



Appeal Decision

Site visit made on 25 September 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/G2435/W/24/3342568

1-3 Station Road, Kegworth, Leicestershire DE74 2FQ

- 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 Mrs Lydia Parrott against the decision of North West Leicestershire District Council.
 - The application reference is 24/00036/FUL.
 - The development proposed is change of use from office and 2 no. self-contained flats (C3a) to a large dwellinghouse in multiple occupation for up to 11 people.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July 2024, the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation", alongside a Written Ministerial Statement (WMS) entitled "Building the homes we need". I have had regard to these as material considerations, albeit noting the Framework text is in draft and subject to change, which limits the weight to be afforded to it at this stage.

Main Issue

3. The main issue is whether the proposal would provide a suitable standard of accommodation for occupants, with particular reference to internal layout, external amenity space, internal communal space, and levels of outlook and light to bedrooms.

Reasons

Standard of Accommodation

4. The appeal relates to 3 Station Road, a semi-detached, two storey former dwelling most recently laid out as two self-contained flats. It is noted that no planning permission exists for the creation of flats, but they are recorded on Council Tax records since 2001. Attached to No 3 is 1 Station Road, a largely single storey office building with accommodation in the roof space. At the time of my visit, both buildings were vacant and largely stripped out internally. The proposal seeks to convert the buildings to a large house in multiple occupation (HMO) for up to 11 people, comprising 11 single person bedrooms.

Internal Layout

5. The proposed bedrooms would range in size from 7.83m² to 12.94m². These would meet with the minimum bedroom size required to obtain an HMO licence; however, the Council stresses that these are minima and not intended to represent optimal bedroom sizes.
6. Policy D2 of the North West Leicestershire Local Plan (March 2021) (the NWLLP) requires proposals to be designed to minimise their impact on the amenity and quiet enjoyment of existing and future residents. The Council's Good Design for North West Leicestershire Supplementary Planning Document (2017) (the SPD) sets out that buildings should be designed internally to ensure that spaces are fit for their intended purpose with adequate internal space for that purpose.
7. Several of the proposed rooms are very modest in size. Although proposed as single occupancy, the plans show rooms with 'small double' beds. Neither the Council in its delegated report, nor Policy D2, refer to the Technical housing standards – nationally described space standard (March 2015) (the NDSS); however, as a well-established expression of national housing standards, it provides a reasonable guide to appropriate room sizes. Eight of the 11 rooms would fall below the NDSS standard for a double bedroom of 11.5m². While this is not reason alone to dismiss the appeal, it is indicative of the small spaces proposed.
8. The appellant instead points to six of the bedrooms exceeding the minimum requirement for a combined living room and kitchen of 9m². The source of this requirement is not made clear, but appears to relate to licensing standards rather than a planning standard. However, setting aside that this is a not a measure for bedrooms, it is an acknowledgement that five of the rooms fall below that size. Moreover, the nature of HMO accommodation is that occupants live more independently than in a shared house or family home. This entails keeping most belongings within the room, and using it as a space not only to sleep, but to study, work, relax and often to eat meals. Hence, the overall quality of that space, beyond its basic size, is an important consideration.
9. Bedroom 2 is a small room of 8.69m² that would be served by a single, small window to one corner of the room that would face onto the communal side passageway of the building with a dense boundary hedge at close range. This arrangement would result in poor outlook and light to this room, resulting in oppressive living conditions for the occupant. Bedroom 3 is slightly larger, at 10.28m², but would have a similarly positioned window facing the narrow side passage and boundary hedge, with similarly poor outlook and light. The privacy of both units would also be undermined due to the ability of those using the side passage to view directly into the rooms.
10. Bedroom 5 would have a single, north-facing window and a confined 9.83m² layout with limited room for circulation once a bed and basic furniture is provided. This layout would result in cramped conditions for occupants, particularly given the multi-functional nature of HMO bedrooms. Coupled with a poor outlook facing the wall of the neighbouring dwelling at a distance of no more than a couple of metres, it would result in a poor standard of accommodation for occupants.

11. Bedroom 4 is smaller than Bedroom 5 and while benefitting from a southerly aspect and better outlook, its already confined layout is compromised further by the presence of a utility cupboard in the room, which would cause particular inconvenience to occupants should access be required to it by a landlord or third party for meter readings or maintenance. This room would also face the communal parking area, necessitating regular closure of blinds or curtains to ensure privacy for occupants, which would conversely limit sunlight and daylight.
12. The Council refers to the poor light and outlook Bedroom 6 would have, but I note an existing rear extension would be removed as part of the proposal which would open up the rear aspect from this room. I am satisfied that this room, given its more generous floorspace and less overlooked window, would provide an adequate standard of accommodation.
13. Bedroom 8 is proposed in the roof space of 1 Station Road and would have an en-suite. However, it would be just 8.10m² with restricted headroom due to the sloping ceilings, leading to a confined space with restricted utility and ease of circulation. Light would be adequate from rooflights, but these would conversely limit outlook due to their height above the floor level and skyward orientation. Moreover, the plans show a communal laundry room at first floor level that would generate noise and vibration when machines are operating, further undermining the quality of the accommodation for a future occupant.
14. The Council has not specifically referred to other rooms. However, while I accept that other rooms would benefit from adequate light and outlook, Bedroom 1, at 8.29m² and Bedroom 9 - the smallest room at 7.83m² - both add to my concerns due to their confined size, lack of circulation space and limited areas for storage. Bedroom 1 would also have two windows, one facing onto the front forecourt and the other immediately next to the one of the front doors. This position would necessitate the occupant keeping blinds or curtains drawn to ensure privacy, which would in turn restrict outlook and natural light and diminish their standard of accommodation.

Internal Communal Space

15. The shared kitchen, dining and living space would measure 36.51m². The Council refers to a failure of the plans to show how many users could use the space at any one time, but it is not clarified what would need to be shown in this respect. No planning guidance has been put to me in evidence which requires a certain amount of communal space or number of appliances to be provided, though the space is indicated to exceed the licensing requirement of 29m². The space was not furnished at the time of my visit, but the plans indicate it is capable of accommodating a generous kitchen area with multiple appliances and storage. The communal dining and living space would also be functional for several residents at once. It may not be large enough for 11 people to use it simultaneously, but given the more independent living patterns of HMO occupants, it is unlikely that all occupants would require the space at the same time.
16. The other communal facilities would be the bathrooms. Four are proposed, plus the en-suite to Room 8. With no required ratios of bathrooms to bedrooms put to me, I find this to be an adequate provision for occupants.

External Amenity Space

17. The external area of the buildings comprise a wide, hard paved forecourt parking area across the front of the site, a narrow side passage and a small, hard paved area to the rear which tapers to a point at one end. The Good Design SPD refers to rear private garden spaces being at least equal to the footprint of the property as a minimum standard. Conversely, the appellant points to the rear space being some 86m² in area, capable of providing space for drying clothes and two picnic benches. It is pointed out that the size of the area is well above the SPD minimum requirement for balconies to one-person flats of 3m².
18. From my observations, the side and rear spaces offer little functional space beyond an area for hanging clothes or external storage. The rear area would be of poor quality for recreation, being to the northern side of the buildings and having an enclosed feel due to the high boundary hedge along the side boundary and tall metal railings and the side elevation of the neighbouring building on the rear boundary. Such conditions would deter regular use by occupants.
19. I recognise that a pragmatic approach needs to be taken in respect of an existing property where there is limited scope to create a larger garden. I also find that, given the tendency for HMO occupants to live more independently, a larger external space is likely to be of less importance compared to a dwelling intended for family occupation where a garden provides an area for children to play and family units to socialise. In this case, the Council also acknowledges the central location of the site within the built-up area of Kegworth and its accessibility to areas of public open space. The appellant further refers to occupants having access to communal open space at the university campus, though if this refers to the campus at Sutton Bonnington, it is some 1.5 miles away and would cater principally to student occupants.
20. Overall, I find that the size and quality of the external space is lacking, though this is not by itself a fatal drawback of the proposal, given the nature of the accommodation to be provided. Nonetheless, the lack of usable external space, when taken in combination with the identified shortcomings in the quality of the internal accommodation, further undermines the overall quality of the living environment.

Conclusions on Main Issue

21. I conclude that due to identified shortcomings in the size, outlook and light to several rooms, the proposal would fail to provide an acceptable standard of accommodation for future occupants. The lack of usable external space is a further negative aspect, albeit of lesser weight. The provision of adequate communal space internally would not overcome these concerns. The proposal would therefore be contrary to the aforementioned requirements of Policy D2 of the NWLLP and the guidance of the Good Design SPD.

Other Matters

22. The appellant refers to the possibility of converting the offices at 1 Station Road to flats under permitted development¹ (PD); to the legislation not

¹ Under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

requiring amenity space to be provided for the flats in such circumstances, and to the assessment being limited to whether rooms would receive natural light. Firstly, there is no alternative scheme before me to compare with the proposal. This aside, any dwellinghouse created under PD must be at least 37m² in area, and thus would provide significantly greater internal space that may compensate for a shortfall in external space or poorer light/outlook to one room, a scenario that differs from the present case. Therefore, an equivalent development could not be achieved under PD, and this potential fall-back position expressed by the appellant does not alter my findings above.

23. Concerns are raised by interested parties in respect of parking pressure on Station Road and adjacent streets, and the proposal adding to this pressure. The proposal includes six off-street spaces and covered spaces for eight bicycles. The local highway authority has not raised objection, noting the proposal would generate a similar level of parking demand to the most recent use as two flats and offices. While noting the comments and photographs provided, I do not have compelling evidence that parking demand has reached saturation levels, as I saw no parking restrictions in the immediate area and spaces were available along Station Road, Nottingham Road and Long Lane. As such, this is not a matter to which I ascribe negative weight in the planning balance.
24. Part of the site lies within Flood Zone 3a, although the Council points out that it would not be at risk of surface water flooding. The proposal would however result in the ground floor of 1 Station Road changing from less vulnerable office space to more vulnerable residential use. Paragraph 174 of the Framework sets out that changes of use should not be subject to sequential or exception tests but should still meet requirements for site specific flood risk assessments. The Environment Agency has considered the appellant's flood risk assessment and has recommended a condition to ensure that finished floor levels are set no lower than the existing level above datum. Having regard to the evidence before me, and subject to the suggested condition, I am satisfied that the proposal would be acceptable in terms of flood risk.
25. The loss of the existing office space is raised by interested parties. The appellant refers to Policy EC3 (not put before me) requiring non-safeguarded employment sites to be marketed for at least six months prior to any change of use, and that it was marketed for 12 months without drawing interest. The potential change of use under PD is also cited. The Council's evidence does not address the loss of the office, but states that the principle of development is considered to be acceptable, subject to other planning matters being addressed. In the absence of evidence to counter the Council's conclusions, this is not a matter attracting weight against the proposal.
26. The Council did not raise concern in respect of other issues, including neighbours' living conditions, effect on character and appearance and waste collections. On the evidence before me, I have no firm reasons to differ from the Council's positions in these matters, but an absence of harm means these are neutral considerations weighing neither for nor against the proposal.

Conclusion

27. The Council states that there are no policies within the NWLLP that restrict the number or concentration of HMOs within Kegworth. As such, it indicates that the presumption in favour of sustainable development at Paragraph 11(d) of

the Framework (the 'tilted balance') is engaged as there are no relevant development plan policies.

28. However, the absence of a specific policy regarding the principle of HMO provision does not mean there are no 'relevant' policies at all. I have found that the proposal would fail to provide an acceptable standard of accommodation for future occupants, contrary to Policy D2 of the NWLLP. I consider this to be a relevant development plan policy where the provision of residential accommodation is concerned and, moreover, one that is consistent with the Framework requirement that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. Consequently, I afford significant weight to the conflict with Policy D2 and I am not persuaded that the tilted balance is engaged in this scenario.
29. The provision of a larger HMO would deliver a social benefit in providing lower cost accommodation for more occupants in an accessible location, in line with the Framework's support for housing generally and the housing needs of different groups. This benefit would however carry only limited weight given the scale of the proposal and considering that there would still be social and economic benefits in having the buildings remain in their prior uses as self-contained flats and offices. Other economic benefits from the additional residents spending money in the local area would be similarly limited in scale.
30. Overall, I conclude that the material considerations in the proposal's favour would not outweigh the identified development plan conflict and do not point to permission being granted.
31. Indeed, even if one were to disagree with my analysis of relevant development plan policies and find the tilted balance should be engaged, the adverse impacts of granting planning permission would still significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR