



Appeal Decision

Site visit made on 22 November 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/W0734/W/22/3307708

16 Queens Road, Middlesbrough TS5 6EE

- 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 Eduardo Duque and Kath Lockwood against the decision of Middlesbrough Council.
 - The application Ref 22/0306/COU, dated 3 May 2022, was refused by notice dated 25 July 2022.
 - The development proposed is change of use from 3 flats to 5 bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 3 flats to 5 bed HMO, at 16 Queens Road, Middlesbrough TS5 6EE, in accordance with the terms of the application, Ref 22/0306/COU, dated 3 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG NO = 03 – Site Plan

DWG NO = 02_REV7 – Ground Floor Plan, First Floor Plan
 - 3) Notwithstanding the approved plans, the development hereby permitted shall not be occupied until details showing the position, design, materials and finishes of covered and secure cycle parking facilities, for five cycles, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development and retained thereafter for the sole purpose of parking cycles.

Applications for Costs

2. An application for costs has been made by Mr Eduardo Duque and Ms Kath Lockwood against Middlesbrough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development on the application form refers to a 6 bed HMO, whereas the decision notice and appeal form refer to a 5 bed HMO. On the basis that the plans under consideration at the time of determination show 5

bedrooms and the appellants have referenced this in their appeal form and statement of case, I have used the description on the appeal form as the basis for my assessment.

4. I note the Council's concern that planning permission has not previously been granted for 3 flats at the appeal site, but the use has become lawful over time. Be that as it may, the use of the site is as 3 flats and it is within this context that I have determined the appeal.

Main Issues

5. The main issues are the effects of the proposed development on highway safety and on the character and appearance of the area.

Reasons

6. The appeal site is an end-terraced house that has been converted into 3 separate flats. It lies towards the eastern end of Queens Road, a traditional terraced street where houses generally feature no off-street parking. There are no parking restrictions and cars are free to park on both sides of the street along its full length. The surrounding area is predominantly residential, with other uses in the vicinity including Linthorpe Community Primary School, which sits adjacent to the western end of Queens Road.
7. I visited the site early on a weekday morning during school term time. When I arrived, the area around the appeal property was busy with parked cars but not overly congested, with numerous spaces available for parking. I observed several residents leaving home by car, with cars generally parked near their houses.
8. The traffic in the area increased as people arrived to drop children off at the primary school. Some cars were parked in Queens Road and there was some noticeable congestion. However, this was largely limited to the opposite end of the street near the school. The increase in congestion and demand for parking was not pronounced in the vicinity of the site and numerous spaces remained available for parking throughout this time. As school drop-off time passed, the traffic dispersed and the street appeared slightly quieter than when I arrived, presumably due to some residents leaving for work by car. Although my observations were a snapshot in time, I have limited evidence before me to indicate that this is not the norm.
9. Although the existing flats are of a modest size, there is no restriction that they are occupied by single persons. Indeed, each of the bedrooms appear large enough to accommodate a double bed and could therefore be occupied by 2 people.
10. I acknowledge there is a certain reliance on private cars for many who live in the street and surrounding area. However, there are local services and access to public transport within a short walk of the site, and so it cannot be assumed that all future occupants would own cars. The street is not subject to parking restrictions, and whilst the street is well used for parking, there does appear to be some spare capacity.
11. The proposal would result in 5 people occupying the property which in all probability would result in similar levels of car ownership to the existing use as flats. In the absence of substantive evidence to demonstrate otherwise, it is

likely that the number of visitors to the property and deliveries, along with the associated demand on parking spaces within the road would be similar to the existing situation.

12. Given the above, the demand for on-street parking spaces close to the property would be unlikely to be greater than the existing demand. Paragraph 111 of the National Planning Policy Framework (the 'Framework') 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.
13. In this instance, based on the limited scale of development in the context of the surroundings, I find the proposed development would not have an adverse effect on highway safety or the surrounding road network. Consequently, I find no evidence that there would be any adverse effects on the character and appearance of the area. Accordingly, the proposed development would accord with Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy (Adopted February 2008). Together these policies set out general principles for development, ensure developments demonstrate limited impact on the transportation network and no impact on highway safety, ensure acceptable effects on the surrounding environment, and ensure high standards of design that enhances the built and natural environment and contributes to the character and appearance of the area. The proposed development would also accord with the safety and character provisions of the Framework.

Other Matters

14. I am in receipt of several objections from local residents referring to previous instances of noise, disturbance and anti-social behaviour at the appeal site, and concerns of similar issues through the proposed future use. Whilst I do not dispute that such behaviour may have occurred in the past, I do not find any specific evidence that allowing the appeal would lead to future instances.
15. I note concerns from residents relating to servicing, refuse collection, and impacts on utilities infrastructure resulting from the proposed development. However, I have been provided with no evidence to demonstrate how these impacts would occur. Accordingly, I do not find them to generate specific harm that would alter my previous findings. I also note comments relating to effects on property values, though I am not able to consider this as part of the appeal.

Conditions

16. The Council has provided a list of conditions it would wish to see in the event of the appeal being allowed. A condition is necessary requiring the development to be carried out in accordance with the approved plans, for the purposes of certainty.
17. A condition is suggested requiring details of storage for 5 cycles to be submitted and approved prior to occupation, for the purposes of promoting sustainable travel. Whilst cycle parking is shown on the layout plan, this only indicates storage for 4 cycles, which would not provide sufficient space for all potential occupiers. I am therefore satisfied that further details should be secured by condition to ensure 5 spaces are provided.
18. The Council has suggested a condition requiring the approved internal layout to be retained in order to protect the living conditions of the future occupiers. This

matter is covered by the condition requiring that the development is carried out in accordance with the approved plans, and accordingly I do not find an additional condition to be necessary.

19. In the interests of clarity, I have amended some of the Council's wording for the suggested conditions.

Conclusion

20. Taking all above matters into account, I conclude that the appeal should be allowed subject to conditions

P Storey

INSPECTOR