



Appeal Decision

Site visit made on 17 August 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2022

APP/C1950/W/22/3294597

33 Chambers Grove, Welwyn Garden City AL7 4FG

- 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 Indranee Nuckcheddee against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/1497/FULL, dated 7 May 2021, was refused by notice dated 29 December 2021.
 - The development proposed is 'retention of the change of use of the dwelling to a 6-bedroom house in multiple occupation (HMO) and the conversion of the garage to living accommodation.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as it is a more accurate description of the development before me than part 5 of the planning application form. It is also the description used by the appellant in part E of the appeal form.
3. The planning application was made retrospectively and the property is in use as a house in multiple occupation (HMO), with the garage converted to provide an additional bedroom. I have determined the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - whether there is adequate car parking, cycle storage and waste/recycling provision for a 6-bedroom HMO.
 - whether the internal layout would provide satisfactory living conditions for future occupiers.
 - whether sufficient information is available to assess the proposal.

Reasons

Car parking, cycle storage and waste/recycling provision

5. No.33 Chambers Grove (No.33) is a three-storey mid terrace property located on the north side of Chambers Grove. It was originally built as a three-

- bedroom dwelling but the integral garage and loft have been converted into additional living accommodation providing a total of 6-bedrooms, managed as a licenced HMO.
6. Policy M14 of the Welwyn Hatfield District Plan (2005) (DP) requires parking provision in accordance with the Council's supplementary planning guidance on parking. The *Parking Standards Supplementary Planning Guidance (2004)* (Parking SPG) sets out a maximum parking standard of 0.5 spaces per tenancy for an HMO. In the more recent *Houses in Multiple Occupation Supplementary Planning Document (2012)* (HMO SPD), the guidance in Criterion HM02 is that the car parking standard of 0.5 spaces per tenancy unit for an HMO, be treated as a minimum. So, for a 6 bedroom HMO a minimum of 3 spaces. I saw on site that there is sufficient space for only a single car to be parked on the driveway of No.33.
 7. The Council have subsequently issued an *Interim Policy for Car Parking Standards and Garage Sizes (2014)* that car parking standards (in the Parking SPG) should be treated as 'guidelines' rather than maximums. It further outlines that planning applications will be determined on a case-by-case basis to achieve a sensible level of provision taking into account relevant circumstances of the property, its site context and its wider surroundings.
 8. I acknowledge that there is some inconsistency between the different strands of car parking guidance for HMOs and that, whilst a material consideration, the Parking SPG, HMO SPD and Interim Policy do not form part of the development plan. However, I observed on my site visit that car parking spaces on Chambers Grove and Layton Street are very limited with dwellings typically only having a single off-street parking space (plus in some cases a garage). There are no parking restrictions in the area and I saw a high level of on-street parking on the south side of Chambers Grove, and on Layton Street and Purdom Road to the south and north respectively. Whilst I recognise my observations are a snap shot in time, my site visit was at a time (mid-morning) when I would reasonably expect many residents to be at work and even then cars were parked across the public footway.
 9. Based on my own observations, as well as the comments and photographs submitted by local residents, there is clearly an existing, and significant, car parking pressure in the locality. I have no evidence before me that car ownership amongst people living in HMO accommodation is much less than car ownership in people who rent or have bought their own property. Therefore, taking into account the size of the property and the effective increase in 3 bedrooms, I do consider that it would result in parking demand that would manifest itself in on-street and footway parking. This would cause significant harm to the character of Chambers Grove and the surrounding area.
 10. HMO SPD Criterion HM03 requires that all HMOs provide a garage or shed for the purposes of storing cycles. The location of the garage or shed must be within the site boundary and must be adequately lit, easily accessible from the road, secure and screened from view. There is an existing generously sized shed and storage unit in the rear garden of No.33. Although being used for general storage at the time of my site visit, this could also be used for the secure storage of cycles. There is no external access to the rear garden of No.33, but cycles could be taken through the communal kitchen/dining area and hall to the front, to give access to the road.

11. I note that the drawings submitted with the planning application did not provide details of cycle storage and that part 9 of the planning application form states that there are no existing vehicle/cycle parking spaces. However, because secure cycle storage could easily be provided, I find no conflict with the HMO SPD and clarification could have been sought on this matter during determination of the planning application.
12. There is no formal bin storage on site, with waste and recycling bins stored to the front of No.33 on the driveway. The appellant's case is that a 360l bin would be required for an HMO of up to 9 occupants and that this is not any more significant (in size) than the bin for a single family dwelling. I observed on site that No.33 has three bins including a large 'general waste' bin that is commercial in size and appearance and noticeably larger than those of neighbouring dwellings. Notwithstanding this, most of the neighbouring dwellings store bins on the front driveway and the difference in size of the bin does not cause material harm to the character or appearance of area. The proposal does therefore provide an appropriate place for the storage of waste and recycling bins, consistent with HMO SPD Criterion HM04.
13. Notwithstanding my conclusions on cycle storage and waste/recycling storage, on the first main issue I find that the inadequate car parking provision would exacerbate existing car parking pressure thereby causing harm to the character of the area. Consequently, the proposals conflict with Policy D1 and D2 of the Welwyn Hatfield District Plan (2005) (DP), Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission (2016) (LP) and Section 12 of the National Planning Policy Framework (the Framework) which together require all development to be of high quality design that respects the character and context of the area.
14. It would further conflict with Criterion HM02 of the HMO SPD and, taking into account the characteristics of the appeal property and its context, the Interim Policy and therein DP Policy M14 and LP Policy SADM12.
15. For the reasons given, I find there would be no conflict with HMO SPD Criterion HMO3 or HMO4 which relate to cycle parking and waste and recycling storage and collection.

Internal layout

16. Criterion HM05 of the HMO SPD expects applications for houses in multiple occupation to demonstrate that the layout and design is suitable for the proposed use and number of occupants, and that there is at least one communal room. The minimum space standard required for a communal dining/kitchen for 6 to 10 occupiers is 12.5sqm. I note that the dining/kitchen area is not specifically annotated as such on the application plans. However, sufficient information was provided, including the ground floor location and units shown along two walls, for its intended use to be deduced and clarification could have been sought from the applicant if there was uncertainty. The communal dining/kitchen measures around 17.2sqm and I saw on my site visit that it is accessible, suitable and sufficient for the number of occupants. The plans submitted with the application did not label bedrooms as 'single' or 'double,' but dimensions were nonetheless provided and there is no dispute between the parties that the minimum space standards set out in the HMO SPD are met.

17. There is therefore no conflict in this regard with the HMO SPD guidance or LP Policy SADM11. There is also no conflict with paragraph 130 of the Framework in so far as it requires development to create places with a high standard of amenity for existing and future users.

Information submitted

18. The Council's case is that pre-existing and existing/proposed plans of all floors of the property (not just the garage) were requested by the case officer prior to validation of the planning application, but these were still not considered sufficient to adequately assess the proposed layout and external alterations. For the reasons given above, I have found the application plans and my site visit sufficient to assess the cycle, waste/refuse storage and the internal layout of the HMO. The application was submitted retrospectively therefore the external alterations to the front of the building as a result of the garage conversion would have been seen on the case officers site visit, even with Covid-19 restrictions in place. I am not therefore persuaded that further information would have been needed to assess the proposals against the relevant development plan policies.

Conclusions

19. I have concluded that the proposal would provide adequate cycle storage, waste/recycling storage facilities and acceptable internal living accommodation. However, the proposal would result in increased parking demand that would cause significant harm to the character of the area. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR