



Appeal Decision

Site visit made on 22 November 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 13th December 2023

Appeal Ref: APP/K0235/W/23/3322085

Stephen Ross House, 1-3 Ashburnham Road, Bedford MK40 1DX

- 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 Zak Haris against the decision of Bedford Borough Council.
 - The application Ref 23/00411/COU, dated 13 March 2023, was refused by notice dated 5 May 2023.
 - The development proposed is a change of use to HMOs.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the balance and mix of the community, with particular regard to the concentration of HMOs in the area.

Reasons

3. The area is urban, predominantly characterised by large 3-storey residential properties. The appeal property comprises a pair of large semi-detached houses which have been further sub-divided into 4 flats comprising 16 bedrooms. The proposal would internally reconfigure the property to provide 18 bedrooms with a communal kitchen and living area on each floor.
4. The parties agree that there are 84 existing HMO households within a 100m radius of the appeal property, equivalent to 68.2% relative to the total number of properties. Due to the scale of the proposal, it would substantially increase this figure. Consequently, the variety of property types and tenures available within the area would greatly reduce, detrimentally affecting the balance and mix of the community.
5. In addition, the proposed HMO would comprise up to 18 unrelated individuals/couples, all of whom would have their own separate daily routines and attract their own visitors and deliveries at different times during the day and evening. In this respect, the proposed HMO use is likely to increase the volume of movement to and from the property, when compared to the existing arrangements. As a result, there would likely be an increase in noise and disturbance for neighbouring occupants.
6. The appellant has highlighted that the intention of the proposed HMO would be to provide independent living services to help vulnerable adults who need a warm, safe, and secure home. It has also been brought to my attention that the occupants would be from a Black minority. Therefore, I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The duty includes having regard to the need to eliminate

discrimination, harassment, and advance equality of opportunity between those sharing relevant protected characteristics and those who do not.

7. The appellant asserts that due to the proposed occupancy of the HMO it would be different than other surrounding HMOs as instead of market housing it would be used to support vulnerable members of the community. Nevertheless, there is no mechanism before me which would secure the occupancy of the HMO as described above. Further, I see no reason as to why the existing layout of the property would not be suitable for the intended occupants.
8. I note that the percentage of HMOs in the area is already 38.2% greater than the 30% maximum target highlighted in Principle 1a of the Houses in Multiple Occupation Supplementary Planning Document (October 2020) (SPD). However, the SPD was only adopted in 2020 and as such it would be reasonable to assume that the HMOs in question were established prior to the areas Article 4 Direction which restricts the conversion of properties from C3 to C4 use and the adoption of the SPD.
9. Therefore, mindful that the proposal would exacerbate the overconcentration of HMOs in the area, I am satisfied that the legitimate policy aim, to maintain positive relationships and reduce disturbance, can only be safeguarded by a dismissal and PSED considerations do not lead me to an alternative view in this case. Moreover, following careful consideration of the duty to advance equality of opportunity, I am satisfied that the impact of dismissing this appeal would be acceptable and justified.
10. Consequently, I conclude that the proposal would harm the balance and mix of the community due to the overconcentration of HMOs in the area. It would conflict with Policies 28S(ii) and 32(iv) of the Bedford Borough Local Plan 2030 (January 2020) where collectively they seek to ensure development has a positive relationship with the surrounding area and does not give rise to disturbance which would affect neighbours and the surrounding community.
11. The proposal would also conflict with Principle 1a of the SPD where it promotes balanced and mixed communities by limiting the total number of HMO households, relative to the total number of properties within a 100m radius to less than 30%.

Other Matters

12. There is a Council operated car park opposite the appeal site. Notwithstanding this, the Council have not raised lack of parking as a reason for refusal and as such the availability of parking in close proximity to the appeal site is a neutral matter which neither weighs in favour of nor against the proposal.

Conclusion

13. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR