



Appeal Decision

Site visit made on 5 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/J4525/W/23/3325012

24 Western Hill, Thornhill, Sunderland SR2 7PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Taylor Higgins Property Limited against the decision of Sunderland City Council.
 - The application Ref 23/00316/FUL, dated 10 February 2023, was refused by notice dated 24 April 2023.
 - The development proposed is described as, *'changing the use class of the property from C3 to C4 as it's being used as a House in Multiple Occupancy'*.
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Decision

1. The appeal is allowed and planning permission is granted for development described as, *'changing the use class of the property from C3 to C4 as it's being used as a House in Multiple Occupancy'* at 24 Western Hill, Sunderland SR2 7PH in accordance with the terms of the application, Ref 23/00316/FUL, dated 10 February 2023, and the Location Plan Drawing No. TQRQM23051153737702; Site Plan Drawing No. TQRQM23051152724646; Proposed Ground Floor Plan, Proposed Mezzanine Floor Plan, Proposed First Floor Plan Sheet No. 6 of 8 (1:75); Proposed Front Elevation, Proposed Rear Elevation Sheet 7 of 8 (1:100).

Procedural Matter

2. It is undisputed that the change of use as described in the above banner heading has already taken place at the property. The appeal scheme has therefore been assessed on a retrospective basis.

Main Issue

3. The main issue of the appeal is whether the development would result in an over-concentration of houses in multiple occupation (HMO's) in the area.

Reasons

4. Policy H6 of the Sunderland City Council Core Strategy and Development Plan 2015-2033, 2020 (CS) relates to development for HMO's and seeks to ensure amongst other matters that the proposal would not result in an over concentration of HMO's within the locality. Further guidance on this specific matter is provided within the Sunderland City Council Homes in Multiple Occupation Supplementary Planning Document, 2020 (SPD). It explains that planning permission for HMO's will not normally be granted where amongst other matters, the number of HMO dwellings exceeds 10% of the total number of residential properties, within a radius of 100 metres from the application site.

5. There is a clear dispute regarding both the number of properties within a radius of 100 metres and the number of HMO's. Nonetheless, the development still exceeds the 10% threshold as set out within the SPD based on the figures submitted as part of the separate assessments undertaken by both parties. I appreciate that it is difficult to ascertain which properties comprise a HMO given that licensing and planning operate separately from one another. However, the SPD identifies the relevant types of HMO's which will be used to identify the total HMO's within the given radius which includes the planning register, electoral register, Council tax records and HMO licensing register which I have had regard to based on the evidence before me.
6. The overall purpose of the SPD is to manage and control the numbers of HMO's in the City as increased numbers has the potential to create harmful impacts such as leading to imbalanced and unsustainable communities and can damage the residential amenity and character of surrounding areas. Additionally, the supporting text accompanying Policy H6 of the CS explains that when considering whether there is an overconcentration of HMO properties in the locality, the Council will consider each proposal on its individual merits, taking account of the number of existing HMO's, clustering, and the character of the area.
7. It appears undisputed that the property in question has been operating as a HMO since approximately 2007 which is a considerably long time. As such, it would have no further effect on the concentration of HMO's and balance and mix of households in the area. Notwithstanding, the Council has already set out that the proposal does not result in the 'sandwiching effect' and even if I accepted the Council's figures on existing HMO's, the number currently in the area is still relatively low particularly given its close proximity to the University campus. The area is not therefore currently unbalanced, and the development relating to one property does not result in an over proliferation of HMO's in the area that would lead to an imbalanced community that would be detriment to its residential amenity and character.
8. On this basis and whilst the development is in conflict with the threshold as set out within the SPD, the development does not conflict with the overall purpose of the SPD. I therefore conclude that the development does not result in an over-concentration of HMO's in the area and thus is not detrimental to the amenity of the area. The proposal therefore accords with Policy H6 of the CS and the aspirations of the SPD.

Conditions

9. I have considered the Council's suggested planning conditions taking into account the retrospective nature of the appeal and in light of the Framework and Planning Practice Guidance. I have included the approved drawings, in the terms of my decision in the interests of certainty.

Conclusion

10. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

N Teasdale

INSPECTOR