

APPEAL DECISION REPORT

Ward: PARK

Appeal No: APP/E0345/W/20/3253531

Application Ref:200169

Address: 35 Norris Road

Proposal: Change of use from a C3 dwellinghouse to a small HMO (C4).

Case officer: Alison Amoah

Decision level: Delegated. Refused 7th May 2020

Method: Written representations. Decision: Appeal dismissed

Date Determined: 3rd November 2020

Inspector: Adrian Hunter BA (hons) BTP MRTPI

1. Background

- 1.1 35 Norris Road is a terraced property in the Article 4 area where PD rights have been removed for the change from C3 dwellinghouse to a C4 small HMO. The use change originally took place in approximately June 2019 and came to planning enforcement's attention following the submission of an HMO licence application, which has been required for all HMOs for 5 persons or more since 1st October 2018.

2 Summary of the decision

- 2.1 The application was refused due to the detrimental effect on the physical character of the area by increasing the number of HMOs in the area and reducing the number of family houses. With the percentage of HMO properties exceeding the defined threshold of 25%, the proposal was considered to have a negative impact on the mixed and sustainable community contrary to Policy H8 and the Residential Conversion SPD.
- 2.2 The Inspector accepted that the *“purpose for defining a threshold within the development plan...is to maintain a sustainable balanced community within the area...”* and that *“proposals should meet all relevant aspects of Policy H8 to be acceptable.”* The Inspector did not consider the appellant's case, that there had been a lack of objections on highway grounds, living conditions, visual character and appearance, and need for HMOs, provided sufficient justification for the proposal or sufficient material considerations *“so as to overcome the harm caused by the identified conflict with Policy H8”*. As the policy threshold had been breached and the policy not met, the inspector, therefore, dismissed the appeal.

3 OFFICER COMMENTS

- 3.1 The work involved in determining these sorts of applications in the Article 4 area are always a finally balanced exercise working with enforcement and other regulatory service officers. Receiving this appeal decision provides more strength to our policy and helps to reinforce what the Article 4 direction in this area is trying to achieve.

Case Officer: Alison Amoah