



Appeal Decision

Site visit made on 6 June 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/V1260/W/22/3307242

25 St. Swithuns Road, BOURNEMOUTH BH1 3RG

- 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 B Khayat against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2021-28188, dated 8 June 2021, was refused by notice dated 17 May 2022.
 - The development is change of use from a single dwellinghouse to 6 bedroom HMO use.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On the basis of the evidence before me, the appeal property has been used as a house in multiple occupation (HMO), with a license granted on 30 March 2021. Therefore, the appeal seeks permission retrospectively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues in this case are the effect of the development on i) the mix and balance of households in the local community, and ii) the living conditions of the residents of the surrounding area.

Reasons

Mix and balance of households

4. The appeal property is a mid-terrace house situated near the end of a 'dead-end' street in a densely built-up area.
5. Policy CS24 of the Bournemouth Local Plan Core Strategy adopted October 2012 (BLPCS) sets out a threshold approach to assessing HMOs. In this case the threshold is 10% of all dwellings with an identified 100 metres area.
6. The Council has said that there are 141 properties and 16 existing HMOs within the 100 metres area of the appeal site, which equates to 11.3%. The appeal scheme increases this to 17 HMOs, thereby increasing the proportion of HMOs to 12%.
7. Whilst the appellant refers to the proportion of HMOs being 11%, both of these figures demonstrate that the concentration of HMOs within the area is too high.

An additional HMO would exacerbate the imbalance between house types rising from this high concentration.

8. It has been put to me that 10% is an arbitrary figure based on a generalisation for the Borough. However, this is the figure enshrined within the development plan policy and is derived from evidence that a community becomes unbalanced in respect of concentrations of HMOs when the threshold of 10% of properties in HMO use occurs. Moreover, section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
9. I understand there is a demand for smaller flat accommodation in the area. BLPCS Policy CS24 acknowledges the important contribution that HMOs make to both the Borough's housing stock and to the particular groups in society. However, the policy seeks to ensure that it is properly distributed to prevent communities becoming unbalanced.
10. The threshold set out in Policy CS24 is aimed at continuing to accommodate HMO uses within Bournemouth. This accords with the provisions of the National Planning Policy Framework (Framework) that the size, type and tenure of housing needed for different groups in the community are reflected in planning policies, but seeks to manage the supply of new HMOs to avoid high concentrations of such uses in an area. The policy threshold has been identified as a general tipping point beyond which concentrations of HMOs can begin to have adverse effects on the character and balance of a community.
11. The change of use of the appeal property to HMO use fails to support a mixed and balanced community, further increasing the overall percentage of HMOs in the street, which breaches the threshold. This represents an over-concentration of the HMOs with a negative effect on the mix and balance of households in the community. For these reasons, the development is contrary to the provisions of Policy CS24 of the BLPCS.

Living conditions

12. The Council refers to BLPCS Policy CS41 in its reason for refusal. The policy seeks amongst other things to ensure that development is high quality, and that it does not harm the amenities of neighbouring residents. The policy also seeks to ensure that development, by virtue of its design, does not harm the amenity or character of the Borough.
13. From my site visit I observed that the appeal property appears well maintained and sits well within the wider street. The level of activity produced by the occupiers of the appeal property are likely to be similar whether it is a five-bedroom dwellinghouse or a six-bedroom HMO in respect of noise and disturbance.
14. The change of use does not alter the external appearance of the property. It does not therefore harm the amenity or character of the area by virtue of its design.
15. There is no substantive evidence that the development has exacerbated or would be likely to exacerbate issues with anti-social behaviour or crime in the area. Moreover, there is little evidence before me that concludes that the HMO has a detrimental impact on the living conditions of nearby residents.

16. Consequently, the development has an acceptable effect on the living conditions of the residents of the surrounding area and, with regard to this main issue, the development does not conflict with BLPCS Policy CS41.

Other Matters

17. Whilst a HMO license has been granted and the appeal site has easy access to the local university and locations that feature temporary and short-term employment contracts, these considerations do not outweigh the conflict with the development plan.
18. Although BCP Highways, Housing or Refuse Collection have not objected to the development, the lack of objection is a neutral matter that does not weigh in favour of the development.

Conclusion

19. Whilst the development does not harm the living conditions of the residents of the surrounding area, these considerations do not outweigh the conflict with the development plan and the negative effect on the mix and balance of households in the community.
20. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with other identified material considerations, I conclude that the appeal should be dismissed.

J White

INSPECTOR