



Appeal Decision

Site visit made on 17 February 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/H0724/W/24/3353833

78 Grange Road, Hartlepool TS26 8JQ

- 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 A Abrams of Carwood House Ltd against the decision of Hartlepool Borough Council.
 - The application Ref is H/2023/0285.
 - The development is the change of use of dwelling to large house in multiple occupation for up to 8no. residents.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of dwelling to large house in multiple occupation for up to 8no at 78 Grange Road, Hartlepool TS26 8JQ in accordance with the terms of the application, Ref H/2023/0285, and the plans submitted with it, subject to the following conditions:
 - 1) The use hereby permitted shall be operated so that no more than 8 permanent residents occupy the property at any one time.
 - 2) The use hereby permitted shall cease within 3 months of the date of the failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision, a scheme for cycle storage as shown on Floor Plans and Elevation 2023/MD/02, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. The description of development above is taken from the application form, removing wording that is not acts of development. As the change of use has already taken place I am therefore considering this appeal retrospectively.

Main Issues

3. The main issues are:
 - the effect of the development on the character of the area, bearing in mind that it is within the Grange Conservation Area (GCA);
 - the effect of the development on highway safety, with regard to car parking;
 - the effect of the development on the living conditions of neighbouring occupiers, with regard to odour; and
 - whether acceptable living conditions for the occupiers of the appeal property are provided.

Reasons

Character

4. The appeal site accommodates a mid-terrace property within a residential area. It falls within the GCA. From my observations and the GCA Character Appraisal (2009) (GCACA) the significance of the conservation area, insofar as is relevant to this case, is primarily derived from the dominance of residential use with a consistent, strongly suburban character. Although Grange Road is principally terraced and so has more urban than suburban characteristics, the properties are in residential use and so the appeal site contributes positively to the GCA.
5. Occupiers of a House in Multiple Occupation (HMO) are likely to lead independent lives from one another, and families occupying a single dwelling are more likely to carry out day to day activities together as a household. However, taking account of the size of the appeal property, it could be occupied by a large family with adults/teenagers, living largely independently. Therefore, any change in the pattern of movements from the change of use will be unlikely to be different to that arising from one large household that could occupy the property.
6. In any event, the property was previously a small HMO and the change of use modestly increases the number of occupiers from 6 to up to 8 and so will not result in a more marked and intensive level of activity that will be noticeable given that Grange Road is a busy thoroughfare. The development remains in keeping with the existing character of the area and will ensure the locally distinctive residential amenity of the GCA is preserved.
7. The GCACA sets out that conversion of single dwellings to flats could begin to harm the character and appearance of the conservation area where this results in changes to the elevations, leaves gardens un-green and communal areas unmanaged. None of these matters arise from the appeal development, which is for a large HMO anyhow, and not for flats. There is no change to the density of housing units in the area as a consequence. Character is not purely visual and the cumulative impact of HMOs can change the character of an area over time.

Nevertheless, there is no substantive evidence that the appeal site is in an area where there is a high concentration of HMOs, that the concentration of HMOs is already at saturation point or that the character of the area has been altered as a result of existing HMOs in the area.

8. Several residents have brought to my attention existing anti-social behaviour which I have carefully considered and I have no reason to doubt the local councillor's comments regarding community cohesion in the area. However, the Council's housing standards team indicate that they have not received any reports of anti-social behaviour at the appeal premises. Even if there has been anti-social behaviour associated with other HMOs in the locality, there is no firm evidence to demonstrate that the change of use will increase crime and anti-social behaviour. While the appearance of the rear alley way is said to currently detract from the character of the area due to fly tipping it is not supported in evidence that this is directly related to the appeal property.
9. The property will remain in residential use and the positive contribution the appeal site makes to the area will be maintained. It therefore follows that the contribution the appeal site makes to the character of the GCA as a whole will be preserved and its significance as a designated heritage asset will not be harmed. Consequently, the development meets the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment.
10. To conclude on this main issue, the development is not unduly harmful to the character of the area and preserves the GCA and its significance, in accordance with Policy QP4 of the Hartlepool Local Plan (2018) (HLP). Amongst other things, this policy requires development to respect the surrounding buildings and sustain and/or enhance the historic environment and heritage assets.

Highway safety

11. The terraced properties on Grange Road have no off-street parking, and there are parking restrictions on one side of the road which reduces the amount of on-street parking available. Residents and the local Councillor indicate that there are already parking problems in the locality. Nonetheless, Framework paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
12. There is unrestricted parking available on nearby streets and given the scale of the development it seems unlikely that it will lead to an increase in on-street parking of such a scale that will result in unsafe parking on street corners or across footpaths from both occupiers and any visitors. In coming to this conclusion, I have taken account of comments from the Council's traffic and transport team that HMOs generally have lower car ownership. As such, the appeal scheme will not add to any existing parking problems in the area, to the extent that it will adversely affect highway safety or have a severe impact on the highway network.
13. Therefore, I conclude that the development is not harmful to highway safety, with regard to car parking and accords with HLP Policy QP3 which amongst other things, requires development to manage conflict between highway users.

Living conditions – neighbouring occupiers

14. Complaints have been made to the local councillor in relation to the regular accumulation of waste in the rear alley way, however as set out above, there is no substantive evidence that this is from the appeal property. The Council's waste management team had no objections and there is no clear reason for me to find that the storage of wheelie bins in the rear yard as shown on Floor Plans and Elevations 2023/MD/02 will not be sufficient to meet the needs of the occupiers.
15. Even if there have been complaints from neighbours about waste being stored incorrectly in the rear yard, the appellant advises that tenants are required to agree to management terms and if they are found to be in breach of their tenancy agreement it could be terminated. There is also said to be a management agent which gives the Council and neighbouring residents a point of contact should any issues regarding waste arise. This will ensure that the development delivers a high standard of amenity in line with the provisions of Framework paragraph 135.
16. Consequently, I conclude that the development is not harmful to the living conditions of neighbouring occupiers, with regard to odour and accords with HLP Policy QP4. This policy includes a requirement for development to not negatively impact the amenity of occupiers of adjoining or nearby properties by way of general disturbance.

Living conditions – occupiers of the appeal property

17. Notwithstanding that HMO licensing regimes operate separately to the planning system, the appellant has obtained the relevant licence for the property. The housing standards team have no objections to the internal arrangements of the development, including room sizes, which comfortably meet the size requirement for a single bedroom set out in the Nationally Described Space Standards (NDSS). The Council's submissions have also assessed the development against the room sizes against the NDSS for a one bed flat. The reasons for this are unclear given that the development is for a large HMO and not flats.
18. The windows in Bedroom 3 and 8 are relatively small but have an open outlook. While the position of the window in Bedroom 8 is lower down than would normally be expected, occupiers of this room will still be able to see a reasonable distance outward from the property. Each room has a functional layout with sufficient circulation space and occupiers will have a high standard of amenity in accordance with Framework Paragraph 135. There is no requirement for HMOs to provide a communal lounge. While the shared kitchen is relatively small, given the facilities in the bedrooms available to occupiers I have no clear reason to find that it will not be adequate for those that choose to use it. Similarly, there is a small area of private amenity space to the rear of the property which is acceptable taking account of the modest increase in number of occupiers.
19. I conclude that overall, the development provides acceptable living conditions for occupiers of the appeal property and accords with HLP Policy QP4, which requires development to be designed to a high quality.

Protected Sites

20. The appeal site lies within the zones of influence for the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar, Northumberland Coast SPA

and Ramsar, and Durham Coast Special Area of Conservation (the protected sites). The sites are protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations) and are recognised for their value as complex coastal habitats including sandflats, mudflats and saltmarsh that support internationally important populations of breeding and non-breeding waterbirds such as Little Tern, Sandwich Tern and Wintering Knot.

21. Foul drainage and surface water drainage for the development is taken to the Seaton Carew Waste Water Treatment Works (WWTW). Natural England have advised that since this WWTW discharges downstream there is no hydrological connection with the Teesmouth and Cleveland Coast SPA. There will be no likely significant effect in this regard. However, the protected sites have been identified as being vulnerable to harm through recreational disturbance. Additional residents from the development could therefore cause an adverse effect on the integrity of the sites. As such, alone and in combination with other development, the development constitutes a likely significant effect on the protected sites.
22. I am required to carry out an appropriate assessment in relation to the effect of granting permission on the integrity of the protected sites. Mitigation has been developed to avoid such adverse effects in the form of the Hartlepool Coastal Mitigation Scheme. This is a strategic solution that has been designed to manage potential impacts from small scale development through funds raised through allocated sites in the HLP.
23. On this basis, in carrying out the appropriate assessment, I am content that the appropriate arrangements are in place to ensure that the adverse effects of the development on the integrity of the protected sites will be avoided. Consequently, with the above mitigation measures in place, the development will not adversely affect the integrity of the protected sites, either alone or in combination with other development. I note that Natural England were also of the same view.

Other Matters

24. While interested parties suggest there is plenty of affordable housing for single people in Hartlepool and no demand for additional HMOs, the Council's housing standards team indicate that the development will alleviate an existing lack of affordable accommodation. There is no clear evidence that the change of use will put additional strain on local services, or that there is a lack of family housing in the area. In any event, the scheme is for the change of use from small HMO to a large HMO and so does not result in the loss of a family house.
25. Comments relating to the devaluation of properties in the area is a largely private matter, which along with concerns about the intentions of the management company and owners, has not affected my consideration of the planning merits of the scheme.

Conditions

26. As the change of use has already taken place, it is not necessary to impose the standard time limit condition or the plans condition. A condition restricting the number of residents to 8 is imposed to regulate the overall effect of the development for the occupiers of adjoining and neighbouring properties.

27. In order to encourage sustainable modes of transport a condition is imposed to secure the submission and implementation of the cycle storage shown on the submitted plans. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition prior to occupation. Accordingly, I have worded the condition to meet the test of enforceability set out in the Planning Practice Guidance. The change of use has already taken place and outstanding works in relation to cycle storage are not extensive and so it is not necessary to impose a condition in relation to hours of construction.
28. As a mid-terrace property there is a sensitive relationship with neighbouring properties. However, there is no substantive evidence that the increase in occupiers will significantly increase noise and disturbance. As such it has not been shown that a condition relating to noise attenuation is necessary to make the development acceptable. The Floor Plans and Elevation 2023/MD/02 drawing shows the location for the storage of three wheelie bins, and does not indicate any specific bin storage structure, a condition on this matter is therefore not required.

Conclusion

29. For the reasons given above, the development accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be allowed.

F Harrison

INSPECTOR