

Decision maker: Planning Committee

Subject: Planning appeal decision at 11 Baileys Road, Southsea PO5
1EA

Report by: Claire Upton-Brown
Assistant Director Culture & City Development

Ward affected: St Thomas

Key decision (over £250k): No

1. Purpose of report

To advise the Committee of the outcome of the appeal that was allowed.

2. Recommendations

That the report is noted.

3. Background

A full planning application was considered by the Planning Committee at its meeting on 14th September 2016 (16/01209/FUL). The proposal was for a change of use from purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house) to 8 bedroom house in multiple occupation (sui generis) and was recommended by officers for approval. This recommendation was overturned and the application was refused for the following reason:

"The proposed change of use would result in an increase in concentrated, and intensified use of the property. This would lead to a significant reduction in the extent of the communal space available for residents and the corresponding amenity it offered. Given the setting of the property, in an already imbalanced community, the increased intensity of use, and concentration of uses of this nature, would exacerbate the imbalance to the community, contrary to the provisions of PCS20."

In allowing the appeal, the Inspector commented that "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use."

In reference to Policy PCS20 of the Portsmouth Plan the inspector offered the following view;" the policy is clear in that it states 'for the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in sui generis use will be considered to be HMOs'. Consequently, as the appeal property already has consent for a C4 use, the proposal could not result in an increase in concentration of HMOs in the City."

An argument was put forward by the Council that the use of the property as a Sui Generis HMO would require a licence but that this would only secure the bare minimum standard for human habitation and would not address the wider impacts of the use on surrounding land uses/users. The inspector addressed this point stating; "there is no substantive evidence before me that demonstrates that the amenity space proposed is below the amenity space required for a HMO of this size. Further, whilst I note that the existing shared lounge and study would be converted to bedrooms the communal lounge/kitchen area, which given its layout would provide an adequate useable communal residential environment. Therefore the proposal would not result in material harm to the living conditions of existing and future occupiers of No 11 Baileys Road."

Regarding the sites urban location and the density of housing in the area the inspector notes "such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area. In reaching this conclusion I have carefully considered the representations from local residents, however, I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their living conditions or unbalance the local community."

The inspector concluded that the condition relating to implementing approved plans should remain and that all other matters raised have been carefully considered therefore the appeal should be allowed.

4. Reason for recommendations

For information to the Planning Committee.

5. Equality impact assessment (EIA)

None.

6. Head of legal services' comments

The report is for information only.

7. Head of finance's comments

The report is for information only.

.....
Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Planning application 16/01209/FUL	Planning Services
Appeal decision APP/Z1775/W/16/3159989	Planning Services