



Appeal Decision

Site visit made on 4 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/J0540/W/24/3350763

9 Padholme Road, Eastfield, Peterborough PE1 5EF

- 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 Paresh Pithiya against the decision of Peterborough City Council.
 - The application Ref is 24/00792/FUL.
 - The development proposed is change of use of the building from house (Class C3) to 6 bedroom 9 person HMO (Sui-Generis), dormer addition and provision of bin and bike storage facilities.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Paresh Pithiya against the decision of Peterborough City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council issued a certificate of lawfulness for the change of use of the appeal site from a dwellinghouse (Class C3) to a house in multiple occupation (HMO) (Class C4) with the construction of dormer window to the rear elevation in April 2024 (Council ref: 24/00528/CLP) (the 6-person scheme). This allows for the use of the appeal site by not more than six residents in six bedrooms.
4. Since the determination of the planning application, a revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Main parties have been given the opportunity to comment on the changes to the Framework and I have had regard to any comments received in the determination of this appeal.

Main Issue

5. The main issue is whether the proposed development would have suitable parking provision with particular regard to highway safety.

Reasons

6. Padholme Road is located within a residential suburb of Peterborough. It is primarily characterised by two-storey detached, semi-detached and terraced dwellings some of which have been converted to HMOs. Whilst some dwellings have off-street parking to their frontages or sides, many do not. On-street parking is restricted along most of the road to parallel parking bays marked for resident permit holders only or by double yellow lines close to junctions.

7. Number 9 Padholme Road (No 9) is a mid-terrace building, with a small front garden enclosed by a low fence and gate. The evidence confirms that No 9 does not have access to off-street parking.
8. The appeal proposal is to allow for the occupation of the appeal building by 9 persons, representing an additional 3 persons over that currently permitted. This would be provided through the double occupancy of 3 of the bedrooms in the 6-person scheme.
9. Policy LP13 of the Peterborough Local Plan 2016 to 2036 (2019) (PLP) requires development to make appropriate and deliverable parking provision in accordance with the parking standards contained in Appendix C of the PLP. The parking standards set out in Appendix C of the PLP do not cover sui-generis uses. However, it does set a standard for Use Class C4 – small HMOs, which requires a minimum of one car/van space per bedroom.
10. As there is no other comparable standard for the proposed use, I consider it reasonable to apply this standard given the similarities between a small HMO and the proposed use as a large HMO. On the basis of 6 bedrooms, a minimum of six parking spaces would be required in line with the standard. This would also reflect 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. The informative note to Appendix C 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. However, the appeal proposal would not provide any off-street parking and would not meet these exceptions. Therefore, the development directly conflicts with the parking provision requirements in the PLP.
11. In determining a certificate of lawful use or development under Section 192 of the Town and Country Planning Act 1990, issues of planning merit are not relevant. The 6-person scheme was not therefore assessed against the requirements of the PLP. However, as an application for planning permission, the appeal proposal must be assessed against the requirements of the PLP including its parking standards. Whilst accepting that the 6-person scheme could be implemented and is a material consideration in the determination of this appeal, this would also not provide parking in line with the standard. The potential effects would not be the same as the appeal proposal which would result in three additional adults residing at No 9. This could result in an increased demand for three additional off-street parking spaces within the vicinity of the appeal site over and above the fallback position.
12. I visited the appeal site on a midweek morning. Although just a snap-shot in time, I observed that there were no on-street parking spaces available within the residents parking bays close to the appeal site along Padholme Road. I also observed at least two vehicles parked on double yellow lines. Whilst there was some availability on side streets in the vicinity of the appeal site, including along Whitsed Street and Cavendish Street, they were limited. My observations indicate that there are already high levels of parking stress in the area.
13. Moreover, the Local Highways Authority object to the proposed development and there is no substantive evidence, for example a parking survey to justify the

shortfall in the required number of parking spaces or to demonstrate there is suitable parking capacity on the road in close proximity to the site. Whilst accepting that the residents parking permit zone controls the availability of parking in the area and that three occupants would likely be issued a parking permit, there would still be a shortfall in the required number of spaces. This could result in an increased likelihood of parking practices which may cause a hazard to other road users. For example, cars straddling the footway or parking close to junctions which in turn could impede visibility and interrupt the free flow of traffic.

14. The appellant proposes cycle storage provision and indicates that the appeal site benefits from good public transport links, including regular bus services to the City Centre. Whilst this could promote opportunities for walking, cycling and public transport use in accordance with Paragraph 109 of the Framework, the occupiers of the HMO could all still own private vehicles.
15. Overall, I am not convinced that a 9-person HMO with no parking provision is justified. The proposal would increase the competition for on-street parking spaces, in an area where parking is already limited. Furthermore, I cannot be certain that the additional parking demand resulting from the development would be accommodated safely on the surrounding roads.
16. I conclude that the proposed development would not have suitable parking provision and this has the potential to be harmful to highway safety. The proposed development would be contrary to 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. The proposed development would also conflict with Paragraph 116 of the Framework which states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

17. The proposed development would provide modern housing that would maximise the use of the building and assist in meeting a housing need for different groups in the community. There would also be some benefits to local economy resulting from additional people living and working in the area. However, the extent of these benefits is limited given the small-scale nature of the proposals and do not justify the harm identified.

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