
Appeal Decision

Site visit made on 1 May 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2018

Appeal Ref: APP/C3810/W/18/3192887

19 Bayford Road, Littlehampton, BN17 5HN

- 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 JTL Properties against the decision of Arun District Council.
 - The application Ref: LU/111/17/PL dated 29 March 2017 was refused by notice dated 17 July 2017.
 - The development proposed is change of use of the existing property to form a 7 bedroom, sui generis HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of the existing property to form a 7 bedroom, sui generis HMO at 19 Bayford Road, Littlehampton, BN17 5HN in accordance with the terms of the application Ref: LU/111/17/PL dated 29 March 2017 and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall not be occupied by more than seven people at any one time.

Preliminary Matter

2. The Council has referred in its reasons for refusal to the Emerging Neighbourhood Plan, and it is clear that this is an error. As this should have referred to the emerging Local Plan, I shall deal with the appeal on that basis.
3. The emerging local plan is at an advanced state of preparation, and awaiting the Examining Inspector's report on its final modifications, and I attach some weight to it.

Main Issues

4. The main issues in this case are:-
 - whether, in the light of development plan policy relating to housing mix, the development would be an appropriate one; and
 - the effect of the development on the living conditions of neighbouring occupiers in respect of noise and disturbance.
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Reasons

Housing Mix

5. No. 19 Bayford Road is a mid-terrace, three story house with an existing rear extension and which originally had five bedrooms. Works relating to the appeal development have already been carried out and a licence has been granted for a C4 HMO. The appeal development would increase the number of bedrooms to seven. No external physical alterations are proposed.
6. The dwelling is in a predominantly residential area adjacent to the town centre. Bayford Road consists on its western side largely of a long terrace of two storey houses with roof storeys, while its eastern side is dominated by two-storey late twentieth century houses. I saw little physical evidence on site of conversion of houses to other residential uses such as flats or houses in multiple occupation (HMOs), but noted a small number of guesthouses.
7. The Council has identified within Bayford Street seven licenced HMOs and ten other HMOs where the occupiers share facilities. Two properties are also referred to where the licence is being renewed, and which do not as a result show on the public register, but it is not clear from the evidence whether they are included in the figure of seven licenced HMOs or would be additional to this. As a result, depending on the correct interpretation of the evidence, there would be between 17 and 19 HMOs in Bayford Street, with the caveat that the picture may not be complete.
8. Policy HSP4 of the emerging Arun Local Plan 2011 – 2031, Publication Version 2014 (the eLP) seeks development of houses in multiple occupation which do not contribute to the over-concentration of HMOs in a particular area. No criteria are given to assist in making this assessment.
9. Bayford Street is a long street, and the total of identified HMO properties would represent a small proportion of the large number of residential properties in it. The appellant has pointed out that the property would be capable of being converted to a small house in multiple occupation (HMO) through the exercise of permitted development rights, and this appears to me to be a fall-back position with a realistic chance of occurring. I conclude as a result that the effect of this development would be the provision of a single additional room over the number which could be achieved through the exercise of permitted development rights, which would therefore be marginal in effect.
10. For these reasons, the development would be unlikely to lead to an over-concentration of HMOs, or to lead to an imbalance in housing provision in the area. It would not, therefore, conflict with policy HSP4 of the eLP.
11. The Council's evidence refers to a planning decision relating to a property in Bognor Regis, where 17 existing HMOs in an area were considered the upper limit for such uses, but no convincing evidence has been put before me regarding the basis of this conclusion, nor why this limit would be applicable in this area of Littlehampton.

Living Conditions

12. While the development would lead to an intensification of use of the property, this would be likely to be minor in relation to its potential use as a six bed HMO. An appeal decision (Ref: APP/C3810/W/17/3168437) was also drawn to

my attention, and I find myself in agreement with the Inspector's conclusions on likely similarities between levels of activity generated by a large family house and by a HMO. I conclude as a result that any increase in activity arising in this case from the change of use would be likely to be minor.

13. No convincing evidence has been submitted to demonstrate any substantive effect in terms of noise and disturbance likely to arise from the development, and I conclude therefore that there would be no harm to the living conditions of neighbouring occupiers in respect of noise and disturbance.
14. The development would therefore comply with policy GEN7 of the Arun District Local Plan 2003 (the LP) which seeks development which does not have an unacceptable adverse impact on adjoining occupiers. Policy DDM4 of the eLP relates to extensions and alterations to existing buildings and, as no external changes are proposed, I conclude that it does not apply to this development.

Conditions

15. The Council has suggested conditions to be applied, and the appellant has had an opportunity to comment on them. I have considered them in the light of paragraph 206 of the National Planning Policy Framework. As the development has already been carried out, there is no need to apply the standard commencement condition, or a condition requiring implementation of the development in accordance with the approved plans. However, to protect the living conditions of future occupiers, a condition is applied to control the numbers of occupiers.

Conclusion

16. For the reasons given above therefore I conclude that the appeal should be allowed.

S J Buckingham

INSPECTOR