



Appeal Decision

Site visit made on 1 June 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/X3540/W/21/3270811

102 Garrison Lane, Felixstowe, IP11 7RB

- 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 Mrs G. Cohli against the decision of East Suffolk Council.
 - The application Ref DC/20/4643/FUL, dated 16 November 2020, was refused by notice dated 1 February 2020.
 - The development proposed is the change of use of house (Use Class C3) to a large HMO (Use Class Sui Generis).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

5. The main issues are:
 - The effect of the change of use on highway safety; and
 - whether the proposal would provide satisfactory living conditions for the future occupiers of the host dwelling, with regards to light, outlook, and the provision of communal amenity space; and
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- the effect of the change of use on the living conditions of neighbouring occupiers with regards to noise, disturbance, safety, and security.

Reasons for the Recommendation

Highway safety

6. The appeal site is located on a busy A-road with limited parking availability. A pedestrian crossing point and refuge island lie directly opposite one of the site's two access points. The appellant previously stated that 6 cars are able to park within the front drive but later contended, within their appeal statement, that the site can safely accommodate parking and turning for 4 vehicles.
7. The proposal would increase the number of occupants living at the property, with the resultant formation of 7 households. It is unclear how many occupants would utilise a private vehicle, nonetheless, the Council asserts that the proposal fails to demonstrate an achievable onsite parking layout and that minimum parking standards would not be met. Whilst I accept that the site is located in a sustainable location close to town centre amenities and has adequate public transport links within walking distance therefore meaning not all occupants would be dependent on a car, the proposal would still be likely to intensify the need for parking within the front drive.
8. As highlighted by Suffolk County Council Highways ('SCC Highways'), the current access arrangements are neither safe nor suitable as one of the site's access points is unlawfully located opposite a pedestrian crossing. However, the appellant has signalled their intention to carry out the requisite works to the frontage boundary and close-off the contended access point onto Garrison Lane, which I am satisfied is a matter which could be addressed by virtue of an appropriately worded condition.
9. Irrespective of this, I am not satisfied a single access point onto the busy road for 4 cars or more would be satisfactory. Indeed, without a submitted parking layout I am not able to fully attest how many vehicles the front drive could accommodate and whether there would be enough space for turning and manoeuvring within the front drive to allow for safe entering and exiting on Garrison Lane. I also note that the layout plan does not adequately show where the refuse bins would be positioned. I therefore cannot conclude that there is enough space within the plot to accommodate the parking requirement as well as the required number of bins for a large HMO.
10. Given the limited amount of space within the front drive and the unsuitability of parking on Garrison Lane, it is reasonable to expect the future occupants would park on surrounding streets such as Cobbold Road or St Andrews Road. In this respect, I have not been provided with sufficient evidence to suggest that Cobbold Road and other surrounding streets suffer from parking stress. In my view, there would be sufficient capacity within the surrounding streets to accommodate a small number of additional vehicles.
11. Although I accept that the site is well-located for services and facilities provided by the town centre and to public transport, I concur with the Council that it is unrealistic future occupants would park their vehicles in the car parks referred to by the appellant as these are located too far away from the appeal property.

12. Given the above, the proposal has failed to demonstrate that the site can accommodate sufficient parking and safe access. It would thus be hazardous to highway safety and would thus conflict with Policy SCLP5.12 of the Suffolk Coastal Local Plan (the 'Local Plan') which seeks to ensure proposals for HMOs can provide sufficient parking.

Living conditions of future occupiers

13. The plans indicate Bedroom 3 would not benefit from any windows but instead would be wholly dependent on a small rooflight for natural light and ventilation. The level of light penetration within this room would be unacceptably limited and combined with an absence of outlook it is considered that the living conditions of the future occupants would be negatively and seriously impacted.
14. The Town Council expressed concern regarding the amount of communal space available to the future occupants, yet the Council's Private Sector Housing Team consider that the property would be suitable for seven persons. In my view, the kitchen/living room would be appropriately sized for a large HMO and the residents would also be able to enjoy a considerable amount of outside amenity space to the rear.
15. Given the above, although the future occupiers would benefit from an adequate amount of communal space, the development would fail to provide acceptable living conditions for future occupants of Bedroom 3 with regards to light and outlook. Therefore, the proposal would conflict with Policy SLP11.2 of the Local Plan which seeks to ensure proposals provide for adequate living conditions for future occupiers.

Living conditions of neighbouring occupiers

16. As mentioned above, it is considered that the proposed change of use would not unreasonably increase parking pressures on surrounding streets. I do not therefore find that the proposal would generate an excessive amount of vehicular movements, or that these would unreasonably or materially impact on the living conditions of neighbouring occupiers, with any perceived disturbance likely to be minimal and momentary in nature.
17. Furthermore, whilst I have had regard to the neighbour's comments highlighting episodes of anti-social behaviour at the property and note that the Council considers that eight non-related adults living in close confinement with each other, sharing very limited facilities, could cause tension and negatively impact the living conditions of neighbouring residents, I find that the increased level of occupancy at the dwelling would be marginal and would not necessarily mean there would be an increase in activity, noise and general disturbance. I am also not convinced that a small increase in occupants as a result of the change of use would unacceptably threaten the safety and security of nearby residents.
18. I am not therefore persuaded that the development would have an adverse impact on the living conditions of neighbouring occupiers with regards to noise, general disturbance, safety and security. It would thus adhere to Policy SLP11.2 of the Local Plan which seeks to ensure proposals provide for adequate living conditions for neighbouring occupiers.

Planning balance

19. The appellant has referred to the National Planning Policy Framework (NPPF) in relation to the efficient use of land and the promotion of housing in sustainable locations. Whilst I would attach some limited weight to this point given the site does indeed have good walkable access to amenities and public transport, I regard the adverse impacts on the living conditions of future occupiers and on highway safety to significantly and demonstrably outweigh the limited benefits of the proposal with regards to its sustainable location.

Recommendation

20. Overall, I conclude that although the proposal would not harm the living conditions of neighbouring occupiers it would adversely affect highway safety and would fail to provide acceptable living conditions for the future occupiers with regards to light and outlook.
21. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR