



Appeal Decision

Site visit made on 12 January 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2022

Appeal Ref: APP/B1415/W/21/3274129 40 St Helens Road, Hastings TN34 2LQ

- 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 Conrad Howard against the decision of Hastings Borough Council.
 - The application Ref HS/FA/21/00193, dated 23 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is for the change of use from C3 to C4 (HMO).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A recent appeal relating to the property for *the change of use from dwellinghouse (C3) to a 6 bedroom HMO (C4)* was dismissed in July 2021 (Appeal reference APP/B1415/W/21/3269972). Full details of that proposal are not before me; however, the description of development is the same and neither of the main parties have referred to any changes to the proposal. I have had regard to this appeal decision as a material consideration.

Main Issue

3. The main issue is the effect of the proposed development on the supply of family housing within the borough.

Reasons

4. No.40 St Helens Road is a large property with accommodation over four floors, together with front and rear gardens and two off road parking spaces. It is an end of terrace property located in a row of similar Victorian properties which occupy an elevated position overlooking Alexandra Park. It is a pleasant residential area which forms part of the Blacklands Conservation Area.
5. From my site visit there are some indications that a few of the properties in the vicinity have been subdivided (a sales board referring to a 1 bedroom flat and properties with more than one doorbell), but overall, the properties have a consistent appearance and there are no notable external signs of houses in multiple occupation (HMO).
6. The supporting text to policy H2 of the Hastings Local Plan adopted 2014 – Planning Strategy (PS) explains that Hastings has a significantly higher proportion of smaller dwellings and flats/maisonettes when compared to the

profile of the stock in the South East, and that the Council wishes to encourage greater variety, in particular larger homes. PS policy H4 goes on to say that there is already a high number of HMOs in the town and that there is a need to ensure that local communities are mixed and balanced in terms of both housing tenure, and the people that live there.

7. Policy HC1 of the Hastings Development Management Plan 2015 (DMP) is a permissive policy setting out criteria where the conversion of an existing dwellinghouse to HMO would be supported. The key issue of dispute between the parties is criterion (a) *that the building can no longer be retained in its entirety for single family housing occupancy*.
8. No.40 is currently being let as a single dwellinghouse. The appellant's case is not that the property cannot be used as family accommodation, but that it is not viable to rent, taking into account vacant periods, and that it does not make the best contribution to satisfying housing needs.
9. The appellant's supporting marketing report¹ prepared by a local estate agent sets out that between 2006 to 2020 the property has been successfully let to six different tenants. No gaps in the occupancy over this period are identified. The local estate agent secured the most recent tenancy, which they explain took 13 weeks. I accept given the size of the property there will be fewer potential tenants than for smaller units. However, there will be, in my view, several factors which could affect the marketing appeal of a property, e.g., cost, layout, condition, facilities and location etc. As noted in the previous appeal decision the relatively long time to find tenants for a large property is not remarkable. Furthermore, the timescale for the most recent letting was less than the average time of 15 weeks cited in the marketing report for rental properties comprising 5 bedrooms or more.
10. There is no suggestion by the appellant that there is not a need for family housing, which is acknowledged in the marketing report. The report also indicates that there is limited supply of 5+bedroom properties on the rental market. It is however argued that family renters would be looking for the minimum number of bedrooms. No evidence is provided to support this assumption and conversely, the details of the previous tenants show households of different sizes (including single occupancy), and under occupancy is a reason why the appellant is seeking the change of use.
11. Whilst planning policies seek to make efficient use of land, occupancy and the use of individual rooms is a matter of choice based on several factors, as explained in the previous appeal decision (paragraph 8). I accept that vacant periods may have financial implications, but this is a part of the cycle of property management and there is no evidence to support the appellant's position that it is not viable, either for rental or owner occupation. Again, this was the finding in the previous appeal decision and the Council indicate that no additional marketing information or viability assessments have been provided with this application. Furthermore, lease arrangements are a private issue and therefore is not a consideration I have given weight to.
12. Other matters raised by the appellant including the age of the Local Plan, household size data, student accommodation, compliance with PS policy H4, and the potential for the property to revert to a family dwellinghouse were all

¹ Marketing Report prepared by Polecat Properties dated 25th February 2021

addressed in the previous appeal decision (paragraphs 11 - 15). There is no information before me which would lead me to take a different view on these matters or the overall conclusion reached in the previous appeal decision issued July last year.

13. In conclusion, it has not been demonstrated that the property cannot be retained as a single dwellinghouse or that its retention would be harmful. The proposal would therefore conflict with DMP policy HC1 and PS policies DS1 and H2 which amongst other things, seek to protect the existing stock of family sized housing and deliver a balanced mix of housing types. These policies are reflective of the National Planning Policy Framework objectives to support a range of homes to meet the needs of present and future generations and creating mixed and balanced communities.

Other Matters

14. The appellant suggests that the proposal would have positive benefits in the form of improvements to the property, but there is nothing to suggest that this is more than general upkeep. The application plans include reference to works to be completed under previous planning approvals for extensions and alterations, however, these works do not form part of this proposal which is for a change of use. As such, suggested conditions by the appellant relating to property enhancements or maintenance of the garden would not meet the appropriate tests for conditions and in any event would not overcome the harm I have found from the loss of a family dwellinghouse.

Conclusion

15. For the reasons set out above and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR