



Appeal Decision

Site visit made on 19 December 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/N1160/W/23/3324738

31 Chaddlewood Ave, Plymouth, City of Plymouth PL4 8RF

- 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 Morgan Prosser against the decision of Plymouth City Council.
 - The application Ref 23/00585/FUL, dated 18 April 2023, was refused by notice dated 22 June 2023.
 - The development proposed was described as "would like to change this address from c3 use to c4 to rent it out as a 4 bed hmo once I have finished renovations".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application to the Council for planning permission for the proposed development was made on an incorrect form, namely a form for an application for planning permission for works or extension to a dwelling. However, the Council determined the application as if full planning permission was being applied for, and I will do likewise when determining this appeal.
3. The description of development in the banner heading above is taken from the application form. However, the proposal would be more accurately described as the change of use of dwellinghouse (Class C3) to 4 bed House in Multiple Occupation (HMO) (Class C4).
4. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework and in determining this appeal, I have had regard to the most recent version.

Main Issue

5. The main issue is whether the proposed development would be harmful to the balance and cohesion of the community with particular regard to the concentration of HMOs in the area and the living environment of existing residents.

Reasons

6. The appeal site is a four bedroom mid-terraced dwelling set over two storeys. It is on a residential street in Plymouth that is made up of rows of terraced dwellings on both sides of the road. I understand from the evidence that there

- is already a number of licensed HMO properties and shared student occupied properties on Chaddlewood Avenue.
7. Policy DEV11 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (LP) relates to proposals for Houses in Multiple Occupation in the Plymouth Article 4 Direction Area. The Council has confirmed that the appeal site is within an Article 4 Direction Area. As such, the policy is considered to be determinative in the consideration of this appeal.
 8. The policy sets out that the proportion of properties in multiple occupation should not exceed a threshold of 10% of the total properties within 100 metres of the application site. Additionally, proposals should not result in a dwellinghouse (Class C3¹) being sandwiched between two HMO properties.
 9. The Plymouth and South West Devon Supplementary Planning Document (2020) advises that the threshold of 10% of HMOs within the housing stock is an appropriate ceiling to maintain balanced communities and changes of use that would result in a concentration higher than the threshold will normally be resisted.
 10. I also note that Paragraph 6.39 of the LP states that HMOs can harm the residential character and community cohesion, and high concentrations can have harmful impacts on residential amenity.
 11. The Council have provided a measurement of the percentage of HMO properties within a 100 metres radius of the appeal site. This is stated as being 27.2% and the appellant has not disputed this figure. It is also indicated that one of the properties adjoining the appeal site is a licensed HMO property and the property on the other side is a Class C3 dwellinghouse.
 12. The proposed development would not result in a Class C3 dwellinghouse being sandwiched between two HMO properties. However, the proposal would add to the high concentration of HMOs within 100 metres of the site that already substantially exceeds the 10% threshold set by Policy DEV11.
 13. The proposal would be harmful to the balance of the community that already suffers from an imbalance. Moreover, the use of the appeal site as an HMO would exacerbate the on-street car parking issue experienced by existing residents resulting from a high concentration of HMOs on Chaddlewood Avenue. The amplification of this issue and the increased imbalance would in turn harm the community cohesion of the street.
 14. I note the appellant's comment that only one of the intended occupants of the proposed HMO has a vehicle. However, there is no guarantee that there would be no future occupants who also have a vehicle. Additionally, the prevention of occupants owning a vehicle and parking it on Chaddlewood Avenue cannot be secured through a planning condition. I also note the appellant's comparison between HMOs and family dwellings in terms of parking. However, a typical four bedroom HMO is highly likely to have more vehicles associated with its occupants than a four bedroom family home.
 15. In terms of noise disturbance, the activity generated by four persons living independent lives is unlikely to be more marked and intensive by comparison to that generated by the occupation of a four bedroom dwellinghouse. As such,

¹ Schedule 1, Part C, Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

the noise disturbance resulting from the proposed development would not materially compromise the living environment of existing residents.

16. Whilst the number of refuse bins at the property may potentially increase as a result of the proposed development, there is sufficient space between the front of the building and the pavement edge to store bins. The storage of bins in this area of the site can be secured through a planning condition and therefore mitigate against the potential issue of bins being kept on the pavement.
17. For these reasons, whilst the proposed development would not lead to material harm resulting from noise disturbance and refuse storage, it would harm the balance and cohesion of the community as a result of an increase in the already high concentration of HMOs in the immediate local area and harm the living environment of existing residents through the exacerbation of existing on-street parking issues. Consequently, the proposal would conflict with Policies SPT2, DEV1, DEV2 and DEV11 of the LP, which collectively seek, in part, to prevent a detrimental impact on community cohesion and the living environment of existing residents.
18. Additionally, the proposal would conflict with the Framework insofar as its prescription that planning decisions should not undermine the quality of life and community cohesion or compromise the standard of amenity for existing residents.

Other Matters

19. The proposed development would provide a benefit through the contribution towards the existing affordable living accommodation in Plymouth, which the appellant asserts there is a lack of in the local area. However, the number of HMO bedrooms proposed would make a minimal contribution towards this need and the benefit is therefore outweighed by the conflict with the development plan, which goes to the principle of the location of such accommodation.
20. The appellant's concerns about how their initial planning query and subsequent planning application were dealt with by the Council are outside the scope of the appeal and are not determinative.

Conclusion

21. For the above given reasons, the development conflicts with the development plan, when taken as a whole. It also conflicts with the Framework and other material considerations do not indicate that I should take a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR