



Appeal Decision

Site visit made on 2 January 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/U3935/W/24/3352402
65 Montagu Street, Swindon, SN2 2HL.

- 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 Anders Homes Limited against the decision of Swindon Borough Council.
 - The application Ref is S/23/1345/RACH.
 - The development proposed is described in the application as change of use from dwelling to 7-person, 7-bedroom House in Multiple Occupation (HMO – sui-generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from HMO (Class 4 use) to 7-bedroom, 8-person HMO (House in Multiple Occupation - sui-generis) at 65 Montagu Street, Swindon, SN2 2HL, in accordance with the amended terms of the application, Ref S/23/1345/RACH, and subject to the conditions set out in the **Appendix** to this decision.

Procedural Matter – Description of Development

2. During consideration of the application by the Council it transpired that the appeal property is already a 6-person HMO, as permitted development. The description of the proposal was amended by agreement to change of use from HMO (Class 4 use) to 7-bedroom, 8-person HMO (sui-generis). I have dealt with this appeal on the basis of the revised description.

Main Issue

3. This appeal turns on the single main issue of car parking and cycle storage provision.

Reasons

Car Parking and Cycle Storage

4. The site is located at the corner of Montagu Street and Morris Street, within an established residential area. The property is an end-of-terrace, two-storey dwelling with front access from Montagu Street and a rear double garage on Morris Street.
5. According to the Council's adopted parking standards, a threshold 5-person HMO would generate a need for the same number of parking spaces as a single dwelling unit with the same number of bedrooms and, in this location (Sector 3), each additional resident would generate an additional need for 0.5 car space.

6. The Council accepts that the double garage has historically provided two parking spaces, regarded as sufficient for the notional five-resident threshold. On that basis, the addition of three residents, to equal the total now proposed of eight, would generate a net additional need for two off-street parking spaces ($3 \times 0.5 = 2$ rounded up).
7. There is some evidence that the adopted parking standards of January 2021 were subject to later revision concerning additional HMO residents, with no evidence of consultation or Council approval, potentially affecting the weight to be accorded this guidance. Be that as it may, I consider it appropriate to treat the Council standards as the proper starting point for assessing parking need.
8. Moreover, I do not give weight to the suggestion by the Appellants that the accessibility of the site to the town centre would justify departing from Sector 3 of the parking standards. That is because it is reasonably to be expected that such locational considerations will have been taken into account in the formulation of the standards in 2021, together with the likely low level of car ownership among residents of such modest urban accommodation.
9. The Appellants point out that, in its former use as a 4-bedroom dwelling, the appeal property would have had a parking requirement of three spaces and that, furthermore, there has never been any planning condition preventing the double garage from being converted to some other domestic use, potentially leaving three cars to be parked on-street.
10. In my judgement, neither of the foregoing scenarios is the proper fall-back position for this appeal.
11. The fact is that, at the behest of the Council itself, the application was amended to a change of use from a Class 4 HMO, not as a notional fall-back position but an actual established use, by definition accommodating up to six residents.
12. It is reasonable that the Council should begin its assessment with a fresh analysis based on strict parking standards. However, I consider that the proper questions for this appeal are what actual difference the proposed change to an 8-person HMO would be likely to make in practice to the local on-street parking situation and whether there is justification for setting aside these parking requirements in this particular case.
13. Based on the established use as a 6-person HMO, the proposed use as an 8-person HMO would generate a need for a single additional parking space according to the Council standard (0.5×2).
14. The Appellants claim that local on-street parking is under-subscribed; but that assertion is not supported by evidence, such as a properly constituted parking survey, and on inspection there was little vacant space available.
15. In the circumstances, and on the available evidence, it is not appropriate for the proposed 8-person HMO to rely on parking an additional car on-street, due to the potential to increase parking pressures. Setting aside the Sector 3 parking standards is accordingly not justified.
16. Moreover, the Council is rightly concerned that the amount of cycle storage proposed, comprising a two-cycle unit at the front of the house, is inadequate in the face of established policy to encourage sustainable travel.

17. However, I am mindful that the double garage is presently not subject to any impediment as to its alternative use, notwithstanding the Council's acceptance that it contributes to off-street parking, despite not strictly meeting size standards. I am also mindful of the suggestion that the Appellants would accept a condition to remove permitted development rights for the use of the garage in order to secure the additional single off-street parking space required, as well as further cycle storage.
18. In the circumstances of this particular case, I consider that to grant the permission sought in the appeal subject to such a condition would represent an appropriate compromise.
19. With that proviso in place, it is my view that the proposed development would, in effect, be compliant with Policies HA4 and TR2 of the adopted Swindon Borough Local Plan, which together require HMOs to have parking and cycle storage provision meeting adopted standards and not to cause harmful parking pressure or exacerbate existing parking problems.

Other Conditions and Material Considerations

20. Further conditions should be added, based on those suggested without prejudice by the Council, to nominate the approved plans for clarity, and to secure the approved car parking and cycle storage in the interests of highway safety and sustainable transport, as well as suitable waste and refuse storage. I am not satisfied that a suggested condition regarding future change of ownership or tenure is appropriate or relevant to planning; and these are matters for any future intending purchasers or prospective residents to verify.
21. The Council, on consideration, finds no objection to the appeal proposal in principle, nor with respect to visual impact, residential amenity or refuse storage. I have seen no reason to disagree with that assessment and there is no other matter of sufficient importance to affect my decision, which is based on the main issue of parking and cycle storage.
22. I would add that I am not much influenced by the previous approval, cited by the Appellants, for the creation of a 12-bedroom unit of co-living accommodation by conversion of the Morris Street Social Club without off-street parking. The comparison with the extant use was plainly different in that case and, in any event, each proposal is for determination on individual merit.

Conclusion

23. Finally therefore, for the reasons explained, I conclude that this appeal should be allowed in the terms I have outlined.

B J Sims

INSPECTOR

APPENDIX

PLANNING CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This development hereby approved shall be carried out in accordance with following approved drawings:
 - 884/001 Location Plan received 23 October 2023
 - 884/050 Rev A Revised Proposed Site Plan received 8 December 2023
 - 884/010 Rev A Existing Floor Plans received 13 June 2024
 - 884/100 Rev A Revised Proposed Floor Plans received 13 June 2024
 - 884/200 Proposed Elevation Plans received 23 October 2023
 - 884/402 Proposed Cycle Store received 23 October 2023
3. Notwithstanding Condition 2 of this permission, the double garage within the site with access from Morris Street shall be permanently retained and kept available for the parking of at least one car and the storage of at least five bicycles.
4. The use of 65 Montagu Street as an 8-person House in Multiple Occupation (HMO) shall not commence until the cycle parking ramp and secure and sheltered cycle parking facilities within the double garage for a total minimum of seven bicycles have been provided in accordance with both approved Drawing No 884/050 Rev A and Condition 3 of this permission, and such provision shall be permanently retained thereafter.
5. The use of 65 Montagu Street as an 8-person HMO shall not commence until a waste and refuse storage area has been provided in accordance with the details shown on approved Drawing No 884/050 Rev A and the waste and refuse storage area shall be retained and maintained thereafter for that purpose.

- *End of Appendix* -