

194-196 FRATTON ROAD PORTSMOUTH PO1 5HD

CHANGE OF USE OF PART GROUND, FIRST AND SECOND FLOORS FROM DWELLING HOUSE (CLASS C3) TO 10 ROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) TO INCLUDE CONSTRUCTION OF SINGLE STOREY REAR EXTENSION (RE-SUBMISSION OF 16/00286/FUL)

Application Submitted By:

Mr G Stubbings

On behalf of:

VK Deptford Broadway Ltd
FAO Mr K Dastidar

RDD: 21st April 2016

LDD: 1st July 2016

SUMMARY OF MAIN ISSUES

This application is being considered by the Planning Committee by the request of Councillor Ashmore following a request from the agent.

The main determining issues in this application relate to whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living condition of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and bicycle parking. Also whether the proposed single storey rear extension would be acceptable in design terms and whether it would have a significant impact on the surrounding occupiers.

The Site and Surroundings

This application relates to a property which is located on the eastern side of Fratton Road, to the south of where the road adjoins with Clive Road and to the north of where the road adjoins with Newcombe Road. The surrounding area is predominantly characterised by commercial units with a number of cafes and restaurants.

Proposal

The applicant seeks permission for the change of use of part ground, first and second floors from a dwelling house (Class C3) to a 10 bedroom house in multiple occupation (sui generis) to include the construction of a single storey rear extension.

Planning History

An application was submitted in February 2016 (Ref 16/00286/FUL) for the change of use of part ground, first and second floors from a dwelling house (Class C3) to a 10 bedroom house in multiple occupation (sui generis) to include the construction of a single storey rear extension. This application was withdrawn on 7th April 2016.

Permission was granted in March 2016 for the change of use of the ground floor shop to A1/A2 use (Ref 16/00287/FUL).

After discussion with a different agent from the previous withdrawal a new application was submitted in April 2016, this was following advice that there had been no changes to the HMO percentage and therefore the application could not be supported.

POLICY CONTEXT

The relevant policies within would include:

(),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS13 (A Greener Portsmouth), PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) and the Parking Standards Supplementary Planning Document would also be material to this application.

CONSULTATIONS

Highways Engineer

The application site is within residents parking GA zone, with free on street parking for 2 hours and no return within 4 hours for non-residents.

The proposed development will not technically generate any additional postal addresses as an HMO is considered to be one household. Because of this, the number of parking permits the site will be eligible for will remain the same and therefore parking pressure on the local roads should not be affected.

More detail will be required regarding cycle parking facilities, in addition to the space identified for the storage area, which should comply with PCC standards.

RECOMMENDATION: No objection subject to the following condition:-

Prior to the occupation of development, details of fully enclosed, secure and lockable cycle parking facilities to be submitted and agreed upon in writing by the local planning authority and retained thereafter. Provision to comply with guidance set out in 'Parking Standards and Transport Assessments SPD, 2014'

Reason: To encourage the use of sustainable travel.

REPRESENTATIONS

Two letters of objection from local residents have been received. Their concerns relate to :1) noise and disturbance 2) parking.

COMMENT

The main determining issues in this application relate to whether the proposal is acceptable in principle and whether it would have a detrimental impact on the living condition of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in respect of SPA mitigation, car and bicycle parking. Also whether the proposed single storey rear extension would be acceptable in design terms and whether it would have a significant impact on the surrounding occupiers.

Procedural Issues

The agent has raised concerns with the GIS count data during the application process. The 'count' was undertaken a number of times using the councils GIS mapping system that is used to assess all HMO applications. The count concluded each time that the number of HMO properties within the 50m radius was over the 10% threshold. The agent had stated that the

properties to be included in the count are: 3 Sheffield Road and the flats 1-11 at 179-189 Fratton Road.

The point of contention is that the LPA count does not include the flats at 179-189 Fratton Road.

Paragraph 1.15 from the SPD states that 'Where any part of the curtilage of a residential property (house) falls within the area surrounding the application property, this property will be included in the 'count'. Having reviewed this information it was confirmed that Flats 1-11, 179-189 Fratton Road were not located within the 50 metre radius and therefore could not be included in the 'count'. It was also concluded that the 50m radius touched the curtilage of 3 Sheffield Road and that it should be included in the count.

The agent sort to challenge the Council's GIS system and carried out a ground survey of the site assessing which properties should be located within the 50metre radius. What is key to this point is where the 50m radius is measured from. The Agent's survey plan measures the radius from the same point however, it does not match the data calculated from the local planning authorities GIS system and therefore these additional properties could not be included in the 'count'. The LPA is unclear as to where the conflict arises given the council's system uses the same land registry data base that the agent's surveyor used.

Procedurally, the Council has adopted a consistent approach when taking these measurements and to deviate from this method and mapping system would be inappropriate.

Principle

Policy PCS20 of the Portsmouth Plan states that applications for the 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 (HMO SPD) 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.

Of the 69 properties located within a 50m radius of this property, six properties are currently classed in C4 HMO use. The following properties were found to be in use as an HMO:

- o 2 Newcombe Road
- o 5 Newcombe Road
- o 7 Newcombe Road
- o 8 Newcombe Road
- o 3 Sheffield Road
- o 1 Sheffield Road

This representing 8.69%. This properties were checked on council tax records confirm whether these properties were still in use as an HMO. It was then concluded that this is still the case. The proposal would therefore increase the proportion of HMOs to seven (10.14%). The HMO SPD states that an application would be imbalanced where more than 10% of residential properties within the area surrounding the application are already an HMO. It is therefore, considered that the proposal would result in an imbalance of HMO uses within the surrounding area contrary to the aims and objectives of Policy PCS20 of the Portsmouth Plan and the HMO SPD.

Amenity

It is often considered that the impact of the proposed use upon the living conditions of the surrounding occupiers, the level of activity associated with the use of any individual properties as Class C4 HMO is unlikely to be materially different to the use of a single household. However, in this instance the property would be used as a 10 bedroom sui generis HMO. Therefore it is considered that there is a considerably large number of future occupiers than the average HMO and this could potentially have a significant impact on the amenity of the surrounding occupiers.

On the basis that the current application would represent a more intensive use of a terraced property, with only a single communal area where residents are likely to congregate the proposal has the potential to lead to noise which would be harmful to the occupants of the surrounding properties.

Car Parking

The application site does not benefit from any off-street parking and there is no parking proposed as part of this application. To comply with the PCC Parking Standards SPD (July 2014) an HMO of this size should provide 2 car and 4 cycle parking spaces. The application as it stands is not compliant with the Parking Standards as it has not provided the expected number of car parking spaces and no justification has been given for the under-provision. However, given the sustainable location of the site, the need for on-site parking in this instance would not be a determining factor.

Cycle Parking

The applicant has provided details of cycle storage facilities within the rear garden of the property. It is considered that the future occupants are more likely to use bicycles and public transport given the close proximity to the nearest public transport links in Fratton Road. Therefore to encourage the use of more sustainable modes of transport to the car, it is considered that a suitably worded planning condition requiring their retention of the bicycle facilities would be both necessary and reasonable.

Bin Storage

The applicant has provided details of bin storage in the rear garden adjacent to the proposed single storey rear extension. The bin storage area will provide adequate space for at least 6 bins which would be adequate for the proposed use.

Impact on SPAs

The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour is designated as a Special Protection Area, or otherwise affect protected habitats or species. The Portsmouth Plan's Greener Portsmouth policy (PCS13) sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

The Solent Special Protection Areas Supplementary Planning Document (SPD) was adopted in April 2014. It has been identified that any development in the city which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. Paragraph 3.3 of the SPD states: 'Mitigation will generally not be sought from proposals for changes of use from dwellinghouses to Class C4 Houses in Multiple Occupation (HMOs) as there would not be a net increase in population. A change of use from a Class C4 HMO or a C3 dwellinghouse to a sui generis HMO is considered to represent an increase in population equivalent to one unit of C3 housing, thus resulting in a significant effect and necessitating a mitigation package to be provided'. The SPD sets out how development schemes can provide a mitigation package to remove this effect and enable the development to go forward in compliance with the Habitats Regulations.

Therefore, based on the methodology in the SPD, an appropriate scale of mitigation would be calculated as £352 (2 x £176), dwellinghouse (C3) to sui generis HMO). The applicant has not indicated as part of the proposal any agreement to providing the required mitigation.

Design

The proposed single storey rear extension would have a length of 4.8m, a width of 4.5m and a flat roof with a height of 3.7m. It would be constructed of brick to match the existing property. The extension would not be constructed up to the boundary wall with the neighbouring properties. This would allow sufficient space in the rear garden to provide the cycle and bin storage for the property. It would have a set of UPVC glazed windows and a UPVC glazed door on the rear elevation. The extension would be relatively modest in size and it is therefore considered that it would be acceptable in design terms and would relate appropriately to the recipient building.

Amenity

There is brick wall which separates the existing property from the neighbouring properties. The proposed extension would be 0.5m taller than the wall, therefore it is not considered that the proposal would cause a significant impact in terms of loss of light, increased sense of enclosure, loss of privacy or overshadowing to the neighbouring properties. Also, as mentioned previously the extension would not be constructed up to the boundary walls of the neighbouring properties. Therefore there would be a distance of at least 2 metres between the proposed extension and the boundary wall. The proposed windows and door would be located on the rear elevation and there are no windows proposed on the side elevations. Therefore the proposal would not cause an impact in terms of overlooking or loss of privacy.

RECOMMENDATION Refuse

Conditions

The reasons for the conditions are:

- 1) The proposed change of use from dwellinghouse (C3) to a 10 bedroom house in multiple occupation (sui generis) would fail to support a mixed and balanced community. The proposal is therefore contrary to Policy PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document.
- 2) In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas and so its contrary to PCS13 of the Portsmouth Plan and to the Conservation of Habitats and Special Regulations (as amended).
- 3) PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.