

SHAW-CUM-DONNINGTON 16/03472/FUL Pins Ref 3179729	3 Love Lane Donnington Newbury A Simeunovic	Change of use from C3 to Sui Generis HMO with neither external nor internal alterations to the existing	Delegated Refusal	Dismissed 14.11.17
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Procedural Matters

The application form describes the proposed development as a change of use from C3 to C4. However, this change of use would be permitted development under Class L of the General Permitted Development Order (GPDO) and would allow between three and six unrelated individuals to live in the same property. However, the property has seven bedrooms. The Council therefore determined the application on the basis that permission was sought for a change of use to Sui Generis HMO to accommodate up to seven individuals. This is the description of the development on its decision notice and on the appeal form. The Inspector determined the appeal on that basis.

The Council adopted its Housing Allocations Development Plan Document (HADPD) on 9 May 2017, after this application was determined. However, it is the Inspector's duty to determine the appeal on the basis of current planning policy and her attention has therefore been drawn to Policy P1 of the HADPD, which is relevant to this case.

Main Issue

The main issue is the effect of the proposed change of use on the provision of parking and highway safety.

Reasons

Love Lane is a local distributor road which carries significant volumes of traffic. It passes through a residential area, largely characterised by semi-detached properties that are set back from the road. Most of the dwellings therefore have sufficient space within their front gardens to park vehicles off-street.

Consequently, there is little on-street parking in Love Lane, although parking restrictions are in operation around the school and the village hall, which are located almost opposite No. 3. These restrictions are essential to ensure safety for road users and pedestrians, and to reduce congestion around these community facilities.

No. 3 is a semi-detached dwelling which has been significantly enlarged with the addition of side and rear extensions and a loft conversion. The permission which resulted in the house having six bedrooms, Ref: 16/00640/HOUSE, included a condition requiring approval of a parking plan. This condition has been discharged on the basis that 3 parking spaces will be provided. The approved drawing shows the spaces and an area sufficiently large for vehicles to turn around and exit the site in a forward gear. A loft conversion has also been approved, effectively providing an additional bedroom, Ref: 17/00360/HOUSE. However, this permission is subject to a condition that the property would continue to be used solely as a dwelling (C3). This condition was imposed primarily because of concerns regarding the lack of parking in the event that the property could subsequently be used as an HMO.

The Council's parking standards for residential dwellings are set out in Policy P1 HADPD, which is therefore highly relevant to the appeal proposal. The site is within Zone 2 and the requirement for a house with four bedrooms would therefore be 2.5 parking spaces. The standards do not set out the requirements for houses with more than four bedrooms and do not specifically address the requirements for HMOs. Instead the Policy states that such cases will be assessed on an individual basis. When the house was enlarged to provide six bedrooms, the requirement was assessed to be 3 parking spaces.

The area in front of the dwelling had been paved at the time of the site visit. However, the 3 parking spaces had not been marked out. Although no change of use has occurred and the internal alterations have not yet been completed, the use of the property as an HMO for up to six occupants is the appellant's fall-back position. It could be implemented without having to provide any additional parking spaces.

The highway authority assessed the appeal proposal for a seven bedroom HMO assuming that it would be the equivalent of seven one-bedroom flats. On this basis it would require eleven parking spaces. In the Inspector's view, an HMO accommodating seven people is most unlikely to operate in this manner. Although occupants of an HMO will be unrelated, levels of car ownership are likely to be lower than those who occupy

self-contained flats. Consequently, she considered it would be unreasonable to expect the site to provide eleven spaces.

However, it seemed to the Inspector that the change of use from a single family dwelling to an HMO would be likely to increase the demand for parking and result in changed travel patterns. As individuals living in an HMO would not be part of an extended family, there would be more limited opportunities for sharing vehicles and agreeing parking arrangements. She therefore was not persuaded that provision of only three spaces would be adequate.

From the evidence provided it is apparent that it is not possible to provide even one additional parking space on the site whilst retaining sufficient space for vehicles to turn around and leave in a forward gear. If the change of use generated any additional demand for parking it would therefore result in on-street parking away from the site and within the surrounding streets. It would be possible to park legally in those parts of Love Lane that are not subject to parking regulations. However, in view of the volume of traffic on this road and the proximity of the site to the school and the village hall this could still result in danger and inconvenience for other road users. There are also opportunities for on-street parking in the adjoining residential area. Although these streets are not subject to parking regulations, the on-street parking in them is clearly well-used by local residents. Capacity to absorb additional uncontrolled on-street parking is therefore limited.

Furthermore, parking either in Love Lane or in any of the surrounding streets would involve occupants walking some distance to their cars. There would therefore always be a temptation to turn in and park on the appeal site. If this occurred there would be a significant risk that cars would subsequently have to reverse out onto the highway. Given the proximity of the site to the school and village hall, the Inspector considered this would be potentially dangerous. She accepted that this could occur if the house was in use as an HMO for up to six people. However, that it not a justification for permitting a development that would increase the likelihood of such manoeuvres taking place and causing additional danger to pedestrians and other road users in the vicinity.

The Inspector noted that the appellant expects that some occupants may work at the Vodafone Headquarters, which is within walking distance of the site. However, occupancy of the proposed HMO could not be restricted to Vodafone employees through the planning system. In any event trips by future occupants would not only relate to their journeys to and from work. Secure cycle storage should be required in addition to, not a replacement for, vehicle parking. Its provision is therefore not a justification for reducing the requirement for an adequate number of vehicle parking spaces.

For all these reasons the Inspector concluded that the proposed change of use would fail to provide adequate on-site parking which would adversely affect highway safety in Love Lane. The proposal would therefore be contrary to Policy CS13 of the West Berkshire Core Strategy which, amongst other things, seeks to promote safe travel, and Policy P1 of the HADPD which requires parking provision to meet minimum standards and to be within the curtilage of the dwellings. It would also fail to comply with Paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to be provided to serve new development.

For this reason, and having regard to all other relevant matters raised, the Inspector concluded that the appeal should be dismissed.

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