
Appeal Decision

Site visit made on 20 September 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/R4408/W/22/3294953

4 Spencer Street, Barnsley S70 1QX

- 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 Mr Russell (DPJ Investments Ltd) against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/1195, dated 11 August 2021, was refused by notice dated 29 October 2021.
 - The development is described as 'retrospective approval for proposed change of use from C3 to C4 (5-bedroom HMO)'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As per the description of development, the works to the property described in the application documents have been carried out and retrospective planning permission is sought for the change of use from a dwelling to a house in multiple occupation (HMO).

Main Issues

3. The main issues are as follows:
 - The effect of the development on the provision of larger housing stock around Urban Barnsley and the Town Centre.
 - Whether the development would provide suitable living conditions for occupiers of the appeal property with regards to the shared living spaces.
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on on-street parking provision in the area.

Reasons

Larger Housing Stock

4. Policy H9 of the Barnsley Local Plan (adopted January 2019) (the LP) states that the loss of existing larger dwellings will be resisted. The Design of Housing Development Supplementary Planning Document (the DSPD) advises that 'larger dwellings' are those that have four or five bedrooms, or are capable of accommodating four or five bedrooms without significant adaptation. I note

that given the host building has been converted into a five-bedroom unit without significant adaptation, the appellant agrees that it is reasonable to refer to the appeal property as a larger dwelling.

5. The supporting text of Policy H9 explains that in recent years dwelling conversions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes and an increase in the number of smaller homes contributing to the imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre, and it is within this area that the appeal site is located.
6. My attention is drawn to the Council's Housing Market Assessment (HMA) which advises that demand for five-bed dwellings is only marginally higher than supply. I have not been furnished with a copy of the HMA, but I am informed that the demand for HMO accommodation stands at 0.3% of newly forming households.
7. However, this demonstrates that demand for larger dwellings still exists, even if this demand is lower in the appeal ward than others across the plan area. Meanwhile, the demand for HMO accommodation is very low. While rooms in the property may have been let during the course of the appeal, this is a snapshot in time and not definitive evidence that there are appropriate levels of larger dwellings available to warrant relaxation of Policy H9.
8. Based on the foregoing, the loss of a larger dwelling is contrary to the housing mix aims of Policy H9 of the LP which seeks to ensure a supply of larger dwellings and an appropriate housing mix overall.

Living Conditions

9. The development includes a kitchen/diner and a lounge, which are located at basement level to the rear and front respectively. The lounge includes one window which, due to its position below ground floor level, allows limited daylight into the room and has views only of the face of a wall. I note the appellant agrees that the amount of light is limited.
10. From my observations on the site visit, this was an uninviting and somewhat oppressive space due to levels of light and lack of outlook. Although the appellant states that future occupiers would not use this room as often as a family, this is not guaranteed. Residents may seek this shared space to socialise with their housemates and in any event, the DSPD requires suitable facilities for residents, including a shared lounge. Given my observations, this space is not suitable for its intended purpose.
11. Conversely, the kitchen/diner has a larger window with views out over the rear garden as well as access to this outside space. As such, this room is suitable for its intended use.
12. Notwithstanding the lack of harm with regards to the kitchen/diner, the lounge would not offer occupiers of the HMO suitable living conditions with regards to provision of daylight and outlook, contrary to Policy GD1 of the LP. This seeks development which would have no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Character and Appearance

13. The appeal site comprises a mid-terrace, two-storey dwelling with garden areas to the front and rear. Its character contributes to the general vernacular of Spencer Street, which is primarily formed of long rows of terraced dwellings of stone construction to both sides, although the north side includes two notably more modern brick-built pairs of semi-detached with a single bungalow in between. There are minimal external alterations to the appeal property.
14. I note the concern of the Council that a proliferation of HMOs could lead to a degradation of the character and appearance of the area. However, estate agent signage in gardens is not uncommon in residential streets. Moreover, the Council would have control over the number of HMOs approved given the implementation of an Article 4 Direction to restrict permitted development rights for this change of use. Accordingly, there is nothing before me to indicate that potential future occupiers would leave waste bins overflowing any more than a family who could live at the address in its current form.
15. As such, the development does not harm the character and appearance of the area, in accordance with Policies D1 and GD1 of the LP. These seek, among other things, to ensure development respects and reinforces the distinctive, local character and features of Barnsley, including townscape character including the scale, layout, building styles and materials of the built form in the locality.

Car Parking

16. The DPSD advises that HMOs should provide satisfactory provision for off-street parking in accordance with the Council's standards. Meanwhile the Parking Supplementary Planning Document (PSPD) advises that one parking space per three rooms should be provided.
17. The development does not include any off-street parking and as such any car-owners living at the property would park on the host or adjacent streets. However, the DSPD goes on to advise that exceptionally, where the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off-street parking this can be avoided.
18. Although the development does not include off-street parking, there is nothing substantive before me to indicate that this would be detrimental to highway safety. I observed on the site visit that on-street parking pressure was moderate at the time, and spaces were readily available.
19. Moreover, the dwelling could be occupied by a family at present without any off-street parking as per the existing situation which would also require vehicles to be parked on this or adjacent streets. Furthermore, the Council agree that the appeal site is in a location with good transport links and is close to the town centre. The PSPD stipulates that in this scenario, developers will be expected to reduce the levels of car parking provided where there are more sustainable transport options.
20. Based on the above, the lack of street parking would be unlikely to give rise to unacceptable congestion or detrimental to highway safety by way of a lack of off-street parking. This would accord with Policy T4 of the LP, which states that

development should be designed with safe, secure and convenient access and movement.

Other Matters

21. The Council's delegated report refers to further concerns with regards to the impact of the development on the living conditions of occupiers of adjacent properties through increased noise and disturbance as well as unsuitable outdoor space for future occupiers of the HMO. However, these are not given as reasons for refusal on the decision notice and there is a lack of substantive evidence for either matter. As I am dismissing the appeal for other reasons, I have not considered these further.

Conclusion

22. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C McDonagh

INSPECTOR