



Appeal Decision

Site visit made on 16 July 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/D1835/W/25/3359925

2 Green Lane, Worcester, Worcestershire WR3 8NY

- 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 Joe Wood against the decision of Worcester City Council.
 - The application Ref is 24/00855/FUL.
 - The development proposed is change of use from dwellinghouse (Class C3) to a Small House in Multiple Occupation (Class C4), including demolition of a lean-to side extension, and the construction of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (Class C3) to a Small House in Multiple Occupation (Class C4), including demolition of a lean-to side extension, and the construction of a single storey rear extension at 2 Green Lane, Worcester, Worcestershire WR3 8NY in accordance with the terms of the application, Ref 24/00855/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's reason for refusal clearly relates to the change of use from dwellinghouse (Class C3) to a Small House in Multiple Occupation (Class C4) and no concerns are raised with the construction of a single storey rear extension. I have no reason to come to a different conclusion on that element of the proposal and have determined the appeal on that basis.
3. The Council's reason for refusal does not cite any relevant development plan policies but in their Statement of Case the Council has drawn my attention to Policy SWDP 21 of the South Worcestershire Development Plan, 2016, (the DP). A copy of the policy was provided with the appeal questionnaire, and the appellant has had an opportunity to comment on the policy. As such, I am satisfied that no party has been prejudiced in this regard, and I have taken Policy SWDP 21 of the DP into account in determining this appeal.

Main Issue

4. The effect of the proposed development on highway safety.

Reasons

5. The appeal property is a two-storey semi-detached dwelling located on the corner of Green Lane and Astwood Road, within an urban residential area. The site benefits from an existing dropped crossing onto Green Lane and a parking area for two vehicles.

6. With the loft conversion and rear dormer window, permitted by a Certificate of Lawful Development, the existing property has four bedrooms, the same number as the proposed HMO. Accordingly, the number of bedrooms and occupants of the proposed HMO would be comparable to the existing use of the property as a family dwelling.
7. For a four bedroom HMO, the Council's House in Multiple Occupation Supplementary Planning Document (SPD) seeks three off-street car parking spaces. This is consistent with the Council's Streetscapes Design Guide.
8. Footfall in the area is high, and the roads are busy owing to the location near to the city centre. However, despite the proximity to the 'mini roundabout' road junction and a pedestrian crossing point with tactile paving, the existing access is established, and the vehicle crossing has allowed vehicles to park on the site.
9. The existing access would remain unchanged, and the demolition of the ramp and small lean-to side extension would further ensure that two vehicles can continue to park comfortably on the driveway. Also, while the daily pattern of movements of future occupants of the HMO is likely to be different compared to the existing use of the property by a family, the frequency of comings and goings to the property would largely be the same.
10. Even if the proposal did result in a demand for one additional parking space, as assumed by the SPD, there is an ability to park on the road near to the property. Indeed, I observed during my site visit that many neighbouring properties have off road parking and there was a good level of on street parking availability close to the appeal property. Likewise, an additional vehicle could park clear of the road junction without causing an obstruction to other vehicles, pedestrians, and cyclists. I am also mindful that the construction works for the dormer window are complete and additional construction traffic at the site would be limited. Consequently, there is no substantiated evidence that the proposal would exacerbate an existing on-street parking problem nearby or result in additional highway safety implications.
11. A condition to secure that off road parking on the site frontage between the principal elevation of the dwelling and the highway, as advised by the Highway Authority, would also prevent highway safety implications.
12. Furthermore, the property is within easy walking and cycling distance of the city centre and there are bus stops adjacent to the appeal property. Therefore, the occupants of the HMO would have a range of transport modes available to them and they would not necessarily have to rely on a car for day to day requirements. Provision for cycle storage within the site would further encourage sustainable modes of travel, as supported by the SPD. This could be secured by a suitably worded planning condition prior to the occupation of the proposed development.
13. For the above reasons, I conclude that the proposed development would not cause an unacceptable impact on highway safety. Therefore, it would accord with Policy SWDP 21 of the DP, and the objectives of the National Planning Policy Framework (the Framework). These, together and amongst other things, seek to prioritise sustainable transport modes and sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. I acknowledge that there were a number of representations from the occupiers of neighbouring properties in respect of the proposal. In addition to the main issue, the concerns included the suitability of a HMO in this area, the effect on the ambience of the area, loss of a family home, implications of construction works, effect on neighbouring living conditions, in particular overlooking, noise and disturbance, increase in anti-social behaviour, future property maintenance, pressure on existing infrastructure, and other matters. These factors are not in dispute between the main parties and were addressed in the Council's Planning Committee Report, with the Council concluding, following comments from statutory consultees, that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and the suggested conditions by the Council, I have found no justification to dismiss the appeal.

Conditions

15. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance (the PPG). In addition to the conditions set out in the main issue, and the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. A condition to secure that the external materials, relating to the proposal, match those of the existing dwelling, is also necessary in the interests of safeguarding the character and appearance of the host property and the surrounding area.
16. A condition which restricts the occupation of the building to no more than four people is also reasonable and necessary to ensure that an appropriate standard of living conditions is maintained. In addition, conditions to secure the prior approval of a HMO management plan and security measures at the property, before it is occupied, is reasonable and necessary to help deter incidents of crime and anti-social behaviour at the property and within the area.
17. A condition requiring the bin storage arrangements within the site prior to the occupation of the building is also necessary to ensure that suitable refuse and recycling arrangements are available to future residents. To provide biodiversity enhancements a condition is imposed to secure the installation of a swift box prior to the occupation of the development.
18. I have not imposed the Council's suggested condition removing permitted development rights. In accordance with the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification. As there is no clear justification for doing so in this case, it would not be reasonable or necessary.

Conclusion

19. For the reasons given above the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered; 200; 300; 301 Rev A; 302; 303; 304 and 305 Rev A.
- 3) The development hereby permitted shall not be occupied by more than four persons at any one time.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or those specified on the approved plans.
- 5) The development hereby permitted shall not be occupied until a covered bicycle storage area has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage area shall be provided prior to the occupation of the development and be retained and made available for the lifetime of the development.
- 6) The development hereby permitted shall not be occupied until details of security measures (including controlled access to the building and safe and secure mail delivery facilities per occupier) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development and thereafter maintained for the lifetime of the development.
- 7) The development hereby permitted shall not be occupied until full details of a House in Multiple Occupation Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development and thereafter maintained for the lifetime of the development.
- 8) Prior to the occupation of the development hereby permitted one swift box shall be installed to the north or west elevation of the building and shall thereafter be retained for the lifetime of the development.
- 9) Prior to the occupation of the development hereby permitted the refuse and recycling storage facilities, as shown on drawing 301 Rev A, shall be provided. Thereafter, the refuse and recycling storage facilities shall be retained and made available for the lifetime of the development.
- 10) The development hereby permitted shall not be occupied until the measures, shown on drawings 301 Rev A and 305 Rev A, to prevent parking on the frontage between the principal elevation of the dwelling and the highway, have been completed in accordance with the approved drawings. Thereafter, the area annotated 'lawn' on the approved drawings shall not be used for the parking or turning of vehicles.