



Appeal Decision

Site visit made on 23 January 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/P0240/W/23/3320116

77 Amphtill Road, Flitwick MK45 1BD

- 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 P & I Milligan against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/05484/FULL, dated 10 December 2021, was refused by notice dated 18 October 2022.
 - The development proposed is change of use from House in Multiple Occupation (HMO) to HMO and 1 office to the ground floor.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from House in Multiple Occupation (HMO) to HMO and 1 office to the ground floor at 77 Amphtill Road, Flitwick MK45 1BD in accordance with the terms of the application, Ref CB/21/05484/FULL, dated 10 December 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the application was determined, a revised National Planning Policy Framework (Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.
3. The appellant states that the appeal building has been converted to a small HMO under permitted development. However, the Council consider that each of the rooms within the property are self-contained flats. At my site visit I saw that some of the rooms included a kitchen and en-suite shower room, as well as a sleeping area. Nevertheless, as I cannot be certain that what has been built is fully in accordance with the plans before me, I have assessed the development as shown on the submitted plans.
4. The appellant's statement suggests an alternative parking layout as shown on drawing no: Oak-109. This plan was submitted with planning application ref: CB/21/05484/FULL. Therefore, the Council and other interested parties had the opportunity to comment on the appellant's suggested alternative parking layout during the appeal. The alternative parking layout would not materially alter the nature of the application and would not prejudice the interests of any parties. I have therefore taken it into consideration during the determination of this appeal.

Main Issues

5. The main issues are:

- highway and pedestrian safety with regard to parking provision; and
- whether living conditions of future occupants would be acceptable, with particular regard to internal space.

Reasons

Highway and Pedestrian Safety

6. The appeal site consists of a two-storey, semi-detached building located on Amptill Road. The surrounding area is predominately residential.
7. Permission is sought for an HMO comprising 5 bedrooms and an office on the ground floor. The Council's parking standards¹ require a minimum of 3 parking spaces for a 4/4+ bedroom property and at least 1 parking space per 30sqm for an office. This would equate to a minimum of 4 parking spaces. However, the Highway Authority consider the proposal would have an overall requirement of 5 parking spaces.
8. During my site visit I observed that the appeal property is within easy walking and cycling distances of local services and facilities. There are also bus stops within walking distance of the site providing several bus routes, and a train station within the town centre. Whilst the proposal does not include cycle parking, the appellant suggests that this could be controlled by the imposition of a planning condition, to which I agree. Thus, future occupants of the proposed development would not be reliant on a private motor vehicle to access services and facilities given the accessible location of the appeal property and its good access to public transport. Consequently, I find that the proposed number of 4 parking spaces would be sufficient for the proposal at this site.
9. Furthermore, as the proposal would create only 1 additional bedroom, it is unlikely to result in a notable difference to on-street parking demand compared to that generated by a large family home. The proposed office space is small, and the appellant states that no customers would visit the property. I also saw that Amptill Road is sufficiently wide and there is a designated on-street parallel parking area situated on the road a short distance from the appeal site. Thus, the proposal would not exacerbate on-street parking to the extent that the free-flow of traffic would be materially harmed.
10. The proposed parking plan (drg no: Oak-138) illustrates 3 parking spaces to the rear of the building (P1, P2 and P3) accessed via an undercroft, and one parking space to the front of the building (P4). Parking space P1 would be positioned very close to the building's rear elevation and would be directly adjacent to parking spaces P2 and P3. Given the tight angle of the space, this would restrict the ability of drivers from manoeuvring into and out of this space, especially if the adjacent spaces were occupied. Consequently, there would be insufficient space for a car parked in space P1 to reverse out and turn conveniently in the area to the rear of the building.

¹ Central Bedfordshire Design Guide – A guide for designing high quality new developments, adopted 2014

11. Parking space P4 would be located on the property's frontage. Its positioning parallel to the highway would result in excessive and awkward manoeuvring when accessing and egressing from the space. This would cause an obstruction to vehicles using the access to the rear parking area.
12. Drawing No Oak-109 which was submitted with the planning application determined by the Council shows an alternative car parking layout plan. It illustrates 2 parking spaces to the rear of the building accessed via the undercroft, and 2 parking spaces to the building's frontage. Although the width of the rear parking area is restricted by the building's rear elevation, there would be sufficient space for two vehicles to park. To access the rear parking spaces via the undercroft, vehicles would need to reverse to and from the highway, but this would be similar to the existing parking situation at the property. Therefore, I do not find harm in this regard.
13. I have had regard to the comments of the Highway Authority regarding the parking of cars at the front of the property as shown on Plan Oak-109. Although they would be sited close to the pedestrian footway, I saw that there is sufficient length to the property frontage to enable vehicles to park without overlapping the footway. I also observed that there would be sufficient width for two cars to park perpendicular to the road without obstructing the access to the rear parking area. The proposed front parking layout would also be similar to other residential properties in the immediate locality.
14. There is an existing hedge on the site's boundary to the south of the property frontage. Nevertheless, this would be sited some distance away from the proposal's access to the rear parking spaces. Indeed, the access would have relatively clear views of the highway either side and vehicles entering and exiting the property frontage would not be travelling at speed. Furthermore, as the proposed development would provide 4 parking spaces in total, there would only be a small number of daily vehicular movements into and out of the appeal site.
15. For the reasons given above, and in the absence of substantive evidence to the contrary, I find the proposal would not be harmful to highway and pedestrian safety. The proposal therefore accords with paragraph 115 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. The proposal would also accord with Policy HQ1 of the Central Bedfordshire Local Plan 2015 – 2035 (adopted 2021), which amongst other things, seeks to ensure proposals provide safe developments that meet the needs of all street users. The proposal would also comply with the guidance contained in the Council's Central Bedfordshire Design Guide (2014).

Living Conditions

16. The proposal would exceed the minimum floor areas for single and double bedrooms, as outlined in the 'Technical housing standards - nationally described space standards (2015)'. The proposal also makes provision for a sizeable kitchen/dining area and a utility room on the ground floor. The Council has not formally adopted the national standards, but it accepts that they provide a useful guideline. Consequently, I find that adequate internal space would be provided, ensuring a good standard of amenity for future occupants.

17. However, as the proposed office is also located on the ground floor, a condition would be necessary to ensure that the kitchen/dining area and utility room are retained for use by all occupants.
18. In all other respects the accommodation would be of good quality. The bedrooms and communal areas would enjoy a pleasant outlook and good levels of natural light and ventilation. Residents would also have access to a rear garden. Overall, I conclude that the appeal scheme would provide an acceptable living environment for its occupants.
19. As such, the proposal would accord with Policy HQ1 of the Local Plan, which amongst other things, seeks to ensure healthy lifestyles are promoted through the design and layout of the development. In addition, the proposal would also accord with the Framework (paragraph 135), which states that developments should create places that promote health and well-being, with a high standard of amenity for existing and future users.
20. The Council's decision notice refers to the Central Bedfordshire Design Guide (2014). However, this guidance does not make reference to the nationally described space standards. Therefore, I do not find it to be relevant to this main issue.

Other Matters

21. My attention has also been drawn to Bedford Borough HMO SPD (2020). However, this document is an adopted SPD for Bedford Borough Council, and not Central Bedfordshire Council. I therefore attach no weight to it.
22. Local residents have also raised a number of concerns, which in addition to the main issues, included concerns relating to a dropped kerb and odour extraction. I have given careful consideration to these matters but based on the information provided they would not constitute reasons to dismiss the appeal.

Conditions

23. I have considered the conditions suggested by the Council taking into account the advice within the Framework and the Planning Practice Guidance, and where necessary the wording has been amended for clarity and precision.
24. In addition to the standard time limit condition, for the purposes of certainty, a condition concerning the approved plans is also required. In the interests of highway safety, a condition relating to parking provision is necessary. I have also imposed a condition to ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport. Finally, I have imposed a condition to ensure that satisfactory living standards are provided for occupants.

Conclusion

25. For the reasons given, I conclude that the appeal is allowed.

H Smith

INSPECTOR

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 following approved plans:
 - Drawing No Oak-109, Existing and Proposed Plans
 - Drawing No Oak-138
- 3) The development shall not be completed or brought into use until the parking scheme shown on Drawing No Oak-109 has been completed. The scheme shall thereafter be retained for this purpose.
- 4) Prior to occupation, a scheme for short-term and long-term cycle parking shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 5) The kitchen/dining room and utility room as shown on Drawing No Oak-109 shall be available for shared use of the occupants of the property at all times and retained as such.

****End of Conditions****