



Appeal Decision

Site Visit made on 16 November 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/D0515/W/21/3280493

310 Churchill Road, Wisbech PE13 2DN

- 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 D Singh against the decision of Fenland District Council.
 - The application Ref F/YR21/0042/F, dated 8 December 2021, was refused by notice dated 12 July 2021.
 - The development proposed is described as: 'single storey rear extension to form 2 additional bedrooms to existing House of Multiple Occupation for a maximum of 14 persons, including alterations internally to provide additional sanitary accommodation'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr D Singh against Fenland District Council. That is the subject of a separate Decision.

Preliminary Matters

3. The Council determined the appeal on the basis of amended plans received during the course of the application. I have decided the appeal based on those same plans.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would provide adequate living conditions for existing and future occupiers of the accommodation with specific regard to private garden space and privacy.

Reasons

Character and Appearance

5. The appeal site is a five bedroom House in Multiple Occupation (HMO). The area to the front of the building is comparatively small. The bulk of the garden is located to the side which is enclosed by a high hedge along the pavement edge.

6. The dwellings to the south of the appeal site, closer to the junction are located near to the edge of the road and one another, with no substantial hardsurfacing, gardens or parking, aside from a garage. Immediately to the north of the appeal site there is a row of dwellings that front Willow Road. The rear elevations of these dwellings tend to be set back from the pavement edge along Churchill Road, behind boundary hedges. These form a near consistent verdant boundary with the pavement along this side of Churchill Road and contribute positively to the character and appearance of the area, providing a pleasant contrast to the otherwise stark and urban nature of the adjacent busy dual-carriageway. The boundary hedge to the side of the appeal property contributes to this. Hardsurfacing is rare along this side of the road with parking serving the dwellings predominantly located adjacent to Willow Road.
7. The proposed extension would be single storey and located to the rear of the HMO. As such, it would not be prominent in views from Churchill Road and would be unlikely to result in significant harm to the character and appearance of the surrounding area.
8. Nonetheless the proposal would involve the removal of much of the existing boundary hedge to the side garden with the majority of this area becoming hardsurfaced to facilitate the parking of eight cars. This large area of hardstanding would appear excessive and discordant alongside a domestic property in an area where hardstanding and parking is limited. Furthermore, the loss of the garden and hedge and its pleasant contrast with its urban setting would further urbanise the space around the HMO resulting in additional harm to the character and appearance of the area.
9. The proposal would therefore result in harm to the character and appearance of the surrounding area and as such would conflict with Policy LP16 of the Fenland Local Plan (2014) which seeks, amongst other things to ensure development proposals constitute high quality design that preserves character and appearance.

Living Conditions

10. The garden of the appeal property, particularly that to the side of the dwelling, amounts to a sizeable area of private outdoor space capable of being enjoyed by the residents of the existing HMO. This area is currently laid to grass and contains a bike shed. There are also gravelled areas to the rear of the sitting/dining room with outside seating present. The residents of the existing HMO consequently have a reasonably good standard of living conditions in terms of useable private garden space.
11. However, the appeal proposal would result in much of that space being lost, either through being built on by the extension or the creation of the parking area. The remainder would become fragmented and limited to narrow walkways around the new extension, a much smaller gravelled seating area and a small area adjacent to the remainder of the hedge, no longer private, and some distance from the dwelling, that would be accessed across the parking area. Consequently, the amount of useable garden space would be substantially reduced as part of the appeal proposal, whilst the demand for space, through the creation of two additional bedrooms would be increased. This would result in significant harm to the living conditions of the existing occupiers, whilst the future occupiers of the proposed accommodation would

not be provided with adequate living conditions with regard to private garden space.

12. The two additional bedrooms would be sited close to the boundary of the appeal site with a neighbouring property along Ramnoth Road. These bedrooms would be served with French doors and would not be sited on the elevation facing directly towards the neighbouring dwellings. Given that bedrooms are on the ground floor and the boundaries between these properties are reasonably substantial, I am satisfied that the French doors of the bedrooms would not be subject to undue overlooking. The proposal would therefore provide adequate living conditions for future occupiers in terms of privacy.
13. Nonetheless, the proposal would result in harm to the living conditions of both the existing occupiers of the HMO through the loss of the garden space, whilst it would fail to provide adequate living conditions for future for the same reason. The proposal would therefore conflict with Policies LP2 and LP16 of the Fenland Local Plan (2014) which, amongst other things, seek to promote high standards of residential amenity, including through providing sufficient levels of amenity space, and to preserve existing living conditions.

Other Matters

14. The appellant has referred to a need for HMOs in the area. However I have not been provided with detailed evidence to support this and therefore I can attribute very little weight to it.
15. I have had regard to the number of different examples of approvals and appeal decisions referred to by the appellant, however I have not been provided with the precise details of these or the circumstances that led to them being approved, such as pre-existing development or extant permissions. I therefore cannot be sure that they represent a direct parallel with the appeal scheme. Nonetheless I have assessed the appeal on its own merits.
16. The appellant has provided details with regard to lower levels of parking being accepted at HMOs and in locations with good access to local services. The appeal proposal includes eight spaces to serve seven bedrooms. Whilst the Highway Authority raised objections to earlier submitted plans, I note that there are no objections from the Council to the current proposal with regard to parking or highway safety. This matter is therefore not determinative in my findings.

Conclusion

17. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR