



Appeal Decision

Site visit made on 19 August 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal Ref: APP/K0235/W/23/3333174

12 Great Aldens, Bedford MK41 8JS

- 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 Mr David & Ian Treble against the decision of Bedford Borough Council.
 - The application Ref is 23/01533/S73A.
 - The development proposed is described as the Change of use from Residential to House in Multiple Occupation. Adaption of existing garage and relocation of rear boundary fence
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is understood that the change of use has been carried out and that the development is retrospective. On my site visit I was unable to establish whether this was the case and whether internal alterations, as indicated on the plans, have been carried out. I have therefore determined the appeal on the plans before me.

Main Issues

3. The main issues are the effect of the development on:
 - i) Highway safety due to insufficient off-street parking;
 - ii) The living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance; and,
 - iii) The living conditions of the occupiers of the development with regard to layout and intensity.

Reasons

Highway Safety

4. The appeal site is located on Great Aldens which runs to the rear of the site. Great Aldens and the adjoining network of streets are residential in character and have no parking restrictions. A hard surfaced area, positioned immediately adjacent to Great Aldens, provides off street parking for all dwellings on the street. Nearby streets have similar parking arrangements which, in part, limits the availability of on-street parking in the area.

5. Parking standards, as set out in the Houses in Multiple Occupation Supplementary Planning Document (the SPD), indicate that for a HMO one parking space should be provided per bedroom, plus an additional 0.4 visitor spaces per bedroom. Therefore, 6 spaces, plus an additional 3 visitor spaces would be required to meet this standard. The scheme provides space for 2 off street parking spaces to the rear. This falls well short of the SPD standards. Any increase above this would lead to an erosion of external amenity space and is therefore unlikely to be feasible. At face value, the development may therefore result in some additional parking on the surrounding streets. If the streets are saturated with on street parking then this could affect the free flow of traffic on the surrounding streets or could lead to an obstruction and, therefore, give rise to highway safety issues.
6. However, the SPD, at Principle 3¹, suggests that a lower parking level may be acceptable where *"any potential parking impact on the existing street is demonstrated to be acceptable"*.
7. At the time of my site visit I observed that there was availability for parking on-street, both along Great Aldens and the surrounding network of residential streets. Spaces within the surrounding network of streets were within reasonable walking distance of the site. The availability appeared to be sufficient to absorb much of the parking demand arising from the development. Notwithstanding this, I am mindful that I visited during working hours and these observations are just a snapshot in time. Therefore, what I observed may not be truly representative of parking demand in the area.
8. I have not been provided with any evidence to show that a robust parking beat survey has been carried out which provides a better understanding of on-street parking within the area. The existing relationship between off street parking bays/garages and the adjacent streets, reduces on street parking availability in the area. Therefore, I consider that such evidence would be essential in determining that the surrounding streets can accommodate additional on street parking arising from the development.
9. I acknowledge that not all occupiers may be in ownership of a car. However, this is a matter which could not be controlled. I also note that there are bus stops and other amenities within close proximity of the site. Clearly these enhance the locational sustainability of the site. However, I have not been provided with evidence to demonstrate the frequency or routes of the bus service, nor do I have the evidence to show that the site meets any threshold for being "highly accessible" as required by the SPD. I also acknowledge that the scheme would deliver cycle parking, however this is a requirement of the SPD in any event. These factors, when taken together, may justify some reduction in the overall parking requirement. However, given the significant under provision in parking from the SPD standard, I am not persuaded that parking demand, and the effects on highway, have been robustly demonstrated.
10. For the above reasons, I have insufficient evidence to be satisfied that the development is not harmful to highway safety by reason of insufficient off-street parking. Therefore, the development is contrary to 29 and 31 of the Bedford Borough Council Local Plan 2030 (the LP), and guidance contained

¹ To be read with paragraph 4.9.4

within the SPD. Together, amongst other things, these require developments to be safe and to not have any significant adverse impact on access to the public highway.

Living conditions – neighbouring properties

11. Great Aldens is a small residential street comprising two-storey terraced properties which front onto an area of public open space, off Putnoe Street. The rear gardens, off street parking, and garages all back on to Great Aldens. No.12 is an end terraced property which is located centrally within the street with a public footpath passing the side of the property.
12. The existing parking arrangements for the dwellings on Great Aldens are closely spaced and without any separation. This creates an intensive and open row of parking. Therefore, this area is likely to see an existing high level of domestic activity arising from vehicular movements and the associated comings and goings.
13. When off street parking is not available, it is likely that persons would park as close to the property as possible. Therefore, should an occupant park on Great Aldens then this would be adjacent to the existing off-street parking area. Clearly should no convenient spaces on Great Aldens be available then it is likely that the occupier would park within the surrounding streets. Thereby distributing vehicular activity in the area more widely. Given the existing parking arrangements, additional on street parking in the area is unlikely to result in such a degree of intensification that the additional activity would be harmful to living conditions.
14. The building is accessed to the front, from the Putnoe Street open space, and also to the rear from Great Aldens, via a number of doors. The position of the external doors means that comings and goings are dispersed to both the front and rear, rather than being concentrated to a single point of access. Furthermore, a public alley to the side of the site already results in an existing level of pedestrian movements past the site. The pedestrian access arrangements mean that the degree of intensity arising from comings and goings would not be significant.
15. In any event, the development is for a small HMO and I have not been provided with any evidence to suggest that there is an unacceptable concentration of similar uses in this locality. Furthermore, the use is inherently domestic in nature and would not give rise to activities which would be at odds with a residential street. Therefore, I do not consider that the activities arising from this single small HMO would be so significant to result in an unacceptably high level or nature of activity that would change the character of the area.
16. For the above reasons, I consider that the development does not have a harmful effect on the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance. Therefore, the development complies with policies 28S, 29 and 32 of the LP. Together, amongst other things, these seek to ensure that developments minimise the effects of disturbance, while providing a positive relationship with the surrounding area and respecting surrounding context.

Living conditions – future occupants

17. The SPD states that the configuration of internal space should ensure "bedrooms are located away from kitchens and communal spaces where possible" (my emphasis). As such, I read the guidance to allow for a degree of flexibility and an application of judgement.
18. The existing property is relatively small, and the change of use utilises previous communal areas for bedrooms. In this instance, the scheme includes two bedrooms on the ground floor with the remaining ground floor room being a communal kitchen. Both bedrooms are close to the stairs while bedroom 2 shares an internal wall with the communal kitchen. Given the modest size of the building, it is likely that any feasible configuration would result in bedrooms being positioned close to communal areas on the ground floor.
19. The scheme relates to a small HMO for up to 6 persons occupying the property. Activity within the kitchen and movement of occupiers through the property may be audible from the bedrooms. However, given the small scale of the use, the degree of domestic activity is unlikely to be so intensive, or unreasonable in nature, to result in substandard living conditions. Furthermore, the scheme includes a new partition wall between the communal kitchen and corridor serving the ground floor bedrooms. This, provided it has sufficient noise attenuation properties, would help to reduce the transmission of noise from the communal kitchen.
20. It is also suggested that internal walls have been acoustically upgraded while fire doors have been installed throughout. Together, such measures would be an improvement, above and beyond, the unattenuated condition and would further help to reduce the transmission of noise. However, I have not been provided with evidence to demonstrate what remedial measures have actually taken place, and those which remain to be installed. Nonetheless, assuming that such measures are not covered by other legislation², it is possible that details of a scheme which demonstrate measures to reduce the transmission of noise from communal areas, along with verification of its implementation, could be secured through the imposition of an appropriately worded condition.
21. For the above reasons, the development would not have a harmful effect on the living conditions of the occupiers of the development with regard to layout and intensity. Therefore, the development complies with Policy 2S of the LP, and guidance contained within the SPD. Together, amongst other things, these seek to delivery healthy living environments.

Conclusion

22. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR

² For example the Building Regulations 2010