



## Appeal Decision

Site visit made on 15 June 2022

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2022**

---

**Appeal Ref: APP/F4410/W/22/3292699**

**29 St. Patricks Road, Intake, Doncaster DN2 5EP**

- 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 Dr Hena Brar against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 21/01564/COU, dated 26 May 2021, was refused by notice dated 20 October 2021.
  - The development proposed is conversion from single occupancy semi -detached house to 3 bed HMO.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the conversion from single occupancy semi – detached house to 3 bed HMO at 29 St Patricks Road, Intake, Doncaster DN2 5EP in accordance with the terms of the application, Ref 21/01564/COU, dated 26 May 2021 and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. I have used the description of the proposal from the Council’s decision notice as it more concisely defines the development proposed. The Council considered the proposal retrospectively. At the time of my site visit, internal alterations for the proposed house of multiple occupation (HMO) had been made. However, the property was not occupied, and a change of use had not yet occurred. For clarity I have determined the appeal on the basis of the proposed use.

### Main Issues

3. The main issues are the effect of the proposed development upon highway safety, with particular regard to parking and, whether the proposed development would provide acceptable living conditions for future occupants, with particular reference to internal space.

### Reasons

#### *Highway Safety*

4. The scheme proposes the provision of 2 off–road car parking spaces within the boundary of the appeal site, although no detailed plans have been provided to identify their location. The driveway to the side of the HMO is unlikely to be used for car parking other than by a very small car or motorcycles, given its restricted width and presence of a boundary wall that would restrict the ability to open car doors when parked in situ. Therefore, parking could only be practically accommodated to the front of the HMO.

5. A small tree to the front of the property would prevent the space being used for car parking. The tree is relatively small and ornamental and there is nothing before me to indicate the tree could not be felled. I saw it is common for the car parking areas of properties along St Patricks Road to have been extended within the front gardens. This could be replicated at the appeal site subject to the removal of the tree. Car parking could therefore be secured by condition, were I minded to allow the appeal.
6. The Council is concerned that the proposal would push car parking demands elsewhere, due to parking restrictions on St Patricks Road during the week. Although occupants of a HMO may lead more separate lives, it does not follow that vehicle ownership is more likely or would increase over and above what would be expected if the property were in use by a single family. Likewise, the proposal is no more likely to result in parking difficulties at weekends when restrictions are not in force. Similarly to a private dwelling, occupants of the HMO would need to be considerate and move their car if another vehicle needs to exit the parking area. Given the proposed HMO would be limited to 4 occupants and 2 off-road car parking spaces could be provided, I am not persuaded that the proposal would result in significant levels of on-street car parking, such that the free flow of traffic would be adversely affected.
7. The appellant intends the HMO to be occupied by employees at Doncaster Royal Infirmary. Although I agree that it would be unenforceable to restrict occupancy to hospital workers, the HMO would nevertheless be attractive to such individuals, given its proximity. As public transport is available a short walk away on Thorne Road, occupants would not be reliant on the private car.
8. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I am mindful that the Highway Authority did not object to the proposal and the provision of one small-scale HMO with 2 on-plot spaces, would not result in a severe impact on the nearby road network.
9. In the absence of substantive evidence to the contrary, the proposed development would not be harmful to highway safety, with particular regard to car parking. The proposal would comply with Policies 9(b) and 44(b) of the Doncaster Local Plan 2021 (Local Plan) which amongst other things, seek to ensure the provision of sufficient convenient, and secure on - site car parking.

#### *Living Conditions of Future Occupiers*

10. A ground floor kitchen would be the sole communal living space. Initially narrow, the kitchen opens up into a wider space within a rear extension. The layout as a double space, equipped with 2 hobs and ovens, 2 washing machines and a good degree of worktop space for food preparation, would enable more than 1 person to comfortably use the facilities at the same time. There would also be room for a compact table or breakfast bar next to the rear door, to allow the seated consumption of food. The kitchen door additionally provides access to the large rear garden which would provide outdoor space for the future occupants. An acceptable level of space would therefore be available within the kitchen.
11. In addition, the bedrooms of the HMO would be double sized and spacious enough to accommodate furniture for seating if required. I consider that the overall level of accommodation to be provided within the HMO would be sufficient to provide proper and adequate living space for the future occupants.

12. Regarding the 2 appeal decisions my attention is drawn to, I have no substantive evidence of whether the surrounding context, layout or amount of HMO accommodation in appeal decision 3237846, is the same as that before me. Appeal decision 3220077 relates to the change of use to a large 9 room HMO and therefore, I do not find the circumstances relating to living conditions comparable to the small HMO before me.
13. I conclude the proposed development would provide acceptable living conditions for future occupants, with particular reference to internal space. The proposal would comply with Policies 9(a and c) and 10(a.1) of the Local Plan (2021) which amongst other things, seek to ensure an acceptable level of amenity for new residents and appropriate internal standards of living space for multiple occupation.

### **Other Matters**

14. Concerns have been raised regarding the effect of the proposal on disruption to neighbouring residents and the types of HMO occupants. The use of a small HMO by a maximum of 4 persons would not significantly increase the level of activity at the property over and above occupation by a single family. As the Council did, I find no harm would arise as a result.
15. The Council advise that there are no other HMO's within the vicinity of the appeal site and Policy 9 of the Local Plan (2021) enables control over where HMO's can be located. The proposal would not therefore result in an over concentration of HMO's or set an undesirable precedent. Carrying out works prior to obtaining consent is not an offence, the provision of double beds does not imply a greater level of occupancy and the Council have powers to deal with untidy land and noise nuisance. Concerns relating to the impact on property values are not material considerations. These matters do not affect my findings on the main issues.

### **Conditions**

16. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and paragraph 56 of the Framework. Along with the standard time limit, a plans condition is imposed in the interest of certainty. The number of residents is limited to a maximum of 4 to regulate the effect of the proposal on the living conditions of neighbouring properties and parking generation. I am satisfied that 2 parking spaces can be provided on site subject to the agreement of an additional plan and provision before occupation. I agree the bathroom windows need to be obscured glazed for the privacy of the occupiers. I have amended the Council's suggested wording to ensure compliance with the 6 tests and that the works are completed prior to occupation.

### **Conclusion**

17. For the reasons identified above, there are no conflicts with the Development Plan when taken as a whole and I conclude that the appeal should be allowed.

*M Clowes*

INSPECTOR

### **Conditions Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:  
Location Plan  
Proposed Floor Plan drawing number 3655-01
- 3) The number of occupants to reside at the property must not exceed 4 individuals forming no more than 3 households.
- 4) Before the HMO hereby permitted is first occupied as such, 2 parking spaces shall have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Once provided, the approved parking spaces shall thereafter be retained for their intended purposes.
- 5) The HMO hereby permitted shall not be occupied until the windows serving the en-suite bathrooms as shown on the proposed floor plan (drawing number 3655-01) shall have been fitted with obscured glazing, in accordance with a scheme of details that has first been submitted to and approved in writing by the Local Planning Authority. The obscured glazing shall be installed in accordance with the approved details and retained as such thereafter.