



Appeal Decision

Site Visit made on 25 May 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/Y3940/W/20/3264240

29 The Rise, Calne, Wiltshire SN11 0LG

- 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 Wave Hill Property Ltd against the decision of Wiltshire Council.
 - The application Ref 20/06065/FUL, dated 17 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is for the use of dwelling as a house in multiple occupancy containing 7 bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a dwelling to a house in multiple occupancy containing 7 bedrooms, at 29 The Rise, Calne, SN11 0LG, in accordance with the terms of the application Ref 20/06065/FUL, dated 17 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan LPC4867 20 02, and Existing Floor Plans LPC,4867,20,01.
 - 3) Prior to the use of the dwelling as a 7-bed House of Multiple Occupation, details of the provision for a refuse/recycling storage area shall be submitted to the Local Planning Authority for approval in writing. The approved refuse/recycling storage area shall be provided at the property in accordance with the approved details, from the commencement of use of the dwelling as a 7-bed House of Multiple Occupation and shall thereafter be permanently retained for this use.
 - 4) The secure cycle storage shelter, as detailed in the submission, shall be retained as a cycle storage facility at all times when the dwelling is used as a 7-bed House of Multiple Occupation.
 - 5) Parking for three vehicles, as shown on plan reference LPC4867 20 02 Block Plan, shall be available for parking of vehicles from the time of the first use of the dwelling as a 7-bed House of Multiple Occupation and shall be maintained as such thereafter.

Applications for costs

2. An application for costs is made by Wave Hill Property Ltd against Wiltshire Council. This costs application is set out with a separate decision.

Procedural Matter

3. The appellant has confirmed that they no longer wish for a 'flexible permission' and only want the change of use to a large HMO. This should not prejudice any interested party in agreeing to this, as most neighbour concerns are about the HMO use rather than the potential to revert to a dwelling in the future. As such, I have taken this aspect out of the description of development.

Main Issues

4. The main issues are the effects of the development on (1) the character of the area, (2) the living conditions of neighbours and future occupants, and (3) highway safety.

Reasons

Character of the area

5. The proposal is for a 7 bedroom house of multiple occupation (HMO). However, it is clear that the dwelling is no longer a single dwellinghouse and has been used as a HMO. As set out by the appellant, there could be a 6 bedroom HMO without the need for planning permission. It seems likely that this would be a realistic fallback position if this appeal were dismissed. As such, the effect of this proposal would be a single additional bedroom to be used by an occupant over that already permitted.
6. On this basis, the proposal would not significantly intensify the use, as the property is already a HMO. Furthermore, the character of the area would not substantially change, as the property is already no longer a single family house. The proposal would therefore accord with Core Policy 57 of the Wiltshire Core Strategy. This policy requires development to make a positive contribution to the character of Wiltshire and relate positively to the existing pattern of development.
7. The proposal is also in accordance with Section 12, paragraph 127 of the National Planning Policy Framework (the Framework) on this matter, which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting, amongst other things.

Living Conditions of Neighbours

8. No 29 The Rise is within a residential area, with adjacent neighbouring properties in close proximity. The proposal would likely result in more people living within the property. However, whilst I recognise that more people living in a property could result in more noise, there is no substantive evidence before me that indicates that the noise from a 7-bedroom HMO would be significant or resulting in a substantial disturbance to neighbours.
9. The bin store has already been erected and is not near any neighbouring window. There is a lack of detail of the bin store with the appeal documentation, but this could be required by condition. However, I am satisfied that a bin store to the front of the property could be provided without undue impact through odours for example to neighbouring occupiers.
10. I note the comments from neighbours to the site about past issues with bin storage and noise from occupants. However, there is no clear evidence this

would likely persist in the future. If there did transpire to be an issue with noise or odours it is possibly something that could be investigated by Environmental Health.

11. On this issue the proposal would accord with Core Policy 57 (vii) of the Wiltshire Core Strategy. This policy requires development to have regard to the impact on the amenities of existing occupants, for example. The proposal also accords with Policy BE2 of the Calne Neighbourhood Plan, which requires consideration of waste storage, for example
12. The proposal is also in accordance with Section 12, paragraph 127 of the Framework on this matter, which requires a high standard of amenity for existing and future users.

Parking Provision

13. The proposed HMO would provide for three parking spaces to the front of the property, which it may already provide. As a 7-bedroom HMO it could be that there would be more than three vehicles owned by occupants, but this is not certain. The property is in a moderately accessible location in Calne, with some shops and services within walking or cycling distance.
14. If there were more than three vehicles then this could result in some level of on-street parking. From the submitted parking survey and from my observations at the site visit there does seem to be some on-street parking provision available, though I do accept that on-street parking levels could be higher at different times. It could also be possible that future occupants may have to park a short distance from the house to ensure they do not block larger vehicles in the street or other peoples driveways, for example. I understand that on-street parking could interrupt the free-flow of traffic and have some pressure on the highway network, but what is not demonstrated by the Council is how this would impinge on highway safety, especially as appears as a minor residential road.
15. Furthermore, No 29 could be converted to a 6-bedroom HMO without planning permission and already appears to be a HMO. As such, the proposed 7-bedroom HMO would only result in one more bedroom space, which is unlikely to result in any significant increase in parking pressures on the highway.
16. On this basis, the proposal is in broad accordance with Core Policy 60 (i) and (ii), Core Policy 61 (i) and (ii) and Core Policy 64 (i) of the Wiltshire Core Strategy, and Policies GA2 and BE3 of the Calne Neighbourhood Plan. These policies require that development be in accessible locations; consider the travel needs of all; be served by safe access to the highway network; provide adequately for off-street parking; ensure against detrimental impact to the highway network in terms of congestion and/or safety unless appropriately mitigated; amongst other things.
17. The proposal is also in accordance with the policies of the Framework on the issue of parking provision, particularly those within Chapter 9, which promotes sustainable transport.

Cycle and Bin Store provision

18. The proposed HMO could provide for bin storage to the front of the property, without impinging on the living conditions of occupiers of No 29 or

neighbouring properties, given a sufficient distance from the front elevation windows. In these circumstances this would generally be a suitable location for the bin store, subject to the details required by condition.

19. The HMO would be served by a cycle store in the rear garden. This is not ideal, given that there is no side access and so bikes would have to be carried through the house. However, this is the current situation for the HMO and the proposal would only result in one more bedroom than existing. In these circumstances, whilst not ideal, I do not conclude that the position of the bike store would be overly off-putting for future occupants to keep bikes or have a significantly detrimental living condition impact to other occupants in the house.
20. On these matters, the proposal can sufficiently provide for both bin and cycle storage, in accordance with Core Policies CP57 (vii), CP60 and CP61 of the Wiltshire Core Strategy, and Policy BE2 of the Calne Neighbourhood Plan. These policies require development to support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire, whilst having regard to the compatibility of adjoining buildings and uses, and the impact on the amenities of existing occupants, amongst other things.
21. The proposal is also in accordance with the policies of the Framework on these issues, particularly those within Chapters 9 and 12.

Other Matters

22. Although the matter relating to the rear dormer and whether this is authorised does not appear to be fully concluded, I do note that an email from the Council appears to confirm that they are content that the dormer would have been permitted development. In any case, the dormer is not part of the development before me as part of this appeal.
23. Having viewed the property there would be some views into neighbouring gardens and properties, including from the dormer. However, there is a high level of existing mutual overlooking between houses in this residential area, and so any overlooking as a result of the formation of a large HMO would not significantly impinge on neighbour living conditions.
24. I am aware of all the issues raised by neighbours to the site. However, this property already appears to be a HMO and not a 'family home'. The proposal to change it to a 7 bedroom HMO would not result in any significant impacts over the current HMO arrangement, such as traffic increase or pressure on the sewer system for example. As such, these matters do not warrant the dismissal of the appeal in these circumstances.

Conditions

25. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
26. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition requiring details of the bin stores to be agreed by the Local Planning Authority. I understand that there

has been a bin store erected but details should be submitted to the Council to demonstrate that this is adequate and does not interfere with the parking provision. A condition requiring the retention of the cycle storage is required, in the interests of sustainable transport. Finally, a condition requiring the retention of the proposed off-street parking provision is also required.

Conclusion

27. For the reasons given I conclude that the appeal should succeed, subject to the conditions set out above.

Mr S Rennie

INSPECTOR