



Appeal Decision

Site visit made on 17 September 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2024

Appeal Ref: APP/J0540/W/24/3343899

63 Park Road, Peterborough PE1 2TN

- 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 Leigh Harris against the decision of Peterborough City Council.
 - The application Ref is 24/00110/FUL.
 - The development proposed is change of use of the property from offices (Class E) to a 9-bedroom HMO (Sui Generis) through internal configurations and provision of bin and bike storage facilities.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the application was determined based on a revised proposed site plan (plan reference: D041-ASD-DR-E001 Rev E. This revision is not listed on the decision notice which instead refers to a plan number which does not tally with any of the submitted plans. Therefore, whilst the superseded version of this plan reference: D041-ASD-DR-E001 Rev C has been submitted with the appeal, I have made my decision on the most recent plans submitted by the appellant before determination, which were referred to by the Council in their delegated report and which both parties have referred to in their appeal submissions.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of The Park Conservation Area, having regard to the significance of the appeal building as a non-designated heritage asset,
 - the effect of the proposal on road safety, having regard to whether the level of off-street parking would be acceptable, and;
 - whether the proposal would provide acceptable living conditions for future occupiers with regards to odour, noise pollution, and privacy.

Reasons

The Park Conservation Area and significance of the appeal building

4. The proposal would provide a 9-bedroom House in Multiple Occupation (HMO). Parking would be provided at the rear and a bin store located at the side of the building.
5. As the appeal site is within the Park Conservation Area (the CA), I have had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. The Park Conservation Area Appraisal (the CA appraisal) identifies that the area consists of some buildings which were individually designed with ornate detailing set behind decorative boundary walls, rows of semi-detached houses and smaller terraces. The significance of the CA in part derives from the late Victorian and Edwardian buildings and the street layout which remains relatively unaltered.
7. The CA appraisal highlights that most Victorian and Edwardian buildings had walls around their plot with iron railings on top and decorated gate piers. It also identifies that many walls have been removed or repaired with a variety of designs, which contrasts with the uniformity and subtle changes that characterised the original appearance. The boundary walls are therefore an important component that contributes to the significance of the CA as a whole.
8. The appeal building is locally listed and is a non-designated heritage asset (NDHA). It is a Victorian two-storey detached villa that retains some of its original features. It has a brick boundary wall with railings above and pillars. One of the pillars is in line with where the distinctive gable starts, and the wall goes along the side and round to the front of the building to enclose the front garden. The building is a focal point in the street scene as it is located on a prominent corner plot at the junction of Park Road and Manor House Street.
9. The existing boundary wall contributes to the significance of this NDHA, as an example of later Victorian architecture and by virtue of this, it also positively contributes to the significance of the CA as a whole.
10. To facilitate the proposed bin store, one of the existing pillars and the section of the wall that runs along the side of the building would be removed. A new pillar would be erected that would align with the east elevation. This would result in the loss of a large section of the side boundary wall, that underpins the building's distinctive character. The siting of the bin store along the side elevation would also lessen the importance of this gable elevation. This harmful effect would be highly noticeable, given the prominent location.
11. It has been put to me that an alternative location for the bin store could be secured by a condition. However, no further details of this alternative location have been provided. There is limited space along the side elevation. Relocating the bin store to the car park would impact the parking arrangements and the bin store in the front garden area could raise issues in terms of light, outlook and privacy to the windows in the east elevation. In light of these factors, I do not consider that this issue can be made acceptable by planning condition.

12. The appellant asserts that the location of the bin store is common to that used by occupants of other houses. However, no specific examples have been provided nor is it clear whether these houses are also locally listed.
13. The siting of the bin store, through the alterations to the boundary wall, would directly affect the appeal building as a NDHA and would diminish the positive contribution that it makes to the significance of the CA causing harm to the character and appearance of the CA.
14. Although localised in its effect, the harm caused to the CA would be less than substantial. Nevertheless, this attracts considerable weight and importance. In accordance with paragraph 208 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
15. The proposal would increase the diversity of housing supply, providing an alternative type of accommodation in an accessible location. Cycle parking would also be provided to encourage more sustainable modes of transport. Future occupiers would also bring some trade to nearby shops and services. Nevertheless, given the scale of the development, these would amount to limited social and economic benefits.
16. The Framework is also supportive of development that makes efficient use of land but given my finding in relation to the effect to the CA, it would fail to do so by not being sympathetic to local character. The public benefits of the proposal are therefore of limited weight and are insufficient to outweigh the harm caused to the character and appearance of the CA.
17. For these reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would also cause moderate harm to the significance of the appeal building as a NDHA. The proposal would therefore conflict with Policies LP16 and LP19 of the Peterborough Local Plan 2019 (the Local Plan) and the Framework. These policies amongst other things, require development to respond appropriately to existing historic assets and features that contribute positively to local character and distinctiveness, and to protect designated and non-designated heritage assets and their settings.

Parking

18. Policy 13 of the Local Plan seeks to reduce the need to travel and for vehicles to enter the city centre, but it also requires that the number and nature of spaces provided, and their location and access, should have regard to surrounding conditions and cumulative impact. The road conditions and impact of the proposal must therefore be considered.
19. Park Road consists of a mix of residential and various commercial uses whereas Manor House Street is more residential. There are parking restrictions on both roads with some on-street parking bays.
20. The evidence before me, including representations, suggests there is a high demand for on-street parking. This is reflective of what I observed at my site visit, where very few bays were empty. Whilst this is a snapshot in time, I have not been presented with anything to suggest that this is untypical. As such, the capacity for further on-street parking in the vicinity of the appeal site appears to be very limited.

21. The parking standards set out in Appendix C of Policy 13 of the Local Plan do not cover Sui-Generis uses. However, it does set the standards for Use Class C4 – small HMOs and requires a minimum of 1 parking space per room, regardless of location. As there is no other comparable standard for the proposed use, I consider it reasonable to use this standard as a guideline given the similarities between a small HMO and the proposed use as a large HMO. When using this as a guideline, the appeal scheme could create a potential demand for 9 parking spaces.
22. It is proposed to utilise the existing car park which is accessed off Manor House Street to provide 6 parking spaces. The door to proposed Room 1 would open outwards and into parking space 6. The communal kitchen would also have an external door directly adjacent to this parking space. This would reduce the usability of the space due to the conflict between the presence of a parked car and the need to provide a route to access the building, resulting in 1 less available parking space.
23. The appeal site is within walking distance of shops and services, the bus station and a train station. It is also proposed to provide cycle storage for 9 bikes. Therefore, it may not be essential for future occupiers to own a car. Nevertheless, the need to use a car should not be conflated with actual car ownership.
24. The appellant has referred to research findings for HMOs in Cambridge which found that parking demand for HMO occupants was low. Given that this is outside of Peterborough, I cannot be reasonably certain this would be the case for HMO occupants in this area. Reference is also made to data collected by a HMO property management company which found low car ownership and use. It is not clear where and when this data was collected. I am therefore unable to draw any meaningful conclusions. In this respect, I have not been presented with any robust evidence that would suggest car ownership levels for HMOs in this area are low.
25. Whilst some future occupiers of the HMO might not require or have access to a car and the intended target market is those without or with limited access to a car, I do not have any mechanism before me by which this could be secured. Furthermore, whilst I recognise that future occupiers would know the parking space availability, there is nothing to prevent them from still choosing to reside at the property. The proposed bedrooms appear to be relatively large, and some could potentially accommodate couples. A development of this size is also likely to attract visitors and deliveries, which could also increase the demand for parking.
26. Even taking account of the accessibility of the site, there is potential that, if all future occupiers had a private car, they would be unable to all park in the car park. In the absence of a parking survey, I cannot be certain that this additional parking could be accommodated on the surrounding roads. The proposal would therefore be likely to increase the competition for on-street parking spaces, in an already limited area.
27. There is nothing before me to restrict future occupier's eligibility to apply for a parking permit. I have considered whether it would be possible to use a negatively worded condition to require the appellant to enter into an agreement to secure the proposal as permit-free. However, the Planning Practice Guidance is clear that requiring a planning obligation or other agreement to be entered into before certain development can commence should only be in exceptional circumstances where there is clear evidence that the delivery of development would otherwise be at serious risk, particularly in respect of complex development schemes. In this

instance, I do not regard this threshold to have been met as the scheme is not particularly complex.

28. The issuing of parking permits is the responsibility of the highway authority and is enforced through the Traffic Regulation Orders (TRO). There is no information before me regarding how the TRO works and it is not clear if there are controls outside of the planning system to ensure the TRO could be amended to remove parking permit eligibility. In the absence of this information, I cannot be reasonably certain that a condition requiring a parking management plan that restricts eligibility to apply for a parking permit would be enforceable.
29. Increased demand would increase parking stress and because of the limited on-street parking options, this could result in illegal or unsafe parking in areas which are meant to be left clear of vehicles such as yellow and double yellow lines. This would be harmful to road safety. The appellant asserts that the shortfall in parking spaces would be managed. However, no further explanation has been provided.
30. The appellant has drawn my attention to several appeal decisions, none of which are within Peterborough and there are some differences. The 148 Birches Head Road¹ case related to 1 additional resident in an existing HMO which is different to the appeal proposal which seeks permission for 9 residents. Whilst the Inspector noted the walking distance to shops and public transport, in the 16 Victoria Lane case² they also observed there was on-street parking available, which is different to my observations of the appeal site. In the 66 Kipling Road³ case, the surrounding roads were not subject to any parking restrictions unlike Park Road and Manor House Street. In any event, each proposal must be judged on its individual merits and these examples do not weigh in support of the proposal.
31. The appeal building is currently used as 10 offices and provides 7 parking spaces. I have not been provided with the details of the parking demand for the existing use. I am therefore unable to conclude whether the proposal would result in a similar impact as the existing use in terms of parking implications and road safety.
32. There is an extant planning permission for the change of use of the building to 5 apartments with 4 parking spaces⁴. There is no evidence before me to suggest that if this appeal does not succeed the extant scheme would not be implemented. The extant scheme complied with the Council's parking standards. The proposal before me would result in greater harm due to the shortfall in parking provision. This therefore limits the weight I give to the extant permission as a fall-back position and it would not outweigh the harm identified.
33. For these reasons, I conclude that the level of off-street parking would not be acceptable, and it has not been demonstrated that the proposal would not cause severe harm to road safety. The proposal therefore conflicts with Policy 13 of the Local Plan, which amongst other things, requires that new development must ensure that appropriate provision is made for the transport needs that it will create and not result in a residual cumulative severe impact on any element of the transportation network including highway safety.

Living conditions for future occupiers

¹ Appeal Ref: APP/M3455/W/18/3204480

² Appeal Ref: APP/R5510/W/23/3318771

³ Appeal Ref: APP/W1715/W/19/3236811

⁴ Council Ref: 23/00456/FUL

34. The proposed bin store would be close to the window serving Room 4. The store would provide all the refuse and recycling provision for the occupiers of the 9 rooms. Given its likely size and proximity to this window, future occupiers of Room 4 would be exposed to odours and noise from the day-to-day use of the store by residents and during times of collection. Whilst this room is at the front of the building, reasonable protection from odours and noise would still be expected. As explained above, this could also not be made acceptable by planning condition without clarity over where the refuse store would be sited, given the limited options.
35. On the ground floor, the windows serving Rooms 1 and 2 would directly face the car park. The proposed site plan demonstrates that parking would take place very close to these windows. The appellant has suggested that this could be managed by allocating these parking spaces to Rooms 1 and 2. This could be secured by planning condition through the use of a parking management plan. This would therefore resolve the privacy issues.
36. The Highway Authority has raised concerns over the doors of the bin store opening over the footway which contravenes the Highways Act 1980. Whilst this is separate legislation to my assessment under the Town and Country Planning Act 1990 (as amended), this could have a potentially harmful effect on pedestrian safety. Nevertheless, the concerns over odour and noise are determinative in themselves.
37. An interested party has raised concerns over proposed Room 6. It is noted that this room would have an awkward shape. However, the Council did not identify there to be any issue with this room, and I have no reason to disagree.
38. Subject to planning condition, the privacy afforded to future occupiers would be acceptable. However, for the reasons given above, I conclude that the proposal would not provide acceptable living conditions for future occupiers with regards to odour and noise pollution in Room 4. The proposal therefore conflicts with Policy LP17 of the Local Plan and the Framework. These policies, amongst other things, require development proposals to be designed to include adequate privacy and noise attenuation, with a high standard of amenity for existing and future users.

Planning Balance

39. I have already identified the benefits of the proposal through an assessment of public benefits in undertaking the necessary balancing exercise in relation to the designated heritage asset. The proposal would fail to preserve or enhance the character or appearance of the CA and would cause moderate harm to the significance of the appeal building as a NDHA. It would also cause harm to road safety and would also fail to provide acceptable living conditions for future occupiers. The proposal therefore would not accord with the development plan, when considered as a whole.
40. The Council raised no objections in terms of the impact on neighbouring occupiers, however, this is a neutral consideration and would neither weigh for nor against the proposal.
41. Whilst the Framework sets out that opportunities to promote walking, cycling and public transport use should be identified and pursued, it is also clear that development should create places that are safe with a high standard of amenity. It also sets out that development should only be prevented or refused on highway

grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, which I have identified.

42. Taken together, the limited benefits of the proposal would not outweigh the harm I have identified including the conflict with the development plan.
43. In light of the plans provided with the appeal, I have considered whether plan reference: D041-ASD-DR-E001 Rev C, would alter my concerns. Whilst it is likely that an alternative location for the bin store would address the heritage, odour and noise issues, the highway impact alone would lead to refusal. This is particularly as the siting of the bin store shown on this plan would result in even fewer parking spaces.

Conclusion

44. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal should be dismissed.

L Reid

INSPECTOR