



Appeal Decision

Site visit made on 2 August 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 7 September 2022

Appeal Ref: APP/M2372/W/22/3296993

126 Abraham Street, Blackburn BB2 3PJ

- 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 Mrs Farrah Naz Hussain against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/21/1093, dated 24 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as 'Change of use from a single residential dwelling (C3) to a house in multiple occupation (C4) for 4no residents'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a single residential dwelling (C3) to a house in multiple occupation (C4) for 4no residents at 126 Abraham Street, Blackburn BB2 3PJ in accordance with the terms of the application, Ref 10/21/1093, dated 24 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 (1:1250), Block Plan (1:500) and Drawing No 072/09/21/126/@A1.
 - 3) The number of residents accommodated on the premises shall not exceed 4.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the character of the area with particular reference to the balance and mix of housing including the supply of family-sized dwellings.
 - The effect of the proposed development on highway safety, with particular reference to the level of off-street car parking provision.

Reasons

Character

3. The appeal relates to a mid-terrace house that is located in a predominantly residential area. The majority of the properties on Abraham Street appeared on my site visit to be in single occupancy residential use. The prevailing character

of this street therefore appears to be of close-knit two storey family terrace properties.

4. Policy 19 of the Blackburn with Darwen Borough Council Local Plan Part 2, 2015 (Local Plan) sets out the criteria for the consideration of applications relating to Houses of Multiple Occupation (HMO). The preamble to this policy highlights the problems that residents may suffer from as a result of Blackburn's areas of poor-quality housing, the dominance of terrace properties in the Borough, and the subsequent limited choice of housing available.
5. This policy goes on to state that these problems (overcrowding, lack of amenity space, noise or inconvenient and unsafe access) often increase when dwellings are made smaller through sub-division and conversion to HMOs. The significant potential for the character of areas to be fundamentally changed, and for an area's housing choice to be skewed away from family accommodation, when concentrated in particular areas, is therefore emphasised as an undesirable outcome.
6. Local Plan Policy 19 consequently sets out that the Council will only exceptionally support such developments where they meet all of criteria i) – iv). It is undisputed between the main parties that the proposal would comply with criteria ii) and iv) of this policy. These relate to the suitability of the property for conversion without the need for any subsequent harmful extensions, and the provision of adequate refuse and recyclable waste collection facilities.
7. Criterion i) seeks to ensure that the proposal does not, in isolation or in conjunction with other planned, committed or completed development, erode the amenity of neighbouring properties, the physical, social, environmental or economic character of the surrounding area, or the supply of family housing.
8. It is uncontested between the main parties that the proposed development would result in the loss of a 4 bedroom family dwelling. However, as previously noted, family housing appears to be the predominant house type along Abraham Street and in the surrounding area. Although the Council has provided a plan to illustrate the number of HMOs in the Borough (dated 2021), the scale of this drawing is such that it is unclear where the markers are in relation to the appeal site, and this is not supported by any written justification. Given the limited nature of the information before me, including the exact location and numbers of existing HMO sites, I am therefore unable to conclude that there is a concentration of HMOs in this area.
9. I am mindful of the representations received from local residents which relate to anti-social behaviour and crime, noise, domestic waste and fly tipping. Construction works alleged to currently be taking place at the property and the suitability of the current landlord have also been raised as concerns.
10. Nonetheless, the Council's Public Protection Team has not raised any objection to the proposal on noise and environmental grounds, and the Council's delegated decision officer report confirms that the rear yard area is large enough to provide waste storage areas with a gate to facilitate collections. In addition, there are remedies available via separate regimes to certain matters, such as noise in terms of statutory nuisance, and the safety and suitability of the building in respect of building regulations and landlord obligations. Moreover, much is reliant on effective management, which equally

lies outside of planning. Indeed, if anti-social behaviour did occur, as with any residents in the community, the local authority and police have powers to deal with it.

11. There is also little substantive evidence to demonstrate that the existing and previous problems that local residents and ward councillors have referred to are a consequence of overcrowding, lack of amenity space, or inconvenient and unsafe access. As such, I am satisfied that the proposed use, for 4 occupants in a residential area, would not erode the amenity of neighbouring properties.
12. I have also been made aware that the appeal site is located in an area that is covered by an Article 4 Direction, and that the Council plans to expand this boundary across the entire urban areas of Blackburn and Darwen. The Council has referred to its 2018 Housing and Economic Need Assessment in its delegated decision officer report, and I acknowledge its view that the property is suitable for continued use as a family dwelling. However, this document is not before me, and I have not been provided with any firm evidence regarding the choice of housing or the need for smaller family housing in the area.
13. The Council's reference to DM Policy 6 of the Emerging Local Plan is also noted. Nevertheless, this is at a relatively early stage of preparation and yet to be the subject of independent examination. Furthermore, no information has been submitted to enable me to determine whether there are any unresolved objections to these emerging policies. On that basis I have therefore only attached limited weight to it in reaching my decision.
14. As such, there is insufficient evidence before me, in relation to the concentration of HMOs, to suggest that the introduction of 1 HMO in this location would unbalance or skew the housing provision in the area to a level that would have an adverse effect on its social character. I therefore find that the proposal would not result in harm to the character of the surrounding area, with particular reference to the balance and mix of housing including the supply of family-sized dwellings. In this respect, the proposal would not conflict with Local Plan Policy 19 which seeks, amongst other things, for development to not erode the physical, social, environmental or economic character of the surrounding area, or the supply of family housing.

Highway Safety

15. The Council raises concerns that the proposed development would lead to increased car parking stress within the locality, and have the potential to prejudice the safe, efficient and convenient movement of existing highway users through the addition of further parked cars on an already constrained public highway network.
16. No off-street parking provision is proposed, and it was apparent from my site visit that on-street parking on Abraham Street and in the surrounding streets is restricted to residential permit holders. This suggests that parking space is not in abundant supply in this location.
17. Nonetheless, the Council has not disputed that its Parking Standards require 3 car parking spaces for the current 4 bedroom dwelling use, and that only 2 car parking spaces would be required for the proposed 4 bedroom HMO use. I have no substantive reason to question this. There is also no evidence before me to demonstrate that the use of the appeal property as a HMO would mean that

occupiers would be eligible for more parking permits, and thus increase on street parking pressures, than if it was occupied as a single family dwelling. Moreover, the appeal site is in an accessible location close to good public transport links and as a consequence, it would not be necessary for all of the occupiers of the proposal to have cars.

18. For all of these reasons, I find that the proposed development would not have a harmful effect on highway safety, with particular reference to the level of off-street car parking provision. The factors above would therefore outweigh any minor conflict with Policies 10 and 19 iii) of Local Plan which require, amongst other matters, for provision to be made for off-street parking in accordance with the Council's adopted standards, and to preserve residential amenity and the street scene.

Other Matters

19. Comments from local residents in respect of their anxiety and distress are acknowledged. However, I have reasoned above, with reference to planning considerations in terms of the public interest, that the proposal would not have unacceptable effects.

Conditions

20. I have considered the conditions suggested by the Council against the tests of paragraph 56 of the National Planning Policy Framework and advice in the Planning Practice Guidance: *Use of planning conditions*. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty. A condition relating to maximum occupancy levels, consistent with that provided in the description of development proposed, is also required to ensure that the proposal would provide future residents with a satisfactory living environment, and to prevent overcrowding.

Conclusion

21. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be allowed.

Mark Caine

INSPECTOR