



Appeal Decision

Site visit made on 16 April 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/B2002/W/23/3332992

68 Brighowgate, Grimsby DN32 0QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Oded Loulay of OA Homes Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0833/23/FUL.
 - The development proposed is change of use from a single dwelling to a house in multiple occupation, with repairs and redecorating to the exterior including formation of a secure cycle store.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a single dwelling to a house in multiple occupation, with repairs and redecorating to the exterior including formation of a secure cycle store at 68 Brighowgate, Grimsby DN32 0QW in accordance with the terms of the application, Ref DM/0833/23/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions on the revised Framework and that no party's interests have been prejudiced by my taking this approach.

Main Issues

3. The main issues are the effect of the proposal:
 - on the living conditions of occupiers of nearby properties with regard to noise and disturbance; and
 - on highway safety with regard to parking provision.

Reasons

Living conditions

4. The appeal proposal includes the change of use from a single dwellinghouse to a house in multiple occupation (HMO) with eight bedrooms. No extensions are proposed, and external works would be limited to repairs, redecoration and the formation of a secure cycle store in an existing covered store area.

5. The appeal property comprises a large three storey semi-detached building located on a corner plot at the junction of Brighowgate and Bargate. Along the eastern side of Brighowgate to the northeast of the appeal site are properties of two storey height that are semi-detached and detached that appear as single dwellinghouses. Bargate is a busy main route into the town where as Brighowgate appeared less busy, during my site visit.
6. Generally, along Bargate, properties within the vicinity of the appeal site appear to be larger two and three storey detached and semi-detached properties. Some of those larger properties are in commercial use and a number appear to be sub-divided into flats, including the three storey property attached to the appeal property which has access off Abbey Road to the south. From the evidence before me it appears as though some of the properties in the surrounding area are also existing HMOs. Therefore, although the neighbouring properties to the northeast are single family dwellings, flats and HMOs are not uncommon in the larger properties that have a presence on Bargate.
7. Whilst not currently occupied, given the size of the existing property and its current use, it could be resided in by a large family. The appellant also asserts that the property could be changed to a small HMO for up to 6 occupants under permitted development rights. The Council acknowledge this potential permitted change of use and do not dispute that it could occur.
8. I accept that the proposal would result in an increase in the number of occupants and potentially associated visitors, so is likely to generate more day-to-day activity than a traditional single household. However, this does not necessarily mean that a large HMO here would be harmful.
9. The main entrance into the property would be located in the elevation facing Bargate which is separated from the neighbouring adjacent property to the northeast, 111 Abbey Road, by intervening built form and an established hedgerow. The attached neighbouring property is accessed from Abbey Road and therefore is clearly removed from the access point into the appeal property. Therefore, whilst pedestrian movements to and from the property may be perceptible by those passing by, this would not give rise to undue noise and disturbance to any neighbouring properties to a degree that would be unacceptably harmful.
10. The use of the external space to the side of the property, in closest proximity to No 111 would be limited by the fact it would be more functional in its use. The existing off street parking arrangement would be retained and the external space would provide access to the covered cycle store and the storage facilities within the existing outbuilding. The external space to the front of the property is removed from No 111 and whilst adjacent to the front garden of the attached property, is separated from it by a hedgerow.
11. There is concern from the Council and interested parties that the occupancy of the property could exceed 8 individuals, given all of the bedrooms appear to accommodate double beds. However, the appellant asserts that the proposal has been designed for single occupancy only, and that occupancy would be controlled under separate legislation through the Council's HMO licensing requirements. I do not have the details of the licensing requirements before me. The appellant has suggested that a planning condition could be imposed to

limit the occupancy also. In my view, it would be possible to impose such a condition.

12. Consequently, I conclude that the proposal would have an acceptable effect on the living conditions of occupiers of nearby properties with regard to noise and disturbance. The proposal would comply with Policy 5 of the Local Plan 2013 to 2032 (Adopted 2018) (LP) which seeks, amongst other things, that development proposals are considered in terms of suitability and sustainability having regard to neighbouring land uses by reason of noise and disturbance.

Highway safety with regard to parking provision

13. Interested parties and the Council have raised concerns in respect of the increase in demand for on-street parking that would arise from the appeal proposal particularly given the proximity to the town centre and that the area is used by visitors as well as residents for parking, however no objection has been raised by the Highway Authority.
14. The appellant states that two existing off-street parking spaces would be retained as part of the proposal and that other on-street parking is available nearby.
15. I noted that on-street parking along Brighowgate is restricted to 1 hour between the hours of 8am and 6pm Monday to Saturday with no return within 1 hour. Parking along this road would therefore be possible unrestricted overnight between 6pm and 8am and on Sundays. The area of Abbey Road, closest to the appeal site is subject to double yellow lines and the remainder is also prohibited parking during the daytime between 8am and 6pm Monday to Saturday.
16. A traffic light controlled pedestrian crossing is located within approximately 40 metres of the appeal site which leads to Augusta Street, which has unrestricted on-street parking. Within approximately a 5 minute walk is Welhome Avenue which also has unrestricted parking sections. At the time of my site visit, although I acknowledge it is only a snapshot in time, there were a number of on-street parking spaces available on both Augusta Street and Welhome Avenue. Whilst I note car parking may be more of an issue in the evenings and at weekends, there is some provision along Brighowgate in the evenings and on Sundays. I have no substantive evidence, such as a parking survey for example, that suggests that the local area is subject to significant parking demand issues.
17. I observed 'Stride' signage on Abbey Road in close proximity to the appeal site promoting that the area is within a 5 minute walk of the town centre. The railway station is also located within a similar walking distance. A bus stop on Bargate is located within approximately a 2 minute walk of the appeal site which provides access to a number of bus services. Interested parties state that the town centre is depleted and run down, and that bus and train services have been cut back and are unreliable. Nevertheless, I did witness a number of shops, services and facilities open in the town centre during my site visit.
18. A secure cycle storage area is proposed as part of the scheme which would also provide opportunities for occupants to utilise cycling as an option. Therefore, occupiers of the proposed HMO would not necessarily require their own car,

and the use of alternative sustainable transport modes are accessible from the appeal site.

19. I therefore find that the proposal would not be harmful to highway safety with regard to parking provision. The proposal would therefore comply with Policy 5 of the LP which seeks, amongst other things, that development proposals are considered in terms of suitability and sustainability having regard to access and traffic generation and the impact upon neighbouring land uses by reason of disturbance.

Other Matters

20. The appeal site is located within the Wellow Conservation Area (WCA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
21. The significance of the WCA includes the appearance and layout of Victorian dwellings that formed the expansion of the town historically. The buildings within the WCA provide evidence of the type of housing prevalent at the time and the building techniques and materials used. The appeal property, given its age and architectural character, contributes positively to the character and appearance of the WCA. I note that the Council's Heritage Officer is supportive.
22. The residential use of the property would continue as a result of the scheme. The proposal includes very minor external works to the existing building and would be comprised mainly of repairs to existing features including windows, doors, down pipes and roof tiles where necessary. The proposed cycle store would be created within an existing covered store area. The building would therefore be retained as it currently appears externally and would continue to contribute positively to the character and appearance of the WCA, if the appeal proposal was implemented. I therefore find that the proposal would not be harmful to the significance of the WCA and it would preserve the character and appearance of it.
23. Interested parties have raised concerns about the concentration of flats and HMOs in the local area, the need to support the retention of family homes and the effect that this has on community cohesion given the more transient nature of some HMO tenants. The Council has not included this as a reason for refusal nor has any policy requirement relating to the concentration of HMOs been provided. There is no cogent evidence before me that shows that the development would result in an adverse effect on social cohesion in the local community.
24. Concerns have been raised about the potential for anti-social behaviour and crime, particularly given the presence of a nearby school and an HMO which provides homes for vulnerable people. I understand that there has been a case in the local area in the past which caused significant distress to the local community, and I sympathise with residents regarding the previous situation that occurred. Nevertheless, I have little substantive evidence to suggest that the proposal before me would result in such behaviour.
25. There are no existing windows located in the rear elevation which faces No 111 and no new window or door openings are proposed as part of the scheme. It is not proposed to remove the existing rear and side boundary treatments which

provide separation and screening from neighbouring properties. Therefore, there would be no additional impact in terms of the levels of overlooking or effects on privacy.

26. No changes are proposed in terms of the extent of the existing built form, therefore there would be no additional impacts in terms of overshadowing of neighbouring properties.
27. Interested parties have raised concerns about the living conditions and amount of amenity space proposed for future occupants. The Council state in the Committee Report that each room meets the relevant space standards and that the external space provided would remain as existing and given the proximity to the town centre is not unusual. I have no substantive evidence before me to take a different view in this regard.
28. Although only a snapshot in time, on my visit I saw little evidence of the suggested problems associated with intensified properties within the vicinity of the appeal site, such as poorly maintained frontages or bins overflowing. In the case of the proposal, there would be provision of covered cycle storage and space to store refuse and recycling bins in the existing outbuildings within the appeal site.

Conditions

29. The Council has provided a list of suggested conditions, should the appeal be allowed. I have considered the suggested conditions and added to, amended and reordered as necessary in the interests of precision and clarity, as well as to comply with the Framework and the advice set out in the Planning Practice Guidance.
30. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. In this case, to protect the living conditions of neighbours, a condition restricting the number of occupants is reasonable and necessary.
31. A condition restricting when the conversion works can take place is also necessary to safeguard the living conditions of neighbouring occupiers. I have imposed a condition to ensure that the proposed cycle and bin storage is provided prior to occupation, in order to enable and promote sustainable modes of travel and to protect the character and appearance of the area.

Conclusion

32. I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, I conclude that the appeal should succeed.

G Dring

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: RD:5433-01 Site Location Plan; RD:5433-04 Proposed Elevations and Block Plan; RD:5433-03 A Proposed Plans.
3. The property shall be occupied by no more than 8 residents at any one time.
4. No conversion work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.
5. The cycle store and bin store as shown on the approved plans shall be completed and available for use prior to any occupation, unless otherwise submitted to and approved in writing by the Local Planning Authority.