



Appeal Decision

Site visit made on 23 November 2023

By A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/W0910/W/23/3319147

52 Paradise Street, Barrow-in-Furness, Cumbria LA14 1JG

- 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 Clark and Mr Gregory against the decision of Barrow-in-Furness Borough Council.
 - The application Ref B20/2022/0709, dated 6 October 2022, was refused by notice dated 17 January 2023.
 - The development proposed is described as conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing building (Use Class F1) to 14 Bedroom house in multiple occupation (Use Class Sui Generis). Works include conversion of existing floors, loft conversion, creation of roof terrace with balustrade and 1.8m wall, construction of dormer, hip to gable extension and new roof lights and new front entrance at 52 Paradise Street, Barrow-in-Furness, Cumbria LA14 1JG in accordance with the terms of the application, Ref B20/2022/0709, dated 6 October 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, albeit slightly reordered.

Main Issue

3. The main issue is the suitability of the site for the proposal, having regard to the development plan's approach to the provision of houses in multiple occupation.

Reasons

4. The appeal site comprises a large end terrace property located on a predominantly residential street at the junction of Harrison Street. The appeal site is also located within the defined town centre and is close to a number of services and facilities, including public transport.
5. Barrow Borough Local Plan (BBLP) Policy H26 establishes a number of criteria that will be taken into account for development proposals for Large Houses in Multiple Occupation (HMO). The parts most relevant to this appeal are b), c) and i).

6. Criterion b) of Policy H26 states there will be no unacceptable impact on the residential amenity of neighbouring properties, especially with respect to privacy, noise and other disturbance. The most recent use of the building, from the evidence presented, is that of an office that was open to the public.
7. This use of the building is likely to have generated a large number of comings and goings, including vehicles, during the day. As such, a decrease in movements could be reasonably expected from the appeal proposal. The proposed development would generate additional comings and goings into the evening and at night. However, I do not consider that given the appeal building's location at the end of the terrace, the scale of such activity in respect of noise or disturbance would be such that it would cause any material harm to the occupiers of neighbouring residential properties in what is an established residential area.
8. Furthermore, having considered the submitted drawings and the appeal building's relationship with surrounding properties, there is no substantive evidence before me to conclude the proposed scheme would result in any unacceptable loss of privacy to the occupiers of nearby properties. Accordingly, the requirements of criterion b) are met.
9. Criterion c) seeks to ensure that HMO proposals do not adversely affect the character of the building or the surrounding area.
10. The proposed development would see a number of changes to external elevations and the roof. These include the relocation of the entrance, alterations to the roof, including a gable with dormers inserted and a roof terrace. The proposed changes to the elevations are minimal and would still allow the form of the original building to be read and understood. The works to the roof are more substantial. However, these would largely be restricted from public view by the L-shape of the finished roof form. As such, the changes would not unduly affect the character of the building or surrounding area.
11. At the time of my site visit, mid-morning on a Thursday which I appreciate is only a snapshot in time, there were a number of vehicles parked on the roads surrounding the site. Signage advising permits was also in place. Nevertheless, there were several areas where on-street parking spaces were available. Additionally, there was also availability on nearby private car parks, including the one adjacent to the appeal building.
12. I do not know what level of car ownership future occupiers may have and this may fluctuate over time. Nonetheless, there is the potential for each occupier to have access to a car and this could lead to a number of additional vehicles parking in the area. However, from my observations on site there is parking available on nearby private car parks and on the surrounding streets to accommodate the potential increase in vehicle numbers.
13. Furthermore, as the site is readily accessible to alternative public transport, including buses and trains, future occupiers may choose not to own a private vehicle. In any event, should this not be the case, the level of parking required could be sufficiently absorbed within the surrounding area without detriment to the character of the area. As such, criterion b) is satisfied.
14. Criterion i) seeks to avoid proposals that would lead to an over-concentration of similar uses resulting in the loss of social and community cohesion.

15. I note the concerns of the Council and other interested parties about the location and number of HMOs, including unlicensed HMOs in the locality, and the effects of such concentrations. However, from the map provided by the Council¹, even taking into consideration the HMO at 9 Harrison Street, the number of licensed HMOs is well dispersed within the surrounding area. Outside of the shopping area and within the surrounding residential streets, I observed quiet and well-kept urban street scenes of what appeared to be predominantly family homes. As such, even if I were to accept there are unlicensed HMOs which have not been identified, there was negligible aural or visual evidence, such as litter, noise or parking congestion, one would expect in an area with an imbalance towards HMOs.
16. I have not been supplied with any substantive evidence to demonstrate that existing HMOs within the area have resulted in a significant increase in crime. Having regard to the nature of the application there is no cogent evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour. Additionally, there is no convincing evidence to demonstrate the proposed development would place an unacceptable demand on local services. The proposal would therefore satisfy criterion i) of Policy H26.
17. Overall, I conclude that it has been shown that the appeal site is a suitable location for the proposed development, having regard to the development plan's approach to the provision of HMOs. The proposal would accord with Policy H26 of the BBLP.

Conditions

18. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the suggested conditions as appropriate.
19. In addition to the standard implementation condition, it is necessary, in the interests of precision, to define the plans with which the scheme should accord. It is necessary, in the interests of the character and appearance of the area, to secure bin storage. In the interests of living conditions of future occupiers, a condition is necessary for soundproofing.

Conclusion

20. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

A Hickey

INSPECTOR

¹ Ref: Appendix 1 - 52 Paradise Street, Barrow-in-Furness LA14 1JG – Appeal 3319147, dated 11/10/2023

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings 22031-300-A, 22031-301, 22031-310-A, 22031-306-A, 22031-308-A, 22031-309-A, 22031-305-B, 22031-304-C and 22031-307-A.
- 3) The bin storage area, as shown on approved drawing 22031-304-C, shall be implemented prior to any occupation of the building and thereafter retained as such.
- 4) Prior to the occupation of the property, the soundproofing as detailed on approved plans 22031-307-A, 22031-308-A, and 22031-310-A shall be installed and permanently retained.

End