is no reason why, if properly managed, the proposed spaces could not meet any demand that does arise from the occupants of the HMO. Even so, the appeal site is located within a highly accessible location, with good access to local services/facilities and excellent access to public transport, including West Worthing Station. There are, therefore, significant opportunities to use other modes of transport and reduce reliance on the private car.

20. With regard to anti-social behaviour, there is nothing to suggest that increasing the size of a HMO from 6 to 9 bedrooms would lead to a material increase in noise and disturbance. In addition, there is nothing to suggest that an HMO would generate any more noise and activity than a single-family dwelling occupied by a large family or indeed properties that have been converted into flats. Even so, the Council have put forward conditions to address this issue including the requirement for a Management Plan.
21. In summary, there is no detailed evidence before me to suggest that any of these concerns would result in material harm, and I note they are not issues that the Council have raised in relation to this appeal.

Conditions

22. The Council has suggested a number of conditions which I have considered against the advice in paragraph 55 of the Framework, and the Planning Practice Guidance on the use of planning conditions.
23. Conditions relating to the provision of cycle and refuse storage are necessary and reasonable in order to reflect the details submitted and to secure a sustainable development. Whilst the HMO will be licensed through other legislation, I am satisfied that conditions limiting the number of occupants and requiring the approval of a Management Plan are also necessary and reasonable to reflect the details submitted and to safeguard the amenities of future occupiers. However, I have modified the wording of some of the conditions and added a condition requiring compliance with the approved plans to provide clarity.

Conclusions

24. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR