



Appeal Decision

Site visit made on 9 July 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/X2410/W/24/3339822

31 Storer Road, Loughborough, Leicestershire LE11 5EQ

- 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 Sarah Arnold on behalf of Pyjama Properties Ltd against the decision of Charnwood Borough Council.
 - The application Ref is P/23/1685/2.
 - The development proposed is removal of garage and outbuilding, internal alterations and erection of single storey extension to add 3 additional bedrooms and enlarged living space.
-

Decision

1. The appeal is allowed and planning permission is granted for removal of garage and outbuilding, internal alterations and erection of single storey extension to add 3 additional bedrooms and enlarged living space at 31 Storer Road, Loughborough, Leicestershire LE11 5EQ in accordance with the terms of the application, Ref P/23/1685/2, subject to the conditions in the attached schedule.

Preliminary Matter

2. The Council's evidence refers to policies contained within the emerging Local Plan¹. However, I have not been provided with details of the precise status of those policies, the status of the plan nor details of whether there are any unresolved objections to them. As such, I have not afforded these policies any significant weight in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the mix and balance of houses in the area; and
 - the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

Mix and balance

4. The appeal building is a semi-detached, two-storey house that is currently being occupied as a house in multiple occupation (HMO) for up to eight people. The wider area is densely residential and based on the evidence before me, has

¹ Charnwood Local Plan 2031-37 Pre-Submission Draft July 2021

- a high concentration of known HMO's which the Council suggest is 46.1% within 100m of the appeal site, this figure is not disputed by the appellant.
5. The supporting text of Policy CS4 of the Charnwood Local Plan 2011 to 2028 Core Strategy Adopted 9th November 2015 (CS) considers that a negative impact has been experienced in some neighbourhoods because of the over concentration of HMO's. Policy CS4 in particular seeks to support the well-being, character and amenity of communities by managing the proportion of HMO's. Amongst other things, the Policy seeks to ensure that HMO's do not damage the social and physical character and amenity of a street.
 6. Policy HSPD 11 of the Housing Supplementary Planning Document Adopted May 2017 – Updated December 2017 (Housing SPD) states that the Council will seek to resist further HMO's where there is already 20% or more within 100m of the application site.
 7. Amongst other things, Policy H7 of the emerging Local Plan seeks to support new HMO's where the concentration is less than 10% within the area defined by a 100m radius from the centre of the building to which the application relates, or the development would not otherwise result in an over-concentration of HMO's taking into account local geographical factors.
 8. The development proposed is not for a new HMO and it would therefore not result in an increase of HMO's in the area. In this regard, while an increase in bedrooms is proposed, the overall mix and balance of houses in the area would remain unchanged as a result of the proposal.
 9. I therefore find no conflict with the mix and balance aims of Policy CS4 of the CS, Policy HSPD 11 of the Housing SPD and H7 of the emerging Local Plan. Amongst other things, these seek to manage the proportion of HMO's in the area.

Living conditions

10. The proposal seeks to increase the number of occupants by three which will inevitably lead to an increase in comings and goings at potentially different times of the day as well as the associated vehicle noise, doors opening and closing and increased conversations. However, the proposed increase by three is not a significant increase and is unlikely to lead to a noticeable increase in noise and disturbance, particularly due to HMO's already being character of the area.
11. The existing garden would be reduced in size; however, its position would not change. While there may be more residents, the size of the garden is likely to restrict the number of occupiers that are able to use it at the same time and as such, is unlikely to increase noise and disturbance.
12. I also note that the proposal seeks to create the main living space to the rear of the property, within the proposed extension. This would not share any walls with neighbours and as such, occupiers congregating would be further away from neighbouring properties when compared to the existing shared living space which is immediately next to the neighbouring property.
13. I therefore conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers with regard to noise and disturbance. I find no conflict with Policies CS2 and CS4 of the CS, Policy HSPD

12 of the Housing SPD and Policy H7 of the emerging Local Plan. Amongst other things, these seek to ensure that HMO's do not generate noise and disturbance which is detrimental to the amenity of the street or residential area and that the amenity of people who live nearby is protected.

Other Matters

14. The appeal site is located within the Ashby Road Conservation Area (CA). The Council has not found that the proposed development would harm the character or appearance of the CA. The CA's significance is derived from its architectural character of red brick under slate roofs, sash timber windows with white painted joinery and low brick walls or hedges as the predominant boundary treatment. The appeal proposes the replacement of an outbuilding; however, the design of the proposed extension respects the original built form and is of a small scale. I therefore find that the proposal would have a neutral impact on the setting of the CA.
15. The Council suggest that the proposed development could be occupied by 22 residents if each room was in double occupation. However, the appellant is proposing single occupancy rooms and I am satisfied that this could be controlled by a suitably worded condition.

Conditions

16. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
17. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.
18. Condition 3 seeks to ensure that a property and waste management plan is submitted to the Council in order to ensure that adequate waste provision is provided, and that the property is managed appropriately to protect the living conditions of neighbouring occupiers. Condition 4 relates to the materials used in the interests of the character and appearance of the area.
19. Conditions 5 and 6 are in the interests of highway safety and seek to ensure cycle parking is provided and the existing vehicular access that becomes redundant is closed. Condition 7 is required in order to ensure that the property is occupied by no more than eleven people in order to protect the living conditions of neighbouring occupiers.

Conclusion

20. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, and plans as follows:

LTD262 Drawing No: 10 - Proposed Planning Drawings – Dated 29.08.23.
LTD262 Drawing No: 08 - Existing Planning Drawings including block plan and site location – Dated 29.08.23.

3. The development hereby permitted shall not commence until a written property management plan (PMP) and waste management plan (WMP) has been submitted to and agreed in writing with the local planning authority.

The management plans shall include:

- a) Details of who is responsible for the management and control of these premises, including the maintenance and up-keep of gardens and external areas. This should include a contact telephone number and email address in the event of any complaints,
- b) Arrangements for maintaining a record of all complaints received about the behaviour and/or conduct of future occupiers in relation to any incidents of alleged noise nuisance or anti-social behaviour,
- c) Details of any signage to be erected on the site displaying a contact telephone number and email address of the person responsible for the accommodation, in the event of a complaint,
- d) Detailed arrangements for the handling of student arrivals and departures at the start and end of the academic year, including the delivery and removal of personal possessions,
- e) Detailed arrangements for the allocation of car parking spaces to tenants on and off site,
- f) Details of the arrangements for the storage and collection of waste arising from the proposal,
- g) Details of student behaviour contracts to form part of the occupiers' tenancy agreements,
- h) Details of the arrangements for on-site security; and
- i) Arrangements for an on-going programme to monitor and review the effectiveness of the PMP.

The approved PMP and WMP shall then be adhered to in perpetuity.

4. The development shall not proceed beyond damp proof course level until such time as details of the type, texture, bond and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

5. The development hereby permitted shall not be occupied until such time as secure cycle parking is provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. The provision for secure cycle parking shall thereafter be retained and not be used for any other purpose.
6. The development hereby permitted shall not be occupied for a period of more than one month from being first brought into use unless the existing vehicular access on Storer Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
7. The application property shall not be occupied for residential purposes by more than 11 residents at any time.