



Appeal Decision

Site visit made on 12 February 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2024

Appeal Ref: APP/K0235/W/23/3323853

35 Hurst Grove, Bedford MK40 4DN

- 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 M Rahman against the decision of Bedford Borough Council.
 - The application Ref 23/00611/S73.
 - The development proposed is the change of use from C3 single residential dwelling to C4 HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 single residential dwelling to C4 HMO at 35 Hurst Grove, Bedford MK40 4DN in accordance with the terms of the application, Ref 23/00611/S73, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: JJ23-035 001 and JJ23-035 002.
 - 1) Within 3 months of the date of this decision, a scheme for the parking of cycles in accordance with the adopted Parking Standards for Sustainable Communities 2014 (with access thereto) shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented within 1 month of the date of approval of the details. The cycle spaces shall thereafter be kept available for the parking of cycles in perpetuity.
 - 2) Within 1 month of the date of this decision, full details of the bin storage/collection point(s) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 1 month of the date of approval of the details and thereafter retained in perpetuity.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form, I have however omitted the superfluous words that are not acts of development.
3. An amended drawing number JJ23-035 001 Rev B is submitted as part of the appeal. The Procedural Guide: Planning appeals – England is clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council and interested parties at the application stage. The revisions to the scheme, in particular the alterations to the layout of the second-floor

accommodation, make fundamental changes to the proposal. In these circumstances, it would not be appropriate to consider the revised proposals. Accordingly, I have determined the appeal based on the proposal that was before the Council when it made its decision.

4. The planning application form indicates that the development was completed on 1 March 2021, the appeal is therefore being considered retrospectively. However, I cannot be certain that the development has been carried out in accordance with the approved plans, as such, for the avoidance of doubt, I have determined the appeal based on the proposed plans before me.
5. Council's first refusal reason also refers to Policy 54 of the Bedford Borough Local Plan 2030. However, the Council's Planning Policy Briefing Note dated September 2022 confirms that revised Building Regulation requirements render the policy out of date and no longer necessary. Consequently, new development proposals in the borough will not be assessed against Policy 54.
6. There is dispute between the parties as to whether the use of the property as a C4 House in Multiple Occupation (HMO) is lawful. However, it is not within my remit to comment upon the lawfulness of the use in this appeal against the refusal of planning permission.
7. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

8. The main issues are the effect of the development in terms of parking provision; and whether the proposal would provide suitable living conditions for future occupiers.

Reasons

Parking provision

9. The appeal property is one of a pair of semi-detached houses situated at the end of a row of properties in a street of dwellings of semi-detached and terraced properties of a largely similar appearance. The dwellings are set back a short distance from the pavement and highway to the front. Aside from a small private parking courtyard next to the appeal site, the majority of residential properties in the street do not generally benefit from off-road parking facilities. There is on-street parking provision in the form of demarked parking bays which straddle the carriageway and the pavement.
10. The proposal seeks to convert the dwelling to a Use Class C4 (houses in multiple occupation) comprising a small, shared dwelling house occupied by between 3-6 unrelated individuals as their only or main residence, who share basic amenities such as a kitchen or bathroom.
11. Principle 3 of the Council's Houses in Multiple Occupation Supplementary Planning Document adopted October 2020 (HiMO SPD) states that car parking provision for an HMO is required at a rate of one vehicle space plus 0.4 visitor spaces per bedroom, which when rounded down would equate to 8 spaces. Given that the C3 use of the property would require 3 parking spaces in accordance with the Council's Parking Standards for Sustainable Communities:

Design and Good Practice Interim Policy and Supplementary Planning Document adopted September 2014 (PSSC), the proposal would trigger a requirement for an additional 5 parking spaces. Like the existing dwelling, the development would rely entirely on on-street parking provision.

12. The HiMO SPD sets out that when calculating the number of vehicle spaces, proposals that provide a lower level of parking or a 'car free' development may be acceptable where specific criteria are met, including where it is within a Controlled Parking Zone (CPZ); or it is demonstrated to be located within an otherwise highly accessible location; and any potential parking impact on existing on-street parking is demonstrated to be acceptable.
13. The site is not within a CPZ; however, it is well served by public transport, including buses and trains, and there are a range of local services and amenities nearby including shops, restaurants, and schools to meet day to day needs. I am therefore satisfied that the site is in an accessible location. I note the Council's contention that there is a high demand for on-street parking in the area due to the lack of off-street parking provision to serve the dwellings in the street, including at the appeal property. It is asserted that the presence of double yellow lines and marked parking bays are indicative of the existing parking problem, which has been confirmed verbally by the Highways Officer.
14. Nevertheless, I observed that several on-street parking spaces were available at the time of my visit, although I accept that this was a snapshot in time, and that the situation may be different in the evenings and overnight. Furthermore, I have not been presented with any substantial evidence to suggest that there is currently a high degree of parking pressure in the area to the detriment of residents and visitors, that would be unduly exacerbated by the appeal proposal. Nor is there any evidence to demonstrate that the use of the HMO, which the appeal submissions suggest has been taking place for some time, is causing a problem in relation to parking congestion.
15. The appeal site includes space to the rear of the property which could accommodate cycle parking facilities, in accordance with the standards set out in the HMO SPD, details of which could be secured via a suitable planning condition.
16. There is no clear evidence before me that the development would unacceptably increase on-street parking pressure in the area to a level that would cause parking stress for future occupiers or existing residents in the area through inconvenience or any other harm. It has therefore not been demonstrated that the development would have an adverse effect in terms of parking provision. In that regard the proposal would accord with Policy 31 criterion i) of the LP which requires development to have regard to among other things, parking provision, and Principle 3 of the HiMP SPD which requires proposals for HMOs to make provision for adequate cycle and car parking. It would also accord with advice in the PSSC, which sets out that development proposals for HMOs will be considered on their merits.

Living conditions of future occupiers

17. The second-floor bedroom is partly set within the roof pitch of the building. The Council has confirmed that the floor space shown on the plans submitted with the application would meet the space standards outlined within the Council's HiMO SPD.

18. The HiMO SPD (2020) highlights that access to good kitchen facilities is vital for the preparation of food and the promotion of healthy lifestyles. It sets out a requirement for proposals to contain information about how each household will have access to a kitchen which can accommodate the minimum facilities listed. The appeal submissions indicate that 2 of the occupiers would have access to their own kitchen areas in the one-bedroom flats, and the kitchen and utility areas on the ground floor would be shared by 4 persons. Moreover, there is no substantive evidence that the kitchen areas could not accommodate the facilities required for the storage and preparation of food, including bin storage within the kitchen areas, to meet the needs of future occupiers.
19. With regards to refuse storage provision within the site, wheelie bins could be stored in a bin collection point on the enclosed area of land to the front of the property. This arrangement would reflect that at the neighbouring residential properties and as the bins would be clear of the adjoining pavement, would be safe and convenient. The Council indicate that in the event the appeal is allowed it is satisfied that such details could be secured through a planning condition, and I have no reason to disagree.
20. For the foregoing reasons I find that the proposal would provide suitable living conditions for future occupiers. In that regard it would accord with Principle 2 of the HiMO SPD, in so far as it requires proposals for HMOs to provide a high level of amenity for new and existing residents and to provide a healthy and safe living environment, and Policy 2S criterion iii of the LP, which requires development to be designed to promote health, safety and active living. It would also reflect the aims of the National Planning Policy Framework which require new development to create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Conditions

21. As the development has commenced a condition requiring the implementation of the permission within the prescribed period is not necessary. I have imposed a condition requiring adherence to the approved plans, for certainty. Conditions requiring the provision of refuse storage and cycle storage are also required, in accordance with advice in the HiMO SPD.

Conclusion

22. For the reasons given above the appeal is allowed.

E Worley

INSPECTOR