



Appeal Decision

Site visit made on 26 July 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/D1835/W/22/3296705

13 Lansdowne Road, Worcester WR1 1ST

- 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 JNW Property Developments Limited against the decision of Worcester City Council.
 - The application Ref 21/00864/FUL, dated 22 September 2021, was refused by notice dated 25 March 2022.
 - The development proposed is a change of use to a HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use to a HMO at 13 Lansdowne Road, Worcester WR1 1ST in accordance with the terms of the application, Ref 21/00864/FUL, dated 22 September 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 approved plans: Location Plan and 2020.066.LDev Rev E.
 - 3) The development hereby permitted shall not be occupied until sheltered and secure spaces are provided within the rear garden for bicycles to be parked in accordance with details submitted to and approved in writing by the local planning authority. The approved spaces shall thereafter be kept available for the parking of bicycles.

Main Issue

2. Although the comments of local residents have been carefully noted, the Council has not raised any objections to the proposed use of the appeal property itself as a House in Multiple Occupation (HMO), other than concerns related to cycle and vehicle parking. Having reviewed the evidence and visited the property there are no reasons to depart from the Council's assessment of the proposed use of the property itself. Accordingly, the main issue in this case is whether the proposed development would cause an unacceptable danger to the safety of other highway users.

Reasons

3. The appeal property is an altered end of terrace dwelling situated within a primarily residential area albeit close to the Worcester Royal Grammar School

and other local facilities. As with other terraced dwellings, the property does not possess any off-street parking and this situation would not change as a consequence of the proposed change of use to a 4-bedroom HMO. The streets around the property are part of a Controlled Parking Zone (CPZ) and have various parking restrictions, including roads with residents only parking and others which allow non-residents parking for different limited time periods. During the morning site visit it was observed that there were spaces to park vehicles within the marked on-street parking bays along both Lansdowne Road and surrounding other roads.

4. Both the appellant's and Council's evidence does not indicate that there is a particular safety issue within the surrounding area. One incident of driver error leading to a personal injury accident has been recorded within the past 60 months albeit the specific location of the incident has not been identified.
5. The Council's *Houses in Multiple Occupation Supplementary Planning Document* (SPD) refers to there being adequate provision for off street parking and includes parking space standards. However, the SPD predates both the South Worcestershire Development Plan (SWDP) and the *Streetscape Design Guide* (SDG). The SDG identifies that for a 4-bedroom HMO then 3 parking spaces should be provided within the property's curtilage.
6. According to the SDG, exceptions to in curtilage parking provision will only be considered where it can demonstrate that there is either adequate parking capacity on the local roads up to 150 metres from the property or the existence of appropriate parking restrictions within 150 metres of the property to prevent on carriageway parking. The departure from the parking standards is considered to require exceptional circumstances. However, the SDG can only be guidance and cannot address all circumstances associated with a specific HMO proposal.
7. It is recognised that the character of a HMO's occupation does differ from a dwelling house occupied by a family and this is reflected in the Inspector's comments concerning the appeal at Bozward Street¹ which involved a property being used as a HMO. However, the SDG's parking requirement is the same for a 4-bedroom dwelling and a 4-bedroom HMO, namely 3 spaces. The appellant has obtained 3 permits allowing the occupiers of the property to park on-street. The existence of these parking permits attracts significant weight in the determination of this appeal and there is no indication that the permits could not be used by the future occupiers of the proposed HMO.
8. Although the Council has raised a concern, there is also no specific evidence that the permits would not be renewed on an annual basis otherwise preventing future occupiers of the HMO being unable to park within the CPZ close to the property, particularly where on-street parking spaces were observed to be available within 150 metres of the property. Future occupiers would also be able to walk to local facilities within the surrounding area, including bus services, without the need to travel in a car.
9. By reason of the same parking standard for a 4-bedroom HMO and a dwelling, the available parking permits and the observed availability of on-street parking, there would be no increase in competition for on-street parking spaces in the surrounding area arising from the appeal scheme. There would not be an

¹ APP/D1835/W/19/3226145

unacceptable impact on the safety of other highway users associated with the absence of in curtilage parking. For this proposed development, the combination of factors identified are capable of amounting to the exceptional circumstances required by the guidance in the SDG.

10. Although the reason for refusal raises concerns about the provision of access to cycle parking within the property's rear garden, this matter is no longer being pursued by the Highway Authority who are satisfied that there could be a step free access to the cycle parking provision. This acceptance is subject to the step free access route being free of overgrowth and rubbish.
11. During the site visit the access route from White Ladies Walk was observed to be a reasonably well-maintained condition being free from overgrowth and rubbish. It was also observed that neighbouring dwellings with access from this route had cycles within their rear gardens. Subject to an appropriate condition, suitable and safe in curtilage cycle parking provision could be secured.
12. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the safety of other highway users and, as such, it would not conflict with the National Planning Policy Framework (the Framework) and SWDP Policy SWDP 4 which, amongst other matters, requires new development to have regard to the design criteria and principles set out in design guidance.

Conditions

13. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is required that the proposed development is erected in accordance with the submitted drawings. As already identified, a condition is necessary to secure safe cycle parking provision on-plot.
14. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR