



Appeal Decision

Site visit made on 17 June 2024

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2024

Appeal Ref: APP/X2410/W/24/3337175

68 Gracedieu Road, Loughborough, Leicestershire, LE11 4QG

- 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 Murray Barter against the decision of Charnwood Borough Council.
 - The application Ref is P/23/1808/2.
 - The development proposed is a change of use from dwellinghouse (Use Class C3) to HMO (Use Class C4), with associated off-street parking and dropped kerb.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed change of use on the social character of the area.

Reasons

3. 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. The policy is amplified by the Council's Housing Supplementary Planning Document (SPD), which sets a threshold concentration level of 20% HMOs within a 100 metre radius of an application property, above which new applications will be resisted.
4. Policy H7 of the Council's Pre-Submission Draft Local Plan (LP) repeats the basic thrust of Policy C4 of the LPCS. However, it indicates instead that 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 application building, and where the development would not otherwise result in an over-concentration of HMOs taking into account local geographical factors. The LP is at an advanced stage of preparation, and I afford it moderate weight.
5. The Council contends that the proposed change of use would, cumulatively with the high prevalence of HMOs and student accommodation in the area, negatively impact the social character of the residential area. This would lead

to a perceived oversaturation of HMOs that would be to the detriment of the social character of the property mix locally.

6. The appellant contends that the proposal would contribute to the mix of housing tenures in the area; would enhance the well-being, character, and amenity of the local community; and that it would comply with the concentration thresholds set by both Policy CS4 and H7. He also notes that the SPD indicates that the assessment of the current level of concentration of HMOs is an important material consideration, but it cannot be regarded as the determining factor in deciding any planning application.
7. No 68 is a semi-detached house situated on the southern side of Gracedieu Road, close to its western end. The road lies within a low density residential area characterised by family-type housing with good sized gardens. It would appear that there are a number of HMOs located along Gracedieu Road in the vicinity of the appeal site, but the exact number and concentration is open to some dispute between the parties. Nevertheless, there is agreement that the number of properties within a 100 metre radius from the appeal site, which also includes parts of Blackbrook Road and Schofield Road, is around 100, some being flats. The Council contend that 17 of these are HMOs but the appellant contends that there are only 8 HMOs on Gracedieu Road within the 100 metre radius limit. It would appear from his data that there is one further HMO on Schofield Road also within 100 metres.
8. The appellant's figure is taken from the Council's Public Register of Licensed Houses in Multiple Occupation as at 22 May 2023. The Council notes that it operates a licensing arrangement for HMOs, which is a separate arrangement from the planning process and the Council's figures would appear to include data on HMOs from other sources. These records may differ from the public records due to data confidentiality. I have no further details on whether any additional HMOs have been added to the Public Register since May 2023 but, in any event, the appellant accepts that if the Council's records are correct, it still means that only around 20% of the dwellings in the vicinity are HMOs and 80% of housing stock would remain as C3 usage within the locality.
9. As noted above, existing development plan policy indicates that a figure of 20% HMOs within a small local area is considered to be a threshold above which the social, physical and amenity balance of an area could be harmed. Recent consideration of this figure as part of the development of the draft LP has led the threshold being reduced to 10% in Policy H7. Whilst this Policy cannot be afforded full development plan policy weight, it is indicative of increased concern regarding the likely harmful effect of potential oversaturation of HMOs in an area and it can, in any case, be afforded some weight.
10. Gracedieu Road is in close proximity to Loughborough University and College, such that it is likely that new HMOs in the vicinity 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 has the potential to result in harm to the overall social character of the local community. I note that, from the information before me regarding HMOs in the area, there would appear to be a particular

concentration of HMOs in very close proximity to the appeal site, along a very small length of Gracedieu Road. I consider that further HMOs along this stretch could be harmful to the balance of property and household types in the vicinity.

11. The appellant contends that the proposal would meet all relevant physical standards and the property would be subject to a rigorous Management Plan. On this basis, it would not, therefore, be harmful to the physical character of the area or cause any significant problems of anti-social behaviour. There is no evidence of significant current anti-social behaviour in the area, and I accept that the proposal would not, in itself, necessarily result in harm with regard to noise or disturbance to the local community. However, I remain concerned that the addition of a further HMO to a small area that already has a concentration of HMOs around the existing threshold of 20%, and well above the figure of 10% contained within the draft LP, would be harmful to the social balance.
12. I acknowledge that national policy, as expressed in the National Planning Policy Framework, Part 5, refers to diversity and mix within the housing sector. In the case of the Borough of Charnwood, I have no detailed information about the housing mix in the Borough and there is no evidence before me to indicate that the Borough lacks the types of housing provided by HMOs. In any case, the proposed development would have little impact on the overall diversity within the Borough but it would, in my opinion, lead to an oversaturation of HMOs in the small area along this part of the road, harmful to social balance.
13. In conclusion, I find that the proposed change of use would not be supportive of the well-being and character of the local community around Gracedieu Road. It would add to the concentration of HMOs in the vicinity, albeit by a small amount, and while this cannot be regarded as the determining factor in deciding a planning application, it is, nevertheless, an important material consideration. On this basis, and in the light of the specific circumstances and location of the proposed HMO, I consider that it would be harmful to the social character of the area. It would, therefore, conflict with Policy CS4 of the LPCS, as amplified by the SPD, and with Policy H7 of the draft LP, to which I can give moderate weight. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR