



## Appeal Decision

Site Visit made on 20 July 2021

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 August 2021**

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**Appeal Ref: APP/V3310/W/21/3268422**

**75 St John Street, Bridgwater, Somerset TA6 5HX**

- 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 Ming Chen against the decision of Sedgemoor District Council.
  - The application Ref 08/20/00013, dated 17 January 2020, was refused by notice dated 21 August 2020.
  - The development proposed is the use of property as house in multiple occupation for up to 9 people.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The building is already laid out as a house in multiple occupation (HMO), and the application form states that the change of use was completed on 19 July 2019. I am therefore dealing with this appeal retrospectively.
3. The application form described the development as a "HMO for 7 – 10". The appellant's statement clarifies that the proposal is for an HMO for up to 9 people. I have used the description of the development from the Council's decision notice, which accurately describes the proposal, and is more concise than that provided on the appeal form.
4. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. The revisions do not have a significant bearing on the main issues, so neither party would be prejudiced by my consideration of the updated Framework in my determination of the appeal.

### Main Issues

5. The main issues are:
  - a) Whether the development would provide suitable living conditions for future occupants; and,
  - b) The effect of the development on on-street parking and highway safety.

### Reasons

#### *Living conditions*

6. 75 St John Street is a two-storey terraced building with its front wall directly adjacent to the pavement. It has an enclosed rear garden, with outbuildings

backing onto a private circulation area that provides rear access to a number of surrounding properties. The first floor of the property extends over the ground floor retail use at No 77. The accommodation consists of four bedrooms on the first floor, plus a shower room and toilet, together with another small room. The ground floor provides a further bedroom, together with a communal area, two kitchens and a shower room. The evidence indicates that the property was previously licensed for five occupants in five separate rooms. It is now proposed to accommodate two people in the four larger rooms, bringing the total occupancy to nine people.

7. The bedrooms that are proposed for double occupancy range from 11.1 to 14.5 square metres in floorspace. As the building would be used as an HMO, and therefore all other parts of the property would be shared with unrelated people, these rooms would have to accommodate all of the occupants' personal belongings, as well as a double bed and circulation space. The single room would be only 9.5 square metres in floor area. Consequently, the rooms are not large enough to accommodate additional furniture, so could not function as bedsitting rooms. All of the occupants would, therefore, be reliant on the communal living spaces for cooking, eating and day to day activities.
8. The proposed communal lounge/dining area lies in the centre of the ground floor. It has no external windows, so receives no direct sunlight, and occupants would have no outlook. There is some borrowed light through a window to Kitchen 2, but this is, itself, an internal room, and the window is largely blocked by the kitchen appliances beyond. The room would, therefore, provide gloomy accommodation, with no views to the outside. Furthermore, it would have a floorspace of only 16.8 square metres. At the time of my visit the room was laid out with two sofas and two chairs, with a table in the centre of the room. There was no space for dining chairs around the table. The room would not, therefore provide sufficient space for all occupants to comfortably sit, eat and relax.
9. Additional communal space would be provided in the two kitchens. Kitchen 1 has good access to light and outlook via the patio doors in the rear elevation, and some natural light reaches Kitchen 2 through a small rooflight. However, the layout is such that the floorspace is largely confined to narrow areas running between the appliances, worktops, cupboards, and sinks. There is also access directly to the shower room via Kitchen 2, which requires circulation space. As a result, the kitchens are purely functional, and do not provide any meaningful space for sitting, eating, or any other day to day activities. Consequently, residents would be reliant on the cramped and poorly lit central room for indoor relaxation.
10. I am mindful that the property has been inspected by the Council's Private Sector Housing Team, who have concluded that the premises meet fire safety standards, and overall space standards, to allow a license to be granted for nine-person occupancy. However, the evidence indicates that this conclusion was based on a quantitative assessment of the floorspace, rather than a qualitative evaluation of the standard of living conditions that would be available to occupants. Whilst the quantity of space would exceed the minimum standard, the actual useable space would be confined to a small central room with no natural light or outlook, which would provide unacceptably poor living conditions for residents.

11. I therefore conclude that the proposal would not provide suitable living conditions for future occupants. Consequently, the development would be contrary to Strategic Priority 8 and Policy D25 of the Sedgemoor Local Plan 2011-2032 (Adopted 2019) (the Local Plan), which seek to improve the well-being of the community and protect residential amenity.

*On-street parking and highway safety*

12. The appeal building fronts a busy Class A road, which contains a mixture of commercial and residential uses. It is, however, largely surrounded by terraced housing. There was plenty of on-street car-parking space available directly in front of the property at the time of my visit. However, this stretch is limited to 1 hour parking between 08:00 and 18:00, so is more suited to serving the commercial uses, rather than providing parking for residents. A significant proportion of the housing in the area does not have off-street parking and, consequently, there is competition for on-street parking spaces in the surrounding roads. I saw that the nearest unrestricted on-street parking, in Devonshire Street and Edward Street, was well used, with few available spaces.
13. It is not disputed that the previous use of the property as a 5-person HMO was lawful. The proposal would, therefore, result in a maximum of four additional occupants. The increase would be achieved through an additional occupant in each of four existing rooms, and the evidence indicates that the licensing regime would require the second occupant to be a relative of the first. Consequently, it is unlikely that the additional occupants would give rise to a significant increase in car ownership amongst the occupants.
14. The appeal site is located close to a range of services within short walking distance, including a convenience store, launderette, newsagent, barbers, and pub, all within 100 metres. The road is also on a bus route, and the rail station is a safe 320 metre walk away. The town centre, with its range of shops and facilities, is within easy walking distance. The site is, therefore, sustainably located, so residents would not be reliant on a car to access day to day services. There is also a public carpark within 200 metres of the site. Consequently, in view of the nature of the accommodation, and its location, it is unlikely that the proposal would lead to a noticeable increase in on-street car-parking demand in the locality.
15. The planning application form indicated that there were no existing car-parking facilities within the site, and that none were proposed. The appellant's statement, however, indicated that there are off-road parking spaces for up to four cars plus two large garages that could also provide parking for up to four cars. I saw that the garages at the rear of the site were mainly empty, and large enough to accommodate vehicles. However, the off-road spaces would be directly in front of the garage doors, so would render the garage spaces unusable. Nevertheless, had I been minded to allow the appeal, it would have been possible to secure some off-street car-parking through an appropriately worded planning condition.
16. In conclusion, therefore, the development would not result in an increase in competition for on-street car-parking spaces at a level that would result in harm to highway safety. Furthermore, any additional parking pressure on surrounding streets could be mitigated through the provision of some spaces on-site. The proposal would not, therefore, have a harmful impact on on-street

parking and highway safety. Consequently, the development would be in accordance with Policies D13 and D14 of the Local Plan, which seek, amongst other things, to enhance road safety and to ensure car-parking levels are appropriate to the proposed development.

### **Conclusion**

17. I have found that the proposal would not have a harmful impact on on-street parking and highway safety. However, this does not outweigh the harm I have found to the living conditions of future occupants. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*Nick Davies*

INSPECTOR