



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY, 21 FEBRUARY 2024 AT 1.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to 023 9283 4056

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), Hannah Brent, Peter Candlish, Raymond Dent, Asghar Shah, John Smith, Judith Smyth, Mary Vallyely 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 31 January 2024 (Pages 5 - 12)**

- 4 23/00904/FUL - 19 Peronne Road, Hilsea PO3 5LD** (Pages 13 - 28)
- Erection of two storey side and rear extensions to create 6no. 2-bedrom flats and associated works (amended description).
- 5 23/01201/HOU - 12 Wilberforce Road, Southsea PO5 3DR** (Pages 29 - 36)
- Construction of a 3 storey front extension; addition of a second floor including the remodelling of the rear elevation (with Juliet balconies at first and second floor); new natural slate roof incorporating photovoltaic 'slates' and a raised ridge; single storey rear extension; air source heat pump in rear garden (resubmission of 23/00335/HOU).
- 6 23/01514/FUL - 56 Montague Road, Portsmouth PO2 0NF** (Pages 37 - 44)
- Change of use from class C3 dwellinghouse to 8 person/8 bedroom house in multiple occupation.
- 7 23/01530/FUL - 170 Chichester Road, Portsmouth Po2 0AH.** (Pages 45 - 52)
- Change in use from class C3 dwellinghouse to 8 person/8 bedroom house in multiple occupation.
- 8 23/01174/FUL - 69 Kensington Road, Portsmouth PO2 0EA** (Pages 53 - 60)
- Change of use from a class C3 dwellinghouse to a 7-bed/ 7-person house in multiple occupation
- 9 23/01332/FUL - 66 Milton Road, Portsmouth PO3 6AR** (Pages 61 - 72)
- Change of use from C3 dwellinghouse to 7 bedroom / 7 person house in multiple occupation.
- 10 23/01414/FUL - 6 Copnor Road, Portsmouth PO3 5AQ** (Pages 73 - 82)
- Change of use from dwellinghouse (class C3) to house in multiple occupation (class C4) (resubmission of 23/00048/FUL).
- 11 23/01496/FUL - 29 Greenwood Avenue, Portsmouth PO6 3NP** (Pages 83 - 92)
- Change of use from dwellinghouse (class C3) to purposes falling within classes C3 (dwellinghouse) or C4 (house in multiple occupancy) (resubmission of 23/00875/FUL).
- 12 23/01288/HOU - 8 Highbury Way, Cosham PO6 2RH** (Pages 93 - 98)

Enclosure of open courtyard with roof incorporating glass lantern.

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, 31 January 2024 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
Raymond Dent
Asghar Shah
John Smith
Judith Smyth
Mary Vallely
Gerald Vernon-Jackson CBE

Also in attendance

Simon Turner, Planning Officer
Edward Chetwynd-Stapylton, Planning Officer
Kieran Laven, Planning Solicitor

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.

11. Apologies (AI 1)

There were no apologies for absence.

Councillor Vernon-Jackson joined the committee from part minute 14 on and did not take part in the decision on that item.

Councillor Asghar Shah joined the committee from part minute 14 on and did not take part in the decision on that item.

12. Declaration of Members' Interests (AI 2)

Item 19 23/01383/FUL - Homeheights House, Clarence Parade, Southsea

Councillors Smyth, Candlish and Smith declared a personal, non-prejudicial interest as they lived close to the property and would benefit from the improved 5g signals from the masts. The legal advisor advised he considered this a de-minimis interest.

13. Minutes of previous meeting held on 10 January 2024 (AI 3)

RESOLVED that the minutes of the Planning Committee meeting held on 10 January 2024 be agreed as a correct record.

Planning Applications

The Supplementary Matters report (SMAT) can be seen on the council's website at: [Agenda for Planning Committee on Wednesday, 31st January, 2024, 10.30 am Portsmouth City Council](#)

Deputations, which are not minuted, can be viewed on the webcast for the meeting at: [Agenda for Planning Committee on Wednesday, 31st January, 2024, 10.30 am Portsmouth City Council](#)

14. 23/00798/FUL North Portsea Island phase 5 Coastline between Portsbridge car park (south) in the west to Althorpe Drive in the east (including all compounds and access to the public highway (AI 4)

The Development Management Team Leader presented the officer's report. He explained that the key issues in the determination of the application were whether the principle of development was acceptable and whether the submitted Environmental Statement adequately assessed the significant environmental impacts of the proposed scheme having regard to the international, national, and local nature conservation designations in and around the area. He noted other important issues included the design of the proposed scheme, heritage impacts, highway impacts, impacts on residential amenity and impacts on mineral resources as identified in the Hampshire Minerals and Waste Plan.

He drew attention to the additional information in the SMAT and the full draft conditions detailed in Appendix 1, page 8 of the SMAT.

Deputations

A deputation was made by Nicola Reid, for the North Portsea Coastal Erosion Scheme.

In response to a member question regarding the railway crossing, Caroline Timlick from the North Portsea Coastal Erosion scheme was invited to respond. She advised that the railway bridge creates a weir where flood water can come over because it is slightly lower than the proposed sea defences. She further advised that up to 2045 there would be regular inundation of the railway line and national rail would have issues operating the lines at the point of a 'one in 200-year event'. Discussions were ongoing with Network Rail who were aware they need to replace their bridge. Up to 2045, the moat behind the bridge will be able to take the flood water as there is a limited area of it coming over and there is an outfall when the tide goes down. There is a limited amount of time the tide is high. Up to 2064 there may be too much water coming over which would be a risk. The Environment Agency, Portsmouth City Council and Network Rail are aware of the risks. The team are

working with Network Rail to either put in place flood protection across the line or they will need to rebuild the bridge.

Members' questions

In response to Members' questions, officers clarified:

- Draft condition 13 in the SMAT, states that no development may take place until a detailed drainage strategy has been submitted to and approved by the Local Planning Authority in order to protect existing drainage apparatus and to reduce the risk of flooding by the proposed development to accord with Policy PCS12 of the Portsmouth Plan and the aims and objectives of the NPPF.

Members' comments

Members noted that there would still be a gap in the defences at Tipner.

Members considered the scheme to be a good quality scheme for the north of the city which would enhance the area and create a good link across the top of the city. The scheme would make the city safer and improve the amenity and use of the area.

RESOLVED:

That planning consent be granted, and that delegated authority be granted to the Assistant Director of Planning & Economic Growth to finalise the wording of the conditions as per the list of condition headings below, within one month of the committee resolution:

1. Time limit
2. Approved plans and documents
3. Construction environmental management plan
4. CEMP implementation
5. Soft Landscaping scheme
6. Public Realm - Features and Materials
7. Construction Traffic Management Plan
8. Biodiversity mitigation and enhancement plan
9. Heritage mitigation strategy
10. Archaeology mitigation strategy
11. Contaminated land verification report
12. Contaminated land - Previously unidentified contamination
13. Drainage
14. Heritage benefits and interpretation statement

15. 23/01377/FUL - 4 North End Avenue, Portsmouth, PO2 9EB (AI 5)

The Development Management Lead presented the officer's report. He explained it had been brought before the Committee due to the 7 objections received. He noted the main issues for consideration in the determination of the applications were the principle of development including compliance with policy, impacts on amenity including parking and other material considerations.

Deputations

Pawan Bhatt, objecting.

Carianne Wells, agent for application.

Members' questions

In response to Members' questions, officers clarified:

- The dormer window in the roof was a side dormer which came under permitted development and did not require planning permission.
- In relation to the count of HMOs in the area, from observation, applicants were being careful to find gaps within the 50-metre radius and would probably continue to do so until such time as the 10% limit was reached.
- HMO data was sourced from licensing, council tax, planning history and from councillors and neighbours. Officers were confident the data was good and reliable.
- The application was for 8 people. The combined living space was 25.1 square meters, exceeding the 22.5 square meters required by policy, because all of the bedrooms, were above 10 square meters. It provided a good standard of accommodation and was fully compliant with the guidance.

The Development Lead responded to some points raised in Mr Bhatt's deputation:

- There may be other HMOs further away in the area, but they were outside of the 50 metre radius. Within the radius there were no other HMOs and one application under appeal.
- The extension at the rear and in the roof could be built by a family under permitted development rights and was common in homes across the country. This was not just a consequence of HMO applications.
- A family could also own two or three cars, and this was not necessarily a particular material difference for HMOs.
- In relation to the party wall and noise, modern building regulations would be applied to the extension and building which may improve the situation.
- Problems with drink and drugs cannot be affiliated with an HMO any more than it would to family use of a house.
- Profit is not a planning consideration.

Members' comments

Members considered the communal area to be quite small and considered that the roof dormer may breach Policy PCS23 in terms of design as it was only slightly recessed back from the front of the property.

The legal advisor advised that this was an application for a change of use, and it had been made clear that the dormer was within permitted development so PSC23 was not engaged in this instance.

It was proposed to refuse the application on the basis that the communal area was not large enough to meet the needs of the tenants.

A further proposal was moved to grant the application as it was fully compliant with planning policy. This proposal was seconded.

Members commented on the possible congestion on this small corner of the road leading to overwhelming amenity overload. The first proposal was seconded.

The legal advisor noted the second proposal achieved a seconder first so a vote would be taken to accept the officer's recommendation to approve with the conditions attached.

RESOLVED to approve in accordance with the officer's committee report.

16. 23/01466/FUL - 29 Shadwell Road, Portsmouth, PO2 9EH (AI 6)

The Development Management Lead presented the officer's report which had been brought before the Committee due to the blanket call-in by Councillor Vernon-Jackson for this type of proposed change of use. He noted the main issues for consideration in the determination of the application were the principle of development including compliance with development plan policy, impacts on amenity including parking and internal space and other material considerations.

He drew attention to the additional information in the SMAT. In particular, it was noted that the development description must change, as the property was still in Class C3 dwellinghouse use, and not the purported Class C4 HMO use.

Deputations

A deputation was made by Simon Hill for the applicant.

Members' questions

In response to Members' questions, officers clarified:

- The measured size of the room on the second floor, excludes the area below 1.5m height - the measured area was 13.58 square meters, and the requirement was 10 square meters. There were three rooflights at the front of the room which were low enough to be able to open and see out.

The depute was invited by the Chair to comment and advised that as there had to be a minimum of 75% of the floor area over a certain height that had led to an area of the room being wasted space to comply with planning.

Member's comments

Members noted the application had a large kitchen, dining/living room despite the bedrooms being very near to the regulation 10 square meters.

RESOLVED to approve in accordance with supplementary matters report as it supplements the officer's report.

17. 23/01118/FUL - 43 Derby Road, Portsmouth, PO2 8HW (AI 7)

The Development Management Lead presented the officer's report which had been brought to the Committee at the request of Councillor Vernon-Jackson. He advised

the main issues for consideration in the determination of the application were the principle of development including compliance with policy, impacts on amenity including parking and other material considerations.

He drew attention to the additional information in the SMAT.

Deputations

A deputation was made by Carianne Wells, agent.

Planning Permission

Members noted and unanimously agreed that the application was in an area of terraced housing where there was already significant pressure on parking and litter and the increase in occupancy would lead to increased pressure on parking, litter, potential anti-social behaviour and was therefore considered development and required planning permission.

Members' questions

There were no questions.

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

18. 23/01420/FUL - 25 Tottenham Road, Portsmouth, PO1 1QL (AI 8)

The Development Management Lead, drew attention to the information contained in the SMAT which detailed the reasons for the application being withdrawn from the agenda. He advised that should the application be kept live, amended, or supplemented in any way it may come back to the committee for determination.

19. 23/01383/FUL - Homeheights House, Clarence Parade, Southsea PO5 3NN (AI 9)

The Development management Lead presented the officer's report which had been brought to the Planning Committee as it had received nine objections and one support. He advised the main issues for consideration were siting and appearance and its impact on heritage assets and amenity and other issues.

He drew attention to the additional information in the SMAT.

Members' questions

In response to members' questions, officers clarified:

- The mast probably could not be pulled closer to the lift uprun as it may interfere with coverage due to the parapet wall. Coverage would be quite low down on the common, so the masts needed to be a certain height.
- The masts were light grey, and a condition was imposed to that effect.
- There was no need for antenna on all four corners of the building as the coverage to the north-east was already good. The antennae have a certain coverage arc, so they face forward for maximum improved coverage.

RESOLVED that conditional permission be granted as per officer recommendations.

The meeting concluded at 12.30 pm.

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Signed by the Chair of the meeting
Councillor Chris Attwell

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Agenda Item 4

23/00904/FUL

WARD:HILSEA

19 PERONNE ROAD PORTSMOUTH PO3 5LD

ERECTION OF TWO STOREY SIDE AND REAR EXTENSIONS TO CREATE 6NO. 2-BEDROOM FLATS AND ASSOCIATED WORKS (AMENDED DESCRIPTION)

LINK TO ONLINE DOCUMENTS:

[23/00904/FUL | ERECTION OF TWO STOREY SIDE AND REAR EXTENSIONS TO CREATE 6NO. 2-BEDROOM FLATS AND ASSOCIATED WORKS \(AMENDED DESCRIPTION, AMENDED PLANS RECEIVED 08-11-2023\) | 19 PERONNE ROAD PORTSMOUTH PO3 5LD](#)

Application Submitted By:

Mr James Potter
James Potter Associates

On behalf of:

K&G Restaurants Limited

RDD: 18th July 2023

LDD: 30th October 2023

1 SUMMARY OF MAIN ISSUES

1.1 This application is being presented to Planning Committee due to the number of objections received (from 14 addresses) and call-in request by Cllr Emily Strudwick.

1.2 The main considerations are:

- The principle of a residential development;
- Design Consideration;
- Living Conditions for Future Occupants;
- Impact on Amenity of Adjoining residents
- Highways & Parking;
- Appropriate Assessment & Biodiversity;
- Trees;
- Flooding;
- Ground Conditions & Pollution (Contaminated Land)

2 SITE AND SURROUNDINGS

2.1 The site is located on a corner plot to the south east corner of Peronne Road and off the junction with A2047 and is located in a predominantly residential area, albeit with some commercial land uses of various sizes and types, including large industrial areas to the east.

2.2 The site comprises a detached, two storey dwelling set within a generous plot. It is set back away from the A2047. The entrance to the dwelling is from Peronne Road.

2.3 The surrounding residential development along Peronne Road consists of mostly two-storey properties. This property forms one of a group of some twenty-seven, early 20th Century houses on the southern part of Peronne Road and extending west on the A2047, mostly semi-detached, rendered and with distinctive quoins (accented corner features). Two and three-storey post-war housing lies to the east, with a group of large trees to the south-east of the site. On the other side (south) of the A2047, there are three storey buildings which consist of retail units on the ground floor, with residential above.

3 PROPOSAL

3.1 The development proposes the erection of significant two storey side and rear extensions to create 6no. 2-bedroom flats and associated works. The footprint of the existing building would be approximately trebled. The nearest corner of the building to the A2407 frontage would be set back 2.7m (excluding the balcony/terrace), and the corner turret element set back 1.7m from the Peronne Road pavement.

3.2 The development would comprise a total of 6 units and together with 6 car parking spaces sited at the rear. There would be a secure bicycle parking facility to the rear and a refuse bin storage to the front.

3.3 There would be no change to vehicular access, from the northern corner of the site frontage on Peronne Road. The existing pedestrian access from Peronne Road would be maintained, becoming the access to Flat 1. A new pedestrian access off Peronne Road would also be formed, to access the flats in the extended building. There would be rear access to the building also, proposed from the rear car park. A new pedestrian gate is proposed in the frontage wall to the A2047, which would lead to a bike store. Otherwise, the high brick wall to the A2047 is being retained, as is the six foot high fence to the Peronne Rd frontage.

3.4 Notwithstanding the fact that most of the existing amenity space (garden) would be lost due to the proposed extension and increased parking, there are still pockets of amenity area being proposed. The proposed four flats in the new building would also have small balconies to use.

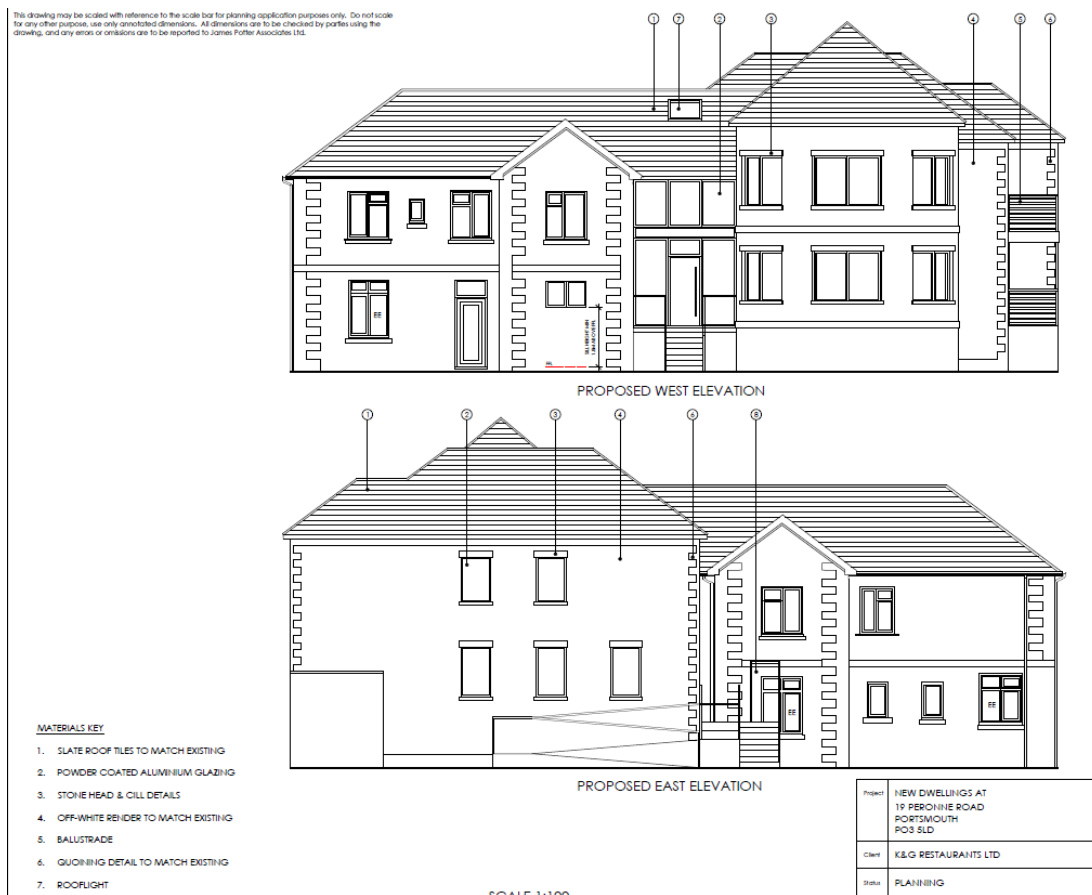
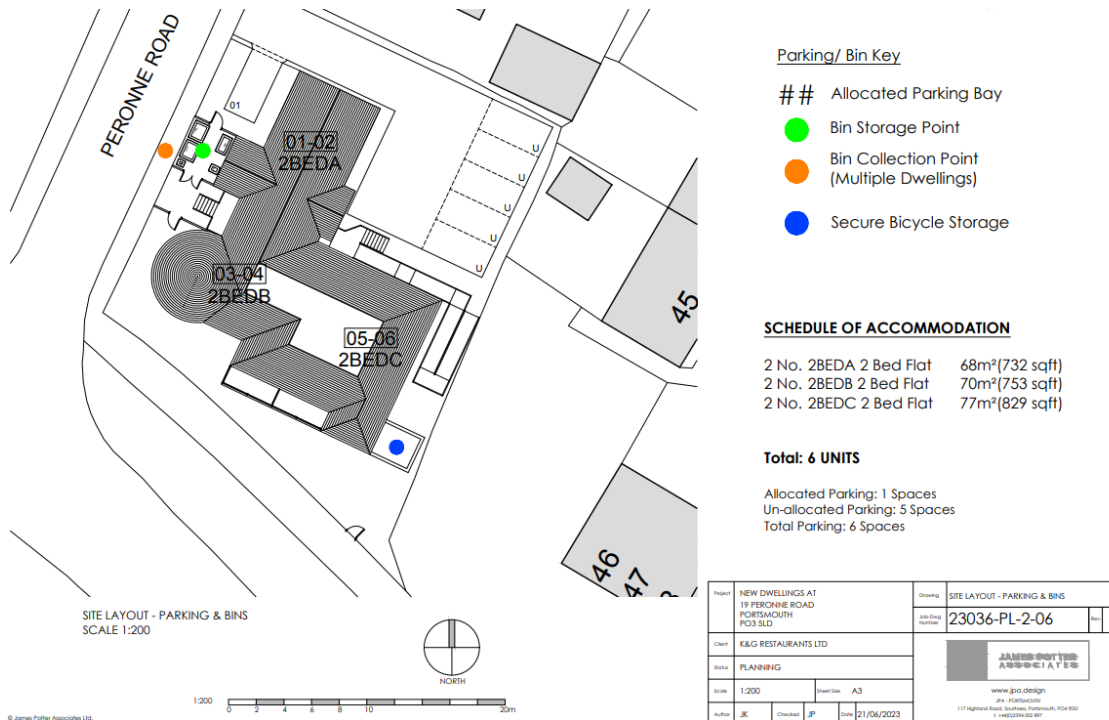
3.5 The extension would be constructed to match the existing house: render with quoin detailing, and slate roof. A condition will be required to review and approve the materials and design details to ensure they are in keeping with the character of the area.

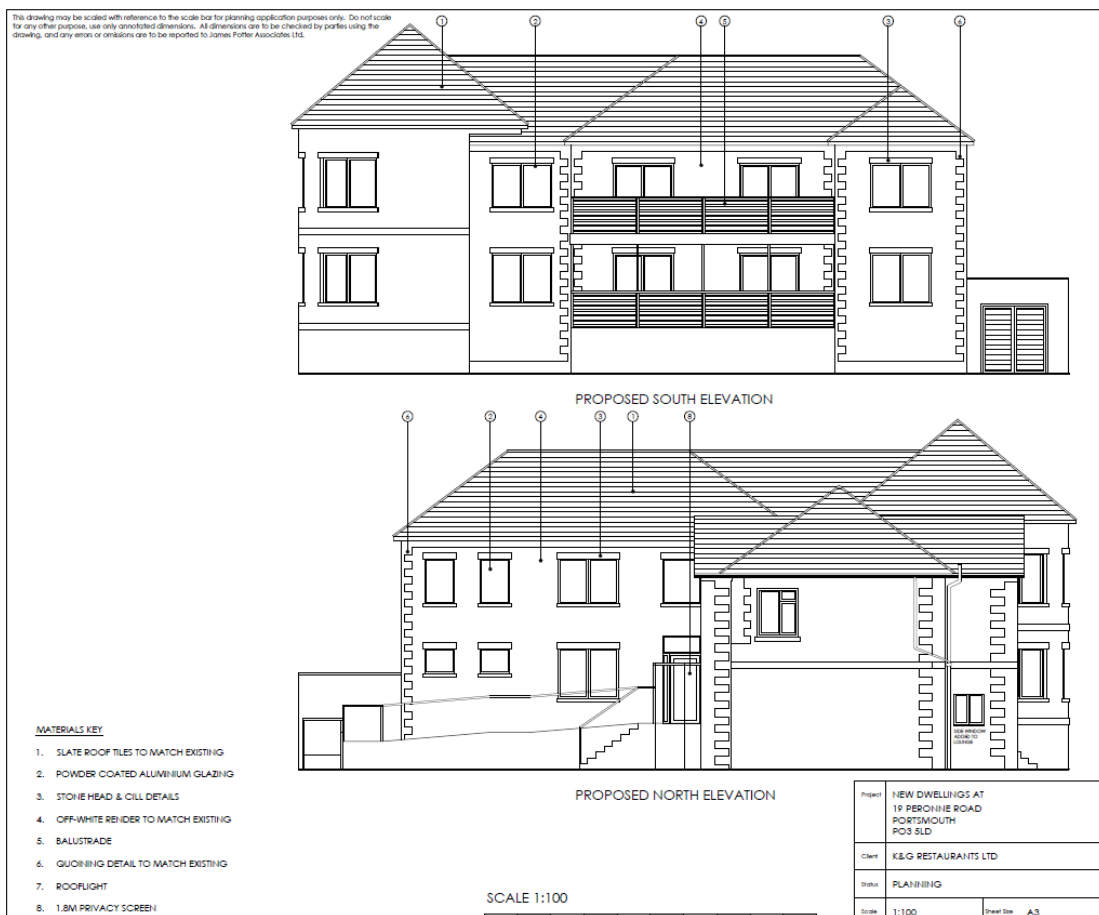
3.6 The proposals have been amended during the course of the application, to address the requirements of the Environment Agency, and Officer requests to improve site layout and privacy/amenity for its future occupiers. The ground floor level of the new-build extensions have been raised to 1.23m above site level, to address flood safety. As part of site layout improvements, car parking spaces have been reduced from eight to six. The amended plans, with changed finished floor levels were re-advertised to local residents.

3.7 Due to the increase in levels, a ramp has been introduced to provide level access to the rear. This has resulted in the ramp passing a number of habitable room windows. At the platform, a 1.8m privacy screen has been introduced to prevent people from looking into the kitchen of flat 1.

3.8 The location of the bin store at the front of the site is not in an ideal position. In order to reduce the impact it has on the occupants of Flat 1, the window which faces out onto the store has been set 1.8m high. This is to prevent people using the bins looking into the flat. An additional window has been added to the side (north) elevation to help improve the light into the flat, and outlook. Although not ideal, there is no other suitable location for the bin store.

3.9 The images below show the Proposed Site layout and elevations:





4 PLANNING CONSTRAINTS

4.1 The site is subject to the following key constraints:

- Tree Preservation Order (TPO222, T50, T51, T52, T54)
- Flood Zone 3 (High Risk) and Zone 2 (Medium Risk)

5 POLICY CONTEXT

5.1 The planning policy framework for Portsmouth is currently provided by the Portsmouth Plan (The Portsmouth Core Strategy) adopted in January 2012.

5.2 Having regard to the location of this site and the nature of the proposal, the relevant policies within the Portsmouth Plan would include:

- PCS10 - Housing Delivery
- PCS12 - Flood Risk
- PCS13 - A Greener Portsmouth
- PCS15 - Sustainable Design and Construction
- PCS17 - Transport
- PCS21 - Housing Density
- PCS23 - Design and Conservation

5.3 This framework is supplemented the following saved policies from the Portsmouth City Local Plan (2006).

- Policy DC21 - Contaminated Land

5.4 Regard also has to be had to the following SPDs and material considerations:

- The Solent Special Protection Areas SPD 2017
- Updated Interim Nutrient Mitigation Strategy 2022

- Planning Obligations
- Parking Standards and Transport Assessments
- Reducing Crime Through Design
- Sustainable Design and Construction

5.5 Other guidance:

- Nationally Described Space Standards

5.6 The National Planning Policy Framework (December 2023) (NPPF) is also an important material consideration and is supported by guidance in the National Planning Practice Guidance (NPPG).

6 STATUTORY DUTIES

6.1 The Local Planning Authority has statutory duties relating to the determination of the application which are set out in the following legislation:

- Section 70 of The Town and Country Planning Act 1990
- Section 38(6) of The Planning and Compulsory Purchase Act 2004
- The Equality Act 2010

7 RELEVANT PLANNING HISTORY

- 16/02018/PAPA04 - Construction of an apartment block total of 8 residential units
- 22/01382/PAPA03 - Construction of new dwellings

These were both informal pre-application enquiries.

8 CONSULTATIONS

8.1 Contaminated Land Team

A condition relating to land contamination is not required.

8.2 Environment Agency

The amended Flood Risk Assessment (FRA) satisfactorily addresses our earlier concerns, we withdraw our previous objection subject to a condition ensuring the mitigation measures set out in the FRA addendum are implemented fully (raised finished floor levels, and a safe refuge and/or a flood warning and evacuation plan).

8.3 Highways Engineer

Comments dated 26/09/2023

The proposal would utilise the existing access to the site. It would provide 8 parking spaces, two to the front and six within the rear garden. The parking would be on allocation basis with one space per flat and 2 visitor bays. The provision would be below that required within Portsmouth Parking SPD (when considering visitor spaces, the shortfall would be 1 space). However, it is considered that this shortfall would not be sufficient to warrant refusal given the location of the site, which is easily accessible by public transport.

Should have electric charging facilities, by condition, each allocated space should be installed with a charger. No cycle storage has been included, recommend a condition

In relation to ingress and egress, the position of the access would not cause harm or obstruction to the highway, so no objection raised for highway safety.

Comments dated 25/01/24

Since my last response, the proposal has been revised and has reduced the level of parking, provide 6 spaces with only 1 space allocated. Concerns raised that the parking shortfall has increased. Whilst it is noted that unallocated car spaces are the most efficient way of meeting parking need. In areas of high demand there may be a risk of these being abused. Allocated spaces offer a greater level of certainty as each resident has a dedicated space. Therefore, due

to the shortfall from the Parking SPD, there is the potential for vehicles to overspill onto the public highway and thereby increasing parking pressure within the vicinity.

Peronne Road adjacent to the development is a relatively straight road with some on street parking capacity, with double yellow lines along the eastern edge of the carriageway in the vicinity. Given the restrictions in the vicinity, it is not considered that any overspill would result in an unacceptable impact to highway safety however as stated above, there is the potential for increased instances of residents driving around the area hunting for a parking space. This would be an issue of residential amenity for you to consider in your determination of the application.

Still require conditions for Electric charging points and bike storage.

8.4 Environmental Health

I have reviewed the supporting acoustic report and subject to glazing being installed as specified in table 16.4 of the report, the proposed occupants will not be disturbed by traffic noise.

Separate comments on air quality have been sought by the Planning Officer.

8.5 Ecology

If you are minded to grant permission, ecological enhancements measures in line with the NPPF should be secured via condition.

8.6 Natural England

No objection.

8.7 Tree Officer

No arboricultural objection. Require condition that all works are to undertaken in accordance with the Arboricultural Impact Assessment PB/AIA-23/06.23 dated 04 July 2023.

9 REPRESENTATIONS

- Design not in keeping with the tradition of all the other ex-MOD properties
- Plot too small for the proposed 6 flats resulting in cramped development
- Proposed street section, building addition now shows raised floor that requires a raised 'Eaves' line,
- Flatted development in the corner plot would be out of character in the area
- Too many flatted development in the area
- Security issues from the proposed car park & flats backing on to the corner of neighbour property will mean that their garden will potentially become more easily accessible.
- The round turret part of the building is out of scale looking to 'big' to the existing house.
- Loss of Light and Privacy effect on neighbour properties
- Loss of afternoon day/sunlight in adjacent back gardens
- Insufficient parking provision would have effect on street parking and congestion
- Road safety for pedestrians due to London Road being one-way road and due to the pedestrian access on the corner of Peronne Road leading on to the main road is tight
- No provisions for EV charging on the parking bays
- Drawings does not indicate any secure cycle shed or bin stores; provisions for electric vehicle charging or cable routes
- Cellular crate soakaway drainage structure close to surrounding buildings could cause problems
- Flooding
- Presence of TPO protected trees close to the proposed development
- Proposal described as demolition however the drawings indicate the existing walls remain' (*Officer note: The building is not being demolished but extended and the description has been amended during the course of the application*)
- Road closures to provide utilities will affect the neighbouring residents, how will this be managed and timeframe?
- Special landscaping required to avoid standing water run off to soakaway and tree root protection;

- Existing building would not be easily bought up to current EPC regs and the proposal does not show any energy efficiency
- How will construction traffic and parking be managed so as not to interfere with private roads or access ways or block people's driveways?
- Air and noise pollution during demolition and construction
- Disturbance caused by the demolition and construction
- Likely damage during the build to the water & sewage infrastructure

Non-planning considerations

- There are restrictions on the title deeds of all Ex Ministry of Defence properties in this area and the land may have covenants attached like the existing military properties (*Officer note: any covenants would not affect planning considerations, and so would be a separate legal matter for the Applicant to address outside of the planning system*);
- Applicant no longer owns the land (*Officer note: Planning permission runs with the land the Certificate was accurate at the time of application submission*)

10 PLANNING CONSIDERATIONS/COMMENT

10.1 Principle of the development

As set out in the NPPF (paragraph 2), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

10.11 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (as long as they raise town planning matters) the primary consideration, irrespective of the number of third-party representations received, remains the extent to which planning proposals comply with the Development Plan.

10.12 The site comprises a detached, two storey dwelling set within a generous plot. Policy PCS10 of the 2012 Portsmouth Plan states that the provision of additional housing in the city will be through, inter alia, the redevelopment of previously developed land.

10.13 Furthermore, and with regard to the principle of this development, the National Planning Policy Framework makes it clear that in order to support the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land can come forward where needed (NPPF December 2023, paragraph 60).

10.14 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 188). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.15 Currently, the Council can demonstrate 3.31 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five-year supply of housing. This development would provide 5 extra dwellings to make a good contribution towards the City's housing needs, at a highly sustainable location in Hilsea, with very good public transport (bus routes and train stations nearby), retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

10.2 Design Considerations

10.21 National Planning Policy Framework (NPPF), Chapter 12, 'Achieving Well Designed Places', states that 'the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. The NPPF is also supplemented by the National Design Guide (NDG).

10.22 Policy PCS23 (Design & Conservation) echoes the principles of good design set out within the NPPF requiring all new development to be well designed, seeking excellent architectural quality; public and private spaces that are clearly defined, as well as being safe, vibrant and attractive; relate to the geography and history of Portsmouth; is of an appropriate scale, density, layout, appearance and materials in relation to the particular context; create new views and juxtapositions that adds to the variety and texture of setting; and protection of amenity and provision of good standard of living environment for neighbouring and local occupiers as well as future residents/users of the development.

10.23 The application building is part of a group of houses developed together and of the same design on this south part of Peronne Road and west on to the A2407. The proposed development would use the same materials and design as the existing building, in particular the render and the quoin detailing, to accord with the existing character of the area.

10.24 The proposed turret feature to the front corner, is designed to provide more interest to the building and address both the A2407 and Peronne Road. Although the whole building would be set forward on both Peronne Road and the A2407, compared to the existing, and compared to others nearby, this is not considered to cause harm to the street scene. This is particularly because of the attention to architecture demonstrated (materials, turret, depth of eaves, depth of quoin projections), and the very pleasant group of trees nearby to the east, providing backdrop or screening depending on the angle of view.

10.3 Living Conditions for Future Occupiers

10.31 The proposed units meet or exceed the minimum gross internal floor areas as set out in Table 1 of the Technical Housing Standards - Nationally Described Space Standard¹

10.32 In terms of the physical layout of the scheme, it is considered that the layout would ensure adequate light to each of the units proposed. In addition, the scheme proposes an area of outdoor space in the form of balconies to flats 3,4,5 and 6. It is considered that with the units themselves meeting or exceeding the minimum space standards, the appropriate layout and provision of outdoor space it is considered that future residents would have a good standard of residential amenity. There is a small park (including children's play area) nearby to the south-east at John Wesley Gardens, and the Hilsea Lines to the north.

¹ [Technical housing standards – nationally described space standard \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614212/Technical_housing_standards_-_nationally_described_space_standard.pdf)

10.4 Impact on amenities of adjoining properties

10.41 Concerns have been raised from the neighbouring properties in relation to loss of daylight and privacy this development could cause. The properties mostly affected by the development would be those off Parsons Close to the rear (east). Flats 5 and 6 (as labelled on the plans) are

set close to the east boundary and as a first floor flat no 6 could overlook the fence from Bedroom1. However, the overlooked area is the tree'd area at the window-less gable end of the Parsons Close flatted block, it is considered there would be no undue loss of amenity. Due to the angle of the new building, it would be hard to look into the rear garden of 45 Parsons Close from the north-facing first floor windows. No.45 has a closer and existing relationship with the existing house, which would be maintained, albeit the two overlooking first floor windows would change from stairs and bedroom to bathroom and kitchen. The distance from windows to site boundary is 12.8m and 21m between windows, which are existing distances what would not change, and are deemed acceptable with the amended internal room occupations.

10.42 Due to the distance from the proposed development and the properties on the other (west) side of Peronne Road, any outlook and overlooking impact it could have is deemed acceptable due to the separation distance.

10.43 Overall, the proposed development is acceptable in terms of amenity of adjoining properties.

10.5 Highways and Parking

10.51 The Highways Engineer has commented that in relation to ingress and egress, the position of the singular access would not cause harm or obstruction to the highway. A concern about over-spill parking is raised, but no actual objection on the grounds of 'unacceptable impact to highway safety' (which is the NPPF test). As such, and with very good access to public transport, employment, shops, and a range of services, the development is considered acceptable. It is noted that the majority of properties near the application site have off-street parking on their front drives, and there is no pressure on on-street parking. A recent weekday, term-time, evening survey by a Planning Officer showed plenty of on-street parking capacity, should any prove resulting from this development.

10.52 6 no. car parking spaces and a cycle storage would be provided and these would be secured via a planning condition. Although a condition has been requested for the inclusion of EV charging points, this is now covered by building control regulations and therefore no planning condition will be added. The LPA would not interfere with the allocation (or lack of allocation) of parking spaces, as raised by PCC Highways, this is a matter for the Site Owner.

10.53 Although a condition has been requested for the inclusion of EV charging points, this is now covered by building control regulations and therefore no planning condition will be added.

10.6 Appropriate Assessment and Biodiversity

Appropriate Assessment

10.61 Pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended), all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site.

10.62 Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

10.63 The LPA, as the competent authority in this case, upon successful recommendation by Committee, will require the necessary nitrate and bird aware mitigation in consultation with Natural England. The Applicant has agreed to make such mitigation, secured by way of Section 111 Legal Agreement.

Biodiversity

10.64 The overarching objective of Policy PCS13 of the 2012 Portsmouth Plan and Section 15 of the NPPF is to ensure planning preserves and enhances a sites biodiversity.

10.65 The application was supported by an Extended Phase 1 Ecological and Bat Roost Assessment (Philips Ecology, August 2023). The report confirms that this site comprises a building, sealed surfacing, amenity grassland and two small patches of tall ruderal vegetation. The building was deemed as having low suitability for roosting bats and, in accordance with BCT guidelines, a single dusk emergence survey was carried out. No roosting bats were recorded.

10.66 The site's suitability is considered for common species of foraging and commuting bats, Badger, Hedgehogs, breeding birds and reptiles to use on-site habitats. The report goes on to makes sensible recommendations in relation to these species and species groups, and recommends ecological enhancements, in line with the NPPF. These include the provision of bat and bird boxes into the new elevations.

10.67 Subject to a condition requiring the recommendations being secured and the Section 111 for nitrate and bird aware mitigation, the proposal is considered acceptable in ecological terms and accords with Policy PCS13 of the 2012 Portsmouth Plan and Section 15 of the NPPF.

10.7 Trees

10.71 The trees outside the site to the south east are the subject of a Tree Preservation Order (TPO222). They consist of three London Plans, and two cherries, all Category B.



10.72 The Tree Officer raises no objections to the proposal subject to condition that all works are to undertaken in accordance with the Arboricultural Impact Assessment PB/AIA-23/06.23 dated 04 July 2023 (fence and ground protection measures).

10.8 Flooding

10.81 The site is within Flood Zone 2 and 3.

10.82 The Environment Agency originally raised an objection. This led to revised information being submitted. A revised FRA has been received and EA reconsulted who now have no objection to the scheme.

10.83 The proposed extension has increased finished floor levels to protect the occupants in the event of any flooding. In the existing building, the ground floor flat will have emergency egress

windows installed. A condition will also be added to any permission granted which required a Flood Evacuation Plan to be submitted and approved.

10.84 The Lead Local Flood Authority (LLFA) have reviewed the application and the submitted information. The LLFA has requested a condition which will need to satisfy the assumptions for infiltration, flood resilience measures and a Flood Evacuation Plan. Resident concerns were raised in relation to the cellular crate soakaway and possible damage to the existing sewage infrastructure. The cellular crate soakaway is being proposed under the drainage strategy. The proximity for buildings being over 5m from the soakaway extremities does not raise any objection from the LLFA. The assumed infiltration rate will need to be confirmed, which may lead to a change in the drainage design, which is why a Drainage Condition is attached. In regards to any possible damage to the existing sewage infrastructure, from the submitted information, it appears the current drainage is to be abandoned and replaced with the new development. Connection to foul sewer would be a matter for Southern Water to comment and approve.

10.9 Ground Conditions and Pollution (Contaminated Land)

The Contaminated land team have reviewed the application and no condition is required.

10.10 CIL

10.10.1 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2024 basic rate is £179.39sqm. 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.

10.10.2 The proposal would result in the creation of 6 new dwellings totalling 494sqm of GIA floorspace. The likely CIL chargeable amount will be £88,618.66. If existing building discount can be applied to the 141sqm of existing GIA floorspace, the likely CIL chargeable amount will be £63,324.67. A CIL Form 1 was submitted with the application. The estimate is based on proposed floor plan measurements. The agent may wish to supply evidence of any existing use.

10.11 Objection Raised

10.11.1 Most of the objection reasons from local residents have been addressed above, however a number need addressing separately. Concerns have been raised, if the application is approved, the impact the construction would have on the local residents. A condition would be attached for a Construction Traffic Management Plan (CTMP) to be submitted prior to construction. In this document it will cover how construction traffic and parking is managed as well as setting out how they will be managing noise and dust pollution.

10.11.2 The existing and new dwellings will be construed to the required Building Regulations.

10.11.3 Concerns have been raised in relation to the cellular crate soakaway and possible damage to the existing sewage infrastructure. The cellular crate soakaway is being proposed under the drainage strategy. The proximity for buildings being over 5m from the soakaway extremities does not cause any major concern. The assumed infiltration rate will need to be confirmed, which may lead to a change in the drainage design. This is why we have added a Drainage Condition. In regards to any possible damage to the existing sewage infrastructure, from the submitted information, it looks like the current drainage is to be abandoned and replaced with the new development. Connection to foul sewer would be a matter for Southern Water to comment and approve.

10.12 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.

11 CONCLUSION AND PLANNING BALANCE

11.1 Notwithstanding the letters of objection received, from a planning view, the proposed extension and conversion of the existing dwellinghouse to a flatted development in a residential area, is acceptable in principle. The location of the site has very good access to public transport, hospital, shops, parks, services and employment.

11.2 The development is of an appropriate scale, form and design, and would make a good townscape addition to the local area without unreasonable impact on neighbouring residents' amenities or nearby trees. Good internal living conditions for occupiers would be provided. The provision of 5 new dwellings is particularly welcomed.

11.3 As such, the proposals constitute Sustainable Development, they accord with the Local Plan and the NPPF, and planning permission should be granted subject to various conditions and legal agreement.

12 RECOMMENDATION

12.1 The application is recommended for approval subject to the conditions listed below.

13 Conditions

1, Time

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, 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 and document

- Site layout drawing number 23036-PL-2-02 rev E
- Site layout tenure drawing number 23036-PL-2-03 rev E
- Site layout bedroom drawing number 23036-PL-2-04 rev E
- Site layout building materials drawing number 23036-PL-2-05 rev E
- Site layout building height drawing number 23036-PL-2-07 rev E
- Site layout parking and bins drawing number 23036-PL-2-06 rev F
- Site layout boundary materials drawing number 23036-PL-2-08 rev E
- Proposed ground floor plan drawing number 23036-PL-3-03 rev E
- Proposed first floor plan drawing number 23036-PL-3-04 rev D
- Proposed elevations 1 drawing number 23036-PL3-05 rev D
- Proposed elevations 2 drawing number 23036-PL3-06 rev D

- Render quoining detail drawing number 23036-PL-9-01 rev A
- Typical eaves details drawing number 23036-PL-9-02 rev A

Reason: For the avoidance of doubt and in the interest of proper planning.

3, Materials

No development shall commence on site until details of the types and colours of external materials (including windows material and reveals, and balustrades) to be used has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

Reason: in the interests of good design and visual amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan

4, Tree protection

The works as set out in the IAW the Arboricultural Impact Assessment PB/AIA-23/06.23 Dated 04 July 2023 shall be implemented prior to the commencement of development and permanently retained until the construction phase of the development is complete.

Reason: In the interests of tree protection and ecology pursuant to Policy PCS13 of the 2012 Portsmouth Plan.

5, Cycle storage

Prior to the occupation of the building, details of the materials, the doors and locks of the cycle store shall be submitted and approved. The store shall be retained thereafter for parking of bicycles at all time.

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

6, Noise

The development shall be built in accordance with the specifications in table 16.4 of the Environmental Noise Impact Assessment - reference SA- 7485 and be retained for the duration of the life time of the development.

Reason: To protect future occupants from the adverse effects of excessive noise levels to be in accordance with Policy PCS23 of the Portsmouth Plan

7, Ecology

Development shall proceed in accordance with the measures set out in Section 15 'Mitigation Recommendations' and 16 'Enhancements' of the Extended Phase 1 Ecological and Bat Roost Assessment (Phillips Ecology, August 2023). Thereafter, the enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: to prevent impacts to protected species and provide ecological enhancement in accordance with the NPPF and Policy PCS13 of the Portsmouth Plan.

8, Waste

The proposed waste/recycling areas shown on the approved plans shall be laid out and permanently retained as such in accordance with the approved plans prior to the first occupation of the development hereby permitted.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS23 of the Portsmouth Plan (2012)

9, Boundary treatment

Prior to first occupation of the building hereby approved all boundary treatment details shall be submitted to an approved in writing by the Local planning Authority. The details shall be implemented as approved prior to first occupation. and maintained as approved thereafter. This shall include site boundaries, bin store boundary and privacy screen to flat 1.

Reason: In the interests of good design and reducing crime and antisocial behaviour pursuant to Policy PCS23 of the 2012 Portsmouth Plan.

10, Hard and soft landscaping

Prior to the occupation of the building hereby approved details of the hard and soft landscaping details shall be submitted to and approved in writing by the Local planning Authority. The details shall then be implemented as approved. A scheme of landscaping shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted. The works approved shall be carried out in the first planting and seeding season following the first occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: in the interests of good design and visual amenity pursuant to Policy PCS23 of the 2012 Portsmouth Plan

11 Highways - Parking

The parking areas shown on the approved plans shall be laid out and permanently retained as such in accordance with the approved plans prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety pursuant to policy PCS17 of the 2012 Portsmouth Plan

12 Water use

Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by the Local Planning Authority demonstrating that each of the dwellings 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 stage water efficiency calculator.

Reason: To ensure that the development as built will minimise its need for resources and be able to fully comply with Policy PCS15 of the 2012 Portsmouth Plan.

13 Flood Condition

The development shall be carried out in accordance with the submitted flood risk assessment (Addendum No.1, JUDWAA, dated November 2023) and the following mitigation measures it details:

- Finished floor levels of the new extensions shall be set no lower than 4.8 metres Above Ordnance Datum (mAOD)

These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interests of flood risk management pursuant to policy PCS12 of the 2012 Portsmouth Plan

14 Drainage

No development (except demolition) shall take place at the site until a detailed scheme for the proposed means of surface water sewerage disposal,

Reason: In the interests of flood risk management pursuant to policy PCS12 of the 2012 Portsmouth Plan

15 Flood evacuation plans, and flood resilience

No development (except demolition) shall take place until a Flood Evacuation Plan and flood resilience and resistance measures shall have been submitted to and approved in writing by the Local Planning Authority; and the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of flood risk management pursuant to policy PCS12 of the 2012 Portsmouth Plan

16 - Construction Traffic Management Plan (CTMP)

No development (including demolition, ground works, vegetation clearance) shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved CTMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To mitigate the impact the highway network, to safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with Policy PCS17 of the Portsmouth Plan (2012)

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Agenda Item 5

23/01201/HOU

WARD:ST THOMAS

12 WILBERFORCE ROAD SOUTHSEA PO5 3DR

CONSTRUCTION OF A 3 STOREY FRONT EXTENSION; ADDITION OF A SECOND FLOOR INCLUDING THE REMODELLING OF THE REAR ELEVATION (WITH JULIET BALCONIES AT FIRST AND SECOND FLOOR); NEW NATURAL SLATE ROOF INCORPORATING PHOTOVOLTAIC 'SLATES' AND A RAISED RIDGE; SINGLE STOREY REAR EXTENSION; AIR SOURCE HEAT PUMP IN REAR GARDEN (RESUBMISSION OF 23/00335/HOU)

WEBSITE LINK:

[23/01201/HOU | Construction of a 3 storey front extension; addition of a second floor including the remodelling of the rear elevation \(with Juliet balconies at first and second floor\); new natural slate roof incorporating photovoltaic 'slates' and a raised ridge; single storey rear extension; air source heat pump in rear garden \(Resubmission of 23/00335/HOU\) | 12 Wilberforce Road Southsea PO5 3DR \(portsmouth.gov.uk\)](#)

Application Submitted By:

Mr Peter Robson
Peter Robson Architect

On behalf of:

Ms Minoo Sefidan

RDD: 26th September 2023

LDD: 21st November 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination due to a call-in request by Cllr Ian Holder (on the grounds that there has been a lot of concern from the residents of the street and it should have a full hearing), and because of the number of objections (24 from 15 addresses).

1.2 The main issues for consideration relate to:

- Principle
- Design
- Impact upon residential amenity
- Bats

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surroundings

1.5 The site lies within the Castle Road conservation area and all the properties within Wilberforce Road are subject to an Article 4(2) Direction restricting certain permitted development rights (e.g. replacement front doors and windows, alteration or demolition of front boundary walls/gates/railings, the painting of any previously unpainted external brickwork or other external wall surfaces).

1.6 The Castle Road conservation area guidelines describe this road as 'a short cul-de-sac on the north side of St. Edward's Road developed in the late nineteenth century, mainly with pairs of semi detached houses including two storey bays with a mixture of red and yellow brick; there is one lone modern house.' It is this lone modern house that is the subject of this application. Built in the 1950's, the two storey, red-brick, detached dwellinghouse sits between two pairs of Victorian/early 20th century semi-detached properties and as such is markedly different in character, appearance, footprint and

overall height than those within the rest of the road. The Victorian houses at the northern end of the road have rich architectural details characteristic of many parts of Portsea Island and Southsea in particular, and the earlier houses to the south have a more pared back architecture yet are still attractive and unified in design and form.

- 1.7 Levels across the application site fall away from front to back (east to west). There are no trees within the site (the remaining tree felled was a diseased apple tree adjacent the northern boundary in 2023). The application site includes a single garage at the rear (which forms part of a larger garage block accessed from St Edwards Road) - the access door within the east elevation has been enlarged recently.
- 1.8 The property is understood to have been empty for at least two years and has suffered deterioration. The rear single storey extension has been removed as have the two storey and single storey projections at the front of the property. Footing trenches have been dug front and rear (but foundations not yet laid at the time of writing this report).
- 1.9 The Proposal
- 1.10 The application proposes the significant re-modelling of the existing house by way of the construction of:
- a 3 storey front extension;
 - the addition of a second floor including the remodelling of the rear elevation (with Juliet balconies at first and second floor);
 - a new natural slate roof (incorporating some element of photovoltaic 'slates') and a raised ridge;
 - a single storey rear extension incorporating roof lantern and glazing to south and west elevations;
 - an air source heat pump in the rear garden.
- 1.11 The proposal indicates the use of matching brickwork, a white-painted rendered double-height front bay and grey UPVC windows and doors, with a small brick boundary wall at the front to match those to the south of the site.
- 1.12 Following significant revisions to the application, neighbours were re-notified in January 2024 and given opportunity to comment on the amendments.
- 1.13 The Relevant Planning History
- 1.14 Historic maps indicate that nos.2-10 (evens) and those opposite at nos.1-9 (odds) Wilberforce Road were constructed pre-1898; by 1910 the eastern side of the road was complete by the construction of nos.13-25; and by the 1930's the western side was complete by the construction of nos.14-20 (evens) albeit a gap remained between nos. 10 and 14 (current numbering system), being the application site. The use of the gap prior to its development with the current house is unknown although representations received indicates it was once an orchard/market garden. The gap was infilled by the construction of a two storey dwellinghouse (granted planning permission under A*14857/B in March 1954). A two storey rear extension was refused in 1966 (B*14857/C) and an additional bedroom and sunroom permitted in 1967 (B*14857/E).
- 1.15 Two previous applications seeking extensions and additions to the application site (under planning references: 23/00335/HOU and 22/01408/HOU) were withdrawn by the applicant in the light of significant officer concerns.

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

- PCS13 (A Greener Portsmouth)

2.2 In accordance with the National Planning Policy Framework (NPPF) (2023) due weight has been given to the relevant policies in the above plan.

3.0 CONSULTATIONS

3.1 Regulatory Services - Having looked at the revised plan and carried out another basic desktop assessment according to the *MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises (MCS 020)*, the proposed heat pumps will not meet the permitted noise development limit specified in this guidance.

This guidance also only takes into consideration the nearest window of a sensitive property and it does not take into consideration external amenity space. As the manufacturers noise specifications state that the sound power level of the pump is 54dB to 60dB, it is recommended that the pump is contained within an acoustic enclosure in order to prevent a loss of amenity from being caused to the garden areas.

3.2 Hampshire County Council Ecology - The application is now supported by a Preliminary Roost Assessment (Arbtech, December 2023). HCC Ecology now satisfied that this represents current conditions at the application site. No evidence of bats was found and no potential roost locations were identified. It was concluded that there was negligible potential for bats to be present. In view of the survey findings it is advised that the development is unlikely to result in a breach of the law protecting bats and no concerns are raised. The proposal provides an opportunity for ecological enhancement in line with the NPPF and Policy PCS13, and suitable enhancements have been recommended in the report. In the event the LPA is minded to grant permission, it is suggested that these measures are secured via a condition.

4.0 REPRESENTATIONS

4.1 The application has attracted 24 objections (from 15 addresses) plus 2 neutral representations from Cllr Ian Holder.

4.2 Summary of Objections (*Planning Officer notes in italics*):

- a) Not appropriate in conservation area; front elevation out of character and at odds with rest of houses in Wilberforce Road; ugly design; no architectural excellence; would set an undesirable precedent for unsympathetic development in road; small plot for large house; windows shown larger than those nearby and grey not white as per surroundings.
- b) Should incorporate a mix of brick within front elevation (*amended drawings now show this*)
- c) Concern about second floor rear roof terrace (*removed within amended drawings*)
- d) Height of three storeys at front is unacceptable - loss of privacy to those opposite/nearby; three storeys at rear and Juliet balconies are a concern.
- e) Concern about roof terrace location of heat pump; should be at ground level; concern about noise (*air source heat pump relocated to rear garden area with acoustic screen proposed and condition seeking details*)
- f) Impact on ecology (including bats); bat survey and tree report should accompany application (*bat survey submitted*).
- g) Loss of privacy at rear as a result of internal floor levels. South facing sliding doors should be fixed closed as well as obscure glazed (*amended drawings now demonstrates this*) or doors limited to rear only.
- h) Loss of light and outlook to windows of no.14 Wilberforce Road.
- i) Applicant should submit a BRE assessment (for daylight - British Research Establishment).

- j) Windows in north elevation and guttering should not overhang neighbouring alleyway (*amended drawing showing non-opening windows and enclosed guttering to north*).
- k) How much of roof will be covered by photovoltaic slates? (*details of extent and appearance to be covered by a condition*).
- l) Need to be sure of height of proposed roof; dimensions need to be shown; anomalies in drawing details (*section and elevation drawings are to scale; drawings anomalies corrected*).
- m) Will drainage cope; no rainwater to fall onto neighbouring land; materials and appearance of rainwater goods unknown (*drainage covered by Building Regulations; rainwater goods the subject of a materials condition*).
- n) There must be no encroachment into no.14's land (*inboard gutter detail shown on plans to address this*).
- o) Concerned about new opening at rear of garage (*unlikely to be development*).

5.0 COMMENT

- 5.1 The main issues for consideration relate to the principle of development, the overall design and how it relates to the recipient building, the neighbouring properties, the road within which it sits and the wider Castle Road conservation area; the impact upon existing residential amenity (including any impact from the proposed air source heat pump); and the safeguarding of ecology.

5.2 Principle

- 5.3 The principle of extending an existing residential property in this location is acceptable subject to all other material considerations being satisfactorily addressed. Matters including the overall design, footprint, bulk, massing, height, roof design, materials and fenestration have been the subject of considerable discussion between the applicant and officers prior to the submission of the current application and since its registration. The scheme has been much modified following earlier (subsequently withdrawn) applications, in the light of officer advice and neighbour objections.

- 5.4 The proposed floor plans (drawing no.1676 P103 Revision D) demonstrates the extent that the existing building would be retained. It is acknowledged that the existing building would undergo significant re-modelling and removal of structure but the retention of the foundations of the main building and those walls shown on the abovementioned plan are sufficient for officers to conclude that the proposal does not represent demolition of the dwellinghouse.

5.5 Design and Castle Road conservation area

- 5.6 The proposed extended building now demonstrates a footprint that better reflects that of the frontage of neighbouring properties and as such would sit appropriately within the existing building line of the road. The re-modelling references features evident within Wilberforce Road such as the vertical emphasis of the double height front bays (in the form of a front projection), its overall height and its use of natural slates on the roof (also incorporating grey PV 'slate' tiles), and the use of both render and face brickwork on the front elevation. Given the differing floor levels within the application dwelling compared to its neighbours, an identical replica of these adjacent properties is not possible and indeed a pastiche is not called for. The application proposes extensions of a modern style which would result in a building much better suited to its surroundings in design terms than that existing, and would sit comfortably within its context without harm to the character and appearance of the Castle Road conservation area. This lack of harm means the development accords with the Local Plan (Policy PCS23), the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (which requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area - the character and appearance of the area would be enhanced).

- 5.7 The specific materials and finished colour for the window and door frames is the subject of a condition, although it is noted that whilst grey is a departure from the rest of the street which has white framework, it does provide an acceptable contrast with the rendered bay.
- 5.8 The photovoltaic roof slates and air source pump are not required by the local planning authority, but of course they are supported with respect to sustainability benefits.
- 5.9 Residential Amenity
- 5.10 The building is considered to offer an acceptable relationship with those properties directly opposite and to the rear in Castle Road. The building would indeed be significantly higher than that at present, however the resulting relationship would be similar to other opposing properties along the length of this road. Whilst the windows within the front elevation are larger than those in surrounding properties this is not considered to adversely affect residential amenity of those nearby in terms of privacy and overlooking.
- 5.11 The main impact of the development would be felt by those properties to the immediate north and south. Officers sought to reduce the floor level of the elevated nature of the extension (0.5m above ground level at the rear) by requesting an internal step (as is common in surrounding properties), however the applicant wishes to secure a level finished floor level throughout the ground floor.
- 5.12 No.14 to the north is an HMO property (House in Multiple Occupation). The room within the roof of this property is a bedroom/private lounge area served by two modest rooflights to the front and rear and a larger window within the southern gable, set relatively low within the room. This provides the majority of the light and outlook to this room. The revised drawings are considered to satisfactorily address this relationship which has acted as a significant constraint on the proposed roof design of the application property. The scheme now demonstrates that the intersection of the wall and roof of no.12 would sit level with the sill of the south facing window at no.14 (Section drawing no.1676 P106 C). This relationship is now considered to provide sufficient ambient and direct light, and outlook, to this room. Whilst objections received call for a BRE assessment to be undertaken by the applicant, officers in their professional judgement are satisfied that the relationship is acceptable. The Council has no policy or proportionate basis to request such a technical assessment.
- 5.13 The modifications to the roof of the proposed single storey extension to the rear are considered to result in an acceptable relationship with both south and west facing windows within this neighbouring property in terms of light and outlook. The windows within the resultant north elevation of no.12 would be non-opening and have 1 hour fire resistant glazing to satisfy Building Regulations for windows on a boundary and therefore no encroachment over no.14's alleyway would occur.
- 5.14 No.10 to the south is a C3 dwellinghouse. The proposed single storey extension at the rear of the application site would achieve the same height as that removed but would project 2.27m further than the existing from the main rear elevation (with a total depth of 7.15m) and would have a greater width (but set 1.2m off the southern boundary wall). The relationship with no.10 is considered acceptable in terms of outlook and light. There is a concern that actual and perceived loss of privacy would occur in the relationship between the proposed south facing 'floor to ceiling' glazing units and the rear private garden of no.10. The applicant is unwilling to remove these glazed areas from the application but has since shown them to be obscure glazed (frosted) and non-opening (drawing nos. 1676 P103 D and 1676 P104 D). On this basis it is considered that there should be no material, actual or perceived loss of privacy to the neighbour. The proposed extension is served adequately by large clear glazed sliding doors facing west

down the garden. A suitable condition is recommended to secure a degree of glass obscuration that would adequately limit views through the south-facing windows.

- 5.15 The addition of the second floor and its consequences for the character, appearance and massing of the rear elevation are considered acceptable in terms of the recipient property and its relationship with nos.10 and 14. The first and second floor Juliet balconies are centrally located within the building and are not considered likely to cause undue levels of overlooking or loss of privacy to surrounding properties.
- 5.16 The location of the air source heat pump is considered acceptable in the far north-west corner of the site subject to appropriate acoustic screening (secured by a suitable condition).
- 5.17 Bats
- 5.18 Given the deteriorating state of the building, and in the light of a number of representations referring to bats being evident within the area, the applicant was advised to undertake a Preliminary Roost Assessment.
- 5.19 Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Developments that affect legally protected species are also likely to be contrary to Policy PCS13 of the Portsmouth Plan.
- 5.20 Local Planning Authorities are required to engage with the Regulations – planning permission should be granted (other concerns notwithstanding) unless the development is likely to result in a breach of the EU Directive and, if a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- 5.21 On the basis of the findings within the Preliminary Roost Assessment it was concluded that there was negligible potential for bats to be present and as such the proposed development is unlikely to result in a breach of the law protecting bats. Whilst HCC Ecology raised no objections, it was noted that the proposal provides an opportunity for ecological enhancement in line with the NPPF and Policy PCS13, and that the enhancements recommended in the report could be secured by an appropriate planning condition. This is considered appropriate and justified and therefore forms one of the recommended condition of approval.
- 5.22 CIL
- 5.23 Estimate/Summary - The proposal would result in the creation of 108.56sqm of new build floorspace. The likely CIL chargeable amount will be £19,475.08.
- 5.24 Portsmouth City Council introduced its Community Infrastructure Levy (CIL) charging schedule in April 2012 with a basic CIL rate of £105/sqm. The CIL regulations require indexation to be applied to this rate annually using the RICS CIL Index and the 2024 basic rate is £179.39/sqm. 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.
- 5.25 Human Rights and the Public Sector Equality Duty ("PSED")
- 5.26 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.

- 5.27 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.

6.0 Conclusion

- 6.1 The proposed development is considered acceptable in design, residential amenity, heritage conservation and ecology terms and is capable of support subject to conditions.

RECOMMENDATION

Conditions

Time limits

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 (all with a prefix of 1676):-

P100 Revision D - Location and Proposed Block Plan

P103 Revision D - Proposed Floor and Roof Plans

P104 Revision D - Proposed East and South Elevations

P105 Revision C - Proposed West and North Elevations

P106 Revision C - Proposed Section

P107 Revision D - Proposed Elevations with adjacent properties shown

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

Materials

3. No development hereby permitted shall commence on site until samples, and where necessary plan and section details, of the types and colours of all external materials to be used (including natural slates, PV slates, bricks, render, rainwater goods, window and external door profiles, frames and reveals, eaves overhang and string course protrusion) have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth Plan.

Bats

4. The development hereby permitted shall not be occupied/brought into use until the measures set out in Section 4.0 'Conclusions, Impacts and Mitigation' of the 12 Wilberforce Road, Southsea Preliminary Roost Assessment report (Arbtech, December 2023) have been fully implemented. Thereafter, the bat and bird nest boxes shall be permanently maintained and retained in accordance with the approved details.
Reason: To ensure the favourable conservation status of bats in accordance with Policy PCS13 of the Portsmouth Plan.

Obscure Glazing and non-opening

5. The second floor window in the north elevation and all proposed glazing within the south facing elevation of the single storey rear extension hereby permitted shall be non opening (apart from the single south facing door at the eastern end of the proposed rear extension) and glazed with obscured glass in accordance with details submitted to and approved by the Local Planning Authority in writing, and shall be permanently maintained as approved.
Reason: To protect the privacy of the adjoining property and to prevent overlooking in accordance with policy PCS23 of the Portsmouth Plan.

Acoustic Screen for Heat Pump

6. The development hereby permitted shall not be occupied/brought into use until details (including materials and appearance) and acoustic properties of the proposed acoustic screen around the proposed air source heat pump (as shown on the Proposed Block Plan drawing no.1676 P100 Revision D) shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the residential amenity of those living in surrounding properties in accordance with policy PCS23 of the Portsmouth Plan.

Agenda Item 6

23/01514/FUL

WARD: HILSEA

56 MONTAGUE ROAD PORTSMOUTH PO2 0NF

CHANGE OF USE FROM CLASS C3 DWELLINGHOUSE TO 8 PERSON/8 BEDROOM HOUSE IN MULTIPLE OCCUPATION.

[23/01514/FUL | Change of use from Class C3 dwellinghouse to 8 Person/8 Bedroom House in Multiple Occupation. | 56 Montague Road Portsmouth PO2 0NF](#)

Application Submitted By:

Mr Willment
HMO Designers

On behalf of:

Mr Harkin

RDD: 4th December 2023

LDD: 29th January 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee by reason of its 38 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; and
- Other material considerations.

1.3 Site and surroundings

1.4 The application site is a mid-terrace dwelling in a predominately residential area, but close to North End local centre. It is located at the southern side of Montague Road. The property benefits from a rear path access, gained via Beresford Road.

1.5 The Proposal

1.6 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.

1.7 The proposed internal accommodation, comprises the following:

- Ground Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite), Kitchen/Dining;
- First Floor - Four bedrooms (three with a shower, toilet and handbasin ensuite) and a shower room (with a toilet and handbasin ensuite); and
- Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).

1.8 The Applicant intends to construct a small single storey rear/side extension to the west-rear (following the demolition of an existing extension), remove another extension to the east-rear, and construct a rear dormer extension within the main roof and insert three rooflight within the front roof slope. These would all be 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 the use of the property as Class C3 Dwellinghouse or Sui Generis HMO.

- 1.9 Given that 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 extension 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.

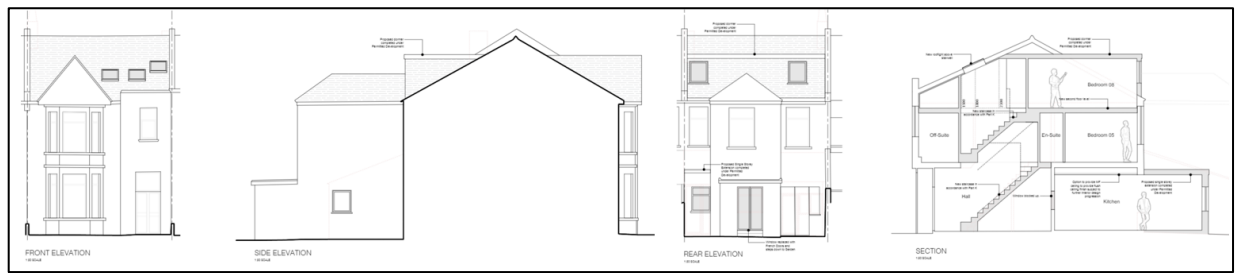


Figure 1: Proposed external alterations.

1.10 Planning History

1.11 None relevant.

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

3.0 CONSULTATIONS

- 3.1 Private Sector Housing: Required to be licenced under Part 2, Housing Act 2004.
- 3.2 Highways: Montague Road is a residential road with bus stops and amenities in the proximity along London Road. The proposed application appears to seek to convert an existing 3 bedroom residential unit to a 8 bedroom HMO. Given the additional of up to five bedrooms, there is therefore the potential for increased instances of residents driving around the area hunting for a parking space, however this an issue of residential amenity for you to consider in your determination of the application. It is not considered that size of development would lead to a material impact to the function of the highway.
- 3.3 The proposal does indicate secure cycle storage and therefore this should be implemented prior to occupation of the new residential units.

4.0 REPRESENTATIONS

- 4.1 38 representations have been received from 36 addresses, objecting to the proposal on the following grounds:
- a) Notification should have been sent to all in the area;
 - b) Number of HMOs in the area already is too high;
 - c) Increase in litter;
 - d) Increase in waste due to increase in bathrooms;

- e) Parking concerns;
- f) Air pollution concerns;
- g) Impact from noise of the HMOs;
- h) Impact on local services; and
- i) Anti-social behaviour.

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 is currently one HMO in a 50m radius of the property. Were the application to be approved, there would be two HMOs out of the 59 houses and flats in the 50m radius, equalling 3.38%. The proposal is therefore in accordance with the HMO SPD, as it is 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.

5.6 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 2: 50m radius of HMOs

- 5.7 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.8 Amenity and Parking
- 5.9 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	15.1m ²	10.0m ²
Bedroom 2	12.2m ²	10.0m ²
Bedroom 3	13.4m ²	10.0m ²
Bedroom 4	10.4m ²	10.0m ²
Bedroom 5	10m ²	10.0m ²
Bedroom 6	12m ²	10.0m ²
Bedroom 7	19m ²	10.0m ²
Bedroom 8	22m ²	10.0m ²
Combined Living Space	30.3m ²	22.5m ²
Ensuite B1	3m ²	2.74m ²
Ensuite B2	2.74m ²	2.74m ²

Ensuite B3	2.8m ²	2.74m ²
Ensuite B4	2.76m ²	2.74m ²
Ensuite B5	3m ²	2.74m ²
Bathroom (FF)	3.4m ²	2.74m ²
Ensuite B7	3.1m ²	2.74m ²
Ensuite B8	3.1m ²	2.74m ²

- 5.10 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. The resulting layout is considered to result in a satisfactory standard of living environment. Aside from room sizes alone, layout and light appear satisfactory.

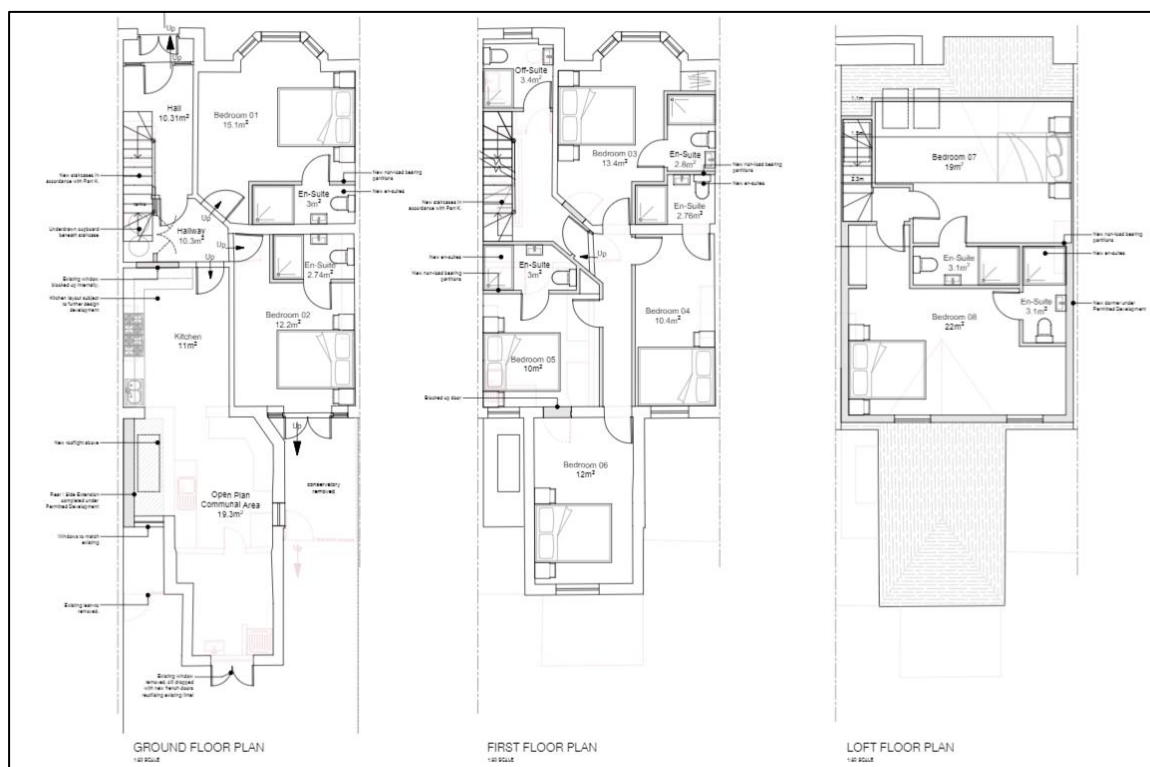


Figure 3: Proposed Floorplans

- 5.11 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 be described as resulting in demonstrable adverse effect.
- 5.12 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.
- 5.13 Other Material Considerations

- 5.14 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.
- 5.15 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 3.31 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 extra bedspaces.
- 5.16 Impact on Special Protection Areas
- 5.17 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.
- 5.18 Impact on refuse and recycling
- 5.19 In Portsmouth a 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.
- 5.20 Human Rights and the Public Sector Equality Duty ("PSED")
- 5.21 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.
- 5.22 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.

5.23 Other Matters raised in neighbours' objections

5.24 An objection considers local publicity of the application should have been greater. Notification for the Application was carried out in accordance with the Council's Statement of Community Involvement.

5.25 It is not considered that the increase in occupation would, in and of itself, give rise to any significant impact upon the sewage system or other local services.

5.26 The use of the property at a HMO would not result in any increase in litter or air quality concerns. Anti-social behaviour is not linked to the use of the property as a HMO.

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 and SPA mitigation.

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: Block and Location Plan - HD0046 - PL06; Proposed Elevations and Section - HD0046 - PL05; and Proposed Floor Plans - HD0046 - PL03 Rev A.

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.

4) PD Works

Prior to the occupation of the property as a HMO for 8 persons, the single storey rear/side extension, dormer window and rooflights proposed to be constructed under permitted development allowances shall be completed.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.

Agenda Item 7

23/01530/FUL

WARD:COPNOR

170 CHICHESTER ROAD PORTSMOUTH PO2 0AH

CHANGE OF USE FROM CLASS C3 DWELLINGHOUSE TO 8 PERSON/8 BEDROOM HOUSE IN MULTIPLE OCCUPATION.

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=S55KIQMOMNS00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=S55KIQMOMNS00)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mr Jamie Wadham

RDD: 5th December 2023

LDD: 31st January 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to receiving 12 objection comments, including from Cllr. George Madgwick and Cllr. Swann.

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

1.4 The application site is a two-storey terraced dwelling with rooms in the roof in a predominately residential area.

1.5 The Proposal

1.6 The Applicant has sought planning permission for the change of use of the dwelling from its current last lawful use falling within dwellinghouse (Class C3) to allow up to 8 individuals to live together as an HMO. It can be noted that a previous planning permission ref no. 23/00958/FUL was granted for change of use from dwelling house (Class C3) to a dual use of either dwelling house (Class C3) or House in Multiple Occupation (Class C4) by the Planning Committee on 26/10/23, though the potential use under Class C4 has not yet been carried out at the site.

1.7 Planning History

1.8 23/00958/FUL: Change of use from dwelling house (Class C3) to dwelling house (Class C3) or House in Multiple Occupation (Class C4). Conditional Permission (26/10/23).

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), 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 Strategy (2022), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD')

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. There is not a HMO license currently in place as the use has not commenced.

4.0 REPRESENTATIONS

- 4.1 Twelve objection comments has been received raising the following concerns:

- a) Increase refuse and recycling;
- b) Anti-social behaviour;
- c) Parking
- d) Over saturation of HMOs in the area (including inaccuracy of the HMO Register)
- e) Loss of property value
- f) Sewerage
- g) Impact on local services
- h) Impact on neighbours due to the PD works

5.0 COMMENT

- 5.1 The main issues to consider in the determination of this application is whether the proposal is acceptable in principle.

5.2 Principle

- 5.3 The HMO SPD (2019) 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 principle 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 and the refurbishment of the property is underway in readiness for occupation as an HMO under planning permission 23/00958/FUL. The application has been made to recognise the works to pursue an alternative internal layout, repurposing a ground floor living room, allowing for 8 bedrooms within the building. The existing benefit of a permission to use the dwelling as a C4 HMO is a material consideration in the determination. In any case the application is not considered, on its individual facts to create any material impact on the balance of the community in the area. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as a maximum proportion of HMO dwellings to C3, single household, dwellings. As the minor increase in potential occupancy does not change this mix of dwellings the proposal has no impact on this guidance. For reference, it can be noted however that the relevant 50m radius area is currently made up of 4 HMOs out of 62 properties, a percentage of 6.45%. This proposal of course has no effect on that percentage, as the existing implementable planning permission for a C4 use is included within that calculation. 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 these considerations are not brought into effect, but it should be noted that there are not 3 HMOs in a row, nor is any C3 dwelling sandwiched between 2 HMOs.



- 5.5 The HMO use of this site does not currently benefit from a Licence granted by Portsmouth City Council to operate as an HMO as it is not yet ready for occupation.
- 5.6 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. 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	18.17m ²	10.00m ²
Ensuite B1	2.88m ²	2.74m ²
Bedroom 2	12.59m ²	10.00m ²
Ensuite B2	2.93m ²	2.74m ²
Bedroom 3	19.16m ²	10.00m ²
Ensuite B3	2.96m ²	2.74m ²
Bedroom 4	14.11m ²	10.00m ²
Ensuite B4	2.74m ²	2.74m ²
Bedroom 5	11.37m ²	10.00m ²
Ensuite B5	3.03m ²	2.74m ²
Bedroom 6	11.18m ²	10.00m ²
Ensuite B6	2.76m ²	2.74m ²
Bedroom 7	14.18m ²	10.00m ²
Ensuite B7	2.76m ²	2.74m ²
Bedroom 8	11.61m ²	10.00m ²

Ensuite B8	2.86m ²	2.74
First floor 'tank room' and WC	4.65m ²	1.17m ²
Combined Living Space	23.66m ²	22.5m ² (as all bedrooms over 10m ²)

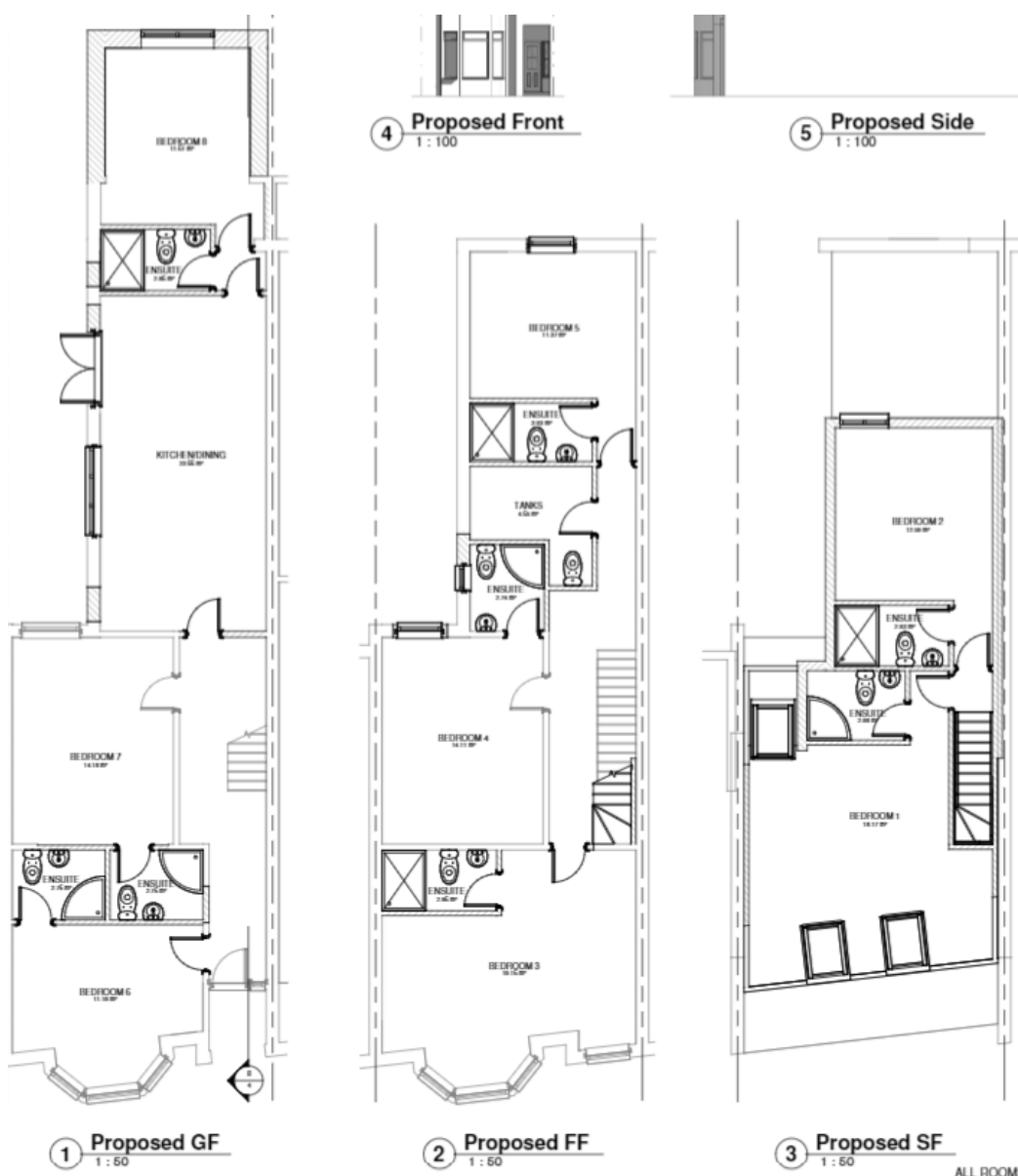


Figure 1 - Existing and Proposed Floor Plans

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. 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 Amenity and Parking

- 5.9 The proposal would increase the occupancy compared to the approved HMO by up to 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. Nor is the increase in parking demand considered to be materially different from that generated by a C3 dwelling house as the property could have been converted to an 8 bedroom C3 dwelling for an extended family with several cars. There is no robust evidence available to suggest that HMO occupiers own more vehicles than a similar sized C3 dwelling.
- 5.10 Similarly the minor increase of potential 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.
- 5.11 Other Material Considerations
- 5.12 A further 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 2 occupants to the existing lawful HMO is not considered to amount to a material change in the use of the dwelling. However, as this site has not yet been used as a six bed HMO the determination of the application must be made in the first instance for a change of use between a C3 dwelling house and an 8 bed HMO, against the policies of the development plan. As the application complies with these policies this notional fall back, while material, does not need to be considered further.
- 5.13 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 bedspace 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 3.31 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.

Impact on Special Protection Areas

- 5.14 Changing the use of the premises from a C3 dwelling to a 7 bed HMO will result in an increase in occupancy which will have an adverse impact on the Solent Special Protection Area and cause an increase in nitrate output and therefore a condition should be applied requiring mitigation to be secured.

6.0 CONCLUSION

- 6.1 As detailed above, the application is considered to be fully comply with the relevant policies of the Local Plan meeting the adopted standards for room sizes and providing a good standard of living accommodation in accordance with Policy PCS23 of the Local Plan. As the application itself, notwithstanding any weight that should be given to potential alternative routes to allowing a similar occupation, requires planning permission

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), 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

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to grant Conditional Permission subject to (i) The receipt of 'no objection' from Natural England, within 21 days of the consultation sent to them, and; (ii) The completion of a Legal Agreement to secure mitigation of the development with respect to the recreational disturbance to birds in the Special Protection Areas;

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

RECOMMENDATION III - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement to secure the mitigation of the development with respect to the Special Protection Areas pursuant to Recommendation I has not been 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.

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: Sui Gen Plans PG.8194.23.4, LOCATION PLAN 1-1250.

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.

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.

5) External works

Prior to first occupation of the property as a House in Multiple Occupation, the building operations being carried out under Permitted Development rights, shall be completed.

The reasons for the conditions are:-

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) To provide adequate cycle storage in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 5) To ensure that the development complies with PCS15 of the Portsmouth Plan and does not exceed the scope of Nitrate Mitigation Credits purchased.
- 6) 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).

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Agenda Item 8

23/01174/FUL

WARD: COPNOR

69 KENSINGTON ROAD PORTSMOUTH PO2 0EA

**CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7-BED/7-PERSON HOUSE
IN MULTIPLE OCCUPATION**

[23/01174/FUL | Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House
in Multiple Occupation | 69 Kensington Road Portsmouth PO2 0EA](#)

Application Submitted By:

Mrs Carianne Wells

Applecore PDM Ltd

On behalf of:

Pell - Pellchester Green Property Ltd

RDD: 19th September 2023

LDD: 21st November 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee by reason of the number of 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; and
- Other material considerations.

1.3 Site and surroundings

1.4 The application site is an end-of-terrace dwelling in a predominately residential area. It is located at the western side of Kensington Avenue.

1.5 The Proposal

1.6 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 7 individuals to live together as an HMO.

1.7 The proposed internal accommodation, comprises the following:

- Ground Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite), Kitchen/Dining;
- First Floor - Three bedrooms (one with a shower, toilet and handbasin ensuite) and a shower room (with a toilet and handbasin ensuite); and
- Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).

1.8 The Applicant intends to construct a single storey rear/side extension, a rear dormer extension within the main roof and insert a rooflight 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 the use of the property.

1.9 Given that 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 extension 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.

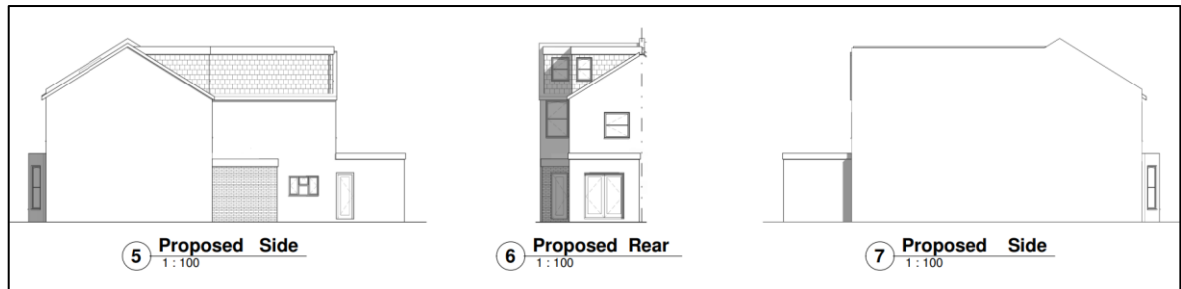


Figure 1: Proposed external alterations.

1.10 Planning History

- 1.11 23/00035/GPDC: Construction of single storey rear extension, extending 5m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m. Prior-Approval Required and Refused (28.06.2023).
- 1.12 23/00047/GPDC: Construction of single storey rear extension, extending 4.9m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m. prior approval Required and Refused (21.08.2023).

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

3.0 CONSULTATIONS

- 3.1 Private Sector Housing: Required to be licenced under Part 2, Housing Act 2004.
- 3.2 Highways: Given the additional of up to four bedrooms, there is the potential for increased instances of residents driving around hunting for a car-parking spaces, although this is an issue of residential amenity. We do not consider the size of development would lead to a material impact to the function of the highway. Cycle parking should be implemented prior to occupation.

4.0 REPRESENTATIONS

- 4.1 12 representations have been received from 9 addresses including one from Councillor Swann, objecting to the proposal on the following grounds:
- a) Increase in waste due to increase in bathrooms;
 - b) Parking concerns;
 - c) Loss of family house stock;
 - d) Impact on road and sewage infrastructure;
 - e) Works already gone ahead;
 - f) Noise and disturbance from building works;

- g) Waste and rubbish from building works;
- h) Loss of light;
- i) Impact from noise of the HMOs;
- j) Health and Safety of the works;
- k) Structural damage from the works;
- l) Loss of privacy;
- m) Impact on local services;
- n) Fire hazards; and
- o) Anti-social behaviour.

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 two HMOs in a 50m radius of the property. Were the application to be approved, there would be three HMOs out of the 49 houses and flats in the 50m radius, equalling 6.12%. The proposal is therefore in accordance with the HMO SPD, as it is 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.

5.6 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 2: 50m radius of HMOs

- 5.7 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.8 Amenity and Parking
- 5.9 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	10.08m ²	10.00m ²
Bedroom 2	11.3m ²	10.00m ²
Bedroom 3	10.21m ²	10.00m ²
Bedroom 4	10.24m ²	10.00m ²
Bedroom 5	10.75m ²	10.00m ²
Bedroom 6	10.01m ²	10.00m ²
Bedroom 7	11.04	10.00m ²
Combined Living Space	23.03m ²	22.5m ²
Ensuite B1	2.74m ²	2.74m ²
Ensuite B2	2.74m ²	2.74m ²
Ensuite B3	2.74m ²	2.74m ²
Shared Bathroom (FF)	3.74m ²	2.74m ²
Ensuite B7	2.74m ²	2.74m ²
Ensuite B8	3.96m ²	2.74m ²

- 5.10 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 in accordance with your HMO SPD, which at para 2.6 advises that more detailed guidance, beyond the headline requirements should be referred to within the Councils 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. Aside from room sizes alone, layout and light appear satisfactory.

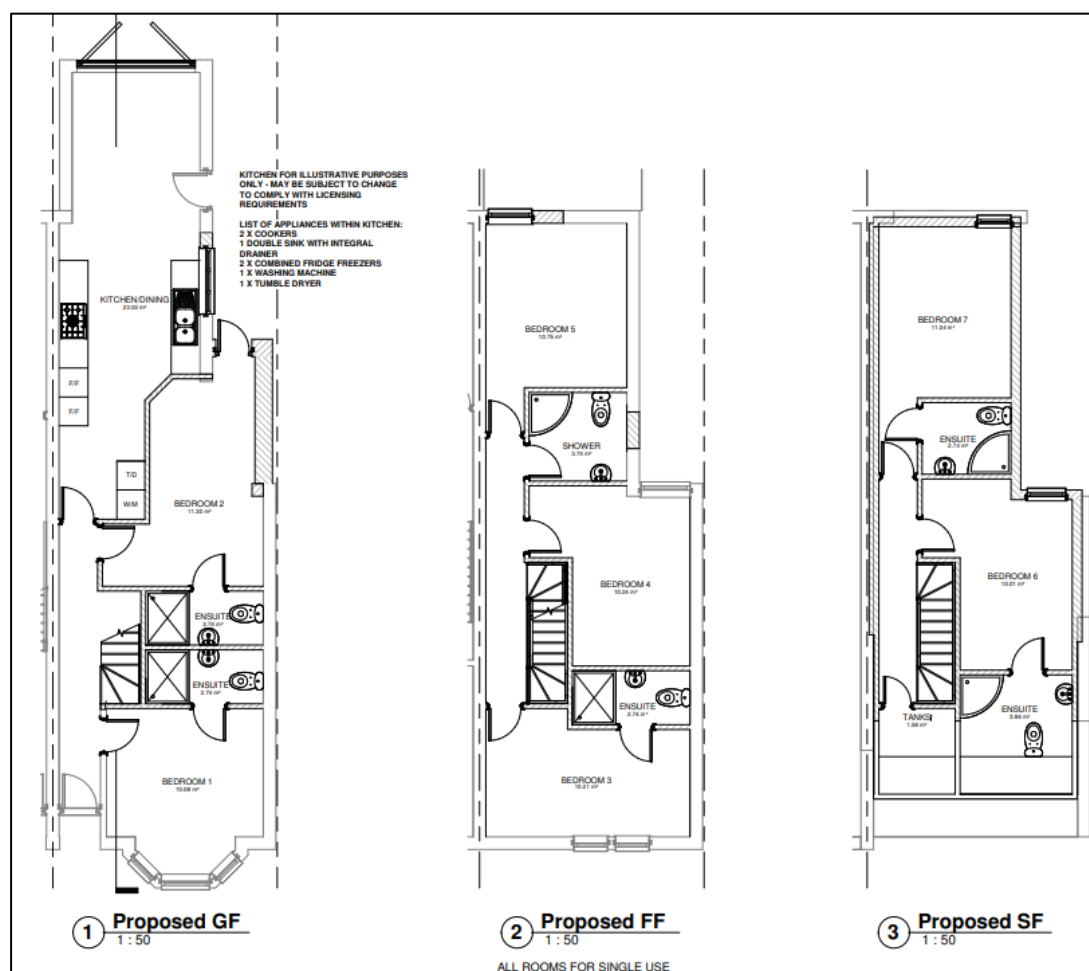


Figure 3: Proposed Floorplans

- 5.11 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 be described as resulting in demonstrable adverse effect.
- 5.12 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.
- 5.13 Other Material Considerations
- 5.14 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 7 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.
- 5.15 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 to 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 3.31 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.
- 5.16 Impact on Special Protection Areas
- 5.17 Changing the use of the premises from a C3 dwelling to a 7 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.
- 5.18 Impact on refuse and recycling
- 5.19 In Portsmouth a 7 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.

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

5.21 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.

5.22 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.

5.23 Other Matters and Considerations

5.24 It is not considered that the increase in occupation would, in and of itself, give rise to any significant impact upon the sewage system or other local services.

5.25 The consideration of a loss of a C3 Dwelling is set out within the PCS20 of the Portsmouth Plan (2012) which the proposal is considered to be acceptable.

5.26 The works being undertaken at the property are as stated Permitted Development and therefore can go ahead without Planning Permission. The noise or waste from these works would not be material to the Application.

5.27 Fire risk would be managed through the Building Control and Private Sector Housing Teams and therefore would not be a planning consideration.

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 and SPA mitigation.

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: Location PLAN - TQRQM23130110655513; Block Plan - TQRQM23130100813410; Sui Gen Plan - PG.8060.23.6 Rev A; and 4 Cycle Storage Shed - 1.

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 7 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 9

23/01332/FUL

WARD: BAFFINS

66 MILTON ROAD PORTSMOUTH PO3 6AR

CHANGE OF USE FROM C3 DWELLINGHOUSE TO 7 BEDROOM/7 PERSON HOUSE IN MULTIPLE OCCUPATION.

23/01332/FUL | Change of use from C3 dwellinghouse to a 7-bedroom/7-person House in Multiple Occupation | 66 Milton Road Portsmouth PO3 6AR

Application Submitted By:

Mrs Carianne Wells

Applecore PDM Ltd

On behalf of:

Mr & Mrs Gasson

RDD: 27.10.2023

LDD: 03.01.2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to a call-in request from Cllr Sanders & 7 neighbour objections.

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;
- Relevant planning history providing fallback position
- 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 site comprises of a two-storey mid-terraced dwelling, with rear dormer and loft conversion, located to the western side of Milton Road as shown in **Figure 1** below. The property is set back from the highway by a small front garden and a fair-sized rear garden.

2.2 The surrounding area is predominantly residential in character with similar terraced properties. The application site falls within a residential area characterised by rows of two-storey terraced properties.



Figure 1 Location plan

3.0 THE PROPOSAL

3.1 Planning permission is sought for the change of use from dwellinghouse (Class C3) to House in Multiple Occupation for seven people. All bedrooms would be for single occupancy.

3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:

- Ground Floor - Two bedrooms (all with ensuite shower, toilet and handbasin), communal Kitchen/Dining room, and a shared WC (with handbasin, tanks, laundry facilities).
- First Floor - Three bedrooms (all with a shower, toilet and handbasin ensuite)
- Second Floor - Two bedrooms (all with a shower, toilet and handbasin ensuite).

- 3.3 The Applicant has stated that works to extend the property have been undertaken under permitted development (without the need to apply for planning permission). These works include a single storey rear extension, a rear dormer and rooflights to the front roofslope; these works are not included in the application. They should not be considered as part of the application.



Figure 2 Proposed Floor Plans & Elevations

4.0 PLANNING HISTORY

4.1 There is no relevant planning history

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 relevant to the assessment of this application includes:

- National Planning Practice Guidance (updated in 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 - No objection. Milton Road is a primary road with bus stops and limited amenities in the close vicinity. Given the additional of up to four bedrooms, there is therefore the potential for increased instances of residents driving around the area hunting for a parking space, however this an issue of residential amenity for you to consider in your determination of the application. It is not considered that size of development would lead to a material impact to the function of the highway. The proposal does indicate secure cycle storage spaces within the rear garden and therefore this storage should be implemented prior to occupation of the new residential units.

6.3 Natural England - No objection subject to appropriate mitigation being secured.

7.0 REPRESENTATIONS

7.1 Eight objections been received in response to the application including one from Cllr Darren Sanders.

7.2 The above representations of objection have raised the following concerns:

- a) Increase in noise and disturbance;
- b) Increase in crime and anti-social behaviour;
- c) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- d) Undue strain on local services and infrastructure, including the sewage, drainage, waste management and Doctors/Dentists
- e) Concerns about impact on community
- f) Extension will block light and limit privacy through overlooking to neighbouring property.
- g) Loss of property value

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

Five year Housing Land supply.

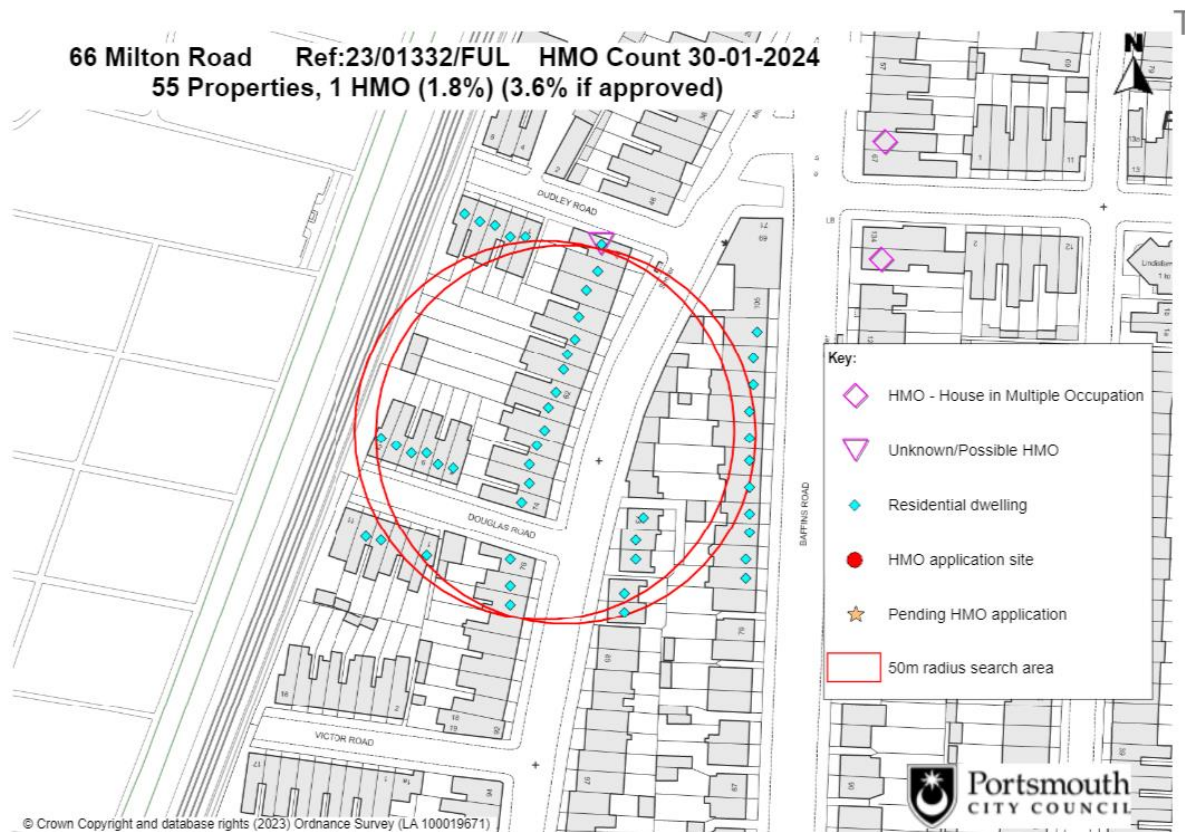
8.3 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.4 Currently, the Council can demonstrate 3.31 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

HMO Policy

- 8.5 Permission is sought for the use of the property as a Sui Generis HMO for 7 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3).
- 8.6 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.
- 8.7 Based on information held by the City Council, of the 55 properties within a 50 metre radius of the application site, 1 property has been identified as an HMO in lawful use. Therefore, the existing number of HMOs equates to 1.8% of the properties within the search area. The addition of the application property would result in one additional property being an HMO within the 50m radius (3.6%) which falls below the 10% threshold limit above which an area is considered to be imbalanced.



- 8.9 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.

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

8.11 Standard of accommodation

- 8.12 The application seeks Sui Generis HMO use for 7 persons and proposes the following room sizes as measure by the planning officer, as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1 (Single use)	10.04m ²	10.00m ²
Bedroom 2 (Single use)	11.3 m ²	10.00m ²
Bedroom 3 (Single use)	17 m ²	10.00m ²
Bedroom 4 (Single use)	10.6 m ²	10.00m ²
Bedroom 5 (Single use)	15.5 m ²	10.00m ²
Bedroom 6 (Single use)	14.2 m ²	10.00m ²
Bedroom 7 (Single use)	11.4 m ²	10.00m ²
Shared WC (Ground Floor)	1.2 m ²	1.17m ²
Communal Kitchen/Dining area (ground floor)	24.75 m ²	22.5m ² (because all bedrooms exceed 10m ²)
Ensuite bathroom for bedroom 1	2.77m ²	2.74m ²
Ensuite bathroom for bedroom 2	2.74m ²	2.74m ²
Ensuite bathroom for bedroom 3	3.46 m ²	2.74m ²
Ensuite bathroom for bedroom 4	3.15 m ²	2.74m ²
Ensuite bathroom for bedroom 5	2.9 m ²	2.74m ²
Ensuite bathroom for bedroom 6	3.04 m ²	2.74m ²
Ensuite bathroom for bedroom 7	2.86 m ²	2.74m ²

Table 1 - HMO SPD (Oct 2019) compliance

- 8.13 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 in accordance with your HMO SPD, which states at para 2.6, 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 - submitted proposed floor plans show a sufficient amount of space within the communal kitchen/dining area to accommodate communal dining/lounge space.

- 8.14 All habitable rooms have good access to natural light and in addition, a rear garden also provides external amenity space for the residents.
- 8.15 All the 7 bedrooms would have ensuite facilities, with an additional shared WC on the ground floor providing acceptable sanitary facilities for occupants and visitors. The accommodation therefore would provide a suitable overall arrangement of sanitary facilities.
- 8.16 Impact on neighbouring living conditions
- 8.17 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 in Class C3, would be unlikely to be significantly different from the occupation of the property by up to 7 unrelated persons as an HMO.
- 8.18 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.
- 8.19 All alterations to facilitate additional living accommodation are to be undertaken using permitted development, which the property benefits from. Therefore any objections in regards to overlooking or loss of light from the rear extension and dormer would not be material planning considerations as these works can be carried out without the need for planning permission.
- 8.20 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.21 Highways/Parking
- 8.22 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 Sui Generis HMOs with four or more bedrooms. It should be noted that the expected level of parking demand for a Class C3 dwellinghouse with five bedrooms is also 2 off-road spaces. The proposal has no off-street parking, which is no change from the current use.
- 8.23 As explained above, neither the Highways Officer nor Planning Officer highlights an issue with the scheme on the grounds of a lack of off-street parking. As the SPD requirement for parking is not different for the proposal than a similarly sized Class C3 dwellinghouse or C4 HMO (2 spaces), it is considered that refusal on a lack of parking is not reasonable or defensible. There is no objection on either highway safety grounds and therefore refusal 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, or even more than 1 vehicle each. In addition, it is considered that the site is within an area of good accessibility

and located within an acceptable walking distance of the various amenities and services, and bus routes.

- 8.24 The Councils 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 a proposed secure cycle storage is shown to be located - it is acknowledged that access to the cycle storage can only be achieved through the house given that there is no rear access to the garden. The requirement for cycle storage is recommended to be secured by condition.
- 8.25 Waste
- 8.26 The storage of refuse and recyclable materials would remain unchanged, to be accommodated in the suitable front forecourt area. An objection on waste grounds would not form a sustainable reason for refusal and it is not considered necessary to require details of formalised waste storage.
- 8.28 Other matters raised in objections
- 8.29 Loss of property value is not a material planning consideration and cannot be given weight in the decision-making process.
- 8.30 Impact on Special Protection Areas
- 8.31 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 7 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This can be secured through a s111 agreement.
- 8.32 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.33 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.
- 8.34 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 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

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

- (a) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution. and conditions (below)

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

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:

- Sui Gen Plan - Dwg No. PG. 8142 · 23 · 4

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, 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.

Water Efficiency

- 4) 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.

PD Works

- 5) Prior to the occupation of the property as a HMO for 7 persons, the single storey rear extension and rear dormer proposed to be constructed under permitted development allowances shall be completed.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.

Informative

- a) 2 x 360 litre bins are required for a 7 bed HMO. The applicant will need to purchase these bins directly from Portsmouth City Council Waste Management prior to the tenants moving in.
- b) Please be aware that an HMO license may be required. HMO licenses are assessed against new standards that may differ to those used in the Planning process and you are therefore advised to check the licensing requirements and standards prior to occupation. For more information, and to find out about our landlord accreditation scheme please contact the City Council's Private Sector Housing Team using the details below: Email: housing.privatesector@portsmouthcc.gov.uk Postal address: Private Sector Housing, Portsmouth City Council, Civic offices, Guildhall Square, Portsmouth, PO1 2AZ. Phone Number: 023 9284 1659

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Agenda Item 10

23/01414/FUL

WARD: BAFFINS

6 COPNOR ROAD PORTSMOUTH PO3 5AQ

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (RESUBMISSION OF 23/00048/FUL)

[23/01414/FUL | Change of use from dwellinghouse \(Class C3\) to house in multiple occupation \(Class C4\) \(resubmission of 23/00048/FUL\) | 6 Copnor Road Portsmouth PO3 5AQ](#)

Application Submitted By:

Mr Ilkkan Bellikli
Go To Services

On behalf of:

Mr Mohammed Islam

RDD: 14th November 2023

LDD: 29th January 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee at the request of Councillor Sanders.

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

- Principle of development
- Standard of accommodation
- Impacts on amenity of the neighbouring residents
- Parking
- Waste
- Impact on the Solent Protection Area
- Community Infrastructure Levy (CIL)
- Human Rights and the Public Sector Equality Duty ("PSED"); and
- Any other material considerations.

1.3 Site and surroundings

1.4 The application site is a two-storey terraced dwellinghouse on the eastern side of Copnor Road towards its southern end. The dwellinghouse has a small front forecourt and an enclosed garden at the rear. The existing layout comprises of two lounges, kitchen-dining room, understairs store and shower room at ground floor level; three bedrooms including one ensuite and a bathroom at first floor level. The property is already in use as an HMO, without planning permission.

1.5 The application site is within a predominantly residential area. There are two HMOs within a 50m radius, a property subdivided into two flats at 2 Copnor Road, and some other former terraced houses sub-divided into two flats.



Figure 1 Site Location Plan

1.6 The Proposal

- 1.7 The Applicant has sought planning permission for the change of use of the dwelling from the current lawful use as a C3 dwellinghouse to C4 HMO. This change in occupancy would involve the repurposing of internal rooms but no external operational development forms part of this application.
- 1.8 The proposed accommodation, as shown in Figure 2 below, comprises the following:
- Ground floor: two bedrooms, kitchen/dining/lounge, shower room
 - First floor: three bedrooms, including one ensuite, bathroom
- 1.9 The proposed layout addresses the room size deficiencies identified in the previous application (23/00048/FUL), which was refused planning permission. Principally, the under stairs store and access to it has been incorporated into the enlarged kitchen/dining/lounge. Also, the bath/shower rooms and WC have been amended.

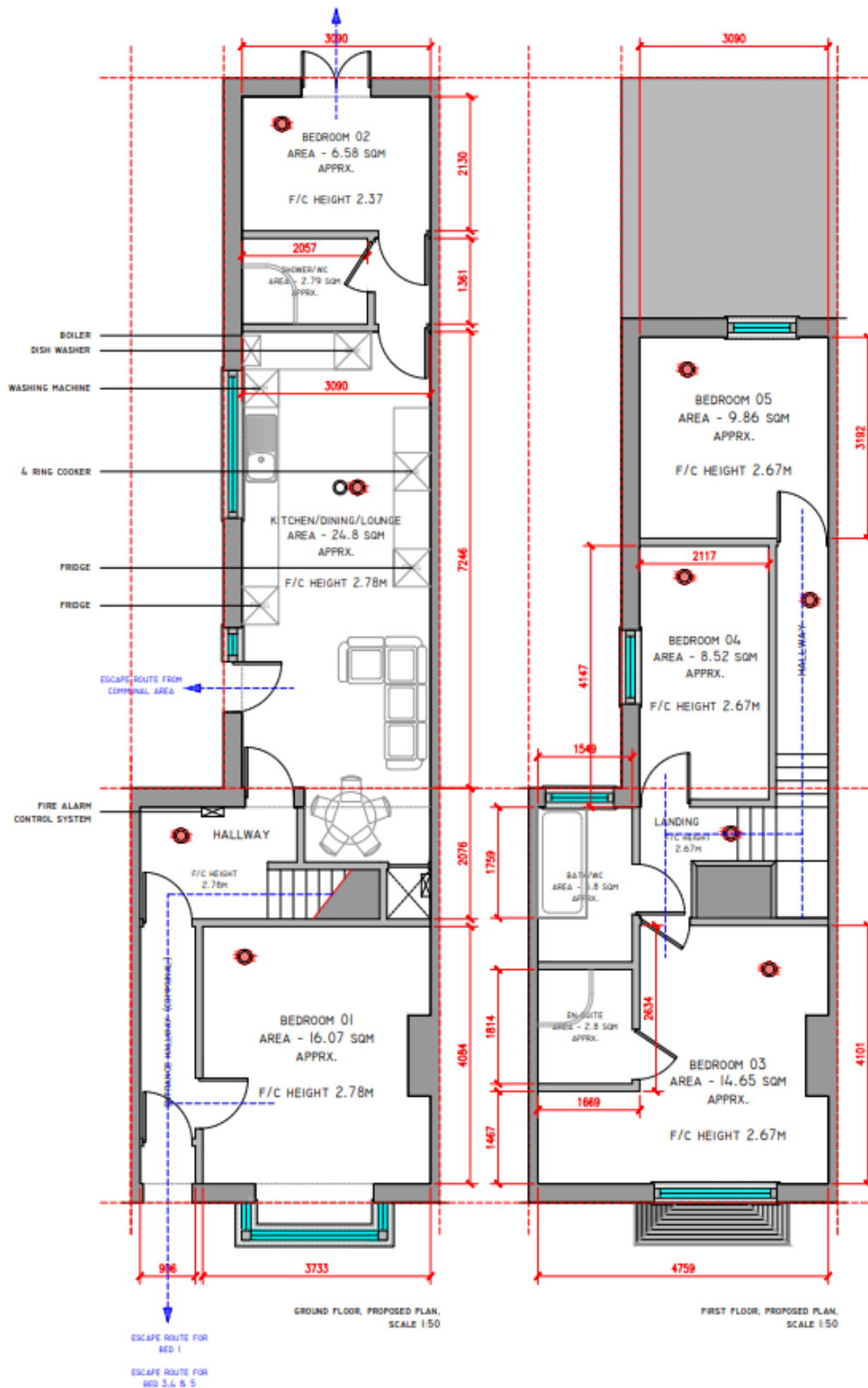


Figure 2 Proposed floor plans

1.10 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.

1.11 Planning History

1.12 23/00048/FUL - Change of use from dwellinghouse (Class C3) to house in multiple occupation (Class C4) - refused on 24.06.2023 under delegated powers due to insufficient sizes of the combined living space, ground floor shower room, first floor bathroom and the ensuite serving bedroom 3 as per HMO SPD 2019.

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

3.0 CONSULTATIONS

- 3.1 Private Sector Housing
The property requires mandatory HMO licencing, and the mandatory licence for six occupants was issued to the applicant on 10th August 2023. The licence application was made in October 2022 and the old communal room standards were applied.
- 3.2 Equality and Diversity Officer
- 3.3 I am sympathetic to the situation, however the applicant is not directly infringing upon the disabled neighbour's rights, or the right to peacefully enjoy their home, therefore there is no issue of discrimination. If there are issues relating to noise, this can be addressed by contacting the environmental health team within PCC or, in worst case scenario, by contacting the police.
- 3.5 Highways
No objection. Proposal would not have a material impact on highway safety.

4.0 REPRESENTATIONS

- 4.1 3 letters of representation were received objecting to the proposal. The concerns raised can be summarised as follows:
- Sandwiching residents between HMOs and flat conversions
 - Impact on amenity due to anti-social behaviour and crime
 - Pressures on local amenities and facilities
 - Impact on the life of a person with disabilities (special educational needs) living next door: concerns about domestic violence and the number of local HMOs, sensitivity to noise. Each HMO occupant has their own room, then communal space, meaning they are playing music, loud movies etc in all rooms often as it's not a family home, they are not gathered in one place to watch tv.
 - If granted, the proposal will exceed the planning 10% rule on HMOs within a 50m radius of other HMOs
 - Impact on parking
 - Concerns about the room sizes in the current proposal
 - The property appears to be used as an HMO presently

Non-planning considerations

- Devaluation of neighbouring properties

5.0 COMMENT

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

- Principle of development
- Standard of accommodation
- Impact on residential amenity of the neighbours
- Parking
- Waste
- Impact on the Solent Protection Area
- Community Infrastructure Levy (CIL)
- Human Rights and the Public Sector Equality Duty ("PSED"); and
- Any other matters raised in the representations.

5.2 Principle of development

5.3 Permission is sought for the use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO). 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'.

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 Based on the information held by PCC, of the 43 properties within a 50-metre radius of the application site, there are only 2 confirmed HMOs (Class C4) as shown below (4.65%). 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.

5.6 Following further investigations, no additional HMOs have been uncovered by the Case Officer. Including the application property if approved, the proposal would bring the percentage of HMOs within the area up to three: 6.98%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

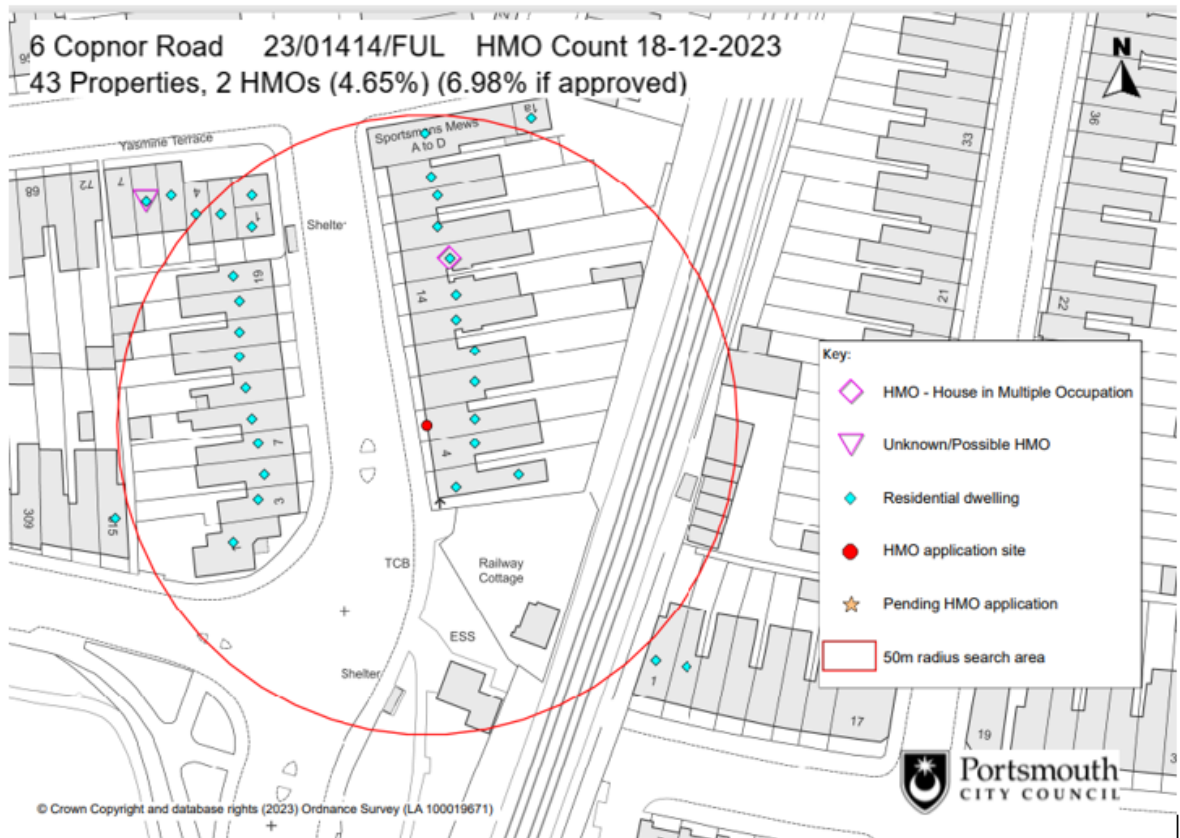


Figure 3 Existing HMOs within 50m radius of the application site

- 5.7 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 with this guidance caused by this proposal.
- 5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.9 Standard of accommodation
- 5.10 The application seeks 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 below.

Room	Area Provided (msq)	Required Standard (msq)
Kitchen/Dining/Lounge	24.8	24
Bedroom 1	16.07	6.51
Bedroom 2	6.58	6.51
Bedroom 3	14.65	6.51
Bedroom 4	8.52	6.51
Bedroom 5	9.86	6.51
En-suite serving bedroom 3	2.8	2.74
GF shower room	2.79	2.74
1F bathroom	3.8	3.74

- 5.11 To re-cap, the previous application was refused planning permission because some of the rooms did not meet the SPD standards - the communal room, the ensuite, the bathroom, and the shower room. With proposed internal re-arrangements, however, now all of the rooms accord with the standards as set out within the HMO SPD (2019). Furthermore, all habitable rooms would have adequate layout and good access to natural light. Officers on site have confirmed that the understairs store to be incorporated into the communal room has a ceiling height exceeding head height. Lastly, to be clear, the SPD standards can only be met for the property as a Class C4 HMO with a maximum occupation by five persons, therefore a condition is attached to provide such a limit. This is notwithstanding the HMO license for six occupiers. The Applicant is aware of, and accepts, the limit of five persons a planning consent would impose.
- 5.12 Impact on residential amenity of the neighbours
- 5.13 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 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 three and five unrelated persons as a house in multiple occupation.
- 5.14 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. PCC's report on Shared Housing in Portsmouth: An Assessment of Demand, Supply and Community Impacts (2012) provides an overview of the negative impacts of HMO concentrations on local communities and point 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 more HMO would not be significantly harmful.
- 5.15 Having regard to this material consideration, the impact of the change of use would not be significant on residential amenity.
- 5.16 Parking
- 5.17 Properties in use class C4 with four or more bedrooms are required to provide two parking spaces which is the same amount as for properties in use as class C3 with four or more bedrooms (Parking Standards SPD 2014). The proposal has no off-street parking, which is no change from the fallback position.
- 5.18 The proposed use describes occupation by up to five people, while a C3 dwellinghouse could be occupied by more or less residents, and as such it is not considered to represent an increase in overnight stays. The proposal is thus not considered to have a demonstrable impact on the parking need over and beyond the existing. Therefore, it is considered that refusal on a lack of parking is not reasonable or defensible and refusal could not be sustained on appeal. It should be noted that the property could be occupied by a large family with adult children, each potentially owning a separate vehicle, or even more than one vehicle per person.
- 5.19 The Parking Standards SPD (2014) also specifies the expected level of cycle parking that should be provided for residential developments. A 4+ bedroom property has an expected demand for 4 cycle parking spaces. A bicycle storage facility for five bikes has been indicated in the back garden and this would be secured through a condition.
- 5.20 Waste
- 5.21 The storage of refuse and recyclable materials would be located in the forecourt area, it is considered that the amount of waste/ refuse would be similar for a larger family living at the same Class C3 dwellinghouse property, or for an HMO use, and can be readily

accommodated within the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.

5.22 Impact on Special Protection Areas

- 5.23 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 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.

5.24 Community Infrastructure Levy (CIL)

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

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

- 5.27 PCC 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.

- 5.28 Under section 149 of the Equality Act 2010, PCC must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Furthermore, PCC 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.

- 5.29 A neighbour has objected to the application, expressing concern about her daughter's special needs, and how noise and concerns about violence could or would affect her significantly. Disability is one of the protected characteristics under the Equality Act 2010, and so it falls to the local planning authority to have due regard to its public sector equality duty in the context of this application. In particular (but without limitation), the local planning authority must consider taking any steps to meet the needs of the disabled that are different needs to those without the protected characteristic of disability, and to remove or minimise any disadvantages suffered by a person with disabilities that are not suffered by others. Noise, and anti-social behaviour or violence, are not limited by any means at all to HMO occupation and may result from the occupation of a property by a single person or family group. And any such effects, resulting from whichever occupation, could adversely affect a neighbour's amenity whether that neighbour has a protected characteristic or not. As such, it is not considered that there is sufficient justification to withhold planning consent on this matter. Therefore, 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.

5.30 Other matters raised in the representations

- 5.31 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.

- 5.32 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.

6.0 CONCLUSION

- 6.1 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: Floorplans - 0268/6COPN-02
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.

Maximum occupancy:

- 4) The property hereby granted planning consent as a Class C4 HMO shall not be occupied by more than five persons.
Reason: a greater number of occupants would not be provided with an adequate standard of living accommodation, as the required size of combined living space would not be provided, and so the development would fail to comply with the HMO Supplementary Planning Document 2019 and with Policy PCS23 of the Portsmouth Plan 2012.

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Agenda Item 11

23/01496/FUL

WARD:COSHAM

29 GREENWOOD AVENUE PORTSMOUTH PO6 3NP

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASSES C3 (DWELLINGHOUSE) OR C4 (HOUSE IN MULTIPLE OCCUPANCY) (RESUBMISSION OF 23/00875/FUL)

[23/01496/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Classes C3 \(dwellinghouse\) or C4 \(House in Multiple Occupancy\) \(Resubmission of 23/00875/FUL\) | 29 Greenwood Avenue Portsmouth PO6 3NP](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Ball
Oliverball Property Ltd

RDD: 29th November 2023

LDD: 24th January 2024

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to the number of objection comments received (9).
- 1.2 The primary overarching consideration of this application is whether the previous reason for refusal on the initial application for HMO use has been overcome. The general issues for consideration in the determination of the application are 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.

Preliminary Matter:

- 1.3 It is understood that the HMO use has commenced unlawfully, and the internal layout reflects the previously refused scheme. The committee should be aware that these matters are not material to the current application, which has an altered layout to that previously refused, and that they should only consider the current application on its merits.
- 1.4 An appeal to the Planning Inspectorate with regards to the refused application has been submitted. A decision is not expected for some time and as such, this should not affect the consideration of this current application.
- 1.5 The Council's Planning Enforcement are aware of the situation and will continue to monitor the situation. Formal enforcement action will be considered where necessary upon determination of the current application and the live appeal.

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 Greenwood Avenue. The dwellinghouse is set back from the road by a front forecourt and to the rear of the property is an enclosed garden, accessible from the front by a side driveway. The existing layout comprises of a lounge and kitchen at ground floor level and three bedrooms and a bathroom at first floor level.
- 2.2 The application site is within a predominantly suburban residential area, there are a variety of styles of properties in the area which are predominantly two-storey.

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 in five bedrooms. The application also involves some minor operational development, involving the reconfiguration of the fenestration on the front elevation and the relocation of the front entrance door to the side elevation.
- 3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:
- Ground Floor - 4 bedrooms (each with a shower, toilet and handbasin ensuite), lounge;
 - First Floor - 1 bedroom (with a shower, toilet and handbasin ensuite), a kitchen/diner and a utility room (washing machine and tumble dryer)
- 3.3 The Applicant has constructed a single storey rear extension under permitted development (under prior approval application 23/00038/GPDC), as shown in the drawing below, to facilitate the enlargement of the property before undertaking the change of use. The extensions and alterations were completed under permitted development, a right that is available regardless of whether the property is in Class C3 or C4 use.
- 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. A Planning Officer visited the site and confirmed that the rear extension falls within the tolerances of permitted development.

4.0 PLANNING HISTORY

- 4.1 23/00038/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 3.2m. *(Prior Approval Not required)*
- 4.2 23/00875/FUL: Change of use from dwellinghouse (Class C3) to purposes falling within Classes C3 (dwellinghouse) or C4 (House in Multiple Occupancy) *(Refused for the following reason):*

The proposal, by reason of the configuration and location of communal rooms, would fail to provide a good standard of living accommodation for occupiers and represent an over intensive use of the property. The proposal is therefore contrary to Core Planning

- 4.3 This refusal is now the subject of an appeal (Ref 3338328) submitted on 7 February 2024. It can be noted that this previous application included a notably different layout and an additional bedroom than the current application.

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. **No objections are raised with regards to the layout or the internal configuration.**

- 6.2 Highways Engineer - 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 5 bedroom HMO is 2 spaces and 4 cycle spaces.

7.0 REPRESENTATIONS

- 7.1 Representations from 10 addresses have been received objecting to the proposed development.

- 7.2 The above representations of objection have raised the following concerns:

- a) Parking impacts;
- b) Loss of family housing;

- c) Strain on public services;
- d) Noise concerns;
- e) Fire safety concerns;
- f) Impact on family character of the area;
- g) Anti-social behaviour;
- h) Number of HMOs within the area; and
- i) Lack of account for local views in decisions.
- j) Developers fund the Tory Party, so are likely to be favoured
- k) Previous reason for refusal not overcome
- l) Elderly residents on the street
- m) Operational development out of character with the street scene

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 As previously mentioned, the overarching issue is whether the previous reason for refusal has been overcome. In principle, and subject to a restriction of the occupancy, the intensity of the use has been reduced due to the reduction in the number of bedrooms from 6 to 5 (17%) and therefore this has been addressed. The reduction in bedrooms and alteration in design has resulted in an internal layout which provides far more space in the communal kitchen/diner area, in addition to the ground floor lounge area, which was the main area of concern on the previous application. Therefore, it is considered that the previous reason for refusal has been overcome. Matters other than those contained within the previous reason for refusal, while still pertinent to this application, could not be reasonably used as a reason for refusal on this application if they were previously considered to be acceptable on the previous application.
- 8.4 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'.
- 8.5 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.
- 8.6 Based on the information held by the City Council, of the 27 properties within a 50-metre radius of the application site, there are no other HMOs 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.

- 8.7 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 3.7%. 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

- 8.8 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.
- 8.9 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.10 Standard of accommodation
- 8.11 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)	11.58m ²	10m ²
Bedroom 2 (ground floor)	10.83m ²	10m ²

Bedroom 3 (ground floor)	12.17m ²	10m ²
Bedroom 4 (ground floor)	12.05m ²	10m ²
Bedroom 5 (first floor)	12.00m ²	10m ²
Utilities room	4.07m ²	n/a
Communal Kitchen/Dining area (ground floor)	22.80m ²	15.5m ² , as all 5 bedrooms meet or exceed 10m ²
Lounge (ground floor)	15.42m 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)	3.20m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.95m ²	2.74m ²
Ensuite bathroom 5 (second floor)	2.78m ²	2.74m ²

Table 1 Schedule of Floor sizes

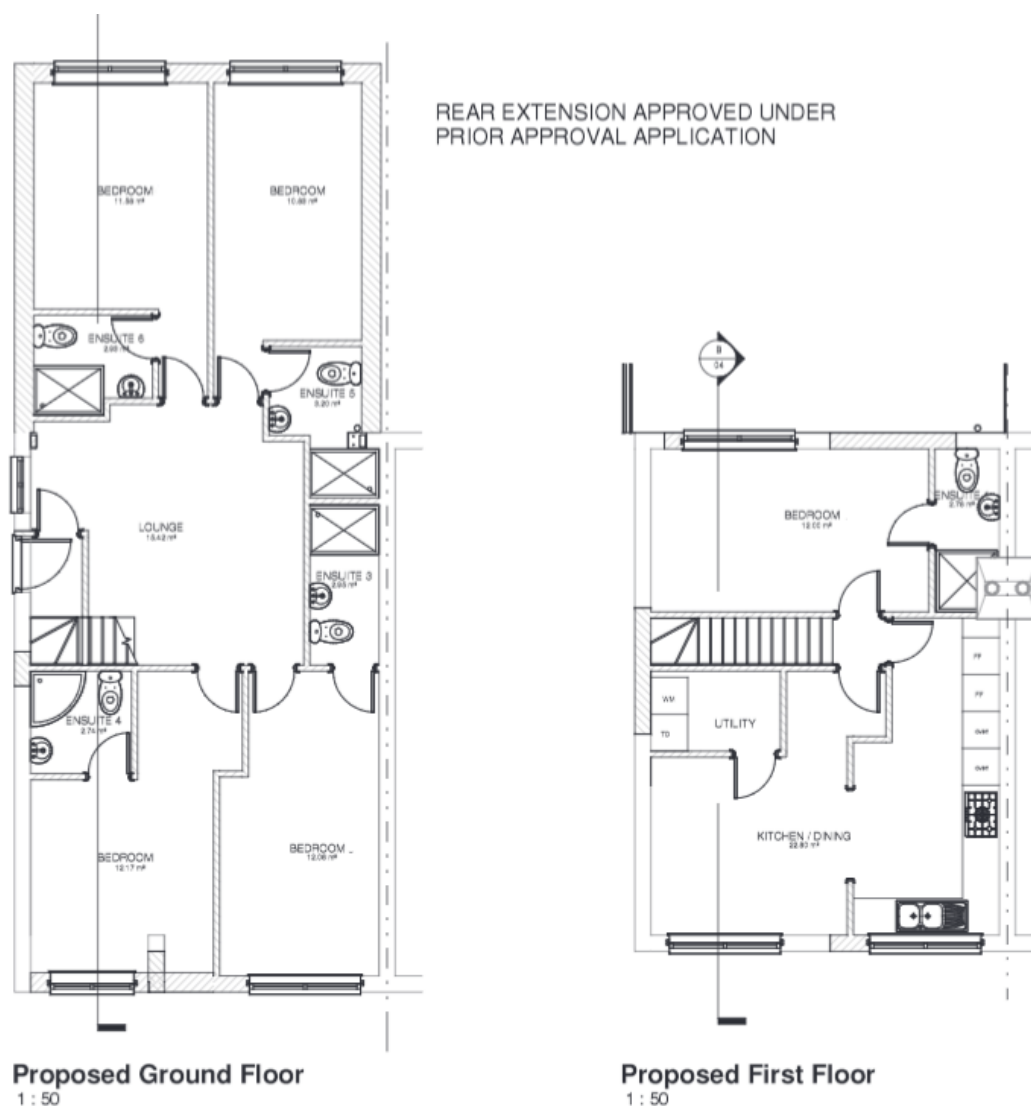


Figure 4 Proposed Floorplans

- 8.12 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. The revised layout of the kitchen/dining area, including the increase in floorspace results in an area which is considered highly usable.

- 8.13 While slightly unconventional that the kitchen/dining area is upstairs, this is no issue with this configuration in policy terms, and it is considered that the layout of the property would provide a good standard of living for future occupiers in accordance with Policy PCS23 of the Portsmouth Plan. It is considered that the Ground Floor layout, which involves 4 of the 5 bedrooms opening directly into the lounge is a positive approach as it would encourage interaction and socialising between residents.
- 8.14 While the proposed rooms sizes are considered adequate for the suggested 5 single occupancy bedrooms it is not considered adequate for 6 occupants, either by way of the provision of communal space or through allowing dual occupation of a bedroom. A condition is therefore recommended to limit the occupation to 5 residents.

Impact on neighbouring living conditions

- 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 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.
- 8.16 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.
- 8.17 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.
- 8.18 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

8.19 External Alterations

- 8.20 The alterations to the fenestration would result in a change in appearance to the front elevation. While most properties in the immediate vicinity are uniform in their front fenestration, most have had myriad alterations of differing levels and natures, and as such, there is not a strong sense of uniformity in the area. The only real sense of uniformity is resultant from the form, mass and siting of the buildings. As such, it is considered that the operational development is acceptable in design terms.

8.21 Highways/Parking

- 8.22 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 potential for off-street parking but it is not clear how many vehicles it could accommodate.

- 8.23 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.
- 8.24 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.
- 8.25 Waste
- 8.26 The storage of refuse and recyclable materials would remain unchanged, being located in the garden area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.27 Impact on Special Protection Areas
- 8.28 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.
- 8.29 Community Infrastructure Levy (CIL)
- 8.30 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.
- 8.31 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.32 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.
- 8.33 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.

8.34 Other Matters raised in the representations.

8.35 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.

8.36 As mentioned the external works would be Permitted Development and therefore considerations against any loss of light or privacy would not be relevant.

8.37 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.

8.38 It is not considered that the proposed use would result in any demonstrable increase in anti-social behaviour.

8.39 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.

8.40 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: PG.8107 - 12 - 04 REV A - DUAL USE PLAN REV A, 4 CYCLE STORAGE SHED, PROPOSED BLOCK PLAN, PROPOSED SITE PLAN - 1-500

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.

Restriction on Occupation:

4) The property hereby granted planning consent as a Class C4 HMO shall not be occupied by more than five persons.

Reason: a greater number of occupants would not be provided with an adequate standard of living accommodation, as the required size of combined living space would not be provided, and so the development would fail to comply with the HMO Supplementary Planning Document 2019 and with Policy PCS23 of the Portsmouth Plan 2012.

Agenda Item 12

23/01288/HOU

WARD: COSHAM

8 Highbury Way, COSHAM. PO6 2RH

ENCLOSURE OF OPEN COURTYARD WITH ROOF INCORPORATING GLASS LANTERN

WEBSITE LINK:

[23/01288/HOU | Enclosure of open courtyard with roof incorporating glass lantern | 8 Highbury Way Portsmouth PO6 2RH](#)

Application Submitted By:

Mr Steve Nahid
Crofton HIC

On behalf of:

Mr Asghar and Mrs Shah

RDD: 19th October 2023

LDD: 22nd January 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought to the Planning Committee for determination as one of the applicants is a Councillor of Portsmouth City Council (Councillor Shah).

1.2 The main issues for consideration relate to:

- Design
- Impact upon residential amenity

1.3 SITE, PROPOSAL AND RELEVANT PLANNING HISTORY

1.4 Site and Surroundings

1.5 The application site comprises a two storey semi-detached dwellinghouse on the corner of Highbury Way and The Old Road. Off road parking is available on the driveway which leads from The Old Road. The front/side garden is bounded by a dwarf wall with a high evergreen hedge behind, although views into this garden area can be achieved from the Old Road (given the open aspect of the driveway) and Highbury Way (over the low pedestrian gate).

1.6 The detached former garage to the rear (understood to be used as a playroom) and the outbuilding to the south-east corner of the house (since regularised under planning no. 23/00004/PLAREG and currently used as a home office) have essentially created an open courtyard to the rear of the house. Neither of these outbuildings are currently accessible direct from the house.

1.7 The Proposal

1.8 The application demonstrates the enclosure of the courtyard with a flat roof incorporating a glass lantern, to provide an entirely enclosed habitable room which would in effect bring the two outbuildings into forming part of the main house. The brick boundary wall to no. 6 would be increased by three brick courses plus a fascia board, which is to be set in from the boundary to align with the previous rear garage/current playroom totalling a rise of circa 66cm.

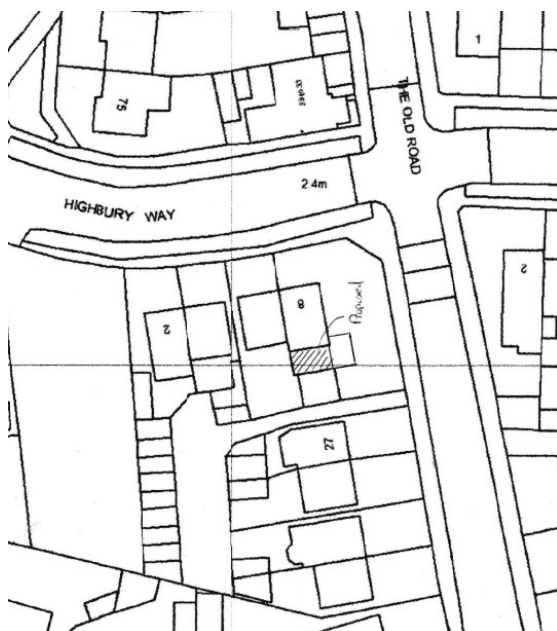


Figure 1 - Block Plan

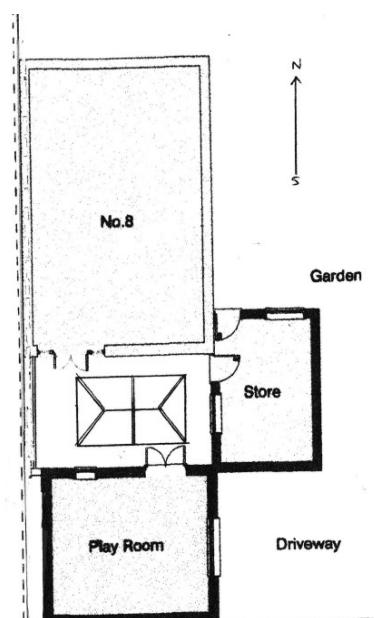
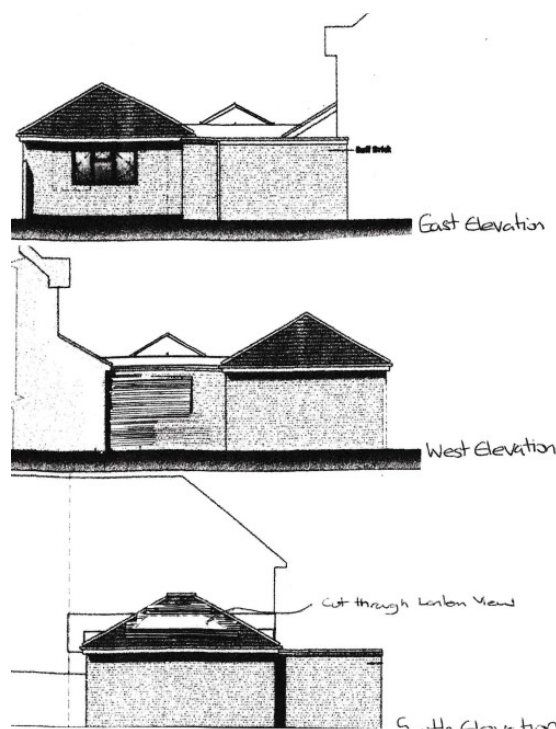
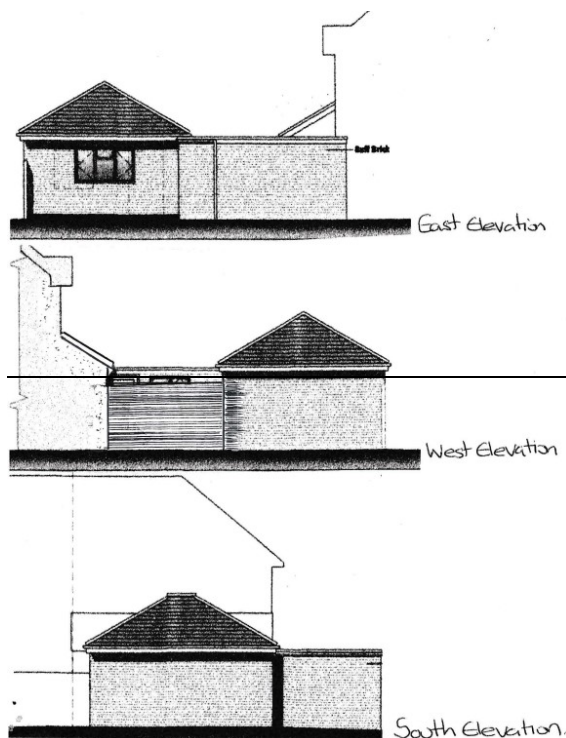


Figure 2 - Proposed Block Plan



Figures 3 and 4 - existing (left) and proposed (right) elevations

1.9 Relevant Planning History

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

- 23/00004/PLAREG - Retrospective application for the construction of 2no. rear outbuildings - Conditional Permission 13/3/23
- 20/00146/HOU - Alterations to an existing garage including the change from a flat roof to a pitched roof - Conditional Permission 10/3/20

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012):

- PCS23 (Design and Conservation)

2.2 In accordance with the National Planning Policy Framework (2023) due weight has been given to the relevant policies in the above plan.

3.0 CONSULTATIONS

3.1 Contaminated Land Team - suggested informative.

4.0 REPRESENTATIONS

4.1 None

5.0 COMMENT

5.1 The main issues for consideration relate to design and impact upon the amenity of neighbouring residents.

5.2 Design

5.3 The addition of a flat roof over the existing open courtyard, lit by a glazed lantern, is considered acceptable in principle. The development would be a relatively modest addition in visual terms as seen from the surrounding area. While the necessary alteration to existing roof slopes, to allow the new structure to tie in to the dwelling will result in an unattractive appearance it will be seen from very few vantage points and is not considered to be so harmful as to justify refusal of planning permission. Conditions are recommended, below, to minimise the visual harm of the scheme.

5.4 Residential Amenity

5.5 The enclosure of the courtyard would remove all private outside amenity space from the rear of the property. Occupiers would therefore have to rely on the remaining garden space to the front and side of the house for outdoor recreation. Whilst this front/side garden area is not completely private, because of views through the front gate and driveway, it does feel reasonably private due to the substantial evergreen hedge screen. It is considered of sufficient size and privacy to support the occupiers of the property.

5.6 The increased height of the existing garden wall, proposed flat roof and glazed lantern would be visible from the house and garden area of the adjoining semi-detached property to the west, however while this will increase the sense of enclosure in the neighbouring rear garden it is not considered that the outlook or light to this property would be so significantly adversely affected as a result of the works to justify refusal of planning permission.

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

5.8 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.

5.9 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.

6.0 Conclusion

- 6.1 The proposed development is considered acceptable in both design and residential amenity terms and is capable of support subject to conditions.

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 dated 18/10/23, Block Plan received 27/10/23 and proposed plans and elevations received 26/1/24.
Reason: To ensure the development is implemented in accordance with the permission granted.

Matching Materials

3. The bricks, bonding pattern and mortar to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those used in the construction of the existing boundary wall between the application site and no.6 Highbury Way.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth.

Construction details facing no.6

4. Prior to commencement of the development hereby permitted, details (to scale 1:50) of the extended brick wall, depth and materials of the proposed fascia, roof and flashing of the western elevation facing no.6 shall be submitted to and approved in writing by the local planning authority and such approved details shall be fully implemented.
Reason: In the interests of visual amenity in accordance with policy PCS23 of the Portsmouth.

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