



Appeal Decision

Site Visit made on 19 July 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2021

Appeal Ref: APP/K0235/W/21/3274686

7 Nelson Street, Bedford MK40 4JP

- 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 A Shah against the decision of Bedford Borough Council.
 - The application Ref 20/03074/S73A, dated 26 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is retrospective change of use of dwelling to HMO (C4).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.

Main Issues

3. The main issues are:
 - Whether or not the site's kitchen facilities, appliances, ventilation and drying areas are acceptable;
 - Whether or not the site's refuse storage facilities are acceptable;
 - Whether or not the intended cycle storage arrangements would be acceptable;
 - Whether or not sufficient parking information has been submitted to demonstrate an acceptable effect upon highway safety; and
 - Whether or not sufficient information has been submitted to demonstrate an acceptable effect upon flood risk.

Reasons

Kitchen facilities, appliances, ventilation and drying areas

4. The Houses in Multiple Occupation Supplementary Planning Document (October 2020) (the SPD) sets out the Council's expectations for new Houses in Multiple Occupation (HMOs) and is an important material consideration in the determination of HMO proposals. Nevertheless, particularly as many HMOs are likely to materialise through the conversion of existing housing stock, the SPD's

various recommendations should, to my mind, be applied with a degree of pragmatism rather than on a rigid or inflexible basis.

5. Having carried out an inspection of the appeal property's kitchen, I was able to identify the presence of a sink (with secondary bowl), a mixer tap, a cooker (with 4-ring hob), storage cupboards, various worktops, a washing machine, a large fridge-freezer, an internal bin and an openable window.
6. No area for the indoor drying of clothes is set out upon the submitted plan, nor could an obvious internal space for this particular function be pinpointed upon inspection. Nevertheless, the property incorporates a range of communal spaces at ground floor and sizable private bedrooms at first floor. Whilst the SPD sets out that bedrooms, amongst other specified areas, will not be considered suitable drying areas, an adequate range of drying opportunities exist for the property's occupiers (if limited to a maximum of four, consistent with the HMO license already issued). This is particularly when noting the presence of an external rotary washing line and my understanding that the installed washing machine offers a drying function.
7. For the above reasons, the site's kitchen facilities, appliances, ventilation and drying areas are acceptable. The proposal satisfactorily accords with Policies 2S and 30 of the Bedford Borough Local Plan 2030 (adopted January 2020) (the Local Plan) and with the SPD in so far as these policies and guidance require development to be designed to promote health, safety and active living.

Refuse storage facilities

8. The site is served by an external rear garden. Upon the submitted plan, a designated refuse storage area is depicted within this rear garden space. The property is also served by a rear pathway (the pathway) that runs much of the perimeter of the neighbouring property and that ultimately leads to Nelson Street via a shared and gated access point.
9. Having inspected the pathway, I observed it to be narrow and poorly maintained and to contain a sharp turn. It exhibited various obstacles, including vegetation and loose building materials. The pathway, owing to its physical constraints and not insignificant length, is not a route via which bins could realistically and reliably be transported between the intended refuse storage area and Nelson Street on a week-by-week basis. This is even should a future scheme of improvement related to the pathway be implemented.
10. However, it was apparent upon inspection that bins were stored to the site's frontage within an external walled area. Indeed, owing to the various constraints associated with storing bins to the rear, this would appear to be the logical and realistic position for them. It was evident that this external walled area could accommodate up to four 240 litre bins on a readily accessible and relatively discreet basis, and in a manner consistent with how I observed bins often to be stored along Nelson Street.
11. Having considered the SPD's stipulations in a bin storage context and notwithstanding the proximity of the external walled area to an occupied ground floor room, I am sufficiently satisfied that a suitable level of provision for a maximum of four occupiers is able to be appropriately accommodated to the front of the site. This would be subject to the precise details (and their

subsequent retention) being secured via condition should the appeal be successful.

12. Thus, for the above reasons, the site's refuse storage facilities are acceptable. The proposal satisfactorily accords with Policies 2S, 30 and 31 of the Local Plan and with the SPD in so far as these policies and guidance require particular attention to be given to the quality of development and to the suitability of access arrangements.

Cycle storage facilities

13. No formal facilities for the storage of cycles were apparent on my site visit. Nevertheless, upon the proposed ground floor plan, intended cycle stores are depicted to the immediate rear of the property. The final specification of these stores could be secured via condition should the appeal be successful, to offer suitable assurances that such facilities would be individually accessible/securable, be able to accommodate at least four wheeled-in cycles, and be delivered within a short-term timeframe.
14. The pathway, particularly in the poorly maintained state I witnessed, does not lend itself to the regular movement of cycles to and from the rear of the site. Indeed, at the point in time of my inspection, the pathway had evidently not been used for access purposes for a considerable period. Nevertheless, a scheme of improvement/maintenance (or similar) could be secured via condition in the event the appeal be successful, which would be in the interests of promoting the pathway's potential use as a route for transporting cycles to and from the rear of the site. For the avoidance of doubt, I am satisfied that the pathway is of sufficient width to offer the potential to be navigated by a standard sized bicycle. This is even when acknowledging the pathway's sharp turn.
15. I further note that I witnessed a cycle parked to the rear of the property upon inspection. This strongly indicates that cycles can (and currently are) transported through the property via its main access point as an alternative to the pathway. Moreover, owing to all areas of the site being accessible via the property's main point of access, the HMO use under consideration would not realistically result in a noticeable intensification in the manner the pathway is used by pedestrians (with or without cycles) when compared to its former dwellinghouse use.
16. Even when acknowledging the likely constraints associated with providing formal cycle parking/storage opportunities to the front of the site (short stay or otherwise), I find that, subject to full storage details and improvement works to the pathway being secured via planning condition, the intended arrangements would be acceptable. The proposal satisfactorily accords with Policy 31 of the Local Plan and with the SPD in so far as this policy and guidance require that particular attention be given to the suitability of access arrangements and that adequate provision for cycle parking is made.

Highway safety, having particular regard to parking

17. The relevant car parking standard for a new HMO, as set out in the SPD, is one vehicle space per bedroom (plus visitor space requirements). It is thus the case that at least four parking spaces should ordinarily serve a four bedroomed HMO. Even so, this requirement reduces to two additional spaces when the

relevant parking standard for a three-bedroomed dwelling (which was in place before the appeal property was converted) is factored in.

18. It has been suggested that the Council's parking standard for HMOs is disproportionate. However, it remains its adopted standard and a valid starting point for consideration. Whilst I accept that HMO occupiers would often be on lower incomes and not own a car, it remains likely that the associated parking demand for an HMO with four independent occupiers would exceed that of a three bedroomed dwelling. Indeed, whilst it has been reported that only one of the appeal property's current occupiers owns a car, the composition of the property's tenants could alter/evolve at any time.
19. As also set out in the SPD, a lower level of parking may be acceptable in certain circumstances. However, the site is not situated within a Controlled Parking Zone, such that it would not be possible to secure a 'car free' development through restricting the allocation of parking permits. Even so, the site occupies an otherwise highly accessible location, and the scheme does not result in the loss of garden space. Nevertheless, as also specified in the SPD, any potential impact on existing on-street parking is required to be demonstrated to be acceptable. The Highway Authority (the HA) has suggested that a parking survey is necessary to undertake in the interests of demonstrating that there is sufficient on-street capacity to serve the scheme.
20. Upon inspection, whilst I was able to park on-street close to the site, I witnessed Nelson Street to be heavily parked to both of its sides. I also observed several traffic movements along the street during the course of my visit. Furthermore, not dissimilar parking levels could be observed on several other streets local to the site, including Lawrence Street, Raleigh Street and Marlborough Road. Furthermore, parking opportunities tended to be time-restricted and limited in number along Ford End Road where a range of commercial uses could be observed to exist.
21. I acknowledge that my single visit to the area cannot be relied upon to provide an entirely accurate account of day-to-day parking arrangements. However, particularly when noting the dense central location of the site and the unrestricted nature of much of the on-street parking supply, it is likely that the local area (including Nelson Street specifically) is regularly parked at a high capacity. This is notwithstanding the appellant's assertion that plenty of on-street parking is usually available. Thus, the HA's request for a parking survey to be undertaken is merited. This would be in the interests of attaining a robust and thorough understanding of peak on-street parking levels near to the site.
22. It has been suggested that, due to the ongoing Covid-19 pandemic, a parking survey would not offer an accurate picture of car use and parking demand in the area. However, a parking survey would reasonably be anticipated to focus upon levels of demand during late evening/early morning hours when parking upon residential streets would realistically be anticipated to be at its highest (during a pandemic or otherwise). In any event, it has not been clearly substantiated why survey results would necessarily be distorted. This is particularly if a suitable methodology were to be discussed with the HA in advance of any survey.
23. For the above reasons, I find that insufficient parking information has been submitted to demonstrate that the scheme has an acceptable effect upon

highway safety. Indeed, it has not been clearly demonstrated that there is sufficient on-street parking capacity. As such, it is likely that instances of obstructive parking and/or impediments to the free movement of traffic are promoted by the proposal. I thus identify harm. The scheme conflicts with Policy 31 of the Local Plan and with the SPD in so far as this policy and guidance require that particular attention be given to parking provision.

Flood risk

24. It has been brought to my attention that a rear portion of the appeal site is located within Flood Zone 2. However, the scheme does not involve physical alterations to the appeal property nor the conversion of ground floor or basement level floor space. Furthermore, all occupiers can attain access and evacuation via the property's Flood Zone 1 frontage. I also note that planning permission for the change of use under consideration is only required by virtue of an Article 4 Direction having been applied on unrelated grounds. In this context, sufficient information has been submitted to demonstrate an acceptable effect upon flood risk. The proposal satisfactorily accords with Policy 92 (Flood risk) of the Local Plan.

Other Matters

25. The HMO under consideration provides lower-cost rental accommodation to smaller households and represents a valuable element of the Council's available housing mix. Indeed, the scheme has not resulted in an over-concentration of such uses in this particular area. Nevertheless, merely a single house is the subject of the proposal and the associated benefits attract limited weight. Indeed, the scheme's benefits would not outweigh the not insignificant level of harm and associated policy conflict that I have identified in a highway safety context.
26. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

27. Whilst I have found that the scheme is acceptable in a variety of contexts, I have identified that the scheme likely prejudices highway safety and thus causes harm. This harm is the overriding consideration in this case. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR