



Appeal Decision

Site visit made on 29 August 2018

by R J Jackson BA MPhil DMS MRTPI MCI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2018

Appeal Ref: APP/J1725/W/18/3201087

35 Elmhurst Road, Gosport PO12 1PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Rose against the decision of Gosport Borough Council.
 - The application Ref 17/00573/FULL, dated 8 December 2017, was refused by notice dated 20 April 2018.
 - The development proposed is change of use from house (Class C3) to HMO for more than 6 unrelated persons (*sui generis*).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from house (Class C3) to HMO for more than 6 unrelated persons (*sui generis*) at 35 Elmhurst Road, Gosport PO12 1PQ in accordance with the terms of the application, Ref 17/00573/FULL, dated 8 December 2017, subject to the conditions in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr D Rose against Gosport Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. In July 2018 the Government published the revised National Planning Policy Framework (the Framework). The main parties were given the opportunity to make comments on the revised Framework, however, none were received.

Main Issue

4. The main issue is the effect on highway safety and the convenience of residents of nearby properties in terms of parking.

Reasons

5. The appeal building is a mid-terrace property. To the front it has two storeys, but the roof space has been converted into habitable accommodation with two dormers to the rear. The Council accepts that these were constructed under residential permitted development rights.
6. As shown on the existing floor plans the property has three bedrooms, but the roof conversion provides for two additional bedrooms. It is therefore

- reasonable to assume that the property, as a dwellinghouse, would have five bedrooms.
7. The appeal property lies in a residential area, although there are commercial uses a short distance to the south and a public house on the corner of Elmhurst Road to the north. Just less than 200 m to the south lies the Stoke Road District Centre. Parking is generally not restricted in the immediate vicinity, although there are parking restrictions around the district centre, roads with limited width, at corners and where there are dropped kerbs. A few on-street spaces are delineated for use by those with disabilities.
 8. Under the heading "safe and high quality environments" Policy LP10 of the Gosport Borough Local Plan 2011-2019 (the Local Plan) requires development not to cause "other adverse effects" which would include inconvenience to local residents, for example by not being able to find a car parking space in reasonable distance of their home. Policy LP23 of the Local Plan also seeks to ensure that adequate provision is made for vehicles to park in a safe and convenient manner.
 9. The explanatory text to Policy LP23 also refers to the Council's Parking: Supplementary Planning Document (the SPD); this sets out the parking standards for the borough. The SPD confirms that it was drawn up in line with the policies in the 2012 version of the Framework. The policies in the 2018 version as regards the setting of parking standards are the same as those in the 2012 version. Consequently I am able to give the SPD significant weight.
 10. Elmhurst Road is sufficiently wide to allow parking on either side of the carriageway and to allow vehicles to travel along its length. However, when fully parked on both sides the opportunity for vehicles travelling in opposite directions to pass would be extremely limited and could likely result in conditions prejudicial to highway safety through the need to stop and/or reverse.
 11. The Council has sought to show that parking in the area is already at capacity, and has undertaken surveys on three weekday nights between 00:30 hours and 01:00 hours to show that there are only limited unoccupied parking spaces. I would concur that at present opportunities would appear limited and materially adding to the need for parking would give rise to harm to highway safety and the convenience of residents.
 12. Under the SPD a four bedroom or larger property, which effectively the property is at present, should have three allocated spaces which should be on site. However, there is no standard in the SPD for Houses in Multiple Occupation (HMOs), whether falling within Class C4 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), that being for up to six residents, or larger, as here proposed.
 13. Currently the appeal property has a single parking space in a garage located at the rear of property accessed off a long service road. This service road is narrow without the opportunity for vehicles to pass. The Council suggested a condition on a without prejudice basis in the event that the appeal is allowed that an on-site parking space is provided. Clearly the property in its current use as a single family dwelling provides less parking than sought under the SPD; the issue is whether the proposal would make the parking situation harmfully worse in the area.

14. I have been provided with a copy of the "HMO Licence" as issued by the Council. This allows occupation by seven individuals. As the planning system and HMO licencing system are complementary it is reasonable to assume that this would be maximum occupation rather than any higher number as suggested by the Council and local residents in their representations.
15. The appellant points out that the premises could be used as a Class C4 HMO utilising permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that the application is simply to allow for occupation by more than six residents. I consider that there is a reasonable likelihood that the property would be used as a C4 HMO given the appellant has obtained an HMO Licence and that I should give this significant weight. I therefore consider that there would only be likely to be an increase in a single resident under the terms of the proposal.
16. The number of cars owned by residents will depend on the individual circumstances of the occupiers and will vary. The standards set in the SPD seek to balance this generally and the SPD acknowledges it cannot satisfy all circumstances. However, given that the number of cars used by occupiers of an HMO will vary any increase in car use for a seven person HMO in the generality when compared to a six person HMO is only likely to be marginal. This would not have a material effect on the quantum of parking available in the area.
17. Consequently, the proposal would not have a harmful effect on highway safety or the convenience of residents of nearby properties. As such it would comply with Policies LP10 and LP23 of the Local Plan as set out above.

Other matters

18. I have taken into account the other matters raised, particularly by local residents, including the need for HMOs in the area. However, I have seen nothing in planning policy or elsewhere which would restrict such a use in this location as a matter of principle. Equally, I do not consider that residents of an HMO are likely to be inherently noisier or create greater disturbance than residents of a conventional dwelling.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition requiring the provision and retention of a single car parking space on site in the interests of highway safety. Furthermore, I consider that secure and weatherproof bicycle storage should also be provided in order to increase options for non-car modes of transport which would, in turn, reduce the need for car parking.
20. In order to protect the character and appearance of the area and the living conditions of occupiers of the proposed property and those adjoining I have imposed a condition requiring the provision and maintenance of waste and recycling facilities. Otherwise than as set out in this decision and conditions, I have imposed a condition specifying the relevant drawings as this provides certainty.

21. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance. Particularly I have varied the waste and recycling condition to remove reference to the size of the bins and alternative provision as I consider that the former is unduly prescriptive and the latter leads to uncertainty.

Conclusion

22. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

RJ Jackson

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: Site Location Plan, Drawing No. PG.2058 17.2.
- 3) The use hereby permitted shall not commence until provision has been made for the on-site parking of a car in accordance with a detailed scheme that has first been submitted to and approved, in writing, by the local planning authority. The approved scheme shall thereafter be retained.
- 4) The use hereby permitted shall not commence until provision has been made for the secure and weatherproof storage of bicycles in accordance with a detailed scheme that has first been submitted to and approved, in writing, by the local planning authority. The approved storage shall thereafter be retained.
- 5) The use hereby permitted shall not commence until provision has been made for the storage and collection of refuse and recycling bins in accordance with a detailed scheme that has first been submitted to and approved, in writing, by the local planning authority. The approved facilities shall thereafter be retained.

END OF SCHEDULE