
Appeal Decision

Site visit made on 4 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/J0540/W/24/3348976

35 Molyneux Square, Hampton Vale, Peterborough PE7 8WA

- 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 Aaron Kok of Acquire Housing Group Limited against the decision of Peterborough City Council.
 - The application Ref is 24/00246/FUL.
 - The development is construction of a 3m rear extension, change of door to window at the front and change of use of the property from 3-bedroom house (Class C3) to a 6-bedroom/6-person HMO (Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council indicates that the development has already commenced and this has not been disputed by the appellant. Indeed, I saw on my site visit that a window has been installed in place of a garage door and a rear extension has been constructed. I have considered the appeal on this basis.
3. Since the determination of the planning application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have been given the opportunity to comment on the changes to the Framework and I have had regard to the comments received in the determination of this appeal.

Main Issue

4. The main issue is whether the development would have suitable parking provision.

Reasons

5. Molyneux Square is an area of open space that contains a children's play area, and forms part of a larger modern housing estate in the Hampton Vale suburb of Peterborough. The majority of plots on the road around the open space and on the adjoining roads including Pintail Gardens, contain off-street parking either to the side or front of buildings. On-street parking is mainly unrestricted along their lengths, although double yellow lines are positioned around bends and opposite junctions. On-street parallel parking occurs primarily on one side of these streets due to the narrowness of the roads and the position of dropped kerbs.
6. Number 35 Molyneux Square (No 35) is a three-storey mid-terrace building located close to the corner of the open space. It has a small front garden area containing

one off-street vehicle parking space. On-street parking outside or adjacent to the front of No 35 is restricted by double yellow lines around the junction of Molyneux Square and Pintail Gardens and the position of dropped kerbs serving No 35 and the adjoining buildings.

7. The Council placed an Article 4 Direction on buildings within the Hampton Vale area, including the appeal site, removing permitted development rights¹ for the change of use of a dwellinghouse (Use Class C3) to a house in multiple occupation (HMO) (Use Class C4)². The Council suggest that many of the dwellings have been changed to HMO's under permitted development and suggest that the Article 4 Direction was required to manage the effects on parking in the area. This combined with the evidence before me, including representations received from interested parties, suggests that there is a high demand for on-street parking in the area, including from existing HMOs.
8. Policy LP13 of the Peterborough Local Plan 2016 to 2036 (2019) (PLP) requires Use Class C4 development, to make appropriate and deliverable parking provision in accordance with the parking standards contained in Appendix C of the PLP. This requires a minimum of one car/van space per bedroom. Therefore, the minimum parking standard for the development is six, representing a shortfall of five parking spaces. The informative note to this policy advises that car parking spaces for occupants should normally be provided on-plot, except in the case of flats or for specific urban design reasons where the most appropriate design solution would require a communal car park or garage court. The appeal proposal does not meet these exceptions. Moreover, it does not state that an under provision is acceptable should a parking survey be submitted to demonstrate that there is capacity on-street. Therefore, the development directly conflicts with the parking provision requirements in the PLP.
9. I visited the appeal site on a midweek morning. Although just a snap-shot in time I observed that on-street parking spaces in the vicinity of the appeal site were available yet limited. The appellant's Parking Survey suggests that there is parking capacity within a 100-metre radius of No 35, with 26 and 29 available parking spaces out of 48 parking spaces overall, recorded in two visits on one weekend and one weekday night.
10. Whilst the appellant indicates that this survey was undertaken in accordance with local highways authority (LHA) standards for off street parking surveys, the LHA object to the appeal proposal. Furthermore, the capacity cannot be fully relied upon as the parking spaces identified are not formalised with markings and I saw for myself that drivers have a tendency to straddle the footway due to the narrowness of the road and/or to distance their vehicles away from the turning area likely to be required by vehicles reversed in or out of driveways. Additionally, people are more likely to look for on-street parking spaces closer to their dwellings increasing the likelihood of parking practices which may cause inconvenience to other road users. Drivers would also likely avoid parking on shared vehicle and pedestrian surfaces identified in the survey, for example if they are not certain that this is public or private land and to avoid causing obstructions due to the narrowness of these shared spaces. For all of these reasons, the overall

¹ Part 3 (Changes of Use) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

² Town and Country Planning (Use Classes) Order 1987 (as amended)

availability of on-street parking spaces may have been overestimated and in any case does not justify the identified conflict with the PLP.

11. Even though the Transport Statement (TS) indicates that only one minor traffic related incident has occurred in the vicinity of the site in the last 5 years, this was as a result of a parked or stationary vehicle masking a pedestrian crossing from the driver's nearside. It is likely that cyclists and pedestrians frequently travel to and from the open space immediately opposite No 35, and an increased number of vehicles parking on-street could increase the likelihood of vehicle and cyclist/pedestrian conflicts. For example, cars straddling the highway or parking close to bends in the road could impede visibility and interrupt the free flow of traffic. It could also cause an obstruction for footway users, for example, pedestrians with pushchairs or wheelchairs may need to manoeuvre around poorly parked vehicles.
12. Whilst the parking standard for Use Class C4 development is higher than the number of spaces required for a dwellinghouse, this reflects the fact that unrelated occupiers of a HMO are more likely to generate a greater level of activity from its occupiers, visitors and deliveries, with fewer shared trips and the reduced likelihood that vehicles would be shared.
13. The TS indicates that No 35 is located within a desirable walking distance, along lit footpaths, to the local centre of Hampton Vale. This contains a limited range of day-to-day facilities including a pharmacy, shop, food outlets, post office and a bus stop with regular services to Peterborough city centre during peak times on weekdays. It also highlights the provision of cycle storage in addition to the presence of cycle routes, electric vehicle charging facilities and connections to the railway network in the wider area. Even so, occupiers of the HMO would still likely need to access a larger range of the services and facilities, including further education establishments or places of work, within the wider Peterborough area where based on the evidence before me, private cars are likely to be the preferred option for residents of the development.
14. The appellant has referred to research findings in Cambridge and Nottinghamshire which suggest that car ownership in rented accommodation is low. Given that this research relates to different areas, I cannot be reasonably certain this would be the case for HMO occupants in the residential suburb of Hampton Vale. Whilst future occupiers would know the parking space availability, and could choose to use the local bus services, the occupiers could all still own private vehicles and the reduced amount of off-street parking would not necessarily promote opportunities for walking, cycling and public transport use in accordance with Policy LP13 of the PLP and Paragraph 109 of the Framework on this basis.
15. Overall, notwithstanding the results of the Parking Survey, I am not satisfied that the significant shortfall in off-street parking provision would not result in harm and/or inconvenience to the users of Molyneux Square and the wider area.
16. I conclude that the development does not have suitable parking provision. In this regard, it conflicts with Policy LP13 of the PLP, which requires development to ensure that appropriate provision is made for the transport needs that it will create, including appropriate parking provision in accordance with the parking standards.

Other Matters

17. The appellant has drawn my attention to several appeal decisions including 148 Birches Head Road³, 16 Victoria Lane⁴ and 66 Kipling Road⁵. Copies of these decisions have not been provided. The Parking Survey Report also indicates examples of planning permissions for development where parking requirement has been provided on-street⁶. However, I do not have full details of those developments and so cannot be certain that the circumstances were the same. In any case I have considered the appeal proposal on its own merits.

Conclusion

18. 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 Marriott

INSPECTOR

³ Appeal Ref: APP/M3455/W/18/3204480

⁴ Appeal Ref: APP/R5510/W/23/3318771

⁵ Appeal Ref: APP/W1715/W/19/3236811

⁶ Council Refs: 22/01588/FUL, 21/01707/FUL, 23/00243/FUL and 23/00577/FUL