



Appeal Decision

Site visit made on 1 October 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2024

Appeal Ref: APP/X3405/W/24/3342480

37 Holly Street, West Chadsmoor, Cannock, Staffordshire WS11 5RU

- 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 Bob Borg (BEMD Ltd) against the decision of Cannock Chase District Council.
 - The application Ref is CH/24/015.
 - The development proposed is 2 storey side and rear extension. Construction of activity garden room and canopy. Construction of Caretaker flat accommodation to manage this and 2 other HMO sites.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the original application form. During the determination of the planning application, revised plans were submitted to remove the caretaker flat, increase the number of parking spaces within the site and reduce the proposal to a ten-bedroom House in Multiple Occupation (HMO). Neighbouring occupiers were consulted on these plans and the Council had regard to them in determining the application.
3. The description of development on the decision notice was amended from the application form to read "Proposed change of use from C4 (Small HMO) to Sui Generis, two storey side and rear extension and construction of activity garden room". I consider that this more accurately describes the amended proposal and I have determined the appeal on the basis of the amended scheme.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to noise and disturbance and on-street parking.

Reasons

5. The host property is a detached dwelling at the end of Holly Street, which is a cul de sac with no turning circle. It lies within a predominantly residential area with a mix of detached and semi-detached dwellings. The appeal property is accessed directly from the end of Holly Street and is set back from the road with a parking area to the front and garden area to the rear. It is currently in use as a six-bedroom HMO.

6. Holly Street is a primarily residential street and based upon what I saw and the substantive evidence before me, despite the existing HMO at No 32, it suggests the level of activity and noise is relatively limited. The proposed two storey rear and side extension would result in a substantially larger dwelling and materially greater intensity of occupation.
7. The use of the property as a ten-bedroom HMO would markedly increase the number of comings and goings to the property over and above the level of a six-bedroom HMO. It would be likely to generate more activity and noise as people would be living independently. They may well have differing independent lives and living, working and social patterns, with comings and goings at different times of the day and night. This would be exacerbated on the property by the proposed garden room which by its nature, for use for recreation and as a smoking area, would encourage activities and socialising with associated noise, outside the main dwelling house.
8. The removal of the caretaker flat would allow up to six vehicles to park at the front of the property. This level of parking would be acceptable for a 10-bed HMO and I acknowledge that there are no highway safety objections to the proposal. Holly Street is a two-way street with footways on both sides. Although many of the dwellings have driveways, at the time of my visit there were several vehicles parked on the highway. There is no substantive evidence advanced that would lead to the view that what I saw was untypical of conditions. In this regard, cars parked on the road is a characteristic of the area and I do not share the Council's view, that other parked cars would have a visual effect that would be harmful to neighbouring occupiers' living conditions. However, the proposal would result in two 10 person HMOs in close proximity and a relatively high concentration of activity around the end of the road.
9. Whilst there would be sufficient off-road parking, the additional vehicle movements to and from the property with associated driving and manoeuvring in low gears, opening and closing of car doors from occupiers, visitors and deliveries would increase the intensity of activity and harmful effects to the living conditions of neighbouring occupiers. Though there is no highway safety objection to the appeal scheme, it is likely there be some adverse effect upon the convenient use of the highway. All the effects taken together, such would be the overall levels of increased activity with noise and disturbance with the use, the proposal would harmfully affect the living conditions of neighbouring occupiers with reference to the increased noise and disturbance.
10. The appellant has stated that they successfully manage other large HMO's in the area with no noise complaints and that the level of car ownership of the occupiers is generally low. However, car ownership will differ between individuals' circumstances and may change. There is no legally enforceable mechanism before me that I could impose, were the appeal to be allowed, that would prevent occupiers and visitors from owning a car, so I cannot be certain that there would not be additional cars parked on Holly Street.
11. I conclude that the proposal would result in harmful the living conditions of neighbouring occupiers with particular regard to noise and disturbance. It would conflict with Policy CP3 of the Cannock Chase Local Plan (Part 1) (2014) which, amongst other matters seeks to ensure that development protects the amenity enjoyed by existing properties. It would also conflict with the objectives of the National Planning Policy Framework.

Other Matters

12. Although some of the proposed rooms are of sufficient size to accommodate a double bed, the appellant states that they would be single rooms. The number of occupiers of the HMO would be controlled by a licence. This is a separate control regime to the planning process.
13. The Council's evidence implies that the proposed development would be likely to result harm to the integrity of the Cannock Chase Special Area of Conservation (the SAC). Its submissions imply that payments towards mitigation measures are required to ensure there would be no harm to the integrity of a protected Habitats site. However, as I am dismissing this appeal for other reasons, and it is not put to me the appeal scheme would have a beneficial effect upon the SAC, I have not considered this matter in detail.

Planning Balance

14. The appeal scheme would provide additional rented accommodation in the area. However given the magnitude of the development, this would attract limited weight in favour of the proposal. Whilst the proposal would not affect the living conditions of the occupiers of adjoining properties in certain regards, this would weigh neither for nor against the appeal scheme. Were I to adopt or take the view the scheme would be compliant with certain other aspects of the Design Supplementary Planning Document (2016) and not harm the integrity of the SAC, these would also be neutral matters in the balance.
15. The appeal scheme would not accord with the development plan in relation to living conditions of neighbouring occupiers with particular regard to noise and disturbance. Such is the nature of the harm, this attracts significant weight against the appeal scheme. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits. On this basis and in this case, the presumption in favour of sustainable development would not apply.

Conclusion

16. 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.

H Senior

INSPECTOR