



Appeal Decision

Site visit made on 11 March 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/D1835/W/24/3352502

250 Bath Road, Worcester, Worcestershire WR5 3ER

- 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 Kerry Harris of Worcester Homes Ltd against the decision of Worcester City Council.
- The application Ref is 24/00401/FUL.
- The development proposed is change of use from residential dwelling (Use Class C3) to 7 bed House of Multiple Occupancy (Use Class Sui Generis).

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential dwelling (Use Class C3) to 7 bed House of Multiple Occupancy (Use Class Sui Generis) at 250 Bath Road, Worcester, Worcestershire WR5 3ER in accordance with the terms of the application, Ref 24/00401/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner has been taken from the appeal form. Although this differs slightly from that given on the application form, it appropriately describes the proposed development and no party would be prejudiced by such.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety, and,
 - whether the proposal would provide acceptable living conditions for the future occupiers, in particular regard to outdoor amenity space.

Reasons

Highway safety

4. The appeal site is located on the corner of Bath Road and Stanley Street. Bath Road is a classified, main road with a bus route along it. There are parking restrictions along Bath Road in front of the appeal site, and also restricted parking along Stanley Street, with part single, part double yellow lines and driveway accesses that prevent parking along much of the short street. Additionally, in nearby local roads at the rear of the site, there are similar parking restrictions providing limited on street parking availability at times.
5. Although a snapshot in time, during my site visit in the early afternoon, there were numerous parked cars along the nearby streets utilising most of the limited on street parking spaces available in the local area. However, there were a few spaces

available nearby, including one adjacent to the appeal site in Stanley Street. Also, I observed that there would be further on street parking spaces available in time restricted areas near to the appeal site, between 5.30pm and 8.30am. Additionally, the appeal site is in a sustainable location, with services and facilities within reasonable walking and cycling distances and there is a frequent bus service along Bath Road, with bus stops nearby.

6. Two on-site car parking spaces and 8 cycle parking spaces are proposed for the House in Multiple Occupation (HMO). Whereas the local highway authority parking standards, as set out in the Worcester County Council Streetscapes Design Guide (July 2022) (SDG) requires a minimum of 4 car spaces for HMOs with 7 bedrooms. The SDG sets out that exceptions will only be accepted in exceptional circumstances and where the applicant can demonstrate that there is adequate parking capacity on the local roads up to 150 metres from the application site, or the existence of appropriate parking restrictions within 150 metres of the application site to prevent on carriageway parking.
7. The Firlands Transport Planning (FTP) evidence sets out that there are no accident records to suggest that existing on street parking causes an unacceptable safety impact. It includes parking survey data regarding the availability of on-street spaces in the surrounding areas and a more up to date assessment of the typical parking ratios for HMOs in the area, equating to a requirement of approximately 0.3 spaces per resident/bedroom. As asserted by the appellant, this typical parking ratio is comparable to the data collected by the local highway authority in advance of the preparation of the SDG parking standards. Therefore, the FTP evidence demonstrates that there is capacity available on unclassified side roads to cater for the parking needs of the proposed development. Furthermore, it also demonstrates that 2 off-street parking spaces would be sufficient to meet the needs of the proposed 7-bedroom HMO.
8. Having regard to the appellant's evidence and my observations, there is adequate parking capacity on the local roads and also, there are appropriate parking restrictions to avoid indiscriminate on street parking. While the highway authority parking standards within the SDG would not be met in this instance, these are guidelines. Additionally, the existing 4-bedroom dwellinghouse already has a shortfall of 1 space compared to the SDG requirement of 3 spaces. Therefore, comparably the appeal proposal would only generate a further shortfall of 1 space in respect of the SDG guidelines, which is not significant. I provide significant weight to this fallback position.
9. Even though the appeal site is on a main, classified road with a bus route, where exceptions would not normally be allowed, the appeal site is on the corner of an unclassified side road, with its proposed parking area accessed from this road rather than the main road. Also, there may be examples where on-street parking practices on nearby roads affects accessibility through a reduction in carriageway width and indiscriminate parking at times, but no substantive evidence has been provided to demonstrate this has caused particular highway safety issues.
10. There is an existing high level of on street parking on local roads and I have had regard to the views of local residents and the highway authority in regard to such. However, notwithstanding that the appellant would not have particular control over tenant car ownership, based on the evidence before me, including that the location of the appeal site offers genuine sustainable travel choices for its future occupiers,

on balance, the small on-site parking shortfall compared to the SDG guidelines would not significantly exacerbate the existing on street parking problems, so as to cause an unacceptable impact on highway safety.

11. Having regard to the above, the proposed development would not have a harmful effect on highway safety and so, there would be no conflict with Policy SWDP 4 of the South Worcestershire Development Plan (February 2016) (SWDP), which amongst other matters, requires proposals to demonstrate that the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety and they are consistent with the delivery of the Worcester Travel Plan objectives.

Living conditions

12. The Council sets out that the South Worcestershire Design Guide Supplementary Planning Document- Overarching Design Principles (March 2018) (SPD) guidelines for residential extensions should be applied to the appeal proposal, which require 20sqm of useable space per bedroom for dwellinghouses. In applying these guidelines, the proposed communal outdoor space, of approximately 60sqm, would lack adequate outdoor amenity space for the residents of the HMO.
13. However, the SPD at section 5 sets out that all development must provide some form of private amenity space, whether it is communal or individual accessible to its residents and offer space to play and for seating. It recognises that the type and level of provision of outdoor space will vary according to the characteristics of the development. Also, in relation to dwellings the SPD notes that the standards of garden space may not be achievable in all instances, e.g. in town centres where it may only be possible to achieve a yard or patio, and therefore the loss of private space should be proportionate to the scale of the development and host building.
14. Even if the uses of private amenity space in the SPD are not limited to those set out therein, the appellant has appropriately demonstrated that the proposed amount of private outdoor amenity space would allow for adequate communal space for the HMO residents, including for drying washing, bin and cycle storage, and seating. Also, based on the evidence and nature of the proposed use, the HMO would not likely provide family accommodation requiring outdoor play space for children. Furthermore, the SPD allows a flexible approach in regard to private amenity space. Therefore, the likely needs of the HMO residents would be met by the amount of outdoor space proposed.
15. Notwithstanding that sufficient private amenity space would be provided for the HMO residents, there would also be accessible public open space nearby which they could additionally enjoy.
16. In view of the above and having regard to the individual merits of the case, the proposal would provide acceptable living conditions for the future occupiers of the HMO, in particular regard to outdoor amenity space. Therefore, there would be no conflict with Policy SWDP 21 of the SWDP, which amongst other matters, requires development to be of a high design quality and, provides an adequate level of privacy, outlook, sunlight, and daylight and should not be unduly overbearing.

Other Matters

17. Having regard to the Council officer's report and evidence before me, the proposal would not lead to or increase an existing concentration of HMOs and so in principle would comply with Policy SWDP 14 of the SWDP. The proposed internal room sizes would exceed the required space standards for an HMO licenced property and the site block plan demonstrates there would be sufficient space for refuse bins.
18. While concerns have been raised in respect of noise and disturbance, the Council's Regulatory Services Nuisance Team raise no objections to the proposal. The appeal property already has permission for a small HMO and it is located on the corner of a busy main road with a high boundary wall around the rear garden amenity space, with vehicular access via the side road. An HMO Management Plan and Noise Management Plan have been submitted with the application which would help to ensure management of any issues arising in respect of noise and disturbance. Additionally, no substantive evidence has been provided to demonstrate the proposal would lead to an increase in crime and anti-social behaviour in the local area. Therefore, the proposal would not cause undue noise and disturbance to the occupiers of nearby residential properties.

Conditions

19. Having regard to the advice contained within the Planning Practice Guidance (PPG) and the National Planning Policy Framework, I have considered the conditions suggested by the Council. Furthermore, the appellant has had opportunity to comment on such conditions.
20. In addition to the standard implementation condition, it would be necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the scheme should accord. A condition is necessary to restrict the number of bedrooms within the HMO, as applied for, to ensure appropriate parking and living conditions for its future occupiers. Also, to ensure suitable living conditions of future occupiers and protect the living conditions of nearby residents, it would be necessary that the development is carried out in accordance with the details contained within the submitted HMO Management Plan, the Management Plan, and the Car Park Management Plan.
21. It would also be reasonable and necessary to require that the secure, sheltered cycle parking is provided within the site prior to its occupation, so the development promotes sustainable means of travel and reduces the demand for car parking. However, it is not necessary to include a condition to remove permitted development rights for extensions and outbuildings, as an HMO use does not have the benefit of such rights.

Conclusion

22. For the reasons given above, the appeal would accord with the development plan read as a whole and there are no material considerations that indicate otherwise. Accordingly, the appeal is allowed.

C Billings

INSPECTOR

See overleaf for Schedule of Conditions

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following plans and supporting documents: Existing and Proposed Plans Drg No BR/01/24; Landscape Management Plan; Transport Statement; HMO Management Plan; Management Plan; Planning Statement; Car Park Management Plan and Water Management Statement.
3. The development hereby permitted shall not be occupied until a secure, sheltered cycle parking facility has been provided, in accordance with details to be first submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be maintained for the lifetime of the development.
4. The House in Multiple Occupation (HMO) hereby permitted shall not contain more than 7 bedrooms.
5. The development hereby permitted shall be operated and managed in accordance with the details contained in the approved HMO Management Plan and Management Plan for the lifetime of the development.
6. The development hereby permitted shall be implemented in accordance with the approved Car Park Management Plan following the first occupation of the property and shall be operate in accordance with such for the lifetime of the development.

End of Schedule