



Appeal Decision

Site visit made on 4 November 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/D0515/W/24/3344263

41 Queens Road, Wisbech, Cambridgeshire PE13 2PE

- 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 Tom Barrett (Barrett Properties) against the decision of Fenland District Council.
 - The application Ref is F/YR23/0858/F.
 - The development proposed was originally described as 'a proposed HMO of a maximum of 8 bedrooms for a maximum of 12 people, including off road parking and bin storage including the demolition of existing garage and formation of an access'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Tom Barrett (Barrett Properties) against the decision of Fenland District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellants final comments confirm that the description of development was changed from that stated in the application form to reduce the maximum number of proposed occupants from 12 to 8 people. This was amended before the Council determined the application as reflected in the number of people described in its decision. The appeal has been assessed on this basis.
4. I saw on my site visit that off-road parking including a dropped kerb to the front of the appeal site has been installed. The hard surfaced area installed is larger than that shown in the proposed plan Drawing No H9263/03 Rev E. However, I am obliged to determine the appeal based on the plans before me and any deviation from the existing or proposed plans would be a matter for the Council to investigate.
5. I have considered the appeal on the basis that development has commenced and planning permission is being sought partly retrospectively.
6. Whilst I did not view the building internally during my site visit, this was not requested by the Council or the appellant. I am satisfied that I am able to assess the acceptability of the proposed internal arrangement based on the layout shown on the submitted plans.

Main Issues

7. The main issues are:

- the effect of the proposed development on the character and appearance of the area with particular regard to the provision of off-street parking spaces;
- the effect of the proposed development on the demand for on-street parking, with particular regard to highway safety;
- whether the proposed development would provide adequate living conditions for occupiers of the house of multiple occupation (HMO) with particular regard to the provision of internal and communal space; and
- the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

8. Queens Road is a wide route fronted by buildings of varying sizes and architectural styles set in similar sized long narrow plots. Whilst buildings are mainly two-storey detached and semi-detached dwellinghouses, a smaller number of three-storey, semi-detached dwellings and bungalows are also present. Buildings are set behind similar sized front gardens, some of which are used for off-street parking. Others are soft landscaped and this contributes positively to a prevailing verdant residential character on Queens Road.
9. The appeal site (No 41) forms one half of a three-storey, semi-detached pair of buildings fronting Queens Road. It backs onto an alleyway which is in use as a vehicle and pedestrian access to a number of rear gardens and garages fronting Queens Road and Prince's Road. The change of use to the HMO would not necessitate any substantial alterations to the external appearance of the building other than the insertion of an opening and alteration of an existing opening to form two en-suite windows in discreet positions in the side elevation of No 41. The existing low-profile garage and shed building would be demolished and replaced with a slightly larger area of hardstanding to accommodate three parking spaces and a repositioned boundary fence.
10. The hardstanding and dropped kerb to the front of the site has resulted in the loss of the previous front garden including a hedgerow which was located between the boundary of No 41 and the adjacent neighbour at 39 Queens Road (No 39). However, such vegetation can often be removed outside the remit of a planning application and the off-street parking is similar to hard surfaced driveways and off-street parking areas in front of many other dwellings along Queens Road, including at Nos 39 and 43. Even with the loss of the greenery to this particular frontage, the verdant character of the street as a whole has been retained.
11. The car parking spaces to the rear would not be highly visible in the street scene and whilst the frontage parking is more prominently located, it is not unusual for the occupiers of a dwellinghouse the size of No 41 to have 3 cars. As the parking spaces would be split between the front and rear of the site, this

would ensure that the frontage of No 41 retains an overall domestic appearance.

12. I conclude that the proposed development would not result in harm to the character and appearance of the area with particular regard to the provision of off-street parking spaces. In this regard, it would not conflict with Policy LP16 of the Fenland Local Plan (2014) (FLP) which seeks, amongst other things to ensure development proposals do not adversely impact, either in design or scale terms, on the street scene.

Parking

13. Queens Road is a relatively straight, two-way route with footpaths either side. Double yellow lines are located along a short stretch of Queens Road and Kings Road closest to the junction, including in front of No 41. Other than this, parking along these roads is largely unrestricted and it is not a controlled parking zone. Many of the neighbouring dwellings benefit from private off-street parking. Although just a snap-shot in time, during my site visit multiple on-street parking spaces were available a short walk away from the appeal site. Even in places where unrestricted street parking does occur, there is no evidence to suggest this obstructs the free flow of traffic.
14. The Council have confirmed that there are no parking standards for HMO's in the FLP although they suggest 8 off-street parking spaces should be provided. Substantive technical or expert evidence to support this figure or a parking survey to demonstrate a shortage of parking in the area contrary to my observations on site have not been provided.
15. Occupiers of the HMO may not all be car owners. Neither would car ownership need to be relied upon given the appeal site is located within walking distance of the town centre which could adequately cater for day to day needs for services and facilities. Public car parks are also located close to the town centre although it is unlikely that the occupiers of the HMO would need to rely on them given my findings above.
16. Whilst interested parties suggest that the nearby junction with Kings Road is at high risk of accidents and cars parked on the frontage may reverse out onto the road, the Local Highways Authority have raised no objection to the proposed development on highway safety grounds. Furthermore, the Council have not suggested that there would be any issues relating to refuse collection or emergency vehicle access. There is no objective evidence to reach a different view or to suggest the proposed development would result in an unacceptable impact on highway safety, or result in increased parking on double yellow lines which is a matter that can be enforced by non-planning mechanisms.
17. An effect that could arise from a potential increase in the demand for on-street parking could be reduced convenience for residents and their visitors to park on-street close to some dwellings on every occasion. However, it does not follow that this would result in unacceptable harm to highway safety, even if as a consequence people have to walk further down the road or to a nearby street to gain access to their vehicle.
18. I conclude that the proposed development would not have a harmful effect on the demand for on-street parking, with particular regard to highway safety. In

this regard, it would not conflict with Policy LP15 of the FLP which requires development to be acceptable in transport terms and to provide car parking appropriate to the amount of development.

Living conditions of the occupiers of the HMO

19. The proposed floor plan shows the provision of two bedrooms at ground floor (bedrooms 1 and 2), four bedrooms on the first floor (bedrooms 3, 4, 5 and 6) and the subdivision of the bedroom on the second floor into two bedrooms (bedrooms 7 and 8). Each bedroom would be for single occupancy. A kitchen with communal seating area, a breakfast bar and a utility room would be provided on the ground floor. The rear of the property benefits from a sizeable private garden.
20. Interested parties have raised concerns, also reflected in the Planning Committee minutes that occupiers would live in a small box room with limited community space. From my own observations, bedrooms 3 and 7 in particular would be small, providing little space to be used by their occupiers for relaxing away from other occupants. This is pertinent given that the occupants would be unrelated and living separately so at times would desire their own private and quiet space for such purposes. Bedroom 7 in particular would feel particularly cramped given its narrow layout with a ceiling height reducing to 1.5 metres along one side which would restrict head height and inhibit its use. Furthermore, there would be no bathroom facilities on the second floor, and the nearest toilet on the first floor could not be used separately if the bathroom was already occupied.
21. Many of the occupiers would rely on the communal facilities on the ground floor. These facilities are contained within a narrower part of the house and have limited space for multiple users at the same time. In particular, the communal seating area would be located within a busy kitchen environment and would not be conducive to relaxation due to noise and cooking smells. The space available may further be reduced should additional white goods be required to serve the occupants. Whilst a breakfast bar would also be provided, this would not provide a good quality living environment since its users would look towards a wall in an even narrower section of the building which would also be used as a walkway between the kitchen and utility room.
22. The appellant has suggested that the proposed development would meet the HMO guidance for landlords and agents in relation to minimum bedroom sizes and other amenities and this has not been disputed by the Council's Private Sector Housing Officer. However, no precise breakdown as to what the full requirements are e.g. in relation to communal spaces, have been provided. Whilst the proposed development would also need to be subject to licensing requirements, such compliance with this and other standards does not necessarily mean that it would from a planning perspective function well or provide a high standard of amenity.
23. The rear garden offers alternative communal space for the occupiers of the building, but its use would be restricted by weather conditions, and this does not overcome my concern in relation to the lack of suitable internal communal space proposed within the building.
24. I conclude that the proposed development would not provide adequate living conditions for occupiers of the HMO with particular regard to the provision of

internal and communal space. In this regard, it would conflict with Policies LP2 and LP16 of the FLP which seek to facilitate the health and wellbeing of Fenland residents by promoting high levels of residential amenity and by delivering and protecting high quality environments across the district including the provision of sufficient private amenity space.

Living conditions of neighbouring occupiers

25. The use of No 41 as an 8 person HMO could lead to increased comings and goings as unrelated adults living there would have fewer shared activities and visitors than would be associated with a single household. In this regard, whilst there are no controls on the number of occupiers within the five-bedroom dwellinghouse, the nature of unrelated occupiers is such that the appeal scheme would be likely to generate a greater level of activity from its occupiers, visitors and deliveries.
26. As a result, neighbouring occupiers would potentially experience a noticeable increase in noise and disturbance from comings and goings, including increased vehicle and pedestrian movements at different times of the day and night, and intensified use of the rear garden including for access to the rear parking area. Were this to occur particularly early or late, for example due to occupiers being shift workers, such activity, on potentially multiple occasions within a small space of time, could be detrimental to the living conditions of the neighbouring occupiers. This would be more pronounced given the prevalence of family homes in the area and the close relationship of No 41 and the neighbouring dwellings due to their narrow plots.
27. Furthermore, some of the rooms are located immediately adjacent to rooms in No 43 due to the shared party wall. Interested parties have suggested that the walls are thin, and noise can be heard next door. No contrary evidence is before me to dispute this. The nature of the proposed development would result in an increased intensification of the use of the building, including the potential use of a greater number of appliances at the same time, for example washing machines, than would ordinarily be expected in a typical dwellinghouse. Whilst the Council's Environmental Health Officer has raised no objections, it is unclear whether noise insulation measures would be required or addressed through non-planning mechanisms. Consequently, there is the potential for such noise to harm the living conditions of adjacent occupiers, in addition to the noise and disturbance arising from increased comings and goings.
28. The appeal documents have drawn attention to the potential to convert the building into a 6-bed HMO without planning permission. However, with fewer occupants, such a scenario would be unlikely to lead to the same increase in noise and disturbance, and so, would be less harmful than the appeal proposal.
29. Whilst concerns in relation to increased levels of anti-social behaviour, fear of crime, safeguarding issues, security, drug use, potential for odour, rodents, waste and litter have been raised, the appellant has suggested that the HMO would be managed by the landlord. There is no objective evidence before me to suggest that the proposal would result in such issues provided that it would be properly managed. Even so, this does not address the other harm identified.
30. I conclude that the proposed development would have an unacceptable effect on the living conditions of neighbouring occupiers with particular regard to

noise and disturbance. In this regard, it would conflict with Policies LP2 and LP16 of the FLP that seek to achieve high quality environments for existing residents.

Other Matters

31. The benefits of the proposed development include improvements to the condition of the building and the contribution of a lower cost rented house types in the area, suitable for single occupants. However, such benefits do not justify the harm identified.
32. Whilst the case officer recommended approval of the application, the Council is not bound by the recommendation of their Officers, nor am I. Whilst noting the appellant's frustration in this regard, I have determined the appeal based on the plans and evidence before me having regard to the requirements of the development plan.

Conclusion

33. The proposed development 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 the appeal should be dismissed.

H Marriott

INSPECTOR