



Appeal Decision

Site visit made on 14 July 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/D1835/W/21/3272784

41 Stainburn Close, St Johns, Worcester WR2 5QJ

- 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 Bidsid Limited against the decision of Worcester City Council.
 - The application Ref 20/00977/FUL, dated 10 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is change of use from 6 bedroom C4 HMO property to become a 7 bedroom sui generis HMO property.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 6 bedroom C4 HMO property to become a 7 bedroom sui generis HMO property, at 41 Stainburn Close, St Johns, Worcester WR2 5QJ in accordance with the terms of the application Ref 20/00977/FUL, dated 10 December 2020, and the following conditions:
 - 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 undertaken in accordance with the following approved plans and documents: Location plan, Existing and proposed plan, Parking layout and Water Management Statement.
 - 3) The House in Multiple Occupation hereby approved shall not be occupied by more than 7 residents at any time.

Preliminary matter

2. Since the appeal was lodged a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released, the main parties have been consulted on this and I have taken this into account where relevant to my Decision.

Background and Main Issues

3. The appeal property is a semi-detached dwelling located near the end of a cul-de-sac (Stainburn Close). This property already has extant planning permission (Ref 20/0059/CU) to be used as a House in Multiple Occupation ('HMO') for up to 6 occupants.
4. The appellant is seeking to use the property as a HMO with 7 bedrooms by converting a ground floor dining room into a bedroom. In addition, the previously approved layout is to be amended to accommodate a utility area

along the first floor. The appellant has also confirmed that the HMO would be occupied by a maximum of 7 residents.

5. The main issues are the effect of the proposal on the living conditions of neighbours and whether the proposal would provide satisfactory living conditions for its occupants.

Reasons

Living conditions (neighbours)

6. I acknowledge that the pattern of activity within an HMO would be different to that associated with a family dwelling. In particular, a property that could be occupied by up to 7 individuals leading independent lives. As a consequence, the occupancy including associated comings and goings would result in a more intense and varied pattern of activity than that associated with a family dwelling. These factors could manifest in additional noise and disturbance for adjoining neighbours.
7. However, in this case despite adjoining another dwelling, the appeal property incorporates a generous frontage and has been extended but retains an enclosed and sizeable rear garden. These characteristics along with a generous internal layout, make the property of a sufficient size to facilitate the extent of accommodation proposed and activity associated with it.
8. Furthermore, given the extant planning permission for the appeal property, the occupation of an additional room is unlikely to increase the level of activity at the appeal property (whether internally or in the outdoor amenity area) to a discernible degree over and above the level associated with its occupation by up to 6 residents.
9. Despite the appeal property being located in an area where properties are generally occupied by families, a large single household could occupy the appeal property as extended and potentially generate significant levels of activity and noise. This could include some variation in pattern and activity undertaken by different generations of a family, for example parents going to work and separate activities associated with children and their schooling.
10. For the above reasons, the occupation of the appeal property by up to 7 residents would not unacceptably harm the living conditions of neighbours. I therefore find no conflict with design aims of Policy SWDP 21 of the South Worcestershire Development Plan 2016 ('SWDP') which amongst other things expects new development to integrate effectively with its surroundings.

Living conditions (occupants)

11. The proposed HMO would comprise 3 rooms of accommodation at ground floor with a further 3 rooms at first floor and one within the attic. All these rooms exceed the Council's internal space requirements for a HMO and incorporate en-suite facilities. Each room also includes a window for outlook. These, along with the proposed utility area and the communal kitchen/dining area, which has a practical layout would provide adequate internal space for up to 7 occupants. Whilst I note the Council's concerns about some rooms being located close to the entrance and adjacent to parking and amenity areas, such arrangements are not uncommon for this type of accommodation and are unlikely to compromise the overall quality of those rooms.

12. The rear garden measures about 106 sqm which would be accessible and available to the occupants of the HMO, and is of an appropriate size to accommodate seating, storage and drying out areas commensurate to its proposed use. Therefore, overall, the property would provide sufficient space to meet the needs of its occupants.
13. In reaching the above conclusions, I am mindful that in a HMO, the routines of individuals are likely to vary. As such, it is unlikely that all the residents would be using communal areas together at any given time.
14. In light of the above reasons, the proposal is of high-quality design which would provide satisfactory living conditions for its occupants. As such, the proposal accords with Policy SWDP 21 of the SWDP which amongst other matters seek to ensure that all developments are of a high design quality.

Other Matters

15. The proposal generates a maximum requirement for 4 parking spaces, which are provided. Therefore, while I note the concerns raised by third parties about local parking stress, the proposal would not unacceptably add to this or compromise access and turning arrangements within Stainburn Close.
16. The Council's reason for refusal also refers to Policy SWDP 4 of the SWDP. This Policy principally seeks to manage travel demand. As the Council has not raised any specific issue in relation to this, I find no conflict with this Policy.

Conditions

17. I have taken account of the conditions recommended by the Council. Having regard to the tests in the Framework, 2021 and the advice in the Planning Practice Guidance, in addition to the standard timescale condition, I have imposed a condition specifying the relevant plans and document as this provides certainty. With respect to the Council's suggested condition for the submission of a management plan, based on my findings on the main issues and information before me, I have no clear reasons for imposing this.
18. A condition to restrict the number of residents occupying the property is necessary, as while I have found that 7 occupiers of the property would not be harmful in respect of the living conditions of occupants and neighbours, any increase above this would need to be assessed against relevant policies of the development plan.

Conclusion

19. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR