
Appeal Decision

Site visit made on 9 May 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/K0235/W/23/3335026

67 Cardington Road, Bedford MK42 0BT

- 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 A Khan against the decision of Bedford Borough Council.
 - The application Ref is 23/02131/COU.
 - The development proposed is the change of use of C3 dwelling house to C4 (HMO).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether or not the proposed development would provide acceptable living conditions for its future occupants, and 2) the effect of the proposed development on highway safety with regard to parking.

Reasons

Living conditions

3. The appeal property is a detached two-storey, double fronted dwelling. It is located at the end of this section of Cardington Road, close to a busy roundabout junction. This section of the street is set back from the main road behind a short access road.
4. The proposed development would result in the creation of a 6-bedroom house in multiple occupation (HMO). Two bedrooms would be located on the ground floor and four on the first floor. There would be parking to the frontage and a garden to the rear. Existing outbuildings to the side are proposed for refuse storage. The proposed plan shows how a kitchen-diner would be provided. This would measure 22.2sqm
5. The Council's Houses in Multiple Occupation Supplementary Planning Document (SPD) (2020) sets out a detailed number of requirements for HMOs. One such requirement is the provision of kitchen area(s) *and* (my emphasis) other shared communal spaces suitable for the proposed number of occupants. A communal area is defined as a furnished lounge area or dining room for multiple residents to sit down and relax or enjoy a meal. The SPD further outlines that areas to include seating areas and dining rooms are encouraged within HMOs to provide amenity space outside of private bedrooms and to promote opportunities for social interaction.

6. In the proposed development there is neither a furnished lounge area nor a separate dining room provided. A dining area is proposed in the kitchen, however in seeking to promote social interaction amongst housemates, the communal space that is proposed is very limited in size for a household of the number of residents which are proposed. The level of provision of communal space would likely result in residents spending most of their time in their own private bedrooms and therefore failing to promote social interaction and providing poor living conditions.
7. The SPD also requires the provision of facilities for the drying of clothes and other laundry. This is outlined to be the provision of indoor and outdoor areas for the drying of laundry, which does not need to be a dedicated drying room and could for example be combined with a utility area. The use of airing cupboards, kitchens or bedrooms will not be considered suitable.
8. In the proposed development outside drying of laundry can be accommodated in the back garden. Internally, the appellant has outlined how a dryer would be provided in the kitchen. Such an arrangement would, however, fail to comply with the requirements of the SPD in terms of providing a dedicated indoor area.
9. The SPD outlines that layouts of HMOs should ensure bedrooms are located away from kitchens and communal spaces where possible to minimise disturbance to residents. In the proposed layout the two ground floor bedrooms are adjacent to the kitchen-diner. Although this arrangement would be contrary to the SPD, the proposed layout shows how an ensuite is proposed in each bedroom which would cover most of the wall between the kitchen-diner and the ground floor bedrooms. This would serve to reduce the impact of noise from the kitchen/diner on the occupants using those rooms. Additionally, as forming a household, whilst like many households, there may be a degree of conflicting patterns of working, studying and socialising. It would be something for future occupants in a responsible and mutually respectful manner, or indeed any landlord, to manage any problems experienced through noise. I therefore find that in this instance, it would not lead to unacceptable living conditions through having bedrooms adjacent to the kitchen-diner.
10. The proposed development would therefore be contrary to the Council's SPD on the creation of new HMOs. The lack of communal space combined with the lack of indoor laundry drying facilities equate to the provision of unacceptable living conditions for future occupants. It would be contrary to Policy 2S of the Bedford Local Plan (2020) which seeks to ensure good well-being of residents in developments.
11. It would also be contrary to Principle 2 of the Houses in Multiple Occupation Supplementary Planning Document (SPD) (2020) in terms of the provision of communal spaces and facilities for residents as outlined above.

Highway safety

12. The Council's Parking Standards for Sustainable Communities Supplementary Planning Document (SPD) (2014) outlines that applications for the development of, or conversion to, houses in multiple occupation will be considered on their merits. The more recent Houses in Multiple Occupation (SPD) (2020) outlines that for car parking, one vehicle space per bedroom plus 0.4 visitor spaces per bedroom should be provided.

13. The proposed development shows six parking spaces to be provided at the front of the property. This would represent one space per bedroom. The Council, however, outline how these spaces are below the standard size for parking spaces as set out in the SPD. Although there is 6m between the rows, the area would be very tight and there would need to be considerable manoeuvring to realistically accommodate 6 vehicles. The reality is that it is unlikely that six vehicles would be successfully able to park at the site, and it would be more likely that four or five vehicles could be parked within the appeal site.
14. The site is reasonably close to the town centre and there are bus stops on either side of the street close to the appeal site. There is also a small retail park to the rear of the site which includes a coffee shop and small supermarket. These facilities are within walking distance. I also observed that there is a cycle path opposite the appeal site that connects to the riverside cycle routes.
15. Given these factors, I agree with the appellant that the provision of 9 spaces to accord with the SPD would be excessive for the development. It would also not be within the spirit of promoting sustainable travel modes. It is also unlikely that each resident would own their own vehicle.
16. The Council refer to parking that would occur on street as a result of the development but outline how the road to the front has parking restrictions in place. Even if parking occurred outside the restriction, the road is not heavily trafficked, providing access to a small number of properties. It is reasonably wide and I am satisfied that a small number of vehicles could park on this road (where restrictions allow) without causing harm to highway safety.
17. The SPD acknowledges that a lower level of parking may be acceptable when, amongst other things, any potential parking impact on existing on-street parking is demonstrated to be acceptable.
18. I am not persuaded however that the parking implications would have an unacceptable impact on highway safety or result in a severe impact on the road network, as is required to be demonstrated to prevent development. Had I allowed the appeal, a condition could have been imposed requiring the submission of a parking layout.
19. I therefore find that the proposed development would not have an unacceptable impact on highway safety as a result of parking. It would comply with Policy 31 of the Bedford Local Plan (2020) which requires, amongst other things, that development proposals should not have any significant adverse impact on access to the public highway.
20. Given I have found that there are reasons why the development could proceed without providing the total amount as set out in the SPD, it would comply with the SPD insofar as accepting a lower level of parking in certain circumstances.

Conclusion

21. Although I have found that the proposed development would not cause harm to highway safety, in light of the requirements of the SPD in relation to communal space and facilities for laundry, it would provide unacceptable living conditions for future occupants.

22. The proposed development would therefore conflict with the SPD and the development plan and there are no identified other considerations, including the National Planning Policy Framework (2023), that outweigh this conflict.

23. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR