



Appeal Decision

Site visit made on 29 November 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 7th December 2021

Appeal Ref: APP/U3935/W/21/3280636

2 Hermitage Lane, Swindon SN2 7QS

- 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 Fernandes against the decision of Swindon Borough Council.
 - The application Ref S/20/1715/PEKO, dated 18 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is the change of use from dwelling to 7no. person house in multiple occupation (*sui generis*).
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr Joseph Fernandes against Swindon Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on highway safety, with particular regard to parking provision; and
 - the effect of the proposed development on living conditions of the occupiers of neighbouring properties.

Reasons

Highway Safety

5. The proposed development would involve a change of use of the appeal site from a dwelling to a 7-person house in multiple occupation (HMO) with 5 separate bedrooms. The Council's Parking Standards¹ (Parking Standards)

¹ Parking Standards for New Development, February 2021

require HMOs with 7 occupants to make provision for 4 parking spaces. Whilst this parking requirement is greater than the requirement for a traditional dwelling of similar size, I consider this reflects the more transient nature of HMO occupiers who generally live independently from one another. As a result, HMO occupiers can typically necessitate a greater demand for parking than a dwelling of the same size, where occupiers are living together as a single household.

6. The proposed development would only provide 3 parking spaces, leaving a shortfall of 1 when assessed against the Parking Standards. As a result, the development could lead to overspill on-street parking in the vicinity of the development.
7. Hermitage Lane itself is a narrow road, and could not readily accommodate any on-street parking without impeding access to and from properties along the lane. As a result, any overspill parking would likely be directed to Dores Road to the north of the appeal site, from which Hermitage Lane is accessed. During my site visit, I could see several cars parked haphazardly and indiscriminately at the access to Hermitage Lane, which is indicative of parking issues in this area. Any additional overspill parking could therefore exacerbate the existing issues, which in turn could compromise highway safety due to inconsiderate or obstructive parking.
8. For these reasons, the development would make inadequate parking provision in connection with its proposed use, which would risk highway safety in the locality. The development would therefore conflict with Policies TR1 and TR2 of the Swindon Borough Local Plan 2026 (Local Plan), which together require new development to adhere to the Council's adopted parking standards in order to safeguard highway safety.

Living Conditions

9. The plans show that the bins would be discreetly stored within the south-eastern corner of the appeal site, with easy access along the side of the property. This arrangement would ensure that the refuse storage would not cause unacceptable street clutter along the lane. Whilst I acknowledge the bins would need to be located on the road around collection day, there is sufficient space to accommodate the bins without impeding vehicle movements.
10. The cycle parking spaces to serve the property would be sited to the west of the site. It is perfectly common for bicycle parking to be located away from the main access to a domestic property, and I see no reason in this instance that the location of the cycle parking to the side of the HMO would in any way discourage bicycle use.
11. More generally, there are no other HMOs along Hermitage Lane, so the development would not give rise to any over-concentration of HMOs in the area which would upset the balance and mix of the local community. The other houses along the road are also sufficiently few and spaced out to ensure any greater comings and goings that could be attributed to the HMO use should not give rise to an unacceptable level of disturbance.
12. For these reasons, I am satisfied that the development would not lead to unacceptable harm to the living conditions of the occupiers of neighbouring properties. In this regard, the development would be consistent with Policy DE1

of the Council's Local Plan which seeks to ensure new development protects neighbouring amenity, specifically in terms of privacy, noise and disturbance. The development would also comply with the overarching objectives of the Framework (2021), which seeks to safeguard neighbouring amenity in a similar manner.

Other Matters

13. Whilst a change of use to a 6-person HMO may be possible pursuant permitted development rights, in line with the Council's Parking Standards, such a change of use would only give rise to a need for 3 parking spaces, all of which could be accommodated within the appeal site. As such, there would be less risk with overspill parking in and around the appeal site. This potential fall back would therefore have less impact on the local highway network than the proposal, and therefore would not justify approval in this instance.

Conclusion

14. Whilst I have sided in favour of the appellant with regard to living conditions, the development would fail to provide adequate parking provision in conjunction with its use, which risks highway safety in the locality. As such, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR