



Appeal Decision

Site visit made on 25 May 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 JUNE 2023

Appeal Ref: APP/X2410/W/22/3310138

22 Westfield Drive, Loughborough, Leicestershire LE11 3QL

- 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 Mark and Deborah Hutchinson against the decision of Charnwood Borough Council.
 - The application Ref P/21/2501/2, dated 11 October 2021, was refused by notice dated 13 May 2022.
 - The development proposed is the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4) at 22 Westfield Drive, Loughborough, Leicestershire LE11 3QL in accordance with the terms of the application Ref P/21/2501/2, dated 11 October 2021, subject to the following conditions:
 1. The development hereby permitted, shall be begun not later than 3 years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan – Plan Reference Number: TQRQM21354192452766; Block Plan - Plan Reference Number: TQRQM21354193856024 and Floor Plan – Scale 1:100.

Preliminary matters

2. The description of development given on the application form is imprecise. I have therefore amended it to 'the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4)'. This description accurately reflects what is applied for and I shall use it in the determination of the appeal.
3. Since the Council determined the appellant's planning application, the Council's Emerging Local Plan (2021-37) (Draft Submission) (2021) ('Emerging Plan' was submitted to the Secretary of State for examination in December 2021. Whilst the Council has referred to some policies from the Emerging Plan, the full details of these are not before me. Furthermore, given that the Emerging Plan is not due for adoption until Autumn 2023, I cannot be certain that its policies would remain unchanged. Therefore, I attach limited weight to this.

Main Issue

4. The main issue is whether the proposed change of use would harm the character and amenity of the area.

Reasons

5. Loughborough is a university town and as identified in the Councils Housing Supplementary Planning Document Adopted May 2017 - Updated December 2017 ('Housing SPD'), due to the large numbers of students living in Loughborough, there is significant demand for student accommodation. In particular, for Houses in Multiple Occupation ('HMO'). Because of this and to manage further HMO in the area, an Article 4 Direction has removed permitted development rights in respect of the change of use of dwellinghouses to HMO.
6. Furthermore, Policy CS4 of the Charnwood Local Plan 2011 -2028, Core Strategy, Adopted 9 November 2015 ('CS') along with the Housing SPD seek to support the well-being, character and amenity of communities by managing the proportion of HMO in the area.
7. To maintain mixed and balanced communities, whilst not reducing the overall supply of HMO, section HSPD 11 of the Housing SPD provides guidance and a methodology for assessing the concentrations of HMO in an area. This includes seeking to resist further HMO where there is already 20% or more within a 100m radius of the proposed site.
8. The appeal property is a detached bungalow along Westfield Drive, which is mainly composed of single-family homes with the exception of a small number of HMO and a care home. The Council has confirmed that the level of existing HMO in relation to the appeal site equate to about 5.8%. By any reasonable estimate, this is considerably below the 20% threshold set out within the Housing SPD, and even lower than the 10% threshold set out in the Emerging Plan.
9. However, to the north, the appeal property is bound by the Harry French student halls of residence located off Ashby Road. Five of the lodges at Harry French Court fall within the 100m radius of the appeal site.
10. There is a footpath linking Westfield Drive and Ashby Road. Even so, the entrances for the Harry French student halls are along Ashby Road and given that there is direct access for students to leave and return via Ashby Road to attend University or go to the town centre, I am not persuaded that students residing at this accommodation would need to use Westfield Drive on a regular basis. Also, the existence of mature landscaping between the rear of properties on Westfield Drive and the halls of residence creates a degree of physical and visual separation. Furthermore, Harry French Court is a managed facility. As such, I am satisfied that the Harry French halls of residence is an independent and suitably managed facility which does not significantly impact upon the character of Westfield Drive, which predominantly comprises family housing.
11. Westfield Drive is also located between Storer and Southfields Wards, where student accommodation is prevalent and could be used as a through-route between these areas as well as the University and Colleges. Nonetheless, based on my observations, the evidence and the availability of other routes, I am not persuaded that this would significantly alter the character of the area or would

- be appreciably affected by the proposal given its modest scale (a house in multiple occupancy for up to 3 residents).
12. The Council has drawn my attention to other halls of residence. Along with additional licensed HMO in the area. This includes Radmoor Road, to the south of the appeal site where over half the properties are occupied as HMO. These, however, are outside the 100m radius. Indeed, the Council acknowledges that the 20% threshold allows for consistency in decision-making on proposals for changes of use to HMOs and I have taken the same approach.
 13. To consider the social and physical character and amenity, section HSPD 12 of the Housing SPD, identifies potential issues for assessing whether a new HMO would be acceptable. This includes any evidence of increases in anti-social behaviour, particularly at unsociable hours and increases in crime and fear of crime.
 14. At the time of the application, the Council's evidence was that in the past year there had been 33 recorded incidents relating to anti-social behaviour on the adjacent Radmoor Road, and 3 on Westfield Drive. However, this only supports my conclusion that Westfield Drive is different in character where anti-social behaviour is not prevalent.
 15. Therefore, there is insufficient evidence to substantiate the Council's and local residents' concerns that the proposed development would increase forms of anti-social behaviour. If such behaviour did occur, as with any residents in the community, the local authority and police have powers to deal with this.
 16. The Council expresses concern that where there is a high proportion of HMO in student occupation, this can lead to a contrast between busy term times and a sense of abandonment during the holidays which impact on social interactions, surveillance and local services and facilities, as permanent populations are replaced by transient ones. Nevertheless, as already stated, the majority of houses on Westfield Drive are not HMO. Because of this, such concerns are unsubstantiated. In any event, the proposed HMO could be occupied by non-students, such as a group of professionals.
 17. I acknowledge that the occupants of a HMO may have a different lifestyle, resulting in people movement, noise and disturbance at different times of day and night in comparison with a single-family dwelling. This can, in turn, have an effect on the activity generated by both people and vehicles. Even so, given the modest scale of the proposed HMO, the number of occupants would not necessarily intensify, given that the appeal property could provide accommodation for a small family. Furthermore, the appeal property occupies a detached plot. Therefore, there is unlikely to be any noise transfer to neighbours.
 18. The appeal site benefits from the availability off street parking for about four cars and a dropped kerb. On the available information, this level of parking would be sufficient for this type of property. Furthermore, permit-based parking is provided along Westfield Drive to cater for any additional demand, and suitable control methods are in place to prevent parking in unwanted locations. Westfield Drive is also a no-through route and has little traffic, relative to neighbouring roads. The appeal site is also accessible by public transport and is large enough to provide secure cycle storage at the rear of the property.

19. For the above reasons and having considered the layout and geometry of Westfield Drive, the proposal does not raise any unacceptable highway safety concerns, including any impacting on access for ambulances access at the care home within this road.
20. There is adequate space for the storage of refuse/recycling containers within the rear garden of the appeal property. The front of the property leads out directly to the public highway, which is accessible to refuse collectors.
21. Also, I observed that within Westfield Drive, properties are of a good standard of maintenance and repair and there was no unacceptable accumulations of waste and rubbish; littering and flyposting; and proliferation of letting signs. These are all factors which the Housing SPD identifies for assessing the acceptability of a new HMO. Concerns about vermin, can be dealt with through other legislation.
22. For the above reasons, the proposal would not result in an oversaturation of HMO that would harm the character and amenity of the area. Consequently, I find no conflict with Policy CS4 of the CS, which requires that proposals for HMO do not damage the social and physical character and amenity of a street or residential area; or generate noise and disturbance which is detrimental to the amenity of the street or residential area; or generate a demand for on-street car parking that would prejudice the safe operation of the highway, or cause detriment to amenity. Accordingly, I find no conflict with the relevant guidance concerning HMO in the Housing SPD.

Other Matters

23. Whilst concern has been raised about the accuracy of the information relating to the submitted planning application, this is signed with a declaration to state that all information is true and accurate. The application was assessed and determined on this basis and I have proceeded with the appeal on the same basis.
24. Allegations about various conflicts of interest at the local decision-making level are for the Council. Also, I have insufficient detail relating to any alleged unofficial HMO in the area. Therefore, these matters do not affect my findings on the main issue.
25. Third parties have referred to a Section 106 Agreement, relating to an extant planning permission for the demolition of the existing property at the appeal site and the erection of 2 dwellings. The Council has confirmed that the existing dwelling at the appeal site is not subject to this Section 106 Agreement. As such, this does not affect the outcome of this appeal.
26. I have determined this appeal on the site-specific circumstances and individual planning merits of the proposal. Any future proposals for HMO would also be assessed on a similar basis. As such, my Decision does not set a precedent. The alleged effects of the proposal on property values and Council Tax bands do not alter the planning merits of this case.

Conditions

27. In addition to the standard timescale condition, I have included a condition specifying the relevant drawings and plans as this provides certainty.

28. I have found that the appeal property is well maintained with sufficient on-site space for vehicle parking, bicycle and refuse storage. If necessary, the requirement for a HMO license would be addressed by other legislation. Also, given the modest scale of the proposal, I am not persuaded that it is necessary to require details of a site supervisor/emergency contact. Therefore, a condition requiring a Management Plan to address these matters is not necessary.

Conclusion

29. For the above reasons, I conclude that appeal should be allowed.

M Aqbal

INSPECTOR