



Appeal Decision

Site visit made on 23 May 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2024

Appeal Ref: APP/X2410/W/24/3338878

8 Adam Dale, Loughborough, Leicestershire, LE11 3HD

- 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 Olivia Crawley against the decision of Charnwood Borough Council.
 - The application Ref P/23/1880/2, dated 13 October 2023, was refused by notice dated 27 November 2023.
 - The development proposed is a change of use from a dwellinghouse (Use Class C3) to a small house in multiple occupation (Use Class C4).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed change of use on:
 - Whether the proposal would conflict with the aims of national and local planning policy to create or strengthen balanced communities, with particular regard to its effect on the social character of the area, and
 - The living conditions of the occupiers of nearby properties by way of noise, disturbance, anti-social behaviour, and impact on residential facilities.

Reasons

3. The appeal property is an end-terraced house with attached garage situated on the north side of Adam Dale and close to the junction of Adam Dale with Goldfinch Close and Moorhen Way. It is a three-storey, three-bedroom dwelling and the proposal would change the use of the property to a small House in Multiple Occupation (HMO). As part of the proposal, the garage would be converted to provide additional living accommodation.
4. Policy CS4 of the Charnwood Local Plan 2011-2028 Core Strategy (LPCS) indicates that the Council will support the well-being, character and amenity of its communities by managing the proportion of houses in multiple occupation (HMOs), and will prevent HMOs that, either in themselves, or cumulatively with other HMOs, damage social and physical character and amenity of an area or generate noise and disturbance which is detrimental to the area.
5. Policy H7 of the Council's Pre-Submission Draft Local Plan (LP) indicates that the Council will support the well-being, character and amenity of its communities by managing the proportion of houses in multiple occupation. It

will support new HMOs where their concentration is less than 10% within the area defined by a 100m radius from the centre of the building to which the application relates; where the development would not otherwise result in an over-concentration of HMOs taking into account local geographical factors; and where they do not lead to adverse noise and disturbance detrimental to an area. The LP is at an advanced stage of preparation, and I can afford it moderate weight.

6. The Council contends that the proposal would increase the concentration of HMOs in the area and, when combined with the cumulative effect with other houses in multiple occupation nearby, it would have a significant effect on the social character and amenities of the area in respect of the balance of the local permanent community. It would add to the number of residents and potential visitors to the area, which would increase the potential for anti-social behaviour and noise and disturbance, which would harm the residential character and amenities of the area.
7. The appellant contends that the Council has presented no evidence to show that the proposed development would, of necessity, result in harm to the local community by way of anti-social behaviour, crime, noise, disturbance, or pressure on local community facilities. Furthermore, there is no significant evidence of such harm having resulted from the existing HMOs in the surrounding area, and that the proposal would not, therefore, undermine the quality of life or community cohesion in the area.

Effect on the balance of the community

8. The appeal property is located close to the Loughborough University and College and is in walking distance of the town centre. It is situated within Southfields Ward, which would appear to have one of the highest number of HMOs of any ward in the Borough. The Charnwood Borough Council HMO Assessment Final Report, July 2019 (AFR) contains a significant amount of research data that has been selectively referred to by both the Council and the appellant in their statements. I shall refer to some of its findings in my considerations below.
9. Policy CS4 of the CS indicates that the Council will prevent HMOs that, either in themselves, or cumulatively with other HMOs damage the social and physical character and amenity of a street or residential area or generate noise and disturbance which is detrimental to the amenity of the street or residential area.
10. The policy is amplified by the Council's Housing Supplementary Planning Document (SPD), which sets out a threshold concentration level of 20% HMOs within a 100 metre radius of an application property, above which further applications will be resisted. It is noted that, while the assessment of the current level of concentration of Houses in Multiple Occupation will be an important material consideration, it cannot be regarded as the determining factor in deciding any planning application. In addition, evidence of other potential issues will be considered when assessing whether a new HMO could damage the social and physical character and amenity of a street or area.
11. In this case, however, it is acknowledged by both parties that the concentration factor is well above the 20% threshold, with figures given ranging between nearly 60% and 77%. In my opinion, either figure already represents a threat

to the mix of types of residential occupation in the area and the social balance of the local community. On this basis, although the addition of one further HMO might seem insignificant, there has to be some limit to the flexibility of the threshold concentration factor. In addition, the surrounding area would appear to comprise a mix of family-sized/-type of housing units, much of which has already been lost to HMOs, and it is questionable whether there is scope for further loss without more serious imbalance resulting with regard to housing mix and social character.

12. I note that the AFR, which included a literature review, analysis of secondary data, and a stakeholder review, recommended that the 20% threshold be reduced to 10%, in line with relatively common standards as adopted by several other local authorities. The 10% figure has been proposed in the LP and would mean that the current proposal would surpass the threshold by an even greater amount.
13. In view of the proximity of the appeal property to the University and College, it would appear likely, though not necessarily, that the proposed HMO would be occupied by students. While the presence of a student population has a number of benefits for the borough as a whole, a significant concentration of students in such a small area as that around the appeal property, could lead to a lack of involvement of the occupiers of the HMO with the more permanent community, particularly if the property were also to be let on a short-term basis during the holiday periods. This again has the potential to result in harm to the overall social character of the local community.
14. In conclusion on this issue, I find that the proposal would be harmful to the aims of national and local planning policy to create or strengthen balanced communities, with particular regard to its effect on the social character of the area.

Living conditions

15. From submitted statements, it would appear that the HMO would accommodate 4 persons, although the converted garage, marked on the submitted plans as a lounge, could potentially be used as an additional bedroom, and I also note that the upstairs rooms are labelled as bedrooms 2 – 5. In any event, there is no reason to suppose that there would be a significantly higher level of occupation of the property as an HMO than as a family house. However, the type of occupation would, of course, differ. Given the location of the property there is a strong likelihood of it being occupied by students, but this may not be exclusive and, over time, the type and mix of occupants could vary.
16. The appellant contends that there is little in the way of hard evidence to show that the use of the property as an HMO by any particular occupant group would necessarily result in additional anti-social behaviour, noise or disturbance. Neither would it necessarily result in harm to local community facilities.
17. However, I note from the AFR that there is a very strong positive relationship between the number of HMOs in an area and the number of anti-social behaviour (ASB) incidents in that area. Although the issue of cause and effect cannot be proven, statistically this very strong relationship exists. There is also supporting anecdotal evidence from stakeholder discussions of this relationship, and a limited number of examples of actual ASB incidents in the immediate area around the appeal property.

18. With regard to noise and disturbance, the appellant points to information from the AFR to show that over 80% of reported noise incidents are related to single-family houses, while only 4% relate to HMOs. I note these figures, though there are no figures to show the actual total number of properties in each category, so the results may simply be a reflection of the balance of property types across the borough.
19. There is little direct evidence to indicate that HMOs are disproportionately linked with crime figures, or that the presence of HMOs has a significantly harmful impact on local community facilities. However, it is likely that there would be some such impact, even if limited.
20. The appellant has provided information on a number of previous appeals in the borough relating to HMOs where the appeal was allowed. However, I note that most of these appear to be located in busier areas of the borough and/or where the proposal was for conversion from offices to an HMO. These do not directly compare to the current proposal which is located in a lower-density suburban residential estate where any impacts are likely to be more readily apparent.
21. Similarly, reference has been made to planning applications granted by the Council subject to a condition requiring that the proposal be carried out and occupied in strict accordance with a Property Management Plan in perpetuity. The appellant contends that such a condition could be used in this case to mitigate against noise or disturbance resulting from the HMO. I accept that such a condition could be valid in appropriate cases, but I note that the examples given relate to proposals for a change from a smaller HMO to a larger HMO. In other words, in these cases, the principle of HMO use was already established, but a property management plan was not in place. This situation does not apply in this case and I do not consider that the examples provided can be used to establish a precedent for cases where the principle of change of use from a C3 dwelling to an HMO does not yet apply, and where other issues relating to that principle must also be considered.
22. In conclusion on this issue, I find that the proposal would be likely to result in some harm to living conditions for the occupiers of nearby properties by way of anti-social behaviour, noise and disturbance. This may only be limited, but it nevertheless would add to the negative impact on the balance of the local community as outlined above.

Conclusion

23. The proposal would be harmful to the balance of the local community and would likely result in some harm to living conditions, albeit limited. On this basis, it would conflict with policy on sustainable development and balance within communities, as outlined in paragraphs 8 and 63 of the National Planning Policy Framework, and with Policy CS4 of the LPCS, guidance in the SPD, and Policy H7 of the emerging LP. Accordingly, I dismiss the appeal

J D Westbrook

INSPECTOR