
Appeal Decisions

Site visit made on 21 May 2015

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 June 2015

Appeal A Ref: APP/B1415/W/15/3002813
3 Linton Road, Hastings, East Sussex, TN34 1TN.

- 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 T Branczyk against the decision of Hastings Borough Council.
 - The application ref: HS/FA/10/00035, dated 24 January 2010, was refused by notice dated 13 October 2014.
 - The development proposed is "to obtain retrospective planning permission for a change of use from residential use to HMO (house in multiple occupation) use."
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Appeal B Ref: APP/B1415/W/15/3002829
4 Linton Road, Hastings, East Sussex, TN34 1TN.

- 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 T Branczyk against the decision of Hastings Borough Council.
 - The application ref: HS/FA/14/00272, dated 17 March 2014, was refused by notice dated 13 October 2014.
 - The development proposed is "retrospective planning application for the change of use from a single dwelling to an HMO which provides accommodation to students."
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Decisions

Appeal A Ref: APP/B1415/W/15/3002813

1. The appeal is dismissed.

Appeal B Ref: APP/B1415/W/15/3002829

2. The appeal is dismissed.

Preliminary Matter

3. In both instances the planning applications as considered by the Council include proposals for single storey extensions – to the rear and at first floor level in the case of 3 Linton Road and to the flank at ground floor level to 4 Linton Road.

Main Issues

4. The main issues in respect of both appeals are:
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- a) Whether the dwellings should be retained in single family occupation.
- b) The effect of the development upon the character and appearance of the host buildings and that of the surrounding area.

Reasons

a) *Retention in single family occupation.*

5. The subject properties comprise a pair of semi-detached Victorian villas located in an elevated position above Linton Road. They are within a mixed residential area of mostly similar Victorian houses on the west side of the road and smaller, principally inter-war houses opposite. Both dwellings are sustainably located close to the town centre and main line railway station.
6. The application in respect of 3 Linton Road sought to regularise use as an HMO of a ground floor unit having three bedrooms, a kitchen, dining room and access to the rear garden, together with an upper unit providing five further bedrooms, a kitchen and bathrooms. A proposed extension would provide for a separate dining room. In the case of 4 Linton Road there are presently seven bedrooms within the building and shared facilities that include kitchen, dining room and bathrooms.
7. The Hastings Local Plan, Development Management Plan, Proposed Submission Version 2014 ('the DMP') is at an advanced stage towards formal adoption. I therefore intend to accord considerable weight to its emerging policies, which are relevant to my determination of these appeals.
8. DMP Policy HC1 deals with the conversion of existing dwellings and supports the provision of quality homes and an appropriate dwelling mix. Converting all or part of a dwelling to another use or into multiple dwellings will normally be permitted, subject to a number of detailed criteria. Amongst these are: a) - that the building can no longer be retained in its entirety for single family housing occupancy; and d) - that adequate provision is made for refuse storage.
9. Policy H4 of the adopted Planning Strategy¹ states that change of use to HMOs will not be permitted where more than 10 per cent of the total numbers of properties within a 100m radius of the application property are already in use as either Class C4, or other types of HMO. Paragraph 8.19 of the supporting text to that policy states, amongst other matters, that:

'It is likely that the number of HMOs in the town as a whole will increase, driven by increasing student numbers as a result of the new University campus, changes to housing benefit and the increasing need for smaller affordable units of accommodation.'
10. In the cases before me, the surrounding area comprises mostly single family dwellings or converted flats. On behalf of the appellant it is contended that there are currently fewer than 1 per cent HMOs within a 100m radius of 3 and 4 Linton Road, a matter with which the Planning Officer agreed. Furthermore, there is no evidence before me to suggest that the likely increase in demand for student accommodation and the need and demand for HMOs referred to in the Planning Strategy document is to be met elsewhere.

¹ The Hastings Planning Strategy 2011-2018 (February 2014).

11. I can appreciate the concerns of local residents who, for a variety of reasons, have objected to the proposals. Nevertheless, having regard to the nature of surrounding development I cannot accept that the change of use of these two adjacent properties as proposed will unbalance the local community as detailed at paragraph 8.20 of the supporting text to Policy H4 of the adopted Planning Strategy¹.
12. In principle I see no objection to the use of nos. 3 and 4 as HMOs, subject to the concerns that I have identified in Issue b) below. Both properties have extensive accommodation over three floors, are approached by means of steep steps from the pavement of Linton Road and are not particularly suitable for single family use. In addition, there would appear to be a preponderance of smaller family houses within the immediate vicinity to meet the Council's desire to provide a mix of dwelling types in the locality.
13. I therefore find on the first main issue that the loss of these properties to single family occupation should not be resisted and that development as proposed will accord with the thrust of "saved" Policy H4 of the Local Plan², emerging Policy HC1 of the DMP and Policy H4 of the adopted Planning Strategy¹.

b) Effect upon character and appearance.

14. Notwithstanding my conclusions on the principal main issue, I have concerns in respect of both appeals relating to detailed issues associated with the proposed extension to each of the properties and the arrangements for refuse storage.
15. I note that only two plans accompanied the planning application in respect of 3 Linton Road, as referred to in the Council's notice of refusal (nos. 1399-3 and 1399-4). Drawing no. 1399-4 provides details of the floor plan of the proposed dining room extension. However, there are no elevational drawings or block plans to indicate the appearance of this structure or its relationship with no. 4 next door.
16. Although the Council has raised no objection to this element of the scheme, it is necessary for any detailed consideration of its impact upon the host building and no. 4 next door that plans showing the elevations are provided. However, from the limited information before me the extension would project almost 7m beyond the back addition structures to both 3 and 4 Linton Road and, in isolation, would appear somewhat incongruous and unrelated to the original Victorian structure.
17. The proposed single storey extension to no. 4 fails to relate to the host building in terms of its design, fenestration and roof form. The set back from the front elevation is insufficient, whilst the rearward projection creates an unacceptable relationship with the rear-facing window of Room 2 and flank-facing window of Room 3 (as denoted on Drawing no. 1429-1) in terms of loss of daylight and overshadowing.
18. Whilst I accept that the appeal site is not within a Conservation Area or Area of special Residential Character, it is nevertheless a requirement of National policy at Chapter 7 of the Framework³ that great importance should be attached to

² The Hastings Local Plan 2004-2011 (adopted 2004).

³ The National Planning Policy Framework.

the design of the built environment. The extensions as proposed would fail to relate to their respective host buildings and, in terms of the flank extension to no. 4, to the appearance of the street scene.

19. The appellant's letter to the Council dated 16 June 2014 addresses matters of waste management by suggesting that a large street-level storage space would be provided similar to that at 5 Linton Road next door.
20. No detailed drawings have been provided to me, such that this matter is not capable of being addressed by means of a suitably worded condition. Furthermore, the open storage area at no. 5 is unsatisfactory in terms of its lack of screening and the resultant adverse impact upon the appearance of the street scene.
21. I therefore find on the second main issue that the proposed extensions to the properties and the provision of a pavement level waste storage area will have an unacceptable impact on the character and appearance of the host buildings and that of the surrounding area contrary to "saved" Policy DG1 (b), (f) and (g) of the Local Plan² and emerging DMP Policy DM1.

Other Matters

22. The Council's Housing Officer has commented in relation to 4 Linton Road that the kitchen should not be shared by more than five persons and that the proposals fail to comply with the Council's standards in other respects.

Conclusion

23. For the reasons given above, I conclude that the appeals should fail.

R. J. Maile

INSPECTOR