



Appeal Decision

Site visit made on 7 August 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/U2615/W/23/3317891

19 Banting Close, Gorleston, Great Yarmouth, Norfolk, NR31 7RE

- 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 Rodelio Batangan against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0190/CU, dated 17 March 2021, was refused by notice dated 10 October 2022.
 - The development is change of use of a Class C3 single dwelling to a Class C4 house in multiple occupancy (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a Class C3 single dwelling to a Class C4 house in multiple occupancy (HMO) at 19 Banting Close, Great Yarmouth, Norfolk, NR31 7RE, in accordance with the terms of the application Ref 06/21/0190/CU, dated 17 March 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The HMO hereby approved shall be occupied by no more than a total of 4 persons at any one time and bedrooms 2, 3 and 4 on the submitted plans shall be occupied by no more than 1 person at any one time.

Preliminary Matters

2. The description of development on the application form is "*retrospective planning permission to change the use of a Class C3 single dwelling to a Class C4 house in multiple occupation*". As the term retrospective does not relate to an act of development, I have omitted this and other superfluous wording from the description in the banner heading and decision.

Main Issues

3. The main issues are the standard of living space for occupiers of the HMO and the effect of the development on highway safety, with regard to parking.

Reasons

Living space

4. No.19 Banting Close is a modern detached house. It has 4 bedrooms (one of which has an en-suite shower room and built in storage) and a bathroom at first floor level. On the ground floor it has a large living room, a large kitchen/dining room, a WC and under stairs storage. There is also internal access to the garage from the house, which provides secure cycle parking and additional storage space for use by the occupiers of the HMO. To the rear of the

property there is a large, enclosed garden with a patio area, and a shed providing further secure cycle parking and storage space.

5. The reason for refusal relates to the usable floor space in bedroom 4. This bedroom measures approximately 2.6 metres x 2.4 metres, which equates to approximate 6.24sqm. The minimum space standard for an adult bedroom, as set out in the supporting text to policy H12 of the Great Yarmouth Local Plan Part 2 (2021) (the local plan), is 6.5sqm. However, I am mindful of the fact that even as a family home, the smaller bedroom could be occupied by teenagers or young adults as opposed to a child aged 10 or under. My attention is also drawn to the Nationally Described Space Standards. However, these only apply to new dwellings.
6. At the time of my visit bedroom 4 contained a single bed, a wardrobe and a chest of drawers. It was not in my viewed cramped. It has a large window overlooking the rear garden that provides natural light and ventilation. Despite its size, I was able to see that the room was fit for its intended purpose and its use was not constrained by its door opening.
7. Whilst I acknowledge that HMO residents are likely to spend a greater amount of time in their bedrooms, given that this is the only room that is not shared with other occupiers, in this particular case, due to the generous amount of shared space on the ground floor and the outdoor space available for use in appropriate weather, occupiers are less likely to feel restricted to their bedrooms.
8. I am also advised that the current occupiers all work at the nearby James Paget Hospital. Whilst I can give limited weight to this fact, which cannot be controlled and may not always be the case, it nevertheless gives me some assurance that the occupiers are more likely to be comfortable socialising together within the shared space. It is also reasonable to assume that due to varying shift patterns and daily schedules, the occupiers are unlikely to all want or need to use the shared facilities at the same time.
9. I find no conflict with Policy A1 of the local plan, or Policy CS9(f) of the Great Yarmouth Local Plan Core Strategy 2013-2030 (2015) (the core strategy), which relate to amenity in terms of locality and external factors, as opposed to internal living conditions and space standards.
10. Although bedroom 4 is fractionally smaller than the recommended minimum standard, given the overall standard of space available in the HMO, I am satisfied that the standard of living space is adequate for the maximum number of occupiers proposed, and that the use would accord with the overall purpose of local plan policy H12, which is to support the well-being of occupants and neighbours of HMOs.

Highway safety

11. The site is located at the end of a cul-de-sac in a modern housing estate. Neighbouring houses each have their own garages and off-street parking space.
12. The area directly to the front of the appeal property is block paved and could accommodate parking for a single small vehicle without obstructing the access and parking to adjacent number 21 Banting Close, which has a double garage with two parking spaces in front of it. There is also parking for one vehicle to

the front of the garage of the appeal property. I have not counted the garage as a car parking space given its limited width and its use for cycle parking and general storage. Moreover, given that the dwelling is not occupied by a single family, it would not be practical to use the garage for car parking, as access to this could be blocked by another occupier parking in front of it.

13. The vehicle parking standards for HMOs are set out in the Norfolk County Council Parking Guidelines (July 2022) and advise a minimum of 0.5 spaces per bedroom, which in this case would equate to 2 spaces. The guidelines state that reductions may be considered for development in urban areas with good links to sustainable transport, which is the case here.
14. The James Paget Hospital, where I am advised the current occupiers of the HMO all work, is approximately an 8 minute walk or a 4 minute bicycle ride away. The hospital has an onsite M&S food store, a pharmacy and bus stops. Other shops, restaurants, services and places of employment are also located close by, within walking and cycling distance of the site, and are easily accessible by public transport. Existing and future occupiers need not therefore be dependent upon private car ownership. This would have been recognised when this modern housing estate was originally approved with limited on and off street parking.
15. I note that the minimum requirement for a 4 bedroom family dwelling is 3 spaces. As such the HMO use would reduce the parking requirement by 1 space and accordingly would reduce the shortfall of required parking spaces in the immediate locality, as opposed to leading to an increase in on street parking.
16. On 1 June 2023 the Council granted planning permission for the use of the appeal property as a 3 bedroom Class C4 HMO for a maximum of 4 tenants. This would require 1.5 parking spaces, which when rounded up to full usable spaces would equate to 2 spaces.
17. The use of the property as a 4 bedroom Class 4 HMO for a maximum of 4 tenants would not increase on street parking over and above that which could be generated by a 3 bedroom Class 4 HMO for 4 tenants, or a family home that could be occupied by 4 or more persons of driving age.
18. I therefore conclude that the change of use is not detrimental to highway safety and accords with policies CS9 and CS16 of the core strategy. These policies seek, amongst other things, to ensure that new development has suitable vehicular access and parking and to ensure that new development does not have an adverse impact on the safety and efficiency of the local road network.

Conditions

19. As the change of use has already taken place, and as no alterations are proposed to the property, it is not necessary to impose a time limit for implementation or a list of approved drawings. As it was evident from my site visit that secure cycle storage is already available, it is not necessary to condition this further. However, I agree that a condition limiting the occupancy of the smaller bedrooms to one person per room and limiting the overall occupancy of the HMO to no more than 4 persons in total, is necessary to avoid any adverse effects upon neighbouring properties and to reduce the risk of increased parking pressure.

Conclusion

20. For the reasons given above, I conclude that the scheme complies with the development plan and the Framework taken as a whole. Accordingly, the appeal should be allowed.

R Bartlett

INSPECTOR