



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 10 JANUARY 2024 AT 10.30 AM

COUNCIL CHAMBER - THE GUILDHALL

Telephone enquiries to Democratic Services

Email: Democratic@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Planning Committee Members:

Councillors Chris Attwell (Chair), Lee Hunt (Vice-Chair), Hannah Brent, Peter Candlish, Raymond Dent, Asghar Shah, John Smith, Judith Smyth, Mary Vallely and Gerald Vernon-Jackson CBE

Standing Deputies

Councillors Dave Ashmore, Matthew Atkins, George Fielding, Lewis Gosling, Ian Holder, Mark Jeffery, Steve Pitt, Darren Sanders, Russell Simpson and Daniel Wemyss

(NB This agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon the day before the meeting and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826.

A G E N D A

- 1 Apologies**
- 2 Declaration of Members' Interests**
- 3 Minutes of previous meeting held on 6 December 2023 (Pages 5 - 14)**

- 4 23/01289/FUL - 291 Queens Road, Fratton, Portsmouth PO2 7LY (Pages 15 - 24)**

Change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (house in multiple occupation) (resubmission of 23/00873/FUL).

- 5 23/01220/FUL - 19 Tamworth Road, Portsmouth PO3 6DL (Pages 25 - 34)**

Change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (house in multiple occupation).

- 6 23/00543/FUL - 26 Fearon Road, Portsmouth PO2 0NJ (Pages 35 - 44)**

Change of use from dwelling house (C3) to purposes falling within dwelling house (C3) or 6 bed/6 person house in multiple occupation (C4).

- 7 23/01193/FUL - 118 Ophir Road, Portsmouth PO2 7NE (Pages 45 - 52)**

Change of use from purposes falling within dwelling house Class C) to 8 person house in multiple occupation (sui generis).

- 8 23/00568/FUL - 198 Fawcett Road, Portsmouth PO4 0DP (Pages 53 - 58)**

Change of use from a 5-bed/5-person house in multiple occupation to a 7-bed/7-person house in multiple occupation.

- 9 23/01456/HOU - 20 Pretoria Road, Southsea PO4 9BB (Pages 59 - 62)**

Construction of dormer to front roofslope.

- 10 22/01129/FUL - Stamshaw and Tipner Leisure Centre, 689 Wilson Road, Portsmouth PO2 8LE (Pages 63 - 68)**

Installation of 3no. UPVC opening windows with double glazing and security screens to east and west elevations to create ventilation to sports hall.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue. Whilst every effort

is made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 6 December 2023 at 10.30 am in the Council Chamber - The Guildhall, Portsmouth

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Chris Attwell (Chair)
Peter Candlish
Asghar Shah
John Smith
Judith Smyth
Mary Vallely
Gerald Vernon-Jackson CBE

Also in attendance

Councillors Darren Sanders
Russell Simpson

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

165. Apologies (AI 1)

Apologies were received from Councillor Lee Hunt with Councillor Darren Sanders attended as standing Deputy. Apologies also received from Councillor Raymond Dent with Councillor Russell Simpson attending as standing deputy.

Councillor Gerald Vernon-Jackson joined the meeting at 10:37am and left the meeting at 11:28am.

Councillor Asghar Shah joined the meeting at 10:38am

Councillor Darren Sanders left the meeting at 12:51pm.

Councillor Russell Simpson left the meeting at 12:24pm.

166. Declaration of Members' Interests (AI 2)

Councillor Sanders declared that he knew Tracey Jones, an objector on 35 - 37 Fratton Road but had not discussed the application with her.

Councillor Sanders declared that as Cabinet Member for Housing and Preventing Homelessness he had agreed the funding for 305 - 307 Twyford Avenue and would therefore not be taking part in agenda item 5.

Councillor Sanders declared a personal, non-prejudicial interest as he lives in an HMO.

Councillor Candlish declared that he had been in discussions with local residents of Henderson Road and so would not be taking part in agenda item 13.

167. Minutes of previous meeting held on 15 November 2023 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 15 November 2023 be agreed as a correct record.

The Chair altered the order of business to hear items in the following order:

- 59 Manners Road (agenda item 9)
- 12 Thurbern Road (Agenda item 6)
- 37 Henderson Road (Agenda item 13)
- 46 Shadwell Road (Agenda item 7)
- 47 Oriel Road (Agenda item 12)
- 35-37 Fratton Road (Agenda item 4)
- 305-307 Twyford Road (Agenda item 5)
- 58 Somers Road (Agenda item 8)
- 75 Wadham Road (Agenda item 10)
- 80 Chichester Road (Agenda item 11)

For ease of reference the minutes will remain in the order as presented on the agenda.

PLANNING APPLICATIONS

The Supplementary Matters report and deputations (which are not minuted) can be viewed on the Council's website at [Agenda for Planning Committee on Wednesday, 6th December, 2023, 10.30 am Portsmouth City Council](#)

168. 23/00639/FUL - 35 - 37 Fratton Road, Portsmouth PO1 5AB (AI 4)

The Development Management Team Leader introduced the report and drew Members' attention to the information in the Supplementary Matters report. He noted the application was brought before the Planning Committee at the request of Councillor Cal Corkery. He drew attention to the information in the SMAT.

Deputations

Caroline Trimnell, Southsea Self-help Housing Co-operative (objector)

Tracey Jones, local resident (objector)

Mark Holman (agent on behalf of the client)

Members' questions

In response to Members' questions, officers:

- Discussed in more details the fenestration at the development with regard to the obscure glazing and the availability of natural light and outlook to the proposed flats.
- Were satisfied that the layout of the flats and fenestration was acceptable.
- Advised that the only landscaped area was the small external terrace which would be an urban landscape at first floor level. There was a condition reserved under landscaping which was strong enough to ensure and encourage appropriate planting for maintenance, appearance and ecological biodiversity that would make a difference to the outlook for residents.
- Advised that the trees discussed in the deputation were on adjacent land beyond walls so there was no protection for the trees within the site that the developers could undertake. The developer could go into the neighbouring site, with their permission, to put a fence around the root protection area but this would prevent the residents from utilising the area.
- Noted that if the council felt the trees warranted a tree preservation order that would be a separate judgement to whether or not to grant planning permission as the development would have no impact on the trees.
- Advised there were no affordable homes in the development as it falls below the threshold to require that.
- Advised that the status of the application for a retail unit was not known.
- Advised that the need to manage the environmental impact of construction had been recognised as relevant and material to the application and that a Construction Environmental Management Plan had been added through condition 17.
- Noted it was not in the power of the committee to add, as a condition, that a stakeholder engagement plan was put in place. It would be disproportionate to do so and there was no policy justification to do so.
- Advised there may be temporary disturbance on the enjoyment of the outside space for neighbours whilst construction took place but there would be no encroachment or interference with the space.
- Advised that the bats are protected by national legislation. Condition number 11 required that the applicant undertake the work they said they would in respect of the preservation of bat habitats in accordance with their bat scoping report.
- Noted that the screening of apartment five's terrace and lightwell would be a utilitarian fence style screen.
- Explained how the access to the commercial part of development is planned from the rear of the property.

- Advised that the 3 storage units are not directly associated with or tied to the commercial units, but it would be possible to subdivide them for use by different occupiers.

Member's comments

The development was not considered to be a particularly attractive design for the high street.

RESOLVED to approve in accordance with the officer recommendations.

169. 23/01225/CS3 - 305 - 307 Twyford Avenue, Portsmouth PO2 8PD (AI 5)

The Development Management Team Leader presented the report. The application had been brought to the Planning Committee for determination as it was an application by the Council, and he drew attention to the information in the SMAT.

Deputations

There were no deputations.

Members' questions

In response to Members' questions, officers clarified:

- There would be some loss of light for neighbours, but it was not significant enough to warrant refusal of planning permission on those grounds.
- They were not aware how the flats would be heated.
- In relation to parking, the current frontage has double yellow lines and there is no on-site parking. The addition of 2 dedicated parking spaces would result in no net loss or net gain of spaces. There would be the same number of flats looking for parking space in the surrounding area.

Members' Comments

Members did not feel the design was attractive and it was proposed to refuse the application by virtue of its design in particular the roof form which was considered to lack the excellent architectural quality and appropriate appearance in relation to its context to aspirations of policy PSC23 of the Local Plan and guidance of the NPPF.

Consideration was given on whether to approve, reject or defer. Officers advised that the Committee must determine the application before it, and that it should be treated no differently to any other application just because it was a Council application.

RESOLVED to REFUSE planning permission contrary to officer recommendation for the following reason:

- **The development by virtue of its design, in particular the roof form is considered to lack the excellent architectural quality and appropriate appearance in relation to its context that is required by policy PCS23 of the Local Plan and guidance of the NPPF.**

170. 23/01073/FUL - 12 Thurbern Road, Portsmouth PO2 0PJ (AI 6)

The Assistant Director for Planning and Economic Growth presented the report and noted it was a re-submission of an application previously refused by the Planning Committee on 12 July 2023 and drew attention to the information in the SMAT.

Deputations

Councillor Russell Simpson (objector).
Carrienne Wells (agent)

Members' questions

In response to Members' questions, officers clarified:

- There was a need for planning permission because the last useful use was a C3 dwelling house. The premises could lawfully be occupied as a 6 bed HMO under the planning permission they already have and then an incremental increase applied for. However, that permission had not been implemented and the applicants had decided to go from a C3 dwelling to a 7 bedroom HMO hence the need for planning permission.
- The June 2023 decision was relevant in relation to the mix and character and the percentage of HMOs in the location of the application.
- The refusal of planning permission on 29 August 2023 was in relation to the layout of bedrooms 2 & 3. The committee must make a reasonable decision consistent with previous decisions of the council.
- Officers were satisfied that the rooms are adequate in terms of width and layout.
- Access to the rear of the building could be through the front door, down the corridor and then a 90degree right turn into the combined kitchen space and through the large doors at the back.

Member's comments

Members noted they are limited in their ability to make decisions on HMOs by national law despite Portsmouth having the toughest HMO policies in the South of England. The system of incremental development was frustrating for residents, but the planning system allows that to happen and there was a hope that would change.

RESOLVED to approve in accordance with the officer recommendations.

171. 23/01144/FUL - 46 Shadwell Road, Portsmouth PO2 9EJ (AI 7)

The Assistant Director for Planning and Economic Growth presented the report and advised it had been brought before the Planning Committee due to a call-in request from Councillor Russell Simpson and 6 neighbour objections.

Deputations

Councillor Russell Simpson (objector)
Carrienne Wells (agent)

Members' questions

There were no member questions.

Member comments

Members were pleased the application was direct to a 7-bedroom HMO and had not gone down the route of incremental applications.

RESOLVED to grant conditional permission as the officer's recommendations.

172. 23/00553/FUL - 58 Somers Road, Southsea PO5 4PX (AI 8)

The Assistant Director for Planning and Economic Growth presented the report. This was the only application on the agenda where officers were recommending it required no planning permission and consequently should members wish to disagree with that a vote should be taken on that question with specific reasons. If planning permission was required, then the committee would go on to discuss the merits and decided accordingly.

Deputations

Carrienne Wells (agent)

Planning permission

Members considered the application required planning permission as the change in occupation amounted to a material change in use primarily due to the intensity of the use of the accommodation, the impact on parking, waste amenity and impact upon neighbouring residents and the impact on the Solent Special Protection Area.

There were no comments or questions.

RESOLVED that the change in occupation amounts to a material change in use primarily due to the intensity of the use of the accommodation, the impact on parking, waste amenity and impact upon neighbouring residents and the impact on the Solent Special Protection Area so that planning permission is required.

RESOLVED to grant conditional planning permission with conditions related to SPA mitigation, time limit, approved plans and cycle storage.

173. 23/00657/FUL - 59 Manners Road, Portsmouth PO4 0BA (AI 9)

The Assistant Director for Planning and Economic Growth presented the report and advised that it had been brought to Planning Committee due to five objections as well as at the request of Councillor Suzy Horton.

Deputations

Councillor Suzy Horton (objector)

Carrienne Wells (agent)

Councillor Sanders advised he had received representations from Councillor Charlotte Gerada and Councillor Suzy Horton about waste issues in Manners Road

which he had referred on to the relevant teams. Although this was not relevant to the application, Councillor Sanders felt it prudent to advise the committee.

Members' questions

In response to Members' questions, officers clarified:

- There were two errors in the report. The existing use of the building was not C3 (point 1.4) but came within use class C4. At 5.12 it should state it was a 5 bed HMO not 4.

The legal advisor advised that Councillors Vernon-Jackson and Shah would not be able to vote on this item due to arriving late to the meeting.

RESOLVED that permission be granted as per officer recommendations.

174. 23/01065/FUL - 75 Wadham Road, Portsmouth PO2 9ED (AI 10)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the information in the SMAT.

Deputations

Carianne Wells (agent)

There were no questions or comments.

RESOLVED that permission be granted as per officer recommendations.

175. 23/00667/FUL - 80 Chichester Road, Portsmouth PO2 0AH (AI 11)

The Assistant Director for Planning and Economic Growth presented the report and advised that the application had been brought before the Planning Committee due to an objection (and call-in) from Councillor Daniel Wemyss and Councillor Ben Swann.

Deputations

Simon Hill (for applicant)

Member comments

The Chair stated that every member of the committee understood their role was to represent the people who had elected them. However, in relation to the application in respect of a mixed and balanced community and policy standards etc, there was little in the application for the committee to consider. He stated he wished Councillors would think about that when applications were called in.

RESOLVED to grant conditional planning permission as per the officers' recommendations.

176. 23/00619/FUL - 47 Oriel Road, Portsmouth PO2 9EG (AI 12)

The Assistant Director for Planning and Economic Growth presented the report and drew attention to the information in the SMAT and the corrections to the SMAT.

Deputations

Councillor Russell Simpson (objector).

Simon Hill (agent for the applicant).

Members' Questions

In response to Members' questions, officers clarified:

- Crime can be a material consideration if relevant evidence is available to the council. Officers noted that crime is not committed by properties but by residents whether they are homeowners, HMO occupiers or private rented sector. This had been fully accounted for in policy setting within the 10% rule.
- The ground floor WC was never present at the property; this was an error in the report. The ground floor snug/living room was correctly measured at 13 square meters.
- The private sector housing standards have some variation to the adopted SPD. The SPD is a material consideration, as are other corporate policies. The alignment of standards is being discussed at the present time.

RESOLVED to grant conditional permission as per the officer recommendation.

177. 23/01139/FUL - 37 Henderson Road, Portsmouth PO4 9JD (AI 13)

The Assistant Director for Planning and Economic Growth presented the report and noted that the application was brought to Planning Committee due to the number of objections (19) including an objection from Councillor Matthew Winnington.

Deputations

Councillor Matthew Winnington (objector).

Simon Hill (for applicant)

Members' questions

There were no questions.

Members' comments

Members expressed disappointment that the applicant had not gone straight to a 7 person HMO, having noted the study room with the adjacent shower room. They considered this would eventually come back requesting an increase to a 7 person HMO.

They considered, in general, that this current process of applying was a gross waste of public money having to consider applications more than once for this reason.

RESOLVED to grant conditional permission as per officers' recommendations.

The meeting concluded at 1.52 pm.

Signed by the Chair of the meeting
Councillor Chris Attwell

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Agenda Item 4

23/01289/FUL

WARD: COPNOR

291 QUEENS ROAD FRATTON PORTSMOUTH PO2 7LY

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLING HOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPATION) (RESUBMISSION OF 23/00873/FUL)

[23/01289/FUL | CHANGE OF USE FROM DWELLING HOUSE \(CLASS C3\) TO PURPOSES FALLING WITHIN CLASS C3 \(DWELLING HOUSE\) OR C4 \(HOUSE IN MULTIPLE OCCUPATION\) \(RESUBMISSION OF 23/00873/FUL\) | 291 QUEENS ROAD FRATTON PORTSMOUTH PO2 7LY](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr A McCarthy

RDD: 19th October 2023

LDD: 15th December 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to the number of objection comments received (7).
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - Standard of accommodation;
 - Parking;
 - Waste;
 - Amenity impacts upon neighbouring residents;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the northern side of Queens Road as shown in Figure 1 below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a lounge, kitchen, dining room, conservatory and WC, at ground floor level; three bedrooms, and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area, there are a variety of styles of properties in the area which are predominantly two-storey. Four of the properties within the 50m radius have been subdivided into flats, the closest of which is 262 Queens Road.



Figure 1 Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:
- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), lounge; tanks room, Kitchen/Dining room;
 - First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite);
 - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The Applicant intends to construct a single storey rear extension, a small rear/side extension, a rear dormer extension within the main roof and insert two rooflights within the front roof slope under permitted development, as shown in the drawing below, to facilitate the enlargement of the property before undertaking the proposed change of

use. The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.

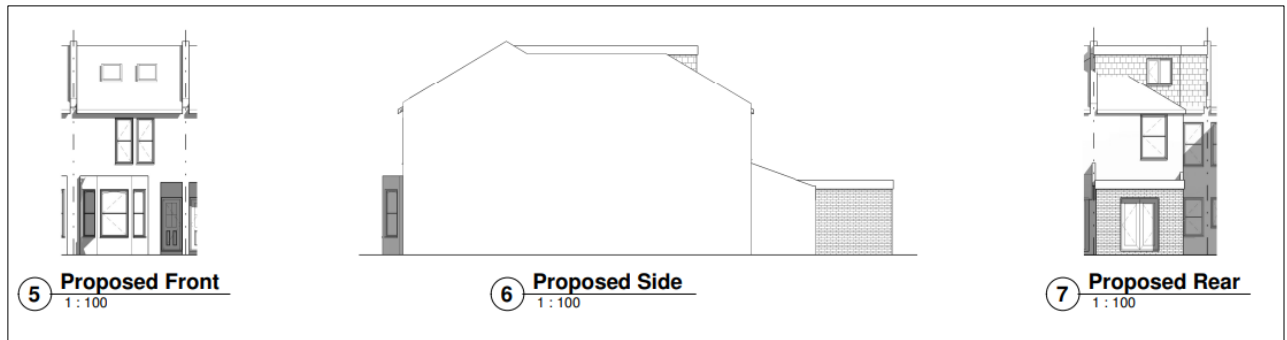


Figure 2 Proposed Elevations

- 3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or the ground floor extensions as part of this application. There would be no external operational development forming part of this application with the exception of the siting of a cycle store within the rear garden, details of which could be secured by planning condition.

4.0 PLANNING HISTORY

- 4.1 23/00873/FUL: Change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or C4 (House in Multiple Occupation). Application withdrawn.

5.0 POLICY CONTEXT

- 5.1 Portsmouth Plan (2012)

- 5.2 In addition to the aims and objectives of the National Planning Policy Framework (2023), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation).

- 5.3 Other Guidance

- 5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2023)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

- 6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.

- 6.2 Highways Engineer - Queens Road is a residential road, with bus stops and limited amenities in the close vicinity. Given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network.
- 6.3 Portsmouth City Councils Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 6 bedroom HMO is 2 spaces and 4 cycle spaces.
- 6.4 No parking survey information has been submitted to demonstrate on street capacity if additional demand resulting from the development can be accommodate within a 200m walking distance of the application site. Therefore, there is the potential for increased instances of residents driving around the area hunting for a parking space however this is a matter of residential amenity for your consideration. Cycle store is outlined within the rear garden and considered sufficient to meet the demand.

7.0 REPRESENTATIONS

- 7.1 Representations from seven addresses have been received objecting to the proposed development, including one from Councillor Swann.
- 7.2 The above representations of objection have raised the following concerns:
- a) Loss of privacy and overlooking;
 - b) Loss of light;
 - c) Parking impacts;
 - d) Loss of family housing;
 - e) Strain on public services;
 - f) Noise concerns;
 - g) Fire safety concerns;
 - h) Impact on family character of the area;
 - i) Anti-social behaviour;
 - j) Increase in waste;
 - k) Number of HMOs within the area; and
 - l) Lack of account for local views in decisions.

8.0 COMMENT

- 8.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

8.2 Principle of development

- 8.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as 'a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom'.

- 8.4 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 8.5 Based on the information held by the City Council, of the 64 properties within a 50-metre radius of the application site, there are only 2 confirmed HMOs (Class C4) at 328 Powerscourt Road and 303 Queens Road as shown in Figure 4 below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 4.68%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 Existing HMOs within 50m of the application site

- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs

adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

8.9 Standard of accommodation

8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment purposes. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	10.04m ²	10m ²
Bedroom 2 (first floor)	10.7m ²	10m ²
Bedroom 3 (first floor)	10.09m ²	10m ²
Bedroom 4 (first floor)	11.7m ²	10m ²
Bedroom 5 (second floor)	10.52m ²	10m ²
Bedroom 6 (ground floor)	11.43m ²	10m ²
Tank room	4.07m ²	n/a
Communal Kitchen/Dining area (ground floor)	24.99m ²	22.5m ² , as all bedrooms meet or exceed 10m ²
Lounge (ground floor)	10.54m ²	Not required as a combined Kitchen/Dining area is proposed
Ensuite bathroom 1 (ground floor)	2.93m ²	2.74m ²
Ensuite bathroom 2 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.75m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 5 (second floor)	2.74m ²	2.74m ²
Ensuite bathroom 6 (second floor)	2.74m ²	2.74m ²

Table 1 Schedule of Floor sizes

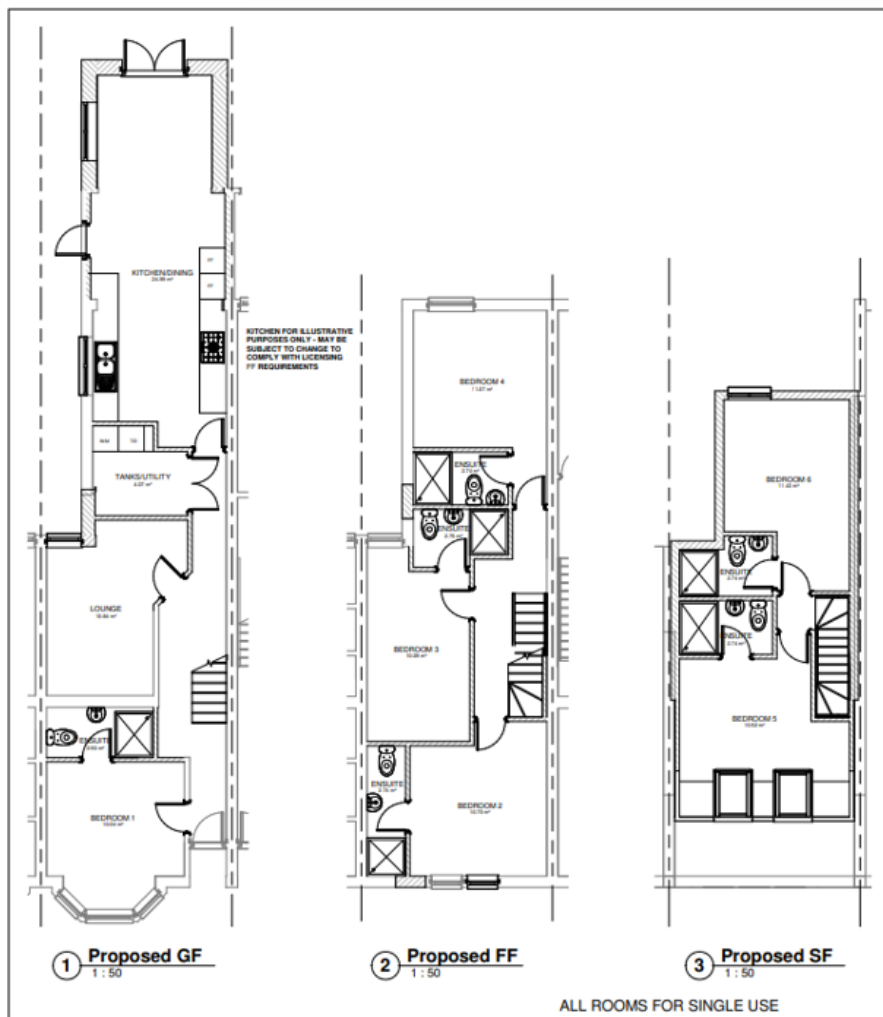


Figure 4 Proposed Floorplans

- 8.11 All of the rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.
- 8.12 Impact on neighbouring living conditions
- 8.13 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.14 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 8.15 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the

surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.

8.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

8.17 Highways/Parking

8.18 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces, a minor difference. The property has no off-street parking.

8.19 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.

8.20 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.

8.22 Waste

8.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

8.24 Impact on Special Protection Areas

8.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.

8.26 Community Infrastructure Levy (CIL)

8.27 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property that on its own requires planning permission.

8.28 Human Rights and the Public Sector Equality Duty ("PSED")

8.29 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note

that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.30 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.31 Other Matters raised in the representations
- 8.32 Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.
- 8.33 As mentioned the external works would be Permitted Development and therefore considerations against any loss of light or privacy would not be relevant.
- 8.34 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.
- 8.35 It is not considered that the proposed use would result in any demonstrable increase in anti-social behaviour.
- 8.36 All comments received are given full consideration within the assessment and determination process, but ultimately decision must be made in accordance with Local and National Policy.
- 8.37 All other objections are addressed within the report above or conditions below.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION

Conditional Permission

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Approved Plans:

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - TQRQM23135110420576; Dual Use Plan - PG.8089.23.4 Rev B; and 4 Cycle Storage Shed - 1.

Reason: To ensure the development is implemented in accordance with the permission granted.

Cycle Storage:

3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

External works:

4) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing Dual Use Plan - PG.8089.23.4 Rev B, namely the construction of the rear dormer and single storey extensions, shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).

Agenda Item 5

23/01220/FUL

WARD: BAFFINS

19 TAMWORTH ROAD PORTSMOUTH PO3 6DL

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C3 (DWELLINGHOUSE) OR CLASS C4 (HOUSE IN MULTIPLE OCCUPATION)

[23/01220/FUL | CHANGE OF USE FROM DWELLINGHOUSE \(CLASS C3\) TO PURPOSES FALLING WITHIN CLASS C3 \(DWELLINGHOUSE\) OR CLASS C4 \(HOUSE IN MULTIPLE OCCUPATION\) | 19 TAMWORTH ROAD PORTSMOUTH PO3 6DL](#)

Application Submitted By:

Mr Chris Broyd
New Era Agency Ltd

On behalf of:

C/o New Era Agency Ltd

RDD: 29th September 2023

LDD: 1st December 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to the number of objection comments it received (twelve) and a call-in request by Cllr Sanders.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - Standard of accommodation;
 - Parking;
 - Waste;
 - Amenity impacts upon neighbouring residents;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, semi-detached dwellinghouse (Class C3) located on the northern side of Tamworth Road as shown in Figure 1 below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a lounge, WC, kitchen/dining room, bedroom and boiler room at ground floor level; three bedrooms (one with a ensuite with bath WC and handbasin, a storage room and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area, the majority of which are in a similar format as two-storey semi-detached dwellings. To the front (south) of the site is Tamworth Park.



Figure 1 Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4). While C4 use allows up to six individuals living together, the applicant has stated this property would have four single-occupancy bedrooms.
- 3.2 The internal accommodation would not change as a result of the proposal, shown in Figure 4 below and comprises the following:
- Ground Floor - Lounge, WC, kitchen/dining room, bedroom and bike store;
 - First Floor - Three bedrooms (one with a bath, toilet and handbasin ensuite) and a bathroom (with a bath, toilet and handbasin).

4.0 PLANNING HISTORY

- 4.1 07/01765/FUL: Construction of two storey side and single storey rear extensions and porch to front elevation. Conditional Permission (21.11.2007).

5.0 POLICY CONTEXT

- 5.1 Portsmouth Plan (2012)

- 5.2 In addition to the aims and objectives of the National Planning Policy Framework (2023), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:
- PCS17 (Transport)
 - PCS20 (Houses in Multiple Occupation)
 - PCS23 (Design and Conservation).
- 5.3 Other Guidance
- 5.4 Guidance for the assessment of applications that is relevant to the application includes:
- National Planning Practice Guidance (revised 2023)
 - The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
 - The Solent Recreation Mitigation Strategy (2017)
 - The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
 - The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

- 6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 6.2 Highways Engineer - Awaiting comments.

7.0 REPRESENTATIONS

- 7.1 Twelve representations from eleven addresses have been received objecting to the proposed development, including one from Councillor Sanders.
- 7.2 The above representations of objection have raised the following concerns:
- a) Parking impacts;
 - b) Noise concerns;
 - c) Anti-social behaviour and crime;
 - d) Out of character of the area;
 - e) No guarantee it will accommodate medical staff;
 - f) Possible double occupancy of the bedrooms;
 - g) Bedroom is in place of former garage;
 - h) Increase in pollution; and
 - i) Impact on greenspace.

8.0 COMMENT

- 8.1 The main determining issues for this application relate to the following:
- The principle of Development;
 - The standard of accommodation;
 - Impact upon amenity neighbouring residents;
 - Parking;
 - Waste;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters
- 8.2 Principle of development

- 8.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as 'a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom'.
- 8.4 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 8.5 Based on the information held by the City Council, of the 24 properties within a 50-metre radius of the application site, there are no confirmed HMO (Class C4) as shown in Figure 4 below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.
- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 4.16%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 2 No existing HMOs within 50m of the application site

- 8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.9 Standard of accommodation
- 8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. The submitted plans are not to scale and only provide annotations of width and depth of the rooms. Officers have visited the property and reviewed the previous floorplans for the property which are correct and to scale, these plans have been measured and the figures below are taken from them. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	13.45m ²	10m ²
Bedroom 2 (first floor)	10.8m ²	10m ²
Bedroom 3 (first floor)	11.39m ²	10m ²
Bedroom 4 (first floor)	10.58m ²	10m ²
Storage room (first floor)	6.68m ²	Not required
Bike store (ground floor)	4.07m ²	n/a
Communal Kitchen/Dining area (ground floor)	36.3m ²	22.5m ² , as all bedrooms meet or exceed 10m ²
Lounge (ground floor)	14.6m ²	Not required as all bedrooms meet or exceed 10m ²
Bathroom (first floor)	3.61m ²	3.74m ²
Ensuite (first floor)	3.8m ²	3.74m ²
WC (ground floor)	2.3m ²	1.17m ²

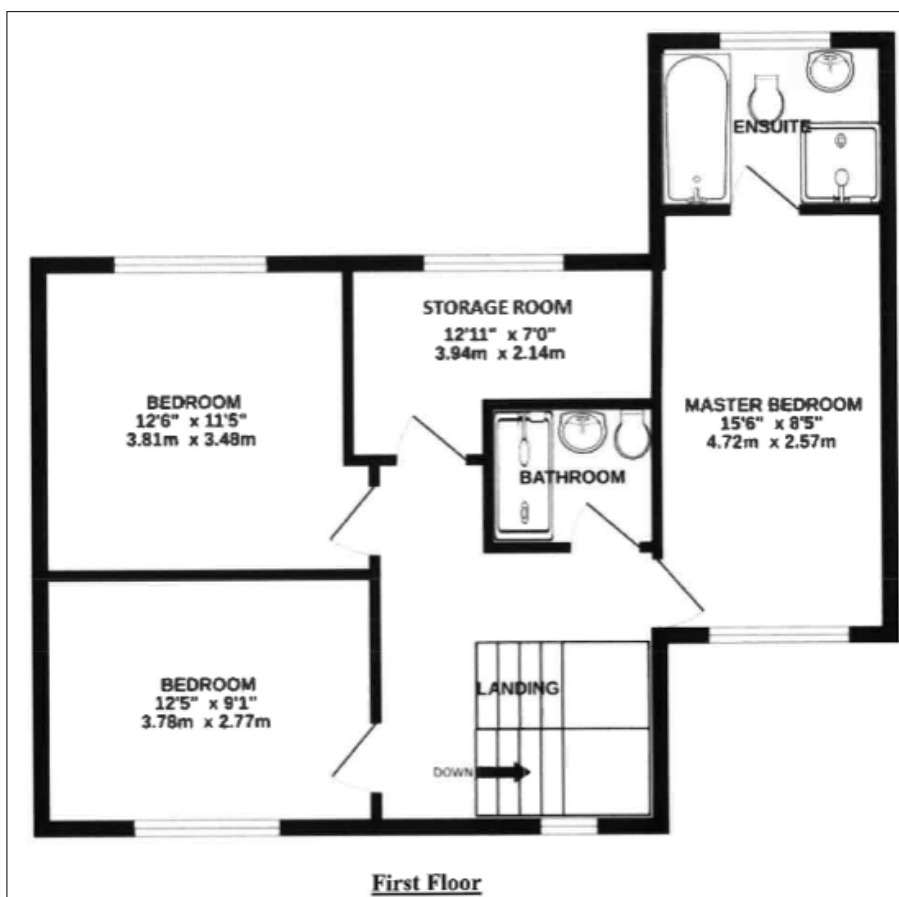
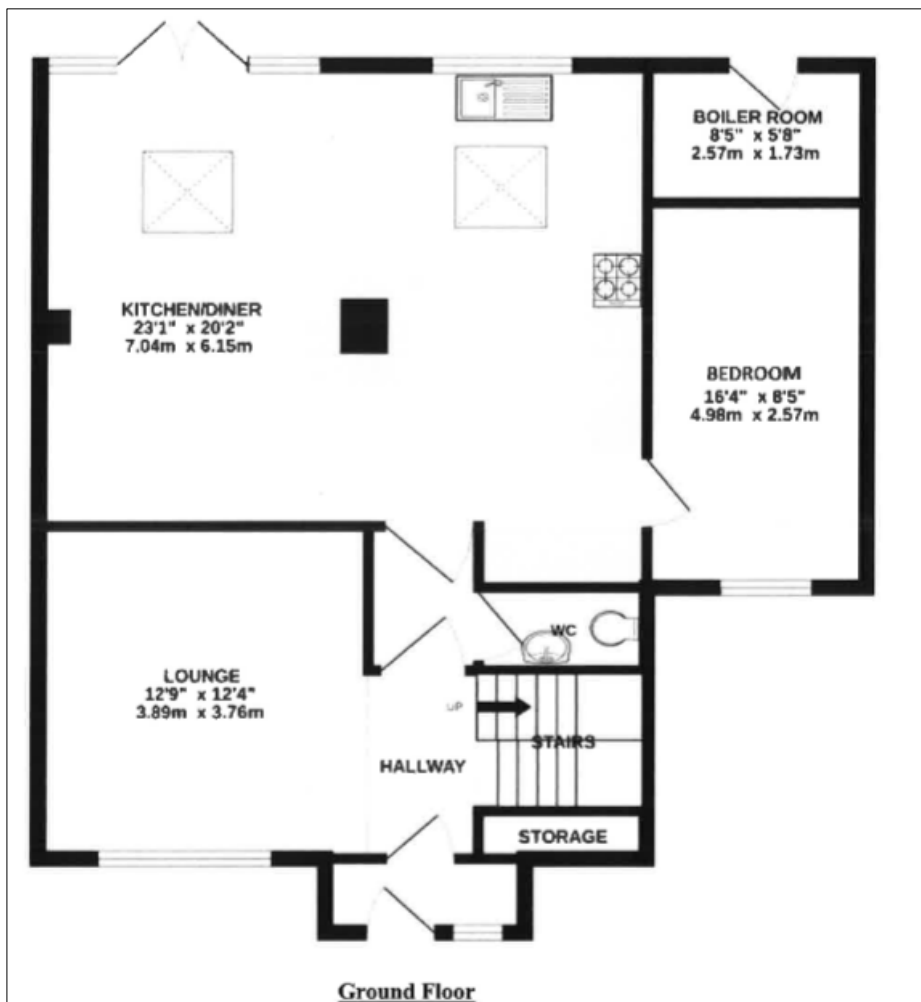


Figure 3 Proposed Floorplans

- 8.11 It is noted that all of the bedrooms and communal areas meet the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light. The first-floor bathroom is considered to be marginally under the required standard, however following an Officer site visit, it is considered that the bathroom is perfectly usable even with a marginally reduced size. It should be noted that the SPD requires only one shared bathroom for an HMO with four individuals, while this property proposes a shared bathroom *and* one ensuite *and* a downstairs WC. It is therefore not considered to be sufficient rationale to refuse the application on and as such the proposal is considered to accord with Policy PCS23 of the Portsmouth Plan.
- 8.12 Impact on neighbouring living conditions
- 8.13 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.14 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one HMO would not be significantly harmful.
- 8.15 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.16 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.18 Highways/Parking
- 8.19 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces, a minor difference. The property has one off-street parking space.
- 8.20 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, this is not considered to be sufficient reason for refuse the application. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking

standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.

- 8.21 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.
- 8.22 Waste
- 8.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.24 Impact on Special Protection Areas
- 8.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 8.26 Community Infrastructure Levy (CIL)
- 8.27 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 8.28 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.29 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.30 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.
- 8.31 Other Matters raised in the representations
- 8.32 It is not considered that the proposed use would result in any demonstrable increase in anti-social behaviour.

- 8.33 It is not considered that the scheme would result in an increase in pollution and would have no impact upon the adjacent greenspace.
- 8.34 The change of the garage to a bedroom was approved under the 2007 Permission and therefore does not form part of this assessment.
- 8.35 There is no assurances given over the occupants in terms of profession, however that is the case for a Class C3 or C4 property and therefore has no impact on the scheme.
- 8.36 The Applicant has stated that the property would, when in C4 use, have four occupiers. The property would be required to be licensed which would manage the number of occupants. Two of the bedrooms are of a sufficient size to be double occupancy, however, the property lacks sanitary facilities to provide occupation for 6 individuals. This standard is shared by Licensing and Planning, therefore in order to achieve a higher occupancy, further change would be required to the property. Given the Licensing regime and size of the property there is no need to restrict occupancy to the numbers proposed (four residents) should planning permission be granted. Further consideration would be given by the Private Sector Housing Team towards the toiletry facilities in consideration of licensing the property above four occupants.
- 8.37 All other objections are addressed within the report above or conditions below.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2023).

RECOMMENDATION

Conditional Permission

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Location Plan - 100051661; Floor Plans - 19 Tamworth Road.

Reason: To ensure the development is implemented in accordance with the permission granted.

Cycle Storage:

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Agenda Item 6

23/00543/FUL

WARD: HILSEA

26 FEARON ROAD, PORTSMOUTH, PO2 0NJ.

CHANGE OF USE FROM DWELLING HOUSE (C3) TO PURPOSES FALLING WITHIN DWELLING HOUSE (C3) OR 6 BED/6 PERSON HOUSE IN MULTIPLE OCCUPATION (C4)

[23/00543/FUL | CHANGE OF USE FROM DWELLING HOUSE \(C3\) TO PURPOSES FALLING WITHIN DWELLING HOUSE \(C3\) OR 6 BED/6 PERSON HOUSE IN MULTIPLE OCCUPATION \(C4\) | 26 FEARON ROAD PORTSMOUTH PO2 0NJ](#)

Application Submitted By:

Mr Willment of hmodesigners.

On behalf of:

Walker

RDD: 6th June 2023

LDD: 28th July 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to objections from 23 neighbours.

1.2 The main issues for consideration in the determination of the application include:

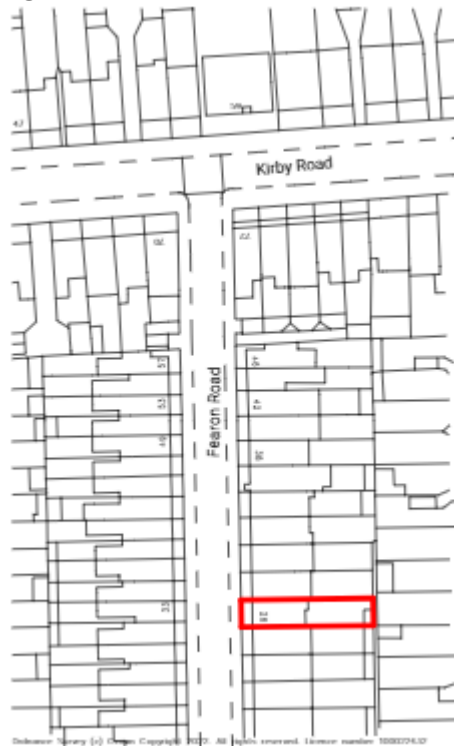
- The principle of development;
- Standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other matters raised.

2.0 SITE AND SURROUNDINGS

2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the east side of Fearon Road as shown in **Figure 1** below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden and a rear outbuilding. The existing layout comprises of a lounge, kitchen, dining, conservatory and a WC at ground floor level; three bedrooms and a bathroom at first floor level.

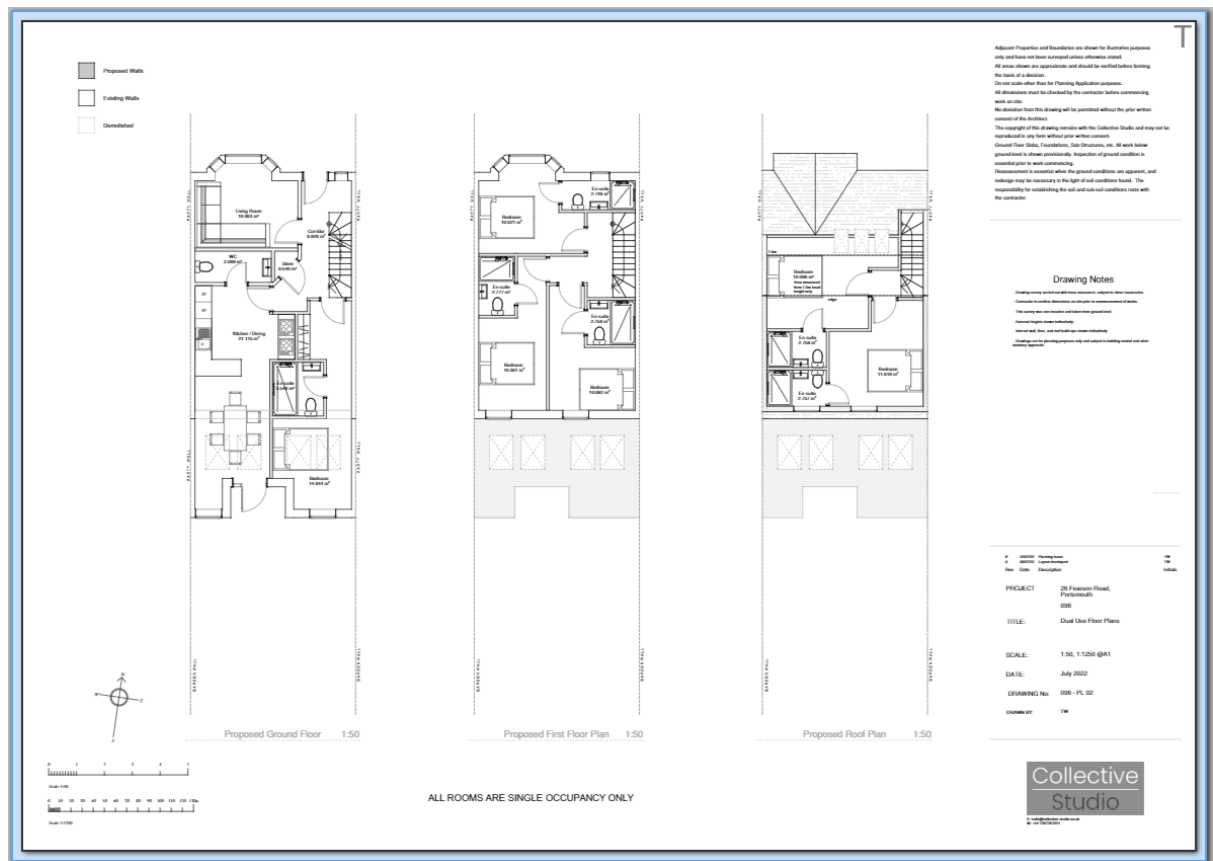
2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style.

Figure 1 - Site Location Plan



3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - One bedroom (with a walk-in wardrobe, shower, toilet and handbasin ensuite), Lounge, Kitchen/Dining, communal W/C and handbasin; and a store.
 - First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite); and
 - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The applicant is seeking to replace existing pitched roofs with a flat roof and consolidate the structures at the ground floor rear and construct a rear dormer extension within the main roof and insert three rooflights within the front roofslope, as shown in the drawing below, to facilitate the enlargement of the property. Both roof alterations can be completed under permitted development rights regardless of whether the property is in Class C3 or C4 use.
- 3.4 Given that the roof alterations are permitted development, it is not possible to consider the design or amenity impact of the rear dormer as part of this application. There would be no other external operational development forming part of this application. The cycle and bin store would be within the retained rear garden shed, with alleyway access or through the house.



Figures 2 - Existing & Proposed Plans

4.0 PLANNING HISTORY

- 4.1 22/00060/GPDC - Construction of single-storey rear extension that comes out a maximum of 4.8m beyond the rear wall of the original house with a maximum height of 2.8m and a maximum height of 2.8m to the eaves. Permitted Development (Approval).

5.0 POLICY CONTEXT

- 5.1 Portsmouth Plan (2012)
- 5.2 In addition to the aims and objectives of the National Planning Policy Framework (2023), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation).

5.3 Other Guidance

- 5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Policy Framework (revised 2023)

- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

- 6.1 Private Sector Housing - The application has not provided any floor plans so no comments can be made by the Private Sector Housing Team in regard to the compliance of regulations in relation to the Housing Act 2004.
- 6.2 Private Sector Housing have been reconsulted.
- 6.3 The client is advised to refer to our new Space standards and Enforcement policy which can be found by searching HMO Space Standards on our website www.portsmouth.gov.uk.
- 6.4 If the property is classified as an HMO the client is advised to review the necessary licensing requirements to ensure the property is managed in the appropriate manner, as deemed by Portsmouth City Council Private Sector Housing Team
- 6.4 Highways Engineer - no objection.
- 6.5 Fearon Road is an unclassified residential street. No traffic assessment provided however given the small scale of the development, satisfied the proposal would not have a material impact on the local highway network. Proposal does not increase parking demand.
- 6.6 The Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. A 3 bedroom dwelling requires 2 vehicle spaces and 4 cycle spaces, a 6 bedroom HMO is 2 spaces and 4 cycle spaces: no change in requirement. A cycle store is provided to the rear of the property for 4 cycles.
- Correction by Planning Officer: the requirement for a 3 bedroom dwelling is 1.5 vehicle spaces.*
- 6.7 Waste Reduction Initiatives Team Leader - No objection
- 6.8 There appears to be enough room in forecourt for required bins. Needs 1 x 360 litre refuse and 1 x 360 litre recycling bins. Need to inform PCC at least 3 weeks prior to anyone moving in so records can be updated and ensure bins are in stock for purchase.

7.0 REPRESENTATIONS

- 7.1 23 representations have been received, objecting to the proposed development:
- a) Builders blocking parking, noise, and disturbance.
 - b) HMO will affect house prices.
 - c) Parking.
 - d) Building works does not meet building standard and structural impact.
 - e) Building work already started but they answered no to officials.

- f) Impact on water pressure and waste/drainage.
- g) This HMO is not affordable.
- h) No fire escape included.
- i) Six double bedrooms does not offer a good standard of living.

8.0 COMMENT

8.1 The main determining issues for this application relate to the following:

- The principle of Development;
- The standard of accommodation;
- Impact upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

8.2 Principle of development

8.3 Permission is sought for the flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). For reference, a Class C4 HMO is defined as *'a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom'*.

8.4 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.

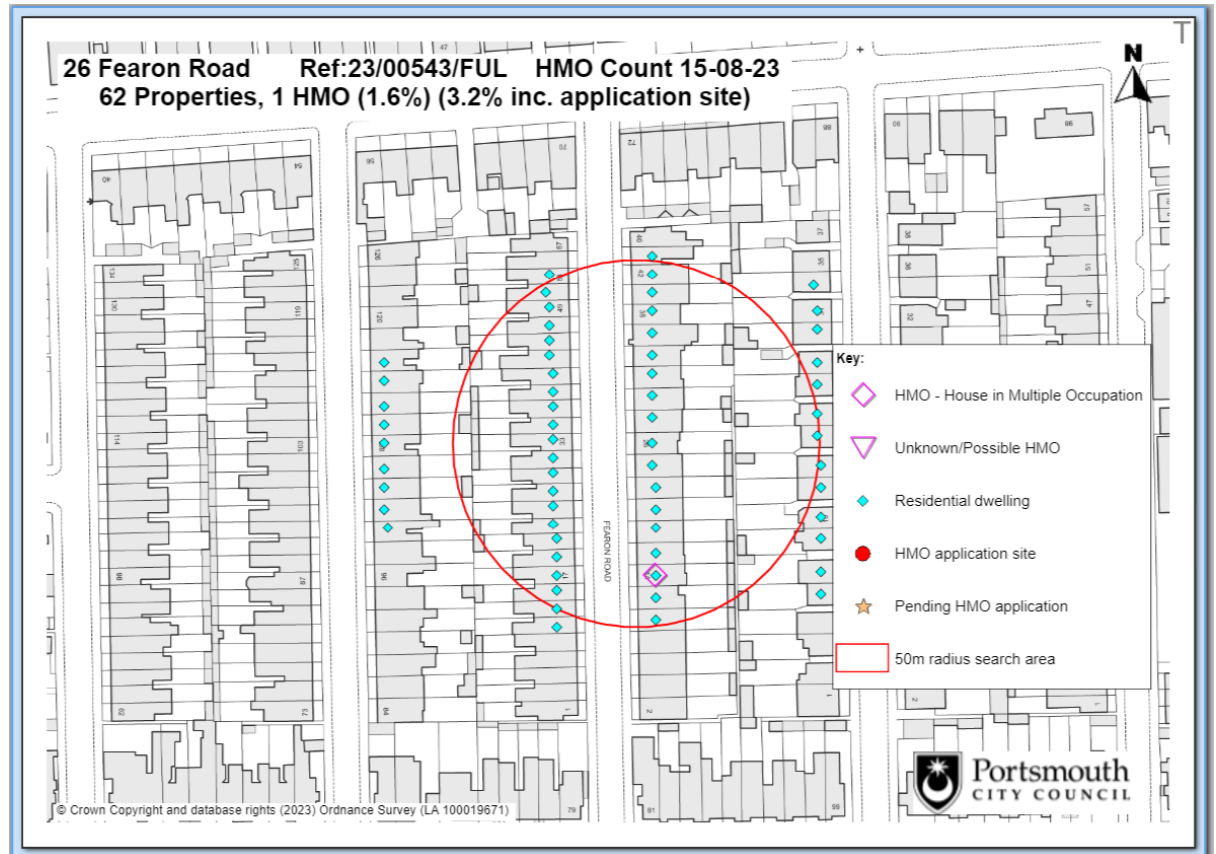
8.5 Based on the information held by the City Council, of the 62 properties within a 50-metre radius of the application site, there is one confirmed HMO as shown in **Figure 4** below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. The proposal would bring the percentage of HMOs within the area up to 3.2%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

8.7 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which

references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

Figure 4 - Existing HMOs within 50m of the application site



8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

8.9 Standard of accommodation

8.10 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (Second floor)	11.61m ²	6.51m ²
Bedroom 2 (Second floor)	10.09m ²	6.51m ²
Bedroom 3 (first floor)	10.06m ²	6.51m ²
Bedroom 4 (first floor)	10.36m ²	6.51m ²
Bedroom 5 (first floor)	10.02m ²	6.51m ²
Bedroom 6 (ground floor)	14.84m ²	6.51m ²

Lounge	10.06	Only required if communal Kitchen/Dining room is under-sized
Communal Kitchen/Dining area (ground floor)	21.11m ²	22.5m ² since all bedrooms are at least 10m ²
Store	0.54m ²	Not required
Ensuite bathroom 1 (second floor)	2.75m ²	2.74m ²
Ensuite bathroom 2 (second floor)	2.75m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.75m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.77m ²	2.74m ²
Ensuite bathroom 5 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 6 (ground floor)	3.54m ²	2.74m ²
W/C (ground floor)	3.06m ²	1.17m ²

Table 1 - HMO SPD (Oct 2019) compliance

- 8.11 The kitchen - dining room is short of the required size, even with the hallway store added. However, there is a separate ground floor lounge, which together with the kitchen - dining room, would exceed the minimum communal space standards. The proposed W/C proposed also meets the Council's standards. In addition, each of the bedrooms would be served by its own ensuite, and as such sanitary arrangements are considered to be acceptable.
- 8.12 All of the bedrooms and communal areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light, and room layouts are acceptable.
- 8.13 Impact on neighbouring living conditions
- 8.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.15 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of only one HMO would not be significantly harmful.
- 8.16 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be slightly increased in the case of six individuals, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one HMO (within a 50m radius) would not have any demonstrable adverse impact to wider amenity.

- 8.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.18 Highways/Parking
- 8.19 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places a requirement of 2 off-road spaces for Class C3 dwellinghouses and Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.
- 8.20 The C4 element of the proposal compared to the existing property only attracts an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.
- 8.21 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear outbuilding where secure cycle storage would be located. The requirement for cycle storage is recommended to be secured by condition.
- 8.22 Waste
- 8.23 The storage of refuse and recyclable materials would remain unchanged, being in the forecourt area which is acceptable.
- 8.24 Impact on Special Protection Areas
- 8.25 Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, this application is for the change of use of the property from C3 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), and as such it is not considered to represent an increase in overnight stays. The development would therefore not have a likely significant effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 8.26 Community Infrastructure Levy (CIL)
- 8.27 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 8.28 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.29 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family

life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.30 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

8.31 Other Matters raised in the representations

- 8.32 Concerns have been raised by neighbouring residents regarding the pressure additional occupants would put on local services including drainage, parking, and poor living standards. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants. Impact on property prices, is not a material planning consideration. Party wall or structural matters, fire safety, are dealt with under separate regulations to town planning.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations and representations it is concluded that the proposed change of use is acceptable and would be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2021).

RECOMMENDATION Conditional Permission

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 096 - PL 01 (Existing Floor Plans), 096 - PL 02 (Proposed Floor Plans), 096 - PL 03 (Existing Elevations), 096 - PL 04 Rev A (Proposed Elevations), 096 - PL 06

(Existing & Proposed Block and Location Plan) and 096 - PL 07 (Existing & Proposed Sections).

Reason: To ensure the development is implemented in accordance with the permission granted.

Cycle Storage:

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site and shall thereafter be retained for the parking of bicycles at all times.

Reason: To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

Agenda Item 7

23/01193/FUL

WARD: HILSEA

118 OPHIR ROAD FRATTON PORTSMOUTH PO2 7NE

CHANGE OF USE FROM PURPOSES FALLING WITHIN DWELLINGHOUSE (CLASS C3) TO 8 PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

[23/01193/FUL | CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8-BED/8-PERSON HOUSE IN MULTIPLE OCCUPATION | 118 OPHIR ROAD PORTSMOUTH PO2 9ET](#)

Application Submitted By:

Mrs Carianne Wells

Applecore PDM Ltd

On behalf of:

Chana

Shere Properties Ltd

RDD: 22th September 2023

LDD: 14th November 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee at the request of Councillor Russell Simpson and Councillor Daniel Wemyss (citing problems caused by HMOs in relation to parking), and due to multiple objections.

1.2 The main issues for consideration in the determination of the application are as follows:

- Principle of Development including compliance with policy
- Impacts on Amenity including parking
- Other material considerations

1.3 Site and surroundings

1.3 The application site is a two-storey terraced dwelling in a predominately residential area.

1.4 The Proposal

1.5 The Applicant has sought planning permission for the change of use of the dwelling from the current lawful Class C3 dwellinghouse use to allow up to 8 individuals to live together as an HMO. The property would be extended at the rear ground floor under Prior Approval 23/00057/GPDC, and at roof level under Permitted Development rights.

1.5 Planning History

1.6 23/00057/GPDC: Construction of single storey rear extension extending 6m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m.

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework (2023), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation and PCS23 (Design and Conservation).

2.2 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Updated Nutrient Neutral Mitigation

3.0 CONSULTATIONS

- 3.1 Private Sector Housing: The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.
- 3.2 Highways: the addition of up to five bedrooms would increase the number of residents driving around hunting for a car-parking space, although this is an issue of residential amenity. The highways team do not consider the size of development would lead to a material impact to the function of the highway.

4.0 REPRESENTATIONS

- 4.1 44 representations have been received (including one from Cllr Simpson), objecting to the proposal on the following grounds:
- a) strain on existing resources in the street, eg, sewerage and waste water and water and gas pressure. increased demand on NHS services/GPs, increased pressure on refuse collection, vermin, lowered value of properties, electricity supply will not cope with a winter surge and so could cause power cuts.
 - b) Splitting 3 bedroom houses into larger dwellings will have a detrimental impact on the local community regarding noise and traffic.
 - c) Parking problems in the area would increase, especially putting strain on the existing number of electric vehicle charging points. One neighbour is disabled and often has to park some distance from their home, potential impact of losing a space outside their home.
 - d) Too many HMO applications, unclear on number allowed/practical on Ophir Road, the area would be approaching the 10% limit as set out in the HMO SPD.
 - e) impact on families looking for housing near to local education facilities.
 - f) loss of residential character of area due to loss of family dwelling, poor impact on family well-being. Failure to use brownfield sites instead of family homes.
 - g) The extension having a negative impact on the light and privacy of neighbours. One resident highlighted that they foster and there could be safeguarding issues, overlooking concerns into children's bedrooms.
 - h) The fire risk to inhabitants of the proposed HMO, as well as the lack of sufficient facilities/amenities within the property to sustain 8 people.
 - i) One resident has highlighted they have a family with additional needs, such as Anxiety and Epilepsy, especially struggling with noise. Approval of HMO next to their dwelling would cause a high level of impact on their residential amenity and be detrimental to their physical and mental well-being.
 - j) Empty shops being underutilised
 - k) The age of the buildings and their ability to sound-proof noise,
 - l) Existing HMOs by the same developer having issues in the surrounding area. Previous schemes not following the approved plans.
 - m) The size of the forecourt not being sufficient for waste for a 8 bedroom house, loss of front gardens

5.0 COMMENT

- 5.1 The main issues to consider in the determination of this application are:

- Principle of Development including compliance with policy
- Impacts on Amenity including parking
- Other material considerations

5.2 Principle

- 5.3 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.
- 5.4 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 5.5 The HMO count plan shows there are currently no HMOs surrounding the property in the 50m radius. Were the application to be approved, there would be one HMO out of the 63 houses and flats in the 50m radius, equalling 1.59% (there are seven properties that are assumed to have been houses originally, now converted to fourteen flats). In accordance with the HMO SPD, this would be acceptable in the judgement of the application, being below the policy threshold of 10%.
Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA. Following further Officer Investigation, including current applications for HMOs in the 50m radius, no additional HMOs have been uncovered by the Case Officer.

A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.

Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).



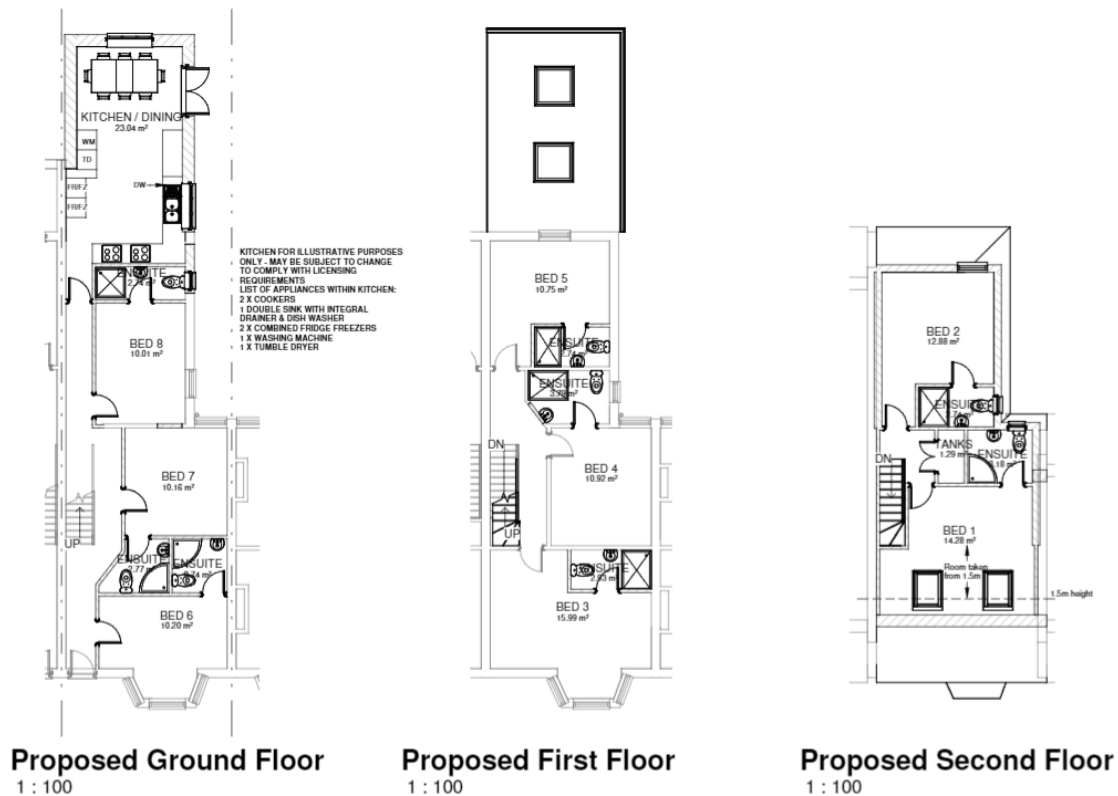
Amenity and Parking

- 5.6 The repurposing of internal rooms to accommodate the likely additional occupants within this proposal will have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

Room	Area Provided:	Required Standard:
Bedroom 1	14.28m ²	10.00m ²
Bedroom 2	12.88m ²	10.00m ²
Bedroom 3	15.99m ²	10.00m ²
Bedroom 4	10.92m ²	10.00m ²
Bedroom 5	10.75m ²	10.00m ²
Bedroom 6	10.20m ²	10.00m ²
Bedroom 7	10.16m ²	10.00m ²
Bedroom 8	10.01m ²	10.00m ²
Combined Living Space	23.04m ²	22.5m ²
Ensuite B1	3.18m ²	2.74m ²
Ensuite B2	2.74m ²	2.74m ²
Ensuite B3	2.93m ²	2.74m ²
Ensuite B4	3.79m ²	2.74m ²
Ensuite B5	2.74m ²	2.74m ²
Ensuite B6	2.74m ²	2.74m ²
Ensuite B7	2.77m ²	2.74m ²
Ensuite B8	2.74m ²	2.74m ²

- 5.7 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space standards except for the communal area. However, the HMO SPD, at para 2.6, advises that more detailed guidance, beyond these headline requirements should be referred to within the Council's standards for Houses in Multiple Occupation Guidance (September

2018). This more detailed guidance applies lower minimum requirements (of 22.5m²) for combined living accommodation in circumstances where all bedrooms are at least 10m² and the accommodation is otherwise acceptable as communal space. On the basis of the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment.



5.8 The proposal would likely increase the occupancy of the existing dwelling. While this could have a proportionate increase in activity within and coming and going from the property, a small increase in the number of residents is not considered likely to have any demonstrable adverse effect on residential amenity for neighbours of the surrounding area. Compared to the existing C3 use, more activity would again be expected, but not at a level that can objectively described as resulting in demonstrable adverse effect.

5.9 Similarly, an increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of HMO or Class C3 house with 4 or more bedrooms. The existing Class C3 property is shown with three bedrooms, which has an expected level of parking of 1.5 spaces, a difference of just 0.5 spaces from the proposal. Consequently, the proposal is not materially different to the Council's adopted guidance on parking provision, and a refusal on parking grounds could not be sustained at appeal, given the proximity to public transport, shops, employment and many other services.

5.10 Other Material Considerations

5.11 In the circumstances of the case the subject of this report it must first be noted that it is considered that the existing lawful use is Class C3 and the proposed change of use to a

8 bedroom HMO is considered to be a material change of use that requires planning permission. For the avoidance of doubt, as discussed above that change of use is considered to fully comply with the Council's Development Plan.

- 5.12 In addition the Committee's attention is drawn to the current 5 year housing land supply position within Portsmouth. In any planning application, the decision-maker will need to 'balance' any harms identified due the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of additional bedspaces of occupation within the dwelling. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 2.9 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy in this area are considered to be relatively insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of bedspaces.

5.15 Impact on Special Protection Areas

- 5.16 Changing the use of the premises from a C3 dwelling to a 8 bed HMO will result in a likely increase in occupancy which will have an adverse impact on the Solent Special Protection Area, through nitrates, and recreational bird disturbance. The Applicant has agreed to make the relevant mitigation, by way of a legal agreement.

5.17 Impact on refuse and recycling

- 5.18 In Portsmouth an 8 bed HMO is provided with 720 litres of bin capacity, usually in the form of a single 360l bin for recycling and a single 360l bin for residual waste. Considering the surrounding area and refuse capacity, there is not expected to be an identifiable harmful impact on waste collection/capacity as a result of the granting of this permission.

- 5.16 Changing the use of the premises from a C3 dwelling to a 8 bed HMO will result in a likely increase in occupancy which will have an adverse impact on the Solent Special Protection Area, through nitrates, and recreational bird disturbance. The Applicant has agreed to make the relevant mitigation, by way of a legal agreement.

5.17 Human Rights and the Public Sector Equality Duty ("PSED")

The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered

that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

The matters of objection raised concerning anxiety and mental health are noted but it cannot be assumed that this proposal would necessarily lead to or exacerbate such matters. In the event of planning consent being granted, the Applicant's attention would be drawn to working with neighbours, to try and minimise disruption during the conversion and extension of the property.

5.18 Other Matters and Considerations

Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services. However, having regard again to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.

As mentioned above the rear dormer and rear extension accords with Permitted Development / Prior Approval and therefore the Local Planning Authority cannot give consideration towards the impact of the built form on the neighbour amenity.

Property values are not a material planning consideration. Matters of fire safety are for Building Regulations and/or licensing, not a planning application. The front forecourt does appear of sufficient size for bin storage.

6.0 CONCLUSION

- 6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan and the objectives of the National Planning Policy Framework (2023). It is recommended that permission be granted subject to the imposition of conditions requiring implementation of the additional occupancy within 3 year (a Time Limit condition), requiring that the development be carried out in accordance with plans submitted (an Approved Plans condition); a cycle storage condition; and a water efficiency condition.

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) first receiving 'no objection' from Natural England concerning the LPA's Appropriate Assessment for SPA mitigation, and;
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

RECOMMENDATION II - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

Conditions:

1) Time Limit

The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) Approved Plans

Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 04 Sui Gen Plan, received 21st September 2023. Site Plan, received 21st September 2023.

Reason: To ensure the development is implemented in accordance with the permission granted.

3) Cycle Storage

Prior to the occupation of the dwelling as a HMO for 8 persons, secure and weatherproof cycle storage for four or more bicycles shall be provided as shown on the approved plans and retained thereafter for the storage of bicycles. The storage shall accord with Permitted Development rights.

Reason: To provide adequate cycle storage in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

4) Water Efficiency

The proposal hereby permitted shall not (unless otherwise agreed in writing with the LPA) be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)b of the Building Regulations (2010) (as amended). Such evidence shall be in the form of a post construction water efficiency calculator.

Reason: To ensure that the development complies with PCS15 of the Portsmouth Plan and does not exceed the scope of Nitrate Mitigation Credits purchased.

Agenda Item 8

23/00568/FUL

WARD: CENTRAL SOUTHSEA

198 FAWCETT ROAD, SOUTHSEA, PORTSMOUTH PO4 0DP

CHANGE OF USE FROM A 5-BED/5-PERSON HOUSE IN MULTIPLE OCCUPATION TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION

[23/00568/FUL | CHANGE OF USE FROM A 5-BED/5-PERSON HOUSE IN MULTIPLE OCCUPATION TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION | 198 FAWCETT ROAD SOUTHSEA PORTSMOUTH PO4 0DP](#)

Application Submitted By:

Mr Tim Willment
HMO Designers

On behalf of:

Burton

RDD: 11th May 2023

LDD: 17th July 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the blanket call-in by Councillor Vernon-Jackson for this type of proposed change of use.

1.2 The main issues for consideration in the determination of the application are as follows:

- Principle of Development including compliance with policy
- Impacts on Amenity including parking and internal space
- Other material considerations

1.3 Site and surroundings

1.4 The application site is a two storey mid-terrace property which is located in Fawcett Road. The surrounding area is densely populated and dominated by similar two storey terrace properties. To the east is the Golden Eagle public house and to the west the Fawcett Inn.

1.5 The Proposal

1.6 The Applicant has sought planning permission for the change of use of the dwelling from a 5-bed/5-person House in Multiple Occupation to a 7-bed/7-person House in Multiple Occupation. This change in occupancy would involve the repurposing of internal rooms but no external operational development forms part of this application.

1.7 Planning History

1.8 22/00159/CPE - Application for certificate of lawful development for the existing use of dwelling house as a house in multiple occupation (Class C4) - Certificate Granted.

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework (2023), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation and PCS23 (Design and Conservation).

2.2 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Updated Interim Nutrient Neutral

Mitigation Strategy (2022), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD')

3.0 CONSULTATIONS

- 3.1 Private Sector Housing: this property would require to be licenced under Part 2, Housing Act 2004. No adverse comments for the proposed size and layout of the property.
- 3.2 Transport: The parking requirement for a 5 bedroom/ 5 person and 7 bedroom/ 7 person HMO is the same 2 vehicle spaces and 4 cycle spaces - the proposal does not increase the parking demand associated with the site.

4.0 REPRESENTATIONS

- 4.1 Four letters of objection have been received from three addresses with the following concerns:
- Noise
 - Parking
 - Drainage
 - Anti-social behaviour
 - Over development - too many people in the household
 - Party wall issues
 - Increase in litter/ rubbish
 - Increase in traffic

5.0 COMMENT

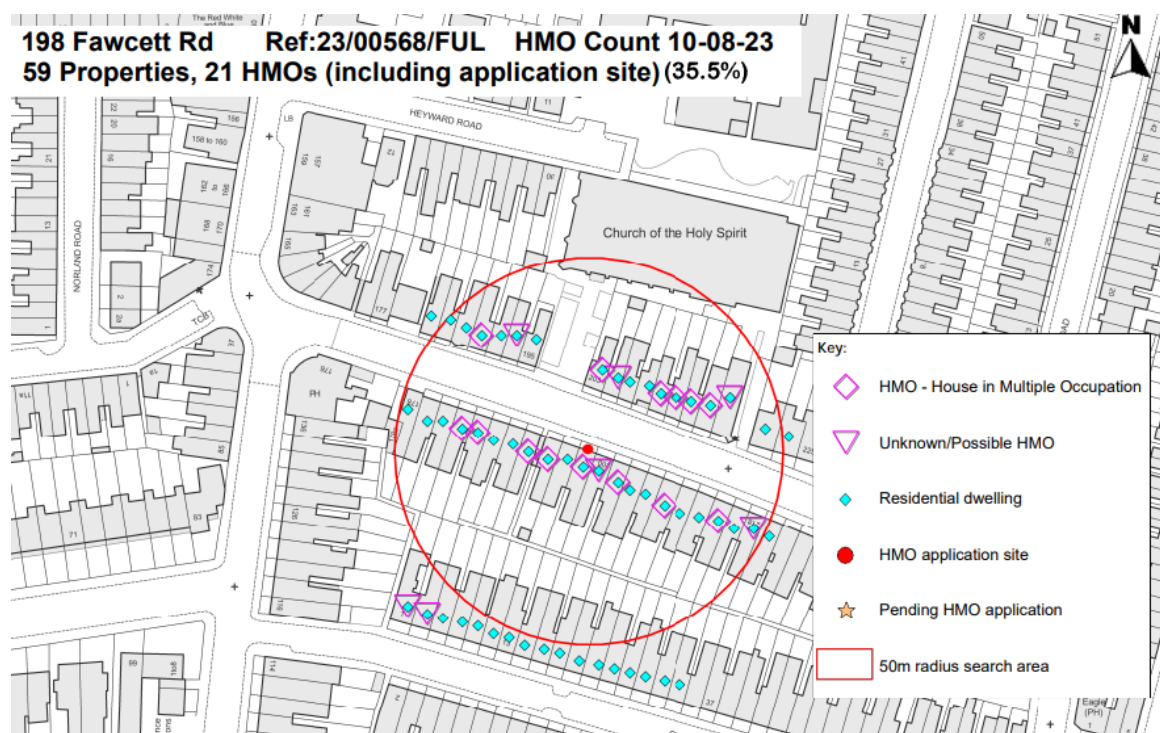
- 5.1 The main issues to consider in the determination of this application are

- i. Principle of development;
- ii. Impacts on residential amenity; and
- iii. Other issues.

5.2 Principle

- 5.3 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.
- 5.4 In this case the application site is already in lawful use as an HMO and the application has been made to recognise the intention to increase its occupation by 2 occupants.
- 5.5 Policy PCS20 of the Portsmouth Plan states that applications for change of use to a HMO will only be permitted where the community is not already imbalanced by a concentration of such uses, or where the development would not create an imbalance. The adopted Houses in Multiple Occupation SPD (as amended October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 5.6 The Certificate of Lawfulness granted last year establishes that the lawful use of the property is already a Class C4 HMO, so *the relatively minor increase in occupancy*

proposed does not change the local mix of dwellings - the proposal would have no impact on the guidance for a mixed and balanced community. For reference, it can be noted that the relevant 50m radius area is currently made up of 21 HMOs out of 59 properties, a percentage of 35.5%. This proposal of course has no effect on that percentage and the small increase of HMO dwelling occupants in this area is not considered to create any demonstrable imbalance or adverse implications. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a number of HMOs next to each other. As this proposal does not involve the creation of a new HMO, compared to that already consented these considerations are not brought into effect.



5.7 The repurposing of internal rooms to accommodate the additional occupants within this proposal will have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Further below are the existing and proposed floor plans. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

Room	Area Provided:	Required Standard:
Bedroom 1	13.04m ²	6.51m ²
Ensuite 1	2.82m ²	2.74m ²
Bedroom 2	10.08m ²	6.51m ²
Ensuite 2	2.75m ²	2.74m ²
Bedroom 3	11.68m ²	6.51m ²
Bedroom 4	10.11m ²	6.51m ²
Shared 'bathroom'	3.26m ²	2.74m ²
Bedroom 5	13.03m ²	6.51m ²
Ensuite 5	2.99 m ²	2.74 m ²
Bedroom 6	10.56m ²	6.51m ²
Ensuite 6	2.8m ²	2.74 m ²
Bedroom 7	12.7m ²	6.51m ²
Ensuite 7	2.8m ²	2.74 m ²

Kitchen/Dining/Living	22.84m ²	22.5m ² (if all bedrooms exceed 10m ²)
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Proposed Layout:



5.8 As is shown in the table above, the proposal results in an internal layout that performs positively against the internal space standards set out in the Council's HMO SPD. It is also considered that the rooms have an adequate layout, and access to natural light. As such the scheme is considered on balance to adhere to the objectives of Local Plan Policy PCS23.

5.9 Amenity and Parking

5.10 The proposal would increase the occupancy of the existing HMO by 2 occupants. While this would have a proportionate increase in activity within and coming and going from the property this small increase in the number of residents is not considered likely to have any demonstrable adverse effect on residential amenity for neighbours of the surrounding area. Further to this there have been no objections raised from the Highways Department.

5.11 Similarly the minor increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of HMO with 4 or more bedrooms. Consequently, the proposal remains in accordance with the Council's adopted guidance on parking provision.

5.12 Other Material Considerations

5.13 A key and overriding consideration in this case is the necessity to recognise the fall-back

position available to the applicant; that is the position they could take if this application is refused. In this case the addition of only two occupants to the existing lawful HMO is not considered to amount to a material change in the use of the dwelling. Under s57 Town and Country Planning Act 1990 ('TCPA') there is a general requirement that development should not to be carried out, except with planning permission. However not all changes of use are considered to be 'development' and therefore not all changes require planning permission. Under s55 of the Town and Country Planning Act 1990 'development' is defined as making of a material change in the use of any buildings or land. Whether or not a change is a material change is a matter of fact and degree to be assessed on its own merits. Members will note a number of joint appeal decisions, the 'Campbell Properties' appeal dated 29 April 2021, and the 'Lane' appeal decision dated 9 March 2023 wherein the Inspector considered a number of similar changes of use and, on their individual merits, identified examples whereby a change in the occupancy of an existing HMO with up to 6 occupants to an occupancy up to 7 occupants, and a change in occupancy from up to 6 occupants to an occupancy of up to 8 occupants was not considered to be a material change of use notwithstanding it moved the classification of the dwellings outside of Use Class C4 of the Use Classes Order. While every application must be considered on their own individual merits these examples provide clear guidance on the correct interpretation of s55 of the TCPA and that appeal decision is considered to be a material consideration in the determination of similar applications. Members may also note the previous decisions of Portsmouth's Planning Committee which have contrary to Officer recommendation determined similar changes in occupation amounted to a material change in use, primarily due to a conclusion that due to the intensity of the use of the accommodation; the impact on parking, waste, amenity impact upon neighbouring residents; and the impact on the Solent Special Protection Area the changes considered in those cases on their own individual merits amount to development requiring planning permission. This is of course the case on this site when the committee previously determined that permission was required for this proposal. Members can note that the 'Lane' appeal decisions of 9 March 2023 where against three similar Planning Committee decisions and the Planning Inspector in those case disagreed both with the judgement of the Committee and was critical of the justification, noted above, as a basis for that judgement.

- 5.14 In the circumstances of the case the subject of this report it is considered that the increase in occupancy does not result in a significant difference in the character of the activities that would occur under the proposed occupation compared to the existing lawful use as a HMO with up to six occupants. As such it is considered that the change of use is not material and planning permission is not required for the increase in occupancy described in the application. Consideration to the previous, June 2022, decision of the planning committee at this site has been given, but the weight given to it by professional officers particularly noting the commentary from an inspector in the 'Lane' appeal decisions in March 2023 is very limited. The Applicant therefore has a fall-back position of being able to lawful carry out the change in occupation without the benefit of Planning Permission.
- 5.15 Should it be considered necessary to assess the merits of the application, notwithstanding the advice of Officers' above, the Committee's attention is drawn to the current 5 year housing land supply position within Portsmouth. In any planning application, the decision-maker will need to 'balance' any harms identified due the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of two additional bedspaces of occupation within the HMO. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 2.9 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision takers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '...significantly and demonstrably outweigh the benefits...'. Any harm associated with the increase in occupancy in this area are considered to be insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit

to the city's housing stock of the provision of bedspaces, should such assessment be considered necessary.

- 5.16 The letters of objection refer to the increase in persons, HMO's, anti-social behaviour, noise, parking and other issues. Whilst such matters are not usually a planning matter the development would only result in an additional 2 additional people. Such an increase would not result in a material increase in the potential for such behaviour and would not thereof represent a reason to withhold planning permission.

Impact on Special Protection Areas

- 5.17 The application is for Class C4 small HMO to a Sui Generis Large HMO. Whilst it is acknowledged that there are ongoing issues around the nitrification of the Solent due to increased levels of runoff from residential development, the applicant's above fall-back position would allow the occupation of the site without Planning Permission. As such it is considered that the proposal would not amount to development and therefore not have Likely Significant Effect on the Solent Special Protection Areas or result in an increased level of nitrate discharge

6.0 CONCLUSION

- 6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. However, notwithstanding the compliance or otherwise of the proposal with the policies of the Local Plan it is noted that the on the details of this case the changes in the character of activities are not sufficiently significant, as a matter of fact and degree, to be considered to result in a material change in the use of this dwelling. As such planning permission is not required for the described in the application and the proposal could be carried out as a fall-back position irrespective of the determination of this application. This is considered a material consideration of overriding weight, and unconditional planning permission should therefore be granted.
- 6.2 Should the Committee conclude, contrary to this recommendation, that the change in occupation, as a matter of planning judgement, fact and degree in this specific case results in a material change of use requiring planning permission then they should consider whether permission should be granted with conditions. In such a circumstance, as the merits of the proposed use comply fully with the relevant policies of the Local Plan and associated guidance, the Committee would need to consider whether to resolve to grant permission, subject to the imposition of conditions requiring implementation of the additional occupancy within 3 year (a Time Limit condition), requiring that the development be carried out in accordance with plans submitted (an Approved Plans condition), and requiring that that increased occupancy should not occur until an appropriate scheme of mitigation is submitted and approved to mitigate any impact on the Solent Special Protection Area.

RECOMMENDATION Unconditional Permission

Conditions: None.

Agenda Item 9

23/01456/HOU

WARD: CENTRAL SOUTHSEA

20 PRETORIA ROAD, SOUTHSEA, PO4 9BB

CONSTRUCTION OF DORMER TO FRONT ROOFSLOPE

Application submitted by:

Mrs Vicki Styles
Styles Architecture

On behalf of:

Mr Lee Hunt

[23/01456/HOU | CONSTRUCTION OF DORMER TO FRONT ROOFSLOPE. | 20 PRETORIA ROAD SOUTHSEA PO4 9BB \(PORTSMOUTH.GOV.UK\)](#)

RDD: 22nd November 2023

LDD: 20th January 2024

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee for determination because the applicant is a Member of the Council.
- 1.2 The main determining issues for this application relate to the following:
 - Design and local character;
 - Impact on residential amenity.

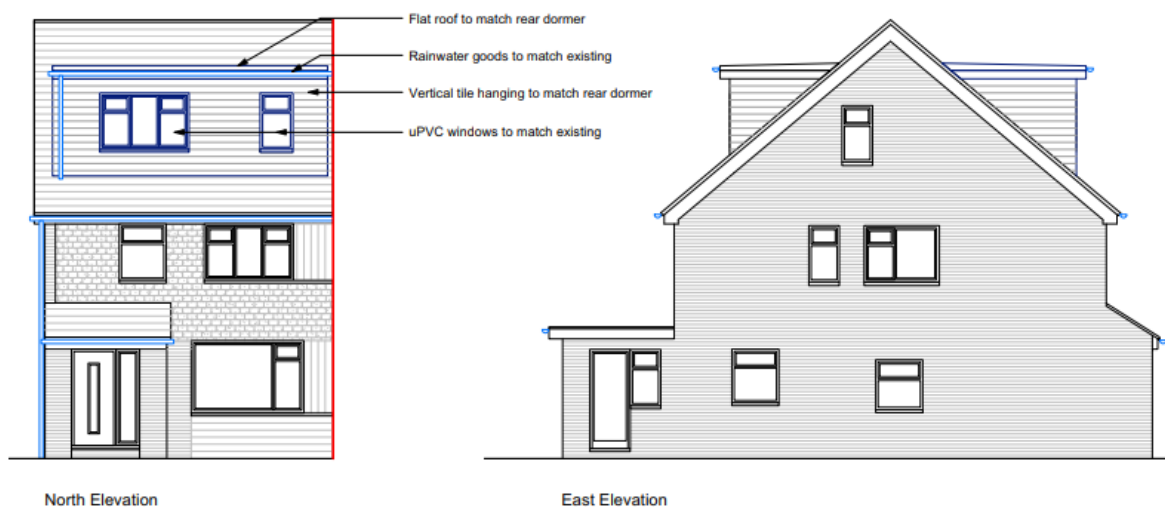
2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises a two-storey semi-detached property on the southern side of Pretoria Road, with a roof ridge running east/west and a gable side elevation. The property is externally clad in face brickwork with red hanging tiles to the first floor of the front of the property and a profiled tiled roof. The current roof space has a bedroom and ensuite, achieved with a Permitted Development rear roof extension and two front rooflights.

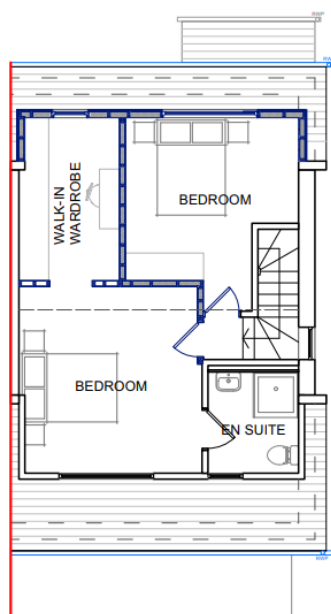
3.0 PROPOSAL

- 3.1 The application seeks the grant of planning permission for a proposed dormer to the front roofslope. The additional volume would allow a second bedroom and a walk-in wardrobe in the roof.

Proposed elevations:



Proposed floorplan:



4.0 PLANNING HISTORY

4.1 The site's most relevant planning history is listed below:

- 19/01637/CPL - Application for a lawful development certificate for a proposed loft conversion incorporating a dormer window within the rear roofslope, two rooflights to the front roofslope and a new second floor window within the east facing gable end - Approved, Planning Committee, 19th February 2020.

5.0 POLICY CONTEXT

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2023), the relevant policies within the Portsmouth Plan (Jan 2012) would include:

- PCS23 - Design & Conservation

6.0 CONSULTATIONS

- 6.1 No consultations required.

7.0 REPRESENTATIONS

- 7.1 No representations received at the time of drafting the report. The neighbour consultation period expired on 27th December 2023, any comments received after the drafting of this report will be addressed at the committee meeting.

8.0 COMMENT

8.1 Design and local character

- 8.2 Policy PCS23 of the Portsmouth Plan states that all new development must be well designed and, in particular, respect the character of the city.

- 8.3 The application site is a semi-detached house on a road with mostly terraced houses. The applicant seeks to construct a very large dormer, which is actually a roof extension, on the front roof slope of the property.

- 8.4 The application site is slightly set back in comparison to other properties on the southern side of the road, which slightly mitigates the impact of the proposed development on the streetscape. However, the application site also needs to be considered in the context of being a semi-detached house, therefore a large front dormer on one of the properties would imbalance the aesthetics of the building as a whole, and be an incongruous feature within this streetscape otherwise devoid of forward roof extensions.

- 8.4 No design amendments have been suggested to the applicant as they would not achieve his desired outcome of accommodating an additional bedroom and a walk-in wardrobe.

8.5 Impact on residential amenity

The proposed front dormer is not considered to result in any significant loss of residential amenity to any surrounding residential properties to the east, west or north in terms of loss of light, outlook or privacy, noise or disturbance given the orientation of surrounding development and intervening distances.

8.6 Community Infrastructure Levy (CIL)

- 8.7 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012. Most new development which creates over 99sqm of gross internal area or creates a new dwelling is potentially liable for the levy. However, exclusions, exemptions and reliefs from the levy may be available. In this case the proposed new floor space created would be less than 99sqm and therefore it is unlikely a CIL charge would be applicable if the scheme was approved.

8.8 Human Rights and the Public Sector Equality Duty ("PSED")

- 8.9 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be

engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

- 8.10 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations, it is concluded that the proposed development is not acceptable and would not be in accordance with the relevant policies of the Portsmouth Plan (2012) and the objectives of the National Planning Policy Framework (NPPF) (2023).

RECOMMENDATION REFUSE

Reason for refusal:

The proposed front dormer, due to its size, would result in an incongruous development detrimentally affecting the roofscape of the pair of semi-detached houses and the wider Pretoria Road. As such the development is considered contrary to Policy PCS23 of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework (2023).

Agenda Item 10

22/01129/FUL

WARD: NELSON

STAMSHAW AND TIPNER LEISURE CENTRE, 69 WILSON ROAD, PORTSMOUTH, PO2 8LE

INSTALLATION OF 3NO. UPVC OPENING WINDOWS WITH DOUBLE GLAZING AND SECURITY SCREENS TO EAST AND WEST ELEVATIONS TO CREATE VENTILATION TO SPORTS HALL

[22/01129/FUL | INSTALLATION OF 3NO. UPVC OPENING WINDOWS WITH DOUBLE GLAZING AND SECURITY SCREENS TO EAST AND WEST ELEVATIONS TO CREATE VENTILATION TO SPORTS HALL | STAMSHAW AND TIPNER LEISURE CENTRE 69 WILSON ROAD PORTSMOUTH PO2 8LE](#)

Application Submitted By:

Mr Martyn Collins
Portsmouth City Council

On behalf of:

Portsmouth City Council

RDD: 15th August 2022

LDD: 10th October 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is being presented to Planning Committee due to the application being a PCC application and a Formal Complaint having been made to the Council from a local resident.

1.2 The main considerations are:

- Principle of development;
- Design and impact on the character of the area;
- Impact on neighbouring residential amenity;
- Highways;
- Community Infrastructure Levy; and
- Human Rights and the Public Sector Equality Duty.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises the Stamshaw and Tipner Leisure Centre (Use Class F2) located on the western side of Wilson Road. The Centre is open from 7am to 9.30pm Monday to Friday and from 7am to 11pm on Saturdays and Sundays.

2.2 The single storey Centre has a car park and pre-school to its northern side and is surrounded by the residential properties in Gruneisen Road to the north; Wilson Road to the east; Newcomen Road to the east and south; and Western Terrace to the west. The site consists of buildings extending from Newcomen Road at its south end, to Wilson Road to the north-east. The building fronting Newcomen Road has its side elevations facing west and east, to nos. 102-108, and 96 Newcomen Road respectively. Both elevations are separated from the neighbours by a north-south passageway, at 1.29m and 1.4m wide respectively. Both neighbours have boundary wall/fence at 2.3m and 2.03m tall respectively. Members of the public, and users of the premises, use these passageways.

- 2.3 The Centre is not within a conservation area and there are no listed buildings within proximity of the site.

3.0 POLICY CONTEXT

- 3.1 The planning policy framework for Portsmouth is currently provided by the Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012 and two Area Action Plans for Somerstown and North Southsea (2012) and Southsea Town Centre (2007).
- 3.2 This framework is supplemented by a number of saved policies from the Portsmouth City Local Plan (2006).
- 3.3 The relevant policies within the Portsmouth Plan include:
- PCS23 - Design and Conservation
- 3.4 In addition to the above policies, the aims and objectives of the National Planning Policy Framework (2023) are relevant.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The planning history most relevant to the determination of this application includes:
- A*10758/AA - planning permission granted in March 1998 for the construction of a retaining wall/ramp/steps and balustrade to entrance fronting Newcomen Road.

5.0 PROPOSAL

- 5.1 The proposal seeks retrospective planning permission for the installation of three UPVC top-hung windows with double glazing and metal mesh security screens to the eastern and western elevations (two windows on the eastern elevation and one window on the western elevation) to create ventilation to the existing sports hall / leisure centre as shown in **Figure 1** and **Figure 2** below.

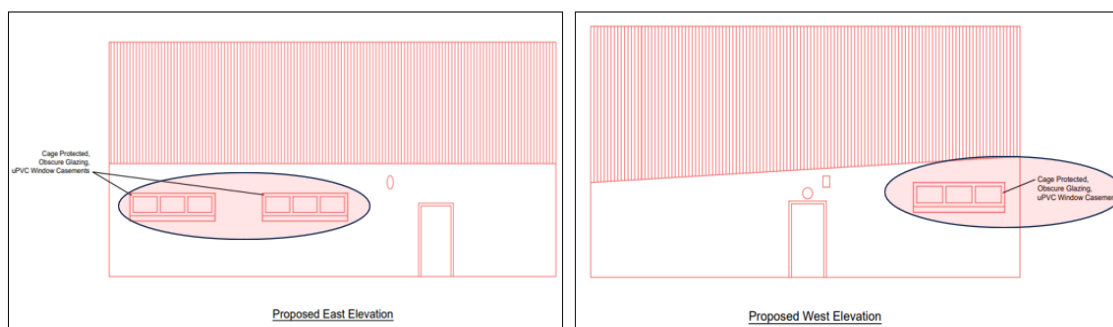


Figure 1 - Eastern and Western Elevations as built (Drawing Nos. 03/202207/TN - East Elevation - Sports Hall and 03/202207/TN - West Elevation - Sports Hall).



Figure 2 - Photographs of two Eastern Elevation windows with security screens as taken from a neighbouring property in Newcomen Road.

COMMENT

6.0 CONSULTATIONS

6.1 The following consultation responses have been received:

PCC Regulatory Services - No objection to the proposal. Regulatory Services' database shows that there have been no recent complaints about the noise from the Leisure Centre. The last complaint was made in 2017 and no statutory noise nuisance was witnessed. Regulatory Services do not wish to raise any objections to the installation of the window casements.

7.0 REPRESENTATIONS

7.1 A Site Notice was displayed 18th August on 2022 and Neighbour letters were sent on 15th August 2022. The public consultation period formally ended on 12th September 2022.

7.2 In response, one objection has been received from a neighbouring property in Newcomen Road raising the following concerns:

- Loss of privacy;
- If windows are for ventilation, they should be frosted;
- Increase in noise and disturbance. Already too much noise when fire door propped open for parties and other activities;
- The Council should have known that planning permission was required;
- Loss of property value.

7.3 The objection also raises concern that security cameras installed at the site have not been included in the retrospective application. Officer response: The cameras installed do not require formal planning permission, being permitted development under Class F (closed circuit television cameras) of The Town and Country Planning (General Permitted Development) (England) Order 2015, and have not therefore been included as part of this retrospective application.

8.0 PLANNING CONSIDERATIONS / COMMENT

Principle of the development

8.1 The principle of making external alterations to the existing leisure centre building is considered to be acceptable and would not conflict with national or local plan policy.

Design and impact on the character of the area

- 8.2 Policy PCS23 of the Portsmouth Plan requires new development to be well designed and of an appropriate scale, layout, appearance and materials in relation to the particular context in which it is set.
- 8.3 The installed UPVC windows and white metal mesh security screens sit comfortably with the existing sports hall building and neighbouring properties respecting the character and appearance of the surrounding area.
- 8.4 As such, the proposal is in accordance with Policy PCS23 of the Portsmouth Plan.

Impact on neighbouring residential Amenity

- 8.5 Policy PCS23 of the Portsmouth Plan requires that the development protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

The windows are separated from the two neighbours by the two side passageways, a limited distance but which nevertheless means any overlooking is harder to achieve into the neighbours' gardens and ground floor windows. The leisure centre windows have all been installed at a high level thereby making it difficult for internal users of the centre and staff to look out. They are also top-hung, which also inhibits looking out of any window. This ensures that no undue overlooking or loss of privacy to neighbouring residential properties occurs. Views into the neighbours' first floor windows would be at such a tight and difficult angle that no material loss of privacy could occur. It is noted that there is already a degree of lack of privacy to neighbours' windows due to the public passageways running either side of the application site, it is not considered the proposals would much affect that situation.

- 8.6 Similarly, given there has been no increase in the height of the building or extension closer to the boundaries of neighbouring residential properties and the overall number of users and use of the building remains unchanged, the proposal does not have any adverse impact on outlook, sunlight/daylight or noise and disturbance to warrant the refusal of this application. The Council's Regulatory Services section have fully considered the potential for an increase in noise and disturbance on the neighbouring boundaries as a result of the installation of the windows and are satisfied that no undue harm would occur.
- 8.7 The proposal therefore has no adverse impact on the amenities of any neighbouring residential properties and does not result in any undue loss of privacy or increase in noise and disturbance over and above the existing situation.
- 8.8 As such, the proposal is in accordance with Policy PCS23 of the Portsmouth Plan. For completeness, the objector noted that the windows are not obscurely-glazed, although the application submission states they are. It is confirmed that the windows are not frosted, and your officer does not consider they need to be, as overlooking is so unlikely. Also, the Applicant stated the windows were casement, when in fact they are top-hung. Both these matters have been reflected in a corrected Development Description, provided at the top of this report.

Highways and parking

- 8.9 Given there has been no increase in the floorspace of the leisure centre and no alterations have been made to the existing car parking or vehicular access

arrangements, the proposal does not result in any increase in on-street parking demand or any undue impact on the public highway.

Community Infrastructure Levy (CIL)

- 8.10 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.

Human Rights and the Public Sector Equality Duty (PSED)

- 8.11 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.
- 8.12 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

9.0 CONCLUSION AND PLANNING BALANCE

- 9.1 The proposal is considered acceptable and would accord with the aims and objectives of policy PCS23 of the Portsmouth Plan and the policies in the NPPF more broadly.

10.0 RECOMMENDATION

Grant planning permission

Conditions

Approved Plans:

- 1) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 02/202207/TN - Location Plan; 02/202207/TN - West Elevation - Sports Hall and 02/202207/TN - East Elevation - Sports Hall Amendments: 1 - 15/-08/2022. (albeit that obscure glazing is not required).

Reason: To ensure the development is implemented in accordance with the permission granted.

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