



Appeal Decision

Site visit made on 15 December 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/J4525/W/22/3309243

9 Rosedale Street, Millfield, Sunderland SR1 3RW

- 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 Barbara Ann Roworth against the decision of Sunderland City Council.
 - The application Ref 22/00686/FUL, dated 29 March 2022, was refused by notice dated 15 August 2022.
 - The development proposed is use of property as 5 bed house in multiple occupation (amended plans received on 20.6.22).
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Decision

1. The appeal is allowed and planning permission is granted for use of property as 5 bed house in multiple occupation (amended plans received on 20.6.22) at 9 Rosedale Street, Millfield, Sunderland SR1 3RW in accordance with the terms of the application, Ref 22/00686/FUL, dated 29 March 2022, 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 full accordance with the following approved plans:

Amended layout plan – BA001 Rev A prepared by Bethell & Co – received 20.6.22

Preliminary Matters

2. The proposed development was amended during the course of the Council's assessment to remove one bed space. Accordingly, the description of development on the application form has changed and I have relied on the description used in the Council's decision notice for the purposes of determining the appeal.

Main Issues

3. The main issues are:
 - i) Whether the proposed development would provide acceptable living conditions for residents in terms of room sizes, outlook from bedrooms, provision of shared facilities and intensity of use; and
 - ii) Whether the proposed development would lead to an over-concentration of houses in multiple occupation (HMOs) in the area.

Reasons

Living conditions

4. The appeal property is a 'Sunderland Cottage', a traditional single-storey terraced dwelling type that is characteristic of the local area. Its front elevation and main entrance door directly abuts the footpath along Rosedale Street. To the rear, the property features a yard which opens on to a rear service lane via a garage-style door. Refuse storage is incorporated to the rear yard and collection takes place from the service lane.
5. The property has been extended, with dormer windows to the front and rear roof slopes providing accommodation in the roofspace. It also features a single-storey rear extension. It has benefitted from an HMO licence since July 2019. Though it is understood to have operated as an HMO since before the current owner purchased the property in 2017, there are no planning records to confirm this.
6. The layout of the property at the time of my visit appeared to match the details shown on the submitted plans. All bedrooms feature an external window and the upper floor units are contained within the front and rear dormer window structures, resulting in adequate ceiling heights. Outlook from the ground floor rear bedrooms is limited primarily to views of the yard, but this is a situation shared with many other ground floor flats in terraced properties and other Sunderland Cottages. As such, I do not find there to be a harmful lack of outlook.
7. There are 2 bathrooms, one each on the ground and first floor, to serve 3 and 2 bedrooms respectively. The main communal area is sited centrally on the ground floor and incorporates a separate kitchen and living area. I viewed the room with furniture installed, and it appeared spacious and capable of providing an adequate communal area for the use of residents.
8. The HMO licence granted in 2019 permits the occupation of the property for up to 5 occupants, and it was deemed acceptable to grant the licence on the basis of the current room sizes. Whilst HMO licensing is a separate entity to planning, the granting of a licence is an important consideration which, in the absence of development plan policies specifying space requirements, weighs in favour of the proposal. Accordingly, I find no reason to conclude that the room sizes would be unacceptable or that the proposed development would result in an overly intensive use.
9. For the above reasons, I find the proposed development would provide acceptable living conditions for residents in terms of room sizes, outlook from bedrooms, provision of shared facilities and intensity of use, and would accord with Policies HS1 and BH1 of the Sunderland City Council Core Strategy and Development Plan 2015-2033 (January 2020) (the 'CS'), which together seek to ensure developments do not result in unacceptable adverse impacts on quality of life and amenity, and achieve high quality design and positive improvement to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Concentration of HMOs

10. The Sunderland City Council Homes in Multiple Occupation Supplementary Planning Document (December 2020) (the 'HMOSPD') states that planning

permission for HMOs will not normally be granted where the number of HMO dwellings exceeds 10% of the total number of residential properties, within a radius of 100 metres from the application site. The Council's evidence refers to planning policy data which indicates that 15.38% of properties within a 100 metre radius of the site are currently HMOs, which exceeds the HMOSPD threshold. However, the weight I attach to this matter is limited by the HMOSPD status as guidance only, and the development plan has precedence in decision-making.

11. The appeal site is in a sustainable location on the edge of Sunderland City Centre and adjacent to the University of Sunderland City Campus. Several bus stops and the University station of the Tyne & Wear Metro are a short walk away. The consultation response from Northumbria Police confirms there have been no issues with the property since its HMO licence was granted in 2019. Along with my conclusion on living conditions, I give significant weight to these matters, insofar as they relate to the key criteria for the assessment of development for HMOs contained in Policy H6 of the CS.
12. Whilst the concentration of HMOs in the area does exceed the threshold in the HMOSPD, this is not set out in development plan policy. The matters discussed in the preceding paragraph weigh in favour of the proposal when assessed against Policy H6 and I have identified no conflict against the development plan.
13. For the above reasons, I find the proposed development would not lead to an over-concentration of HMOs in the area, and would accord with Policy H6 of the CS, which requires, among other criteria, that development for HMOs does not result in an over concentration of HMOs within the locality.

Conclusion and Conditions

14. Taking all above matters into account, I conclude that the appeal should be allowed subject to conditions relating to the statutory time limit and a list of approved plans, for the purposes of clarification.

P Storey

INSPECTOR