



Appeal Decision

Site visit made on 12 November 2019

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/D1780/W/19/3235663

27 Bronte Way, Southampton, SO19 7JG

- 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 Mwendwa Nkunda against the decision of Southampton City Council.
 - The application Ref 18/02322/FUL, dated 27 December 2018, was refused by notice dated 19 March 2019.
 - The development proposed is change of use from single dwelling (C3) to HMO (C4).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of local residents with regard to parking, noise and disturbance; and the living conditions of both local residents and future occupants of the dwelling, with regard to waste management.

Reasons

3. Policy CS16 of the Southampton City Council Core Strategy 2010 (the CS) supports the provision of a mix of housing types, and more sustainable and balanced communities. In this regard, the development would not breach the 10% limit set on conversions to houses in multiple occupation (HMOs) within a 40m radius, which is set out in the Houses in Multiple Occupation Supplementary Planning Document March 2012 (the HMO SPD). It would thus contribute towards fulfilling the objective of Policy CS16, and would be consistent with the rationale underpinning the city-wide Article 4 Direction which the HMO SPD supports. The Council nonetheless indicates that the conversion would adversely affect both the amenities of residents in the area, and those of future occupants in a number of specific ways.
4. 27 Bronte Way forms part of a small estate whose original layout incorporates provision of garages within a number of parking courts. These courts generally appear to be in poor condition and show limited evidence of use. Access to the garage belonging to No 27 was itself blocked by building rubble at the time of my visit. It is however reasonable to consider that the garage could be made fit for use, thus providing one off-road parking space for occupants of the dwelling. Though the appellant has indicated that 2 further 'on-site' parking spaces would be provided as part of the development, the locations have not been identified, and there is no obvious capacity within the site for such spaces

to be formed. As such I consider that future occupants of the development would have access to one off-road parking space only.

5. Bronte Way is relatively narrow, thus allowing for on-street parking on one side only. Capacity for this is further reduced where driveways have been formed. My visit took place during working hours on a weekday morning, however the street was nonetheless congested, indeed to the point that some vehicles were parked either partly or fully on pavements. This included the pavement at the bottom of the slope on which No 27 is located, which is presumably not a location within which parking can legitimately take place. Adjacent Langbar Close was similarly congested.
6. Whilst the situation I observed occupied a moment in time, in view of the layout of the estate, and taking into account representations by interested parties, it is reasonable to consider that on-street parking congestion is not an unusual occurrence. It is also reasonable to consider that this worsens outside normal working hours, including at weekends, resulting in stiff competition between residents, and most likely increasing the obstruction of pavements I witnessed during my visit.
7. In this context, whether or not No 27 was in use as a house in multiple occupation (HMO), it is possible that occupants could own more than one car. In each case, capacity for legitimate parking on-street would be extremely limited. In my view however, it is more likely that a household formed by 4 unrelated adults would own more than one vehicle between them, than a household formed by a family occupying the current 3 bedrooms. Indeed, the latter might reasonably include children too young to drive.
8. In this regard the HMO SPD, which operates in association with the Parking Standards Supplementary Planning Document September 2011 (Parking SPD), indicates that a 4-bed HMO should provide a maximum of 3 parking spaces. Though scope exists to provide fewer spaces, the site does not lie within a 'high accessibility' area as defined within the Parking SPD, and thus occupants could not, as an alternative, rely wholly on public transport and walking.
9. Future occupants could use bicycles, and scope exists for the level of storage set out in the Parking SPD on-site, in a location other than the garage. This could be secured by condition. However, this would not remove the potential for vehicle ownership, or therefore the likelihood that both competition between residents, and pavement parking in Bronte Way would be increased. The fact that there are no other licensed HMOs in the vicinity would not alter this.
10. What scope exists for the displacement of parking from Bronte Way into other streets in the broader area is unclear. In any case this would potentially result in residents, or future occupants being obliged to walk long distances to and from their dwellings, and would result in congestion and increased competition for on-street space within other streets. Reliance on parking in other streets would therefore worsen the situation for future occupants, and potentially also other residents of Bronte Way, at the same time as spreading the adverse effects of competition for parking space to residents in the broader area.
11. It is reasonable to consider that there could be a qualitative and quantitative difference between the comings and goings of a household formed by 4 unrelated adults, and those of a household formed by a single family. In this

regard I note the Council's reference to appeal decisions involving proposed HMOs likely to be used by students. The movements and lifestyles of students may indeed differ significantly from those of a family. They would also be likely to differ from those of a household comprised of working people.

12. In this case I have not been provided with any indication that it is likely that students would occupy the dwelling in question. Furthermore, I have not been provided with any reason to believe that more frequent comings and goings would necessarily give rise to a level of noise and disturbance which was both noticeable, and materially harmful. The same would be true in relation to noise generated within the dwelling itself, particularly if again considering the example of a household formed by a family with young children, which might itself generate high levels of noise.
13. No 27 forms part of a terrace which is located at the top of a steep bank. The road and pavement are located at the bottom of this bank. Occupants of the dwellings currently access the front of their dwellings via a path which runs directly up the bank. They are therefore also required to wheel their bins up and down the bank in order for their rubbish to be collected. This was apparent during my visit given that it took place on a collection day. Bins not otherwise being collected generally appear to be stored at the front of dwellings, where they are clearly visible within the streetscene.
14. In the event that No 21 became an HMO, the level of rubbish generated by occupants may or may not increase. Storage of bins at the front, and the requirement to wheel bins up and down the slope would however be no different than at present. Furthermore, I have been provided with no indication that the bins themselves would change. As such the extent to bin storage, or wheeling bins up and down the slope can be considered harmful, in neither regard would the effects be any different than at present.
15. During my visit I observed that bins were placed on the verge at the bottom of the slope. This was partly because the pavement itself was occupied by parked cars, as noted above. Even if it the pavement hadn't been obstructed, there is no particular reason to believe that the pavement would be blocked by bins in the event that the use of No 27 changed, or again that the situation would differ in any significant way to that which exists at present. Indeed, notwithstanding the objectives in relation to waste management set out in the Residential Design Guide 2006, there would be no fundamental change.
16. The Council has made generalised reference to a number of other issues it associates with HMOs, some of which are again covered in appeal decisions to which my attention has been drawn. These include neglected gardens and lack of maintenance of the housing stock. However, noting that the dwelling in question currently appears to be well-maintained and has a reasonably low maintenance garden, I see no reason to believe these issues would necessarily occur if the use of No 27 changed.
17. For the reasons outlined above I conclude that whilst the effect of the development on the living conditions of local residents in relation to noise and disturbance, and on the living conditions of both local residents and future occupants of the dwelling in relation to waste management, would be acceptable, the effect on the living conditions of each in relation to the inadequate level of parking provision which would exist, would be unacceptable. The development would therefore conflict with saved Policy H4 of

the City of Southampton Local Plan Review 2015 (the SLPR) which states that planning permission for conversions to HMOs will only be granted where it would not be detrimental to the amenities of the residents of adjacent or nearby properties; Policy SDP1 of the SLPR which states that planning permission will only be granted for development which does not unacceptably affect the amenity of the city and its citizens; Policy CS19 of the CS, which requires regard to be had to the Parking SPD; supporting guidance within the HMO SPD and Parking SPD; and relevant provisions within the National Planning Policy Framework (Framework) related to securing a high standard of amenity. Whilst the Council also referenced Policy H7(i)(ii) of the SLPR in its decision, sections (i) and (ii) of Policy H7 are struck out in the version provided, and do not otherwise cover relevant matters.

Other Matters

18. The appellant states that the development would make effective use of previously developed land. Paragraph 117 of the Framework indeed supports the effective use of land. Paragraph 117 however sets this within the context of ensuring healthy living conditions. In this regard, and for the reasons outlined above, the proposal would fail.

Conclusion

19. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR