
Appeal Decision

Site visit made on 5 July 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/A3010/W/22/3292415

17 George Street, Worksop S80 1QJ

- 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 D Dowbusz against the decision of Bassetlaw District Council.
 - The application Ref 21/01058/COU, dated 1 July 2021, was refused by notice dated 18 January 2022.
 - The development proposed is change of use from dwelling (Class C3a) to a house in multiple occupation (*sui generis*) and erection of extensions.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from dwelling (Class C3a) to a house in multiple occupation (*sui generis*) and the erection of extensions at 17 George Street, Worksop S80 1QJ in accordance with the terms of the application, Ref 21/01058/COU, dated 1 July 2021, and the plans submitted with it, subject to the conditions in the schedule to this decision below.

Application for Costs

2. An application for costs was made by D Dowbusz against Bassetlaw District Council. This application is the subject of a separate decision.

Main Issues

3. From the submissions, including no reference being made to it in the reason for refusal, it seems clear that the proposed extensions were considered acceptable by the Council and the appellant confirms that is their understanding. I have no reason to disagree. The main issues are therefore the effect of the proposed change of use on: (a) highway safety; and (b) the living conditions of the occupants of neighbouring properties.

Reasons

Highway Safety

4. The appeal site is located on George Street in a busy urban area. Although George Street appears to be mainly residential, it is close to a range of buildings and uses including commercial properties and a church.
5. The Council and third parties state that parking is already problematic within the surrounding area and that the proposed change of use would further exacerbate this problem. However, this would not in itself mean that there would be highway safety concerns. It would only become a highway safety issue if the proposed change of use would lead to an intensification of parking

and that parking would inhibit the free movement of vehicles or lead to people parking their vehicles in ways that would cause an obstruction or be dangerous.

6. There is no off-street parking within the appeal site and therefore the existing dwelling does not comply with the Council's parking standards. Occupiers of the current dwelling therefore would have to park on the surrounding streets. However, the proposed House in Multiple Occupation (HMO) is to be occupied by up to 7 individual adults, which may result in more vehicles needing to park in the surrounding area, than if the property was occupied by a large family.
7. George Street is a one-way street that, I could see from the street signs, is subject to a residents' only parking permit scheme that operates Monday to Saturday 8:00am – 6:00pm along one side of the road, whilst parking is controlled on the opposite side of the road by double yellow lines. Most dwellings on the opposite side of the road from the appeal site have off-street parking, however, those on the same side of George Street as the appeal site do not. Parking on the surrounding residential streets is also subject to a similar residents' only parking permit scheme, and Eastgate and Carlton Road are subject to double yellow lines and time limited on-street parking spaces.
8. Potential tenants of the proposed HMO would be aware of the parking restrictions on George Street and the surrounding area, and the potential parking difficulties faced by those who rely upon private vehicle use. They would also be aware that the appeal site is in close walking distance of Worksop train station, Worksop town centre, and bus stops on both Eastgate and Carlton Road. Furthermore, the proposed development includes the provision of a secure cycle storage area, the implementation and retention of which can be secured by a planning condition. Therefore, future occupiers of the proposed HMO would have access to a range of services, facilities and sustainable modes of transport without reliance on the private car.
9. From the evidence provided, the proposed change of use would not clearly result in an intensification of parking in the surrounding area that would lead to highway safety problems. Paragraph 111 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Nottingham County Council Highways Officers state that the proposed change of use would not affect safety on the all-purpose highway network.
10. In respect of the first main issue, the proposal would not lead to harm to highway safety. The appeal scheme would therefore comply with Policy DM13 of the Bassetlaw Core Strategy and Development Management Policies DPD¹ (CS) which expects developments to minimise travel by car, result in a reduction in parking provision where it would not impact adversely on the surrounding area, and encourage the use of walking, cycling and/or public transport. Similarly, the NPPF promotes actively managing patterns of growth in supporting objectives including through the promotion of walking, cycling and public transport use.

¹ Local Development Framework, Core Strategy and Development Management Policies, Development Plan Document, adopted December 2011

Living Conditions

11. The appeal site comprises a detached two-storey, three-bedroom dwelling that has extant planning permission for the construction of extensions to the rear. George Street is predominantly residential with a mix of dwellings. Commercial properties are located to the rear of the appeal site. The proposed HMO would include 7 bedrooms and the appellant's Design and Access Statement states that the property would house a maximum of 7 occupants.
12. The occupiers of a HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to undertake day-to-day activities together as a household. Taking account of the size of the appeal property, the activity generated by seven people living independent lives, with separate routines, and their associated comings and goings along with those of their visitors, the proposed development would lead to an increased level of activity from that associated with a single house, even one occupied by a large family.
13. However, the dwelling is detached and therefore any disturbance to the living conditions of the occupiers of neighbouring properties would be limited to the comings and goings of tenants accessing the property and the use of the rear yard/garden. The appeal site is located on a street with numerous other dwellings and a church, and commercial properties are located to the rear. The occupiers of neighbouring properties are therefore already subjected to noise associated with vehicles, deliveries and people coming and going from these properties. The Council's Environmental Health Manager raises no objection to the proposed development. Given the character of the appeal site's surroundings, I do not consider that the increased level of activity associated with the proposed HMO would adversely affect the living conditions of the occupiers of neighbouring properties to a significant degree.
14. I note the concerns of the Council and third parties regarding the proposed development resulting in anti-social behaviour and an increase in the fear of crime. The Council refers to the Department for Communities and Local Government document (DCLG document) titled "Evidence Gathering – Housing in Multiple Occupation and possible planning responses (2008)" and quotes specific paragraphs that refer to the challenges faced by communities where there are concentrations of HMOs.
15. I acknowledge that large concentration of HMOs can potentially lead to anti-social problems. However, the Council has provided a map indicating that there are 4 existing HMOs on Carlton Road. These properties are on a different street to the appeal site; the map shows there are no existing HMOs on George Street; and the map also highlights that the predominant use of the surrounding dwellings is as Use Class C3a, rather than as HMOs. Therefore, I do not agree that there is a concentration of HMOs in the surrounding area or that the addition of the appeal property would lead to a concentration of HMOs. It is not clear that the concerns raised in the DCLG document should weigh against this proposal. No other evidence has been advanced by the Council on this matter and therefore there is no substantive evidence to suggest that the proposed development would result in anti-social behaviour or an increase in the fear of crime.
16. Concern has been raised over undue stress the proposed development may cause to existing residents from not being able to park within proximity of their

homes. Given my conclusion on the first main issue above, and given the evidence provided, I do not consider that this would be a significant impact of the proposal.

17. In respect of the second main issue, the proposal would not harm the living conditions of the occupiers of neighbouring properties. The appeal scheme would therefore comply with Policy DM4 of the CS which seeks to ensure that developments do not have a detrimental effect on the residential amenity of nearby residents. Similarly, the NPPF aims to achieve inclusive and safe places, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Other Matters

18. The appeal site is located within the Worksop Conservation Area (WCA) therefore I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The WCA includes a variety of building styles and uses and covers a relatively large area. Of significance is that George Street itself is a small, well-established, pleasant residential area comprising a range of architectural types of about 100 years old.
19. The proposed extensions would be located to the rear of the building. They would involve a two-storey addition with a gable ended pitched roof to match the existing similar part at the rear. There would also be a single storey flat roofed addition set down below the boundary wall. The design would reflect the existing building and there would be limited views of them from public vantage points. The materials used would be partly traditional and partly contemporary. I agree with the Council's Conservation Officer's view that these would preserve the character and appearance of the WCA.
20. Concerns have been raised about the area being one where HMOs are prohibited. The area is covered by an Article 4 Direction that removes permitted development rights² for existing dwellings to become a small HMO (Use Class C4). This means that all proposed HMOs must apply for planning permission and be considered against the development plan. The Article 4 Direction does not introduce a blanket ban on, or policy preventing, HMOs within this area when planning permission is sought.
21. Concern has been raised that future occupiers would be limited to one toilet, which would be detrimental to their living conditions. However, the drawings indicate that each room would have its own en-suite and therefore there would be 8 toilets serving the property. Previous issues in respect of waste and vermin, the necessity/need for the proposed development, and the previous intentions or otherwise of the appellant's use of the property, are not matters for consideration in this appeal. Issues regarding rights of access are private matters.
22. I note that the CS has not been updated in the last five years. However, the policies which are most important to the determination of this appeal do not seem to me to be inconsistent with the NPPF as I have set out above and are not therefore out-of-date. However, even if they are, taking account of the

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Article 3

advice in paragraph 11d of the NPPF, I consider that there are insufficient adverse impacts to significantly and demonstrably outweigh the benefit of providing additional accommodation within an accessible urban area and compliance with the development plan as a whole.

Conditions

23. The Council has provided a list of conditions which I have had regard to. In addition to the standard condition, which limits the lifespan of the permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to materials; the submission, approval and implementation of any boundary treatments; and details of a bin storage facility, are necessary to ensure the appearance of the development would be satisfactory and not harm the significance of the WCA. Details of a secure bike storage facility is necessary to encourage the use of sustainable modes of transport and due to the parking restrictions within the surrounding area.
24. A condition requiring the use of conservation-style rooflights is not necessary, as no rooflights are proposed. I have therefore omitted this suggested condition.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Berry

INSPECTOR

Schedule of 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:
 - 2017-ZZ-00-ZZ-DR-B-20101 P1
 - 2017-ZZ-00-ZZ-DR-A-20102 P1
 - 2017-ZZ-XX-ZZ-DR-A-20100 P2
 - 2017-ZZ-XX-ZZ-DR-A-20101 P1
 - 2017-ZZ-00-ZZ-DR-A-20200 P2
- 3) Notwithstanding the submitted drawings, the development hereby permitted shall not be occupied until a bin storage area has been provided in accordance with details first submitted to and approved by the local planning authority. The approved bin storage area shall be retained and made available for the lifetime of the development.
- 4) Notwithstanding the submitted drawings, the development hereby permitted shall not be occupied until a secure, covered bicycle storage area has been provided in accordance with details first submitted to and

approved by the local planning authority. The approved bicycle storage area shall be retained and made available for the lifetime of the development.

- 5) The facing bricks to be used in the development hereby approved shall be Old Ecclestone Blend, laid to English Garden Wall bond, as stated on Drawing No. 2017-ZZ-00-ZZ-DR-A-20200 P2.
- 6) The roofing materials to be used in the development hereby permitted shall match those used in the construction of the existing building, unless otherwise agreed in writing by the local planning authority.
- 7) Before the installation of any new boundary treatments, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and agreed in writing by the local planning authority. The information submitted shall include details of all wall/gate/fence materials, designs, brick sample(s), coping sample(s), brick bond(s) and finishes. The completed boundary treatments shall be constructed in accordance with the agreed details.

*****End of Conditions*****