



Appeal Decision

Site visit made on 19 April 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/M0655/W/21/3289249

20 Freshfields Drive, Poulton-with-Fearnhead, Warrington WA2 0UE

- 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 Steven Dickson of Dee Living Ltd against the decision of Warrington Borough Council.
 - The application Ref 2021/38737, dated 14 February 2021, was refused by notice dated 9 July 2021.
 - The development proposed is the change of use from domestic 6 bed dwelling used as an HMO (Class C4) to HMO for 7 persons (C4/ *Sui Generis*). Permission to drop kerb to access existing hardstanding as another 2 car parking spaces (5m x 2.5m min) to provide 5 in total. The access from pavement to hardstanding is fully permeable gravel.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from domestic 6 bed dwelling used as an HMO (Class C4) to HMO for 7 persons (C4/*Sui Generis*) and the provision of a dropped kerb to access existing hardstanding to provide another 2 car parking spaces (5m x 2.5m min) to provide 5 in total at 20 Freshfields Drive, Poulton-with-Fearnhead, Warrington WA2 0UE in accordance with the terms of the application, Ref 2021/38737, dated 14 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings: Site Location Plan 1:1250, Block Plan 1:200, FD#1A Proposed Site Plan 1:200, and Freshfields-20-04 Proposed Floor Plans HMO.
 - 3) The house in multiple occupation hereby permitted shall be occupied by no more than 7 persons at any one time.
 - 4) Prior to the first use of the building as a 7 bedroom HMO the new vehicular accesses shall be laid out in a bound material, such as tarmacadam, concrete or block pavements, for the first five metres from the edge of the highway.

Preliminary Matters

2. The description in the decision above is different to that used in the planning application form and the header above. I have taken it primarily from the Council's decision notice but have made some further amendments in the interests of the clarity and preciseness of the description.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers by way of the resultant activity and movements related to the site.

Reasons

4. The appeal site is located within a residential estate and contains a detached dwelling set back from the road by an area of hardstanding. The host dwelling is currently used as a house in multiple occupation (HMO) for 6 people and the proposal would increase this up to 7 people, an increase of 1 occupier. Given that the host dwelling is currently used as an HMO my assessment below is made only against this increase.
5. As raised above the surrounding area is residential, and while it was largely quiet during my site visit, before the afternoon rush hour, I noted some comings and goings from nearby properties and could hear traffic from a busy nearby road. Given the nature of the area it is likely that there would be a level of noise and activity commensurate with a residential area throughout the day and night.
6. The proposal would result in the intensification of the use on site, but this would be by way of a single further occupier and as such I find there would not be a significant increase in activities and movements associated with the site. Moreover, these activities and movements would be residential in nature and so would be akin to those already present at the site and neighbouring properties. In particular, whilst there would be a potential for comings and goings at all times of the day and night, this is a potential shared with any residential building. The proposal before me would not significantly increase this potential beyond what is existing on site.
7. I note concerns have been raised regarding the quality, lifestyle and age of future occupiers, and that this would be out of keeping with the demographics of the street. However, I cannot be certain that future occupiers would be of any particular age or that they would be more prone to carrying out anti-social behaviour. Moreover, although double beds may be shown on the plans this does not preclude the number of future occupiers being limited, and this could be done via a suitably worded condition.
8. I therefore find that the limited intensification of the use would not unacceptably harm the living conditions of neighbouring occupiers as a result of activities on site or movements to and from the site. The proposal would therefore comply with the Policy QE6 of the Warrington Borough Council Local Plan Core Strategy (July 2014). This Policy requires, amongst other matters, that developments do not result in adverse impacts on the amenity of occupiers of nearby properties, including by way of noise, disturbance and traffic movements.

Other Matters

9. I note the concerns regarding highway safety as a result of the likely increase in vehicular movements and demand for parking. However, the increase in movements resulting from an additional occupier is unlikely to be significant and the proposal includes additional off-street parking provision. Moreover, whilst I note the anecdotal evidence regarding the safety of Freshfields Drive, I

have not been provided with any substantive evidence to demonstrate that it is at any greater risk than is typical for a residential street of this scale. This matter has therefore not been determinative in my consideration of the appeal.

10. It has been suggested that the proposal, by way of the tenancy type, would result in the front garden not being looked after and ultimately appearing in a poor state. However, I find the tenancy type does not necessarily relate to the appearance of a front garden. Furthermore, although some additional bound material would be provided between the highway and existing hard standing, this would be a fairly limited area and so I find it very unlikely that there would be any unacceptable increase in surface water runoff, or that the surrounding permeable surfaces could not accommodate it. Whilst anecdotal evidence has been provided with regards to blocked drains, I cannot be certain that this is related to the appeal site or that the proposal would exacerbate this issue.
11. I do not find that this proposal would set a precedent for future development due to the specific circumstances relevant to this case, namely that the HMO is existing, and the proposal is for a limited increase in occupiers. Moreover, all proposals must be considered on their own merit.
12. Planning is concerned with land use in the public interest and therefore the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, are not material considerations.

Conditions

13. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording.
14. For certainty I have set out the timescale for the commencement of works. A condition is necessary for clarity requiring that the development is carried out in accordance with the approved plans.
15. In the interests of the living conditions of future and neighbouring occupiers a condition would be necessary to limit the number of potential occupiers to a maximum of 7 people. I note the Council's concerns as to the enforceability of such a condition, however, it would not be overly onerous to enforce as the landlord or agency managing the property would be able to demonstrate the number of occupiers by way of rental agreements or similar documents.
16. A condition would also be necessary requiring the provision of a bound material between the highway and existing hardstanding to ensure that gravel is not transferred to the road where it could become a highway risk.

Conclusion

17. For the reasons given I conclude that the appeal should succeed.

Samuel Watson

INSPECTOR