

# PLANNING COMMITTEE

## 25 JULY 2018

**1 PM THE EXECUTIVE MEETING ROOM,  
FLOOR 3, GUILDHALL**

### **REPORT BY THE ASSISTANT DIRECTOR - CITY DEVELOPMENT ON PLANNING APPLICATIONS**

#### **ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS**

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

#### **REPORTING OF CONSULTATIONS**

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - City Development if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

#### **APPLICATION DATES**

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

#### **HUMAN RIGHTS ACT**

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property, and Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

## **INDEX**

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page</b>
01	18/00837/FUL	37 Wadham Road Portsmouth PO2 9ED	PAGE 3
02	18/00280/PLAREG	2 Raglan House 4 Clarence Parade Southsea PO5 3NU	PAGE 9
03	18/00292/FUL	92 Osborne Road Southsea PO5 3LU	PAGE 13
04	18/00538/VOC	19 Powerscourt Road Portsmouth PO2 7JE	PAGE 19
05	18/00767/HOU	5 Lealand Road Portsmouth PO6 1LY	PAGE 25
06	18/00991/FUL	69 Wadham Road Portsmouth PO2 9ED	PAGE 28

**01**

**18/00837/FUL**

**WARD:NELSON**

**37 WADHAM ROAD PORTSMOUTH PO2 9ED**

**CHANGE OF USE FROM PURPOSES FALLING WITHIN A HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 7 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) (AMENDED DESCRIPTION)**

**Application Submitted By:**

Thorns Young Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr J Durai  
info@highlifeinvestments.co.uk

**RDD:** 15th May 2018

**LDD:** 1st August 2018

**SUMMARY OF MAIN ISSUES**

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

- Whether the intensification of the use is acceptable in accordance with Policy PCS20 of the Portsmouth Plan;
- Standard of living accommodation;
- Impact on the amenities of neighbouring residents;
- Parking and refuse storage;
- Impact on the Solent Special Protection Area.

**Site and proposal**

The application relates to a terraced property located on the south side of Wadham Road. The property has an existing part two, part single storey rear projection, and has recently been extended with the construction of an L-shaped dormer window within the rear roof slope. There is an enclosed forecourt to the front of the property and a garden to the rear.

Planning permission was granted in April 2018 for the use of the property as a C4 House in Multiple Occupation (HMO) for up to 6 persons (ref. 18/00146/FUL). This application now seeks permission for a change of use from a C4 HMO to a Sui Generis HMO with 7 bedrooms. The applicant has confirmed that the maximum occupancy would be 7 persons.

The internal accommodation would comprise the following:

Ground floor - 2 x bedrooms with en-suites; communal lounge/kitchen/diner;

First floor - 3 x bedrooms with en-suites;

Second floor (roof) - 2 x bedrooms with en-suites

The description of development previously included reference to a dormer window extension at the rear of the property. However, during the course of the application, it was confirmed that this dormer had already been constructed and is of a size that falls within the limits of permitted development. Planning permission is therefore not required for the rear dormer and reference to this element of the scheme has therefore been removed from the description.

## **Planning history**

18/00146/FUL -Change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwellinghouse) - conditional permission, 9 April 2018.

There is no other planning history associated with the property.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

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

## **CONSULTATIONS**

### **Private Sector Housing**

#### Definitions

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor) —

- (a) Which forms part of a building
- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
- (c) Either the whole or a material part of which lies above or below some other part of the building.

#### Proposal

CHANGE OF USE FROM PURPOSES FALLING WITHIN A HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 7 BEDROOM/6+ PERSON HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) TO INCLUDE CONSTRUCTION OF DORMER EXTENSIONS TO REAR ROOFSLOPES

#### Summary

\*3 storeys

\*7 bedrooms / 7 persons

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act 2004.

### **Highways Engineer**

No comments received.

## **REPRESENTATIONS**

Fifteen representations received, objecting on the following grounds:

- a) inadequate parking provision, leading to increased pressure for parking in the local area;
- b) too many residents in one property;
- c) the houses should remain for family occupation;
- d) increased pressure on infrastructure including drainage systems;
- e) too many flats and HMOs in the area already;
- f) extension works have already commenced;
- g) property was previously two flats, not an HMO;
- h) potential increase in antisocial behaviour, noise and disturbance;

- i) decrease in value for surrounding properties;
- j) dormer windows have already been constructed;
- k) concerns about safety for existing residents of the area.

## COMMENT

### Principle of the proposal

Planning permission is sought for the use of the property to a 7 bedroom Sui Generis HMO. The property already benefits from a lawful use as a Class C4 HMO, following the grant of planning permission in April 2018 (ref. 18/00146/FUL).

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 (as amended 21 November 2017), 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.

Whilst this proposal is not for a new HMO use, it does propose an intensification of the use. The HMO SPD states that where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications in areas where concentrations already exceed the 10% threshold. This is to protect residents against potential negative impacts associated with further intensifications of HMO uses in areas that are already imbalanced.

In this case, data held by the Council indicates that out of 72 properties within a 50m radius, only the property subject to this application is known to be in HMO use. This represents 1.4%. It is noted that there is another proposed HMO at No.69 Wadham Road (subject to a separate application currently under consideration, ref. 18/00991/FUL). However, this property lies outside of the 50m radius of the application site. Therefore, as the percentage of HMOs in the area does not exceed 10%, changing the use of the property to a 7 bedroom HMO (Sui Generis) is considered acceptable in accordance with Policy PCS20 of the Portsmouth Plan.

### Standard of living accommodation

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

Bedroom 1 (GF) - 8.58m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to bedroom 1 - 3.3m <sup>2</sup>	Minimum - N/A
Bedroom 2 (GF) - 12.9m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to bedroom 2 - 3.3m <sup>2</sup>	Minimum - N/A
Lounge/kitchen/diner (GF) - 28.11m <sup>2</sup>	Minimum - 27m <sup>2</sup>
Bedroom 3 (FF) - 15.3m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to bedroom 3 - 3.84m <sup>2</sup>	Minimum - N/A
Bedroom 4 (FF) - 8.58m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to bedroom 4 - 3.84m <sup>2</sup>	Minimum - N/A
Bedroom 5 (FF) - 16.9m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to bedroom 5 - 3.3m <sup>2</sup>	Minimum - N/A
Bedroom 6 (SF) - 10.2m <sup>2</sup>	Minimum - 7.5m <sup>2</sup>
En-suite to bedroom 6 - 3.3m <sup>2</sup>	Minimum - N/A
Bedroom 7 - 14.58m <sup>2</sup> (above 1.5m head height)	Minimum - 7.5m <sup>2</sup>

All of the bedrooms and the communal facilities exceed the minimum size standards set out within the SPD. It is noted that the 11.5m<sup>2</sup> is the minimum size for a double room and a number of bedrooms exceed this. However, confirmation has been sought from the applicant that the maximum number of people intended to be accommodated in the property would be 7 (1 per room).

In terms of bathroom facilities, all of the bedrooms would have an en-suite bathroom/shower room. There are no minimum size standards for en-suites and no concerns have been raised by the Private Sector Housing Team with regard to the size of these rooms. Whilst no separate communal bathroom has been provided, an en-suite to each room is considered to be an acceptable level of bathroom facilities for the size of the property.

The proposed development is considered to provide an acceptable standard of living accommodation for the future occupants, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.

### **Impact on the amenity of neighbouring residents**

The proposal is to increase the number of bedrooms within the property from 3 to 7, allowing for occupation by 7 people. Whilst the property only previously had 3 bedrooms, all of them were large enough for double occupancy and the C4 use would have allowed it to be occupied by up to 6 unrelated people. The current proposal therefore represents an increase in 1 person over the level of occupancy that would be allowed within the current C4 use.

The impact of increasing the occupancy of an HMO on the amenities of neighbouring residents has been considered in a number of recent appeals.

In an appeal decision relating to 11 Baileys Road (Appeal ref: APP/Z1775/W/16/3159989, February 2017), the Inspector opined that: "The current use of the property for C4 purposes would enable occupation by up to six residents. The appeal concerns the accommodation being increased by 2 additional bedrooms, making a total of 8 bedrooms; however, this would not change the nature of the use. To effect this change the ground floor lounge and study would be converted to bedrooms. No other rooms would be affected ... I am not persuaded that sufficient evidence has been submitted to substantiate that the proposed 2 additional bedrooms, would result in material harm to their [local residents] living conditions or unbalance the local community".

Similarly, in an appeal decision relating to 37 Margate Road (Appeal ref. APP/Z1775/W/16/3159992, February 2017), which would have resulted in an increase in 1 bedroom, the Inspector commented as follows: "...having regard to the site's urban location and the density of housing in the area, any increase in occupancy at the property derived from such a small increase in bedroom accommodation would not be materially discernible when considered in the context of the existing activity in the surrounding urban area".

In a more recent appeal at 59 Liss Road (Appeal ref. APP/Z1775/W/17/3185768, February 2018), the Inspector agreed with the decision of the previous Inspector for 37 Margate Road in respect of the impact of the additional occupancy.

Having regard to these various appeal decisions, and on the basis that the proposal would only result in 1 additional occupant, it is not considered that an objection could reasonably be sustained on the basis of the impact on the amenities of neighbouring residents in terms of increased noise or disturbance.

### **Parking and refuse storage**

There is no parking associated with the property and no proposal to provide on-site parking.

Advice provided by the Highway Engineers in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, the original property had 3 bedrooms, which would have a parking requirement of 1.5 (2) spaces in accordance with the Adopted Parking Standards. The Parking Standards require 2 spaces for a Sui Generis HMO. Therefore, given that there is no change to the parking requirement, and the fact that the property has never benefited from off-street parking, it is not considered that an objection on lack of parking could be sustained. The property is also located near to London Road, which offers a variety of shops and services and access to public transport.

The Council's Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. This can be secured by condition.

In relation to refuse requirements, the owners of the site would need to apply for communal waste collection. It is considered that the waste facilities could either be stored within the front forecourt or rear garden, and can be secured by condition.

### **Special Protection Area (SPA) mitigation**

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, or otherwise affect protected 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.

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, due to increased recreational pressure. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy. For proposals for a change of use from C4 HMO's to sui generis HMO's the amount sought depends on the number of additional bedrooms proposed. In this case, the proposal is to provide 4 additional bedrooms within the property, and the relevant mitigation amount would be £749.

The requirement for the payment to secure mitigation would be both directly related to the development and be fairly and reasonably related in scale to the development. The applicant has been made aware of the requirement and intends to secure the mitigation through a S111 Agreement. Subject to securing the mitigation, the proposal would be in accordance with Policy PCS13 of the Portsmouth Plan.

**RECOMMENDATION 1** - That delegated authority be granted to the Assistant Director of City Development to grant Conditional Permission subject to the prior completion of an agreement pursuant to section 106 Town & Country Planning Act 1990 to secure the following:

1. Mitigating the impact of the proposed development on the Solent Special Protection Areas by securing a financial contribution of £749;

**RECOMMENDATION 2** - That delegated authority be granted to the Assistant Director of City Development to refuse planning permission if the mitigation has not been secured within three months of the date of the resolution.

**RECOMMENDATION**                      **Conditional Permission**

## Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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 TQRQM18029154008822; PLANS AND ELEVATIONS PG 3005 18 2.
- 3) The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.
- 4) Prior to first occupation of the property as a 7 bedroom, 7 person house in multiple occupation, details of secure and weatherproof bicycle storage facilities for at least 4 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The bicycle storage facilities shall thereafter be retained for the parking of bicycles at all times.
- 5) Prior to first occupation of the property as a 7 bedroom, 7 person house in multiple occupation, refuse storage facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall thereafter be retained.

### 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 allow the Local Planning Authority to assess the impact of any further intensification of the use on the amenity of neighbouring residents and the character of the area, in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan.
- 4) To ensure that adequate provision is made for cyclists using the premises in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.
- 5) In the interest of amenity, in accordance with Policy PCS23 of the Portsmouth Plan.

**NB** This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

### 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, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

---



**2 RAGLAN HOUSE 4 CLARENCE PARADE SOUTHSEA PO5 3NU****RETROSPECTIVE APPLICATION FOR INSTALLATION OF REPLACEMENT EXTERNAL STAIRCASE****Application Submitted By:**

Mrs Karen Rule

**On behalf of:**

Mrs Karen Rule

**RDD:** 15th February 2018

**LDD:** 27th June 2018

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination following a deputation request from neighbouring resident, Flat 1 Raglan House, 4 Clarence Parade.

The determining issues in this application are whether the design and appearance of the development is acceptable in relation to recipient building, 'The Seafront' Conservation Area (No10) and the setting of the adjoining heritage assets. Furthermore, consideration will be given to what impact the works will have upon the amenities of the adjoining occupiers.

**Site and proposal**

The application site relates to Flat 2 (ground & first floors), within a three storey (above basement) terraced property which is located to the north-east of Clarence Parade, facing onto the Grade II listed Southsea Common. The rear of the property abuts Auckland Road West and at present there are a number of garages accessed from this road together with a relatively large garden. An external staircase has been recently (December 2017) erected to the rear of the property. The current use of the building is for three separate residential units. The property is located within 'The Seafront' Conservation Area (No10). The surrounding area is characterised by similar buildings, the majority of which have been sub-divided into flats.

The applicant seeks retrospective planning permission for the installation of a replacement external staircase. The staircase has a height of 2.5m and is finished with a handrail to the western side (outside edge) with a height of 1m. The staircase has a depth of 5.6m from the rear wall and is positioned to the west of a single-storey rear projection (Flat 1).

**Planning history**

A\*18697/AA: Conversion to form 2 self-contained maisonettes and 1 self-contained flat, with construction of single storey extension and external staircase, and insertion of new window/door to rear elevation. Conditional permission (02.11.1994).

A\*18697/AB: Demolition of part wall to single storey rear projection to enable enlargement of window and part wall of rear elevation for insertion of new door. Conditional consent (02.11.1994).

A\*18697/B: Change of use to guest house. Conditional permission (30.03.1977).

B\*20807/B: Alterations to premises in order to form external means of escape in case of a fire. Conditional permission (18.01.1962).

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation),

The aims and objectives of the NPPF would also be relevant in the determination of this application. The Seafront (No10) Guidelines for Conservation would also be a material consideration.

## **CONSULTATIONS**

### **Contaminated Land Team**

Given the limited ground works, the Contaminated Land Team do not require conditions on this project.

## **REPRESENTATIONS**

One representation has been received from Flat 1 Raglan House resident raising objection on the grounds of:

- (a) New staircase goes across bedroom window and has caused a loss of light;
- (b) Loss of outlook;
- (c) Loss of privacy;
- (d) Increase in noise from staircase due to close proximity to bedroom window and external wall;
- (e) There is no inside safety rail and as a result the bedroom window is left unprotected;
- (f) Increase in overlooking into courtyard and windows; and
- (g) Fence panels have been removed resulting in a further loss of privacy.

One representation has been received from Flat 3 Raglan House in support of the application on the grounds of:

- (a) The new staircase is an improvement.

## **COMMENT**

The determining issues in this application are whether the design and appearance of the development is acceptable in relation to recipient building, 'The Seafront' Conservation Area (No10) and the setting of the adjoining heritage assets. Furthermore, consideration will be given to what impact the works will have upon the amenities of the adjoining occupiers.

Section 72 of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires that LPAs pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

## **Design**

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The site is occupied by a three storey (above basement) 19th century terraced property. The application property is located to the north-east of Clarence Parade, close to its junction with Auckland Road West. The building has a pitched roof and is finished in render with white uPVC windows. Historically the property has been sub-divided into three flats and as a consequence Flat 2 (ground and first floors) had an external cast iron staircase set to the rear elevation (reference no. A\*18697/AA).

The surrounding streetscene is residential in nature characterised by substantial terraced properties. The replacement staircase faces on to a single-storey rear projection and rear courtyard located to the west of the staircase. Given the building's siting in Conservation Area No10 ('The Seafront') suitable design precedents have been outlined in supplementary planning guidance produced by Portsmouth City Council and the proposed design compliments the key criteria outlined in this document and therefore does not pose any increased risk to the deterioration of the built heritage in the area.

It is noted the property had a historic external staircase which was granted conditional permission in November 1994 (planning reference no. A\*18697/AA for the: 'Conversion to form 2 self-contained maisonettes and 1 self-contained flat, with construction of single storey extension and external staircase, and insertion of new window/door to rear elevation'. Whilst the previous cast iron external staircase occupied a similar position and was of the same height as the replacement staircase, the depth of the original staircase was 4.4m and thus had a steeper gradient in comparison to the replacement staircase.

The applicant seeks retrospective planning permission for the installation of a replacement external staircase. The new staircase has a height of 2.5m and is finished with a handrail to the western side (outside edge) with a height of 1m. The staircase has a depth of 5.6m from the rear wall and is positioned to the west of a single-storey rear projection (bedroom of Flat 1). The replacement external staircase has a 'stepped' gradient, which consists of a mid-way platform and thus the depth of the stair has increased by 1.2m to the rear (north-east). The replacement staircase is finished in galvanised steel. It is considered that the replacement external staircase is acceptable in design terms and relates appropriately to the recipient building.

Given the property had a previous staircase which occupied a similar position for many years, it is considered the installation and replacement steel staircase preserves the character and appearance of 'The Seafront' Conservation Area (No10). Furthermore, it is noted there are similar external staircases located in close proximity to the site facing onto Auckland Road West. The replacement staircase is therefore, acceptable in design terms in accordance with policy PCS23 of the Portsmouth Plan.

### **Amenity**

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

Given there was an existing staircase located in a similar position and of a similar height, it is considered that extending the staircase in depth by 1.2m along the west elevation of an existing single-storey rear projection, does not lead to a significant increase in loss of light for the property below (Flat 1). Whilst, it is acknowledged the replacement external staircase is positioned across a bedroom (west facing) window belonging to Flat 1, it is noted that the bedroom window is obscure glazed, non-opening and not the sole window serving the bedroom. It is therefore considered, on balance, the extended staircase would not significantly reduce or take away light/outlook from the ground floor flat.

Furthermore, whilst it is acknowledged the replacement staircase extends a further 1.2m across the western elevation of the single-storey rear extension, given the position of the previous

staircase it is not considered that the replacement staircase significantly adds to increased levels of noise and disturbance in relation to Flat 1.

In addition, given the previous levels of overlooking it is not considered that the scheme significantly adds to any real or perceived overlooking/loss of privacy to the neighbouring properties, in accordance with Policy PCS23 of the Portsmouth Plan.

### **Other matters raised in representations**

The removal of fence panels is not a matter to be considered as part of this application and would be classed as a civil matter.

### **Conclusion**

For the reasons stated above, the external staircase is considered acceptable in design and would preserve the character and appearance of 'The Seafront' Conservation Area and the setting of the adjoining heritage assets, in accordance with Policy PCS23 of the Portsmouth Plan.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

1) Unless 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 and block plan (WDD-104-101); block plan (Scan 1); elevations and plans (WDD-104-103); elevations and sections (ONE A); sections (12); sections (13); sections (15); sections (14); sections (11); sections (10); and, sections (25).

### **The reasons for the conditions are:**

1) To ensure the development is implemented in accordance with the permission granted.

### **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, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

**NB** This permission is granted in accordance with the provisions of Section 73 of the Town and Country Planning Act 1990, which makes provision for the retrospective granting of planning permission for development which has commenced and/or been completed.

---

**92 OSBORNE ROAD SOUTHSEA PO5 3LU****CHANGE OF USE FROM A SHOP (CLASS A1) TO A CAFE/RESTAURANT (CLASS A3);  
EXTERNAL ALTERATIONS TO INCLUDE REPLACEMENT EXTRACT DUCT TO REAR  
ELEVATION****Application Submitted By:**

Pike Planning  
FAO Mr John Pike

**On behalf of:**

Mr Sam Arrabbetou

**RDD:** 19th February 2018

**LDD:** 4th May 2018

**SUMMARY OF MAIN ISSUES**

The main issues in the determination of this application are whether the proposed use would be acceptable in principle, and whether the proposed use would have an adverse impact on the living conditions of adjoining and nearby residents

**Site and Proposal**

This application relates to the ground and first floors of a four-storey building situated on the south side of Osborne Road between the NatWest bank and Barclays bank. At present the ground and first floor accommodation comprises a retail shop with ancillary office accommodation. The upper floors, similar to the adjoining buildings, comprise flats. The rear of the building has an external fire escape staircase, incorporating a dis-used refuse chute, leading down to ground level within a secure yard.

The applicant seeks permission for the use of the ground and first floor to form a restaurant providing 42 covers, with the kitchen located at ground floor level to the rear, and the replacement of the refuse chute with a similar sized extraction system. Although initially proposing operating hours of 9am to midnight Monday to Saturday and 10am to 10pm Sundays and Bank Holidays, the applicant now proposes to close the premises at 11pm on Fridays and Saturdays and 10.30pm on Sundays to Thursdays (including bank holidays).

**Planning History**

Other than the grant of advertisement consent for the display of a fascia and projecting signs there is no other relevant planning history.

**POLICY CONTEXT**

In addition to the aims and objectives of the National Planning Policy Framework (NPPF) the relevant policies within the Portsmouth Plan would include;- PCS17 (Transport) and PCS23 (Design and Conservation).

The relevant policies within the Southsea Town Centre Area Action Plan (2007) include:- STC2 (Retailing and Town Centre Uses), STC4 (Restaurants and Cafes) and STC 10 (Design)

## **CONSULTATIONS**

### **Highways Engineer**

This application is for a change of use of retail shop (A1 class) to Café/Restaurant (A3 class). I have reviewed the documents submitted in support of the application and would make the following comment:

The application site is located on Osborne Road on the edge of the Southsea town centre area and has a mix of shops, restaurants and bars. Osborne Road forms part of a main bus route accommodating bus services from most parts of the city. There is some on-street parking available on Osborne Road subject to limited wait restrictions however nearby residential roads, although part of a residents' parking scheme, do also allow limited wait parking of between 1 and 3 hours. Pay & Display parking is available for visitors to the area in nearby Ashby Place car park with capacity for 59 cars.

No traffic assessment has been submitted with the application however given the mix of retail and leisure uses in the area, I do not believe this proposal would result in a material impact upon the immediate or wider highway network.

Portsmouth City Council does not specify an expected standard for numbers of parking spaces for non-residential developments rather expect that developments provide suitable parking provision. This application has made no parking assessment and there is no evidence that any parking will be made available primarily for this development. Current parking areas are used primarily for retail visits during the day and for the bars/restaurants in the evenings. Demand often outstrips capacity on street both during the day and in the evenings however I am satisfied that the majority of trips to the proposed café will be linked to other pre-existing trips on the network or be diverted from another local establishment and a material increase in trip generation and/or parking demand associated with the development is unlikely.

As the application stands I would not wish to raise an objection on Highways grounds.

### **Environmental Health**

Osborne Road represents a mixed commercial/residential area. The application is for a change of use from a jewellers (A1) to a café/restaurant (A3). The rear of Osborne Road consists mainly of service areas for the commercial uses on Osborne Road and a number of residential properties surround the car-park to the back of the proposed development. The ambient noise levels in this area are much quieter than immediately neighbouring locations as there is very little through-traffic noise and only the occasional vehicle using Ashby Place car park in the evening. The premises are located over the ground and first floors with residential use located directly above at 2nd and 3rd floors.

The proposal is for A3 restaurant use for 38 covers with the kitchen located on the first floor at the rear of the building. The hours of use applied for are 09:00-00:00 Monday to Saturday and 10:00-22:00 on Sundays and Bank Holidays.

The application documentation indicates that an extract flue at the rear of the premises is to be removed and replaced with a new extract duct to serve the proposed kitchen at the first floor. A site visit has revealed that this is not an extract flue but actually a redundant refuse chute for use by the flats at 2nd and 3rd floor. No other information has been provided regarding any kitchen extraction system, the noise levels that would result from the operation of the fan and the control of any kitchen odour.

The Environmental Health Team (EHT) has significant concerns about the potential impact on the adjacent residential use. The application represents both an increase in opening hours, opening hours at more sensitive times (in the evening and night-time hours) and a more significant impact compared to the present use. A3 use has the potential to impact on the

amenity of neighbouring uses through noise from plant, machinery, the kitchen, entertainment and customer noise and also odour from the cooking processes.

The location of the kitchen at first floor may exacerbate some of the impacts on the neighbour's amenity. Any kitchen extraction system will require fixing to the ceiling which will also be the same structure as the floor of the residential unit above. Noise and vibration will be transmitted from the extract system into the structure of the building. The EHT is also concerned about heat build-up within what is a small kitchen. There is a risk that to alleviate heat build-up, the door to the rear of the premises will be opened up. This will not only allow the escape of noise but also odour from the kitchen. In addition, the external fire escape at the rear of the property seems likely to become a space for staff to take their breaks. Perhaps the use of the door from the proposed kitchen area could be conditioned although the EHT cannot comment on whether this would be workable in practice or whether ventilation without the door being opened would lead to intolerable conditions in the kitchen.

There is also the potential for noise within the proposed A3 premises to affect the residents in the attached residential premises at 2nd/3rd floor level. No information has been provided as to the structure of the separating ceiling to the residential use above.

The significance of any impact is largely dependent on exactly when the impact occurs. The potential impacts described above will have far less significance if they are limited to earlier in the day. The proposal is to open until 00:00 hours for six days of the week, and until 22:00 on Sundays and Bank Holidays and I have significant concerns about the impact this would have on the neighbouring residential uses. Should the LPA be minded to grant permission conditions are recommended.

## **REPRESENTATIONS**

Four representations have been received from the occupiers of the flats situated above or adjacent to the application site. The grounds of objection raise the following points:-

- details of the proposal were not publicised
- premises not suitable for cafe/restaurant use due to noise, odours and inadequate refuse storage
- freeholder has not approved the change of use
- increased fire risk
- noise and disturbance from deliveries
- activity will go beyond stated opening hours
- no shortage of similar uses in the locality
- use of yard for loading/unloading may impact on adjoining bank's fire escape

## **COMMENT**

The principal issues are whether the use of the premises as a cafe/restaurant would be acceptable in the context of the Southsea Town Centre Action Area Plan, and whether, in the context of the Local Plan and NPPF, the proposal would have any significant adverse impact on the living conditions of the adjoining residential occupiers with particular regard to noise, disturbance and cooking fumes/odours.

## **Principle**

Southsea Town Centre is divided into primary and secondary frontages. The latter provides more opportunities for flexibility and diversity of uses, and it is the strategy of the Area Action Plan to build on these to create identifiable areas in which development can be focused. Osborne Road and the southern part of Palmerston Road has an identifiable character as a restaurant quarter. The Action Area Plan acknowledges that restaurants and cafes are essential to town centres to improve their vitality and, in the case here, to ensure that the restaurant

quarter continues to attract visitors to the Southsea town centre, thereby fulfilling important economic and social roles.

The application site is situated between two banks within an established commercial frontage that provides a combination of day and evening attractions. Even though providing accommodation over two floors these premises are comparatively modest in size and back on to a rear service yard and public car park. In this context it is considered that the proposed use of the premises would be consistent with the objectives of the Southsea Town Centre Area Action Plan and policy STC4 in particular.

### **Amenity impact**

This part of Osborne Road is characterised by a mixed commercial frontage with residential uses at upper floor levels. Furthermore, there are a number of Class A3, A4 and A5 uses within the locality that cumulatively can affect the standard of living environment for residents. It is therefore understandable that the addition of a further Class A3 use would raise concerns from existing residents as borne out by the representations that have been received. Where any such adverse impacts on residential amenity cannot be adequately controlled and mitigated by planning conditions, such matters would outweigh the conclusion above that the proposal would be acceptable in principle.

The most affected residential accommodation is located immediately above the premises at second floor level. That accommodation has a kitchen and bathroom adjacent to the steel platform that forms part of the fire escape stairs, and would sit above the rear part of the first floor seating area of the restaurant. The front section of the first floor seating area would be below a lounge. Off-set from the lounge are two bedrooms facing Osborne Road. The kitchen to the restaurant is situated at ground floor level to the rear. It is considered that an appropriately worded condition to secure a scheme of insulation against internal noise would adequately address the most direct amenity impact. Similarly, planning conditions in relation to the extraction system to mitigate odour and vibration together with restrictions on deliveries and the use of the rear doors would be sufficient to overcome other external environmental impacts.

With the imposition of these safeguarding conditions it is concluded that the proposed change of use would comply with the requirements of Policy PCS23 of the Portsmouth Plan (2012) which, amongst other matters, requires that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers.

In reaching this conclusion regard has been made to a recent appeal decision (18 May 2018) at No.17 Marmion Road (Appeal Ref: APP/Z1775/W/17/3191765) which related to a similar proposal but within a quieter area of Southsea Town Centre. In allowing the appeal the Inspector opined: 'Given the location of the appeal site within a fairly tight-knit town centre area comprising a mix of commercial, retail and residential uses there is the potential for the proposed use to have a detrimental effect, either by itself or cumulatively with other uses, on the amenity of local residents, particularly those living closest. That of course is not an uncommon concern in many town centre areas having a context of mixed commercial and residential uses in close proximity. In such circumstances, where any such adverse impacts on residential amenity cannot be adequately controlled and mitigated by planning conditions, planning permission should be withheld. I can understand the fear some local residents have articulated in detail in their correspondence that the proposed use would result in noise and disturbance, including cumulatively with other uses such as the PH opposite the appeal site. However, in this particular case I am satisfied that planning conditions to secure a scheme of insulation against noise for upper floor occupiers, and restriction of operating hours and delivery times, would be sufficient to curtail any noise and disturbance to within acceptable levels. A condition to secure an extraction system to control cooking fumes and odours would also adequately control and mitigate such emissions. In this regard I note that the Council's Environmental Health consultation came to the same conclusion having assessed the technical data submitted with



the application. There is no convincing evidence or alternative assessment before me which leads me to conclude otherwise'.

### **Other issues**

As outlined in the Highway Engineer's comments the Southsea Town Centre is served by public car parks in Ashby Place and Tonbridge Street with pay and display on-street parking in Portland Road. Some on-street parking, albeit falling within a residents parking zone and is time restricted, would also be available. The proposed use of the premises as a restaurant/cafe would be unlikely to materially affect the demand for car parking or have an unacceptable impact on the local highway network.

Publicity for the application involved the display of a site notice and a neighbour notification letter sent to the occupiers of Nos. 90, 94, 96, 98 and 100 Osborne Road and No. 68 Palmerston Road in accordance with established practice.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) The permission hereby granted shall be carried out in accordance with drawing number 001C FEB 2018, or in accordance with any variation that will have first been submitted to and approved in writing by the Council.
- 3) The premises shall remain closed and all external plant and equipment turned off between 2230 hours to 0900 hours the following day Sunday to Thursday and between 2300 hours to 0900 hours the following day Friday and Saturday.
- 4) Other than for the purpose of providing emergency egress from the building and access to the service yard (for the purposes of waste storage and collection only), the external kitchen door and first floor door to the rear elevation of the building (shown as MOE on approved drawing 001C) shall remain closed at all times.
- 5) No deliveries shall be received at the premises outside of 09:00 hours to 21:00 hours Monday to Saturday and 10:00 hours to 18:00 hours on Sundays and public holidays.
- 6) a) Prior to the commencement of the use hereby approved, a scheme for insulating the residential use of the upper floors against noise from the operation of the Class A3 restaurant/cafe use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the following acoustic criteria will be achieved:
  - Second Floor Residential Premises: Noise criterion curve NC25 based on values of Leq(5mins); and
  - The reverberation time as measured within both the ground floor and first floor trading areas shall not exceed 0.8 seconds; and
- b) The scheme approved pursuant to part a) of this Condition shall then be implemented before the first use of the A3 premises and thereafter permanently retained.
- 7) a) Prior to the commencement of the use hereby permitted, an extraction system, including external ducting incorporating anti-vibration mounts, to suppress and disperse odour and fumes emitted from cooking operations shall be installed in accordance with a scheme (to include

- manufacturer's technical specifications and maintenance recommendations) to be submitted to and approved by the Local Planning Authority; and
- b) The equipment approved pursuant to part a) of this Condition shall thereafter be permanently retained and maintained in accordance with the manufacturer's recommendations.
- 8) a) Prior to the installation of any external plant or equipment, an assessment of noise from the operation of the plant or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and submitted to the Local Planning Authority for approval in writing; and
- b) Upon approval of part a) of this Condition, all specified measures to mitigate any identified observed adverse effects due to the operation of the plant or equipment shall be implemented and thereafter permanently retained.

**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 protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.
- 4) To ensure that smells and odours from cooking operations at the premises are expelled from the building through a kitchen extraction system and to limit noise transmission in the interests of residential amenity in accordance with Policy PCS23 of the Portsmouth Plan.
- 5) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.
- 6) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.
- 7) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.
- 8) To protect the amenity of neighbouring residential uses in accordance with Policy PCS23 of the Portsmouth Plan.

**PRO-ACTIVITY STATEMENT**

In accordance with the National Planning Policy Framework the City Council has worked positively and pro-actively with the applicant through the application process, and with the submission of amendments an acceptable proposal has been achieved.

---

**19 POWERSCOURT ROAD PORTSMOUTH PO2 7JE****APPLICATION TO VARY CONDITION 5 OF PLANNING PERMISSION 17/02007/FUL  
INCREASING THE NUMBER OF OCCUPANTS TO 8 PERSONS****Application Submitted By:**Town Planning Experts  
FAO Miss Ema Baker**On behalf of:**Mr Venables  
Woodhenge Property Ltd**RDD:** 29th March 2018**LDD:** 14th June 2018**SUMMARY OF MAIN ISSUES**

The main issue to be considered in the determination of this application is the appropriateness of varying condition 5 of planning application reference: 17/02007/FUL to enable the provision of an additional bedroom at ground floor increasing the number of occupants from 7 to 8 persons.

Other matters for consideration are whether this proposal would have a detrimental impact on the living conditions of existing residents and neighbouring occupiers in close proximity to the application site.

Condition 5 (17/02007/FUL) states: "The premises shall only be used as a house in multiple occupations for a maximum of seven residents."

**The Site**

This application relates to a two-storey mid-terraced dwelling with integral basement located on Powerscourt Road close to its intersection with Havant Road in the Nelson Ward. The property is set back from the highway by a small forecourt and benefits from a larger garden area to the rear.

The site is located in close proximity to a range of shops and services on Kingston Road and is located in close proximity to a high frequency bus corridor also located on Kingston Road.

**Proposal**

This application seeks to vary condition 5 of planning permission 17/02007/FUL increasing the number of occupants from 7 to 8 persons.

**Relevant Planning History**

In regards to relevant planning history, planning application reference: 17/01148/FUL sought planning permission for a change of use from Class C3 (residential dwelling) to an 8 person HMO (Sui-Generis). This application was refused at Planning Committee in November 2017 for the following reason: "The proposed change of use to a House in Multiple Occupation (Sui Generis) would, as a result of the poor layout at lower ground floor level to accommodate shared communal facilities (kitchen/living facilities), fail to provide an adequate standard of living accommodation for future occupiers by virtue of a lack of natural light and ventilation and would

represent an over-intensive use of the site. The proposal is therefore contrary to Core Planning Principles of the National Planning Policy Framework and Policy PCS23 of the Portsmouth Plan and the emerging (revised) House in Multiple Occupation Supplementary Planning Document (draft, September 2017)."

Subsequently, planning application reference: 17/02007/FUL was approved in January 2018 for a change of use from purposes falling within Class C3 (dwelling house) to a 7 person, 7 bedroom house in multiple occupation (Sui Generis). Condition 5 of this planning permission sought to limit the number of occupants to 7 persons.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (November 2017) and the Parking Standards SPD would also be material to this application.

## **CONSULTATIONS**

### **Private Sector Housing**

This property would require to be licenced under Part 2, Housing Act 2004.

Basement

Based on the supplementary information provided by the applicant in relation to application 17/01148/FUL any previous concerns raised by Private Sector Housing regarding the basement have been mitigated.

Communal kitchen, dining and living area

The kitchen must be a minimum of 11m<sup>2</sup> for the exclusive use of cooking, food preparation and storage.

Each kitchen must have the following facilities for 8 individuals sharing:

-2 x conventional cookers (irrespective of whether a combination microwave is provided)

-2 x single bowl sink and integral drainer

-2 x under the counter fridge and a separate freezer or 2 x equivalent combined fridge/freezer

-4 x 500mm base units and 2 x 1000mm wall units with doors or equivalent

-Worktops 2500mm (l) x 500mm(d)

-3 x twin sockets located at least 150mm above the work surface

Personal hygiene

No room sizes have been provided so no comment can be made at this stage. Please note a shower room must be a minimum of 2.74m<sup>2</sup> and include a WC, bath/shower, wash hand basin, heating and ventilation. The layout of the bath/shower room must be suitable to provide a usable changing and drying area.

The wall finishes and flooring shall be readily cleanable, the flooring well fitted and non-absorbent, and a suitable lock provided to the door.

WC's must be a minimum of 1.17m<sup>2</sup> and include a wash hand basin.

## **REPRESENTATIONS**

One representation has been received from a neighbouring occupier objecting to the development on the grounds of:

- (a) Inadequate parking provision.
- (b) Large number of HMO's in the surrounding area.
- (c) Implications of construction works, traffic generation and nuisance.

## COMMENT

The determining issues in this application relate to whether the variation of condition to enable the occupation of the premises by 8 un-related individuals (Sui-Generis) rather than 7 individuals currently permitted would provide a suitable standard of living accommodation for future occupiers and whether the increase of one additional occupant would have a significant impact on the residential amenities of neighbouring occupiers.

### Standard of living accommodation

Internally, the property has an existing layout comprising the following:

Basement- Open plan kitchen/communal area  
Ground Floor - 2 x bedrooms (1 with ensuite shower room), lounge and 2 x communal bathrooms;  
First Floor - 3 x bedrooms with ensuite shower rooms;  
Second Floor - 2 x bedrooms (1 with ensuite shower room) and communal bathroom

Planning application reference: 17/02007/FUL was granted conditional permission in December 2017 for the change of use from purposes falling within Class C3 (dwelling house) to a 7 person, 7 bedroom house in multiple occupation (Sui Generis). Condition 5 states: "The premises shall only be used as a house in multiple occupation for a maximum of seven residents." The applicant has proposed to vary this condition to enable the property to be occupied by 8 no. residents. In order to achieve this, the proposal would see the ground floor lounge converted into an additional bedroom (10.5 m<sup>2</sup>) and ensuite bathroom (2.93m<sup>2</sup>).

The Houses in Multiple Occupation SPD, as amended on 21 November 2017, sets out minimum size standards for rooms in order to ensure that an appropriate standard of living accommodation is achieved. A summary of the sizes of the rooms within this property in comparison to the minimum standards within the SPD is set out below:

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 (Ground Floor)	10.5m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 (Ground Floor)	9.5m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 (Ground Floor)	9.1m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 (First Floor)	9m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 (First Floor)	9.5m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 6 (First Floor)	14.m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 7 (Second Floor)	8.5m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 8 (Second Floor)	12.5m <sup>2</sup>	7.5m <sup>2</sup>
Kitchen/Dining (Lower Ground Floor)	34m <sup>2</sup>	27m <sup>2</sup>
Ensuite 1 (Ground Floor)	2.93m <sup>2</sup>	Not defined
Ensuite 2 (Ground Floor)	2.93m <sup>2</sup>	Not defined
Ensuite 5 (First Floor)	2.93m <sup>2</sup>	Not defined
Ensuite 6 (First Floor)	2.93m <sup>2</sup>	Not defined
Ensuite 8 (Second Floor)	2.7m <sup>2</sup>	Not defined
Communal Shower Room (Ground Floor)	2.8m <sup>2</sup>	Not defined
Communal Shower Room (Second Floor)	3.3m <sup>2</sup>	Not defined

In accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 8 persons sharing.

The property would provide adequate internal floor areas, exceeding the standard required to allow for social activities that would be expected for individuals living as a group, as well as a safe environment for the cooking and consuming of food.

More specifically, in terms of the usability of the basement level kitchen/living space PSHT are satisfied with the suitability of this space based on supplementary information provided by the applicant in relation to application ref: 17/01148/FUL and have noted that any previous concerns raised by Private Sector Housing regarding the basement have been mitigated. This space is considered to provide adequate light and ventilation for residents.

The Private Sector Housing Team (PSHT) have raised no adverse comments in regards to the layout of the property and the provision of adequate kitchen, living and sanitary facilities confirming that the property would require to be licensed under Part 2, Housing Act 2004. All of the rooms within the property meet the minimum size standards set out within the SPD. The SPD does not give minimum size standards for ensuite bathrooms/ shower rooms, although the Private Sector Housing Officer has noted that these should be a minimum of 2.74m<sup>2</sup>. The ensuite's provided all measure 2.93m<sup>2</sup>, whilst two communal shower rooms are provided which are also in excess of this standard.

Notwithstanding the comments from Private Sector Housing, the LPA is not bound by the requirements of the Housing Act 2004. The planning system will generally seek to improve upon the bare minimum (as demonstrated by the minimum bedroom floor area set out within the Technical Housing Standards at 7.5sq.m.) to provide a good quality of living environment for future occupants, whether that be within a dwellinghouse (Class C3) or within shared accommodation (Class C4 & Sui Generis HMOs).

The proposed additional bedroom located at ground floor (front) exceeds the minimum space standard (7.5m<sup>2</sup>) and would measure 10.5m<sup>2</sup>. This room would have an acceptable degree of natural light, ventilation and outlook as well as having adequate storage and security.

Therefore, in light of the assessment above, it is considered that the proposed use of the property by 8 persons rather than 7 would provide an adequate standard of living accommodation for future occupiers.

Furthermore, in allowing an appeal at 1 Edmund Road (APP/Z1775/W/17/3185758- Feb 2018) for a change of use to a 7 person sui-generis HMO the inspector stated: "Taking into account the living environment of the house as a whole therefore I conclude that the proposal would provide an adequate standard of accommodation for occupiers. Consequently it would not result in an over-intensive use of the house or a significantly increased risk of disturbance to neighbouring residents. I find no conflict therefore with PCS Policy PCS23 which requires amongst other things that new development provides a good standard of living environment for neighbouring and future occupiers."

Whilst this application is for 8 persons sharing rather than 7, the appeal decision noted above was allowed at appeal despite there being a marginal shortfall in the recommended floorspace required for communal living. In this instance the shared kitchen/communal space is 7m<sup>2</sup> above the standard identified in the HMO SPD (November 2017) and it is therefore considered that the proposal would provide an adequate standard of living accommodation and that a refusal on these grounds could not be sustained.

## **Impact on Residential Amenity**

It is generally considered that the level of activity associated with the use of any individual property as a HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. This issue has been considered in previous appeals where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour".

It is accepted that the application seeks permission to increase the occupancy of the property for eight individuals rather than six, however, Inspectors have also taken the view that this would be comparable to a large family and that there is insufficient evidence to demonstrate that the use of a given property by eight individuals would result in material harm to the living conditions of local residents or unbalance the local community. (11 Baileys Road - Appeal ref.APP/Z1775/W/16/3159989, February 2017; 37 Margate Road APP/Z1775/W/16/3159992 - Feb 2017 & 80 Margate Road APP/Z1775/W/16/3159993 - Feb 2017).

Whilst the accommodation of any additional occupants would lead to a more intensive occupation of the property which could result in the transmission of noise and disturbance to the adjoining occupiers, regard must be made to the lawful use of the property that could allow for a family of un-restricted size to occupy this house.

In allowing an appeal at 59 Liss Road (APP/Z1775/W/17/3185768- Feb 2018) for a change of use to a 7 person sui-generis HMO, the inspector stated: " Taking into account the proposed increase of one occupant and the living environment of the house as a whole therefore I conclude that the proposal would provide an adequate standard of accommodation for occupiers. Consequently it would not result in an over-intensive use of the house or a significantly increased risk of disturbance to neighbouring residents. I find no conflict therefore with PCS Policy PCS23 which requires amongst other things that new development provides a good standard of living environment for neighbouring and future occupiers. CS Policy PCS20 does not refer to living standards in HMOs and is not therefore relevant to this issue."

## **Parking & Waste**

The application site does not benefit from any off-street parking and none is proposed as part of this application (the constraints of the site are such that none can be provided). Advice provided by the Local Highways Authority in relation to HMO schemes states that such proposals are considered to be small scale and not likely to have a significant impact upon the highway network. In relation to parking, it is relevant to note that the parking requirement set out within the Parking Standards SPD is the same for a Sui Generis HMO as it is for a C3 dwellinghouse with 4 or more bedrooms. It is understood that the original house had at least 4 bedrooms, therefore in accordance with the Parking Standards, this would have the same parking requirement as the Sui Generis HMO now proposed. The property is also located close to Kingston Road, which offers a variety of shops and services and access to public transport. Having regard to these points, it is not considered that an objection on lack of parking could be sustained.

The Councils Adopted Parking Standards set out a requirement for Sui Generis HMO's to provide space for the storage of at least 4 bicycles. The property has a modest rear garden with external storage space for up to five bicycles. In addition to this, there is secure bicycle storage for three bicycles located in the front courtyard.

Waste and recycling bins for the property are currently stored within the front forecourt and would be retained in this location. The property currently has two 360L recycling bins and four refuse bins that are easily accessible and can be collected from the back edge of the footway. The provision of refuse and recycling facilities is considered to be adequate for the proposed number of occupants.

## **RECOMMENDATION            Approve**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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 (1:1250), Site Plan (1:500) and 109021
- 3) The premises shall only be used as a house in multiple occupation (Sui-Generis) for a maximum of eight residents.

### **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 ensure adequate amenity facilities with suitable natural light, ventilation and outlook are provided and retained for eight persons sharing in accordance with Policy PCS23 of the Portsmouth Plan.

### **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, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

---



**5 LEALAND ROAD PORTSMOUTH PO6 1LY****CONSTRUCTION OF SINGLE STOREY OUTBUILDING****Application Submitted By:**

Mrs Julia Brown

**On behalf of:**

Mrs Julia Brown

**RDD:** 1st May 2018

**LDD:** 27th June 2018

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination as the applicant is a close family member of a Planning Officer.

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene and the amenities of adjacent occupiers.

**Site and proposal**

The application site relates to a detached chalet bungalow, located on the east side of Lealand Road. The property is one of 6 detached houses fronting Lealand Road bounded by Lealand Grove and Havant Road. The property incorporates a pitched roof rear extension and a single storey outbuilding/garage situated to the south elevation. The property is setback from the highway by an area of hardstanding to the front with an associated driveway to the south of the dwellinghouse. The surrounding area is comprised of similar detached bungalows with generous rear gardens. The rear of the property is separated from the properties to the east, located on Copsey Grove by an area of private land (within Council ownership) measuring 4.5m in width, which is accessed via Lealand Grove.

The applicant seeks planning permission for the construction of single storey outbuilding. The proposed outbuilding would be constructed from a composite imitation timber material and would be finished with a dual pitched roof with a similar tile material to complement the dwellinghouse. The proposed outbuilding would have a maximum height of 2.8m, a width of 5m and a length of 8m.

It is noted that a similar outbuilding with a maximum height of 2.5m could be constructed without the need for planning permission under permitted development.

**Planning history**

A\*29044/AB: Construction of single storey outbuilding to replace existing garage. Conditional permission (16.06.2005).

A\*29044/AA: Construction of single storey side extension (after demolition of existing conservatory) and dormer to south elevation. Conditional permission (30.08.2000).

A\*29044: Alterations, front porch and single storey extension. Conditional permission (26.07.1973).

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS23 (Design and Conservation),

The aims and objectives of the NPPF would also be relevant in the determination of this application.

## **CONSULTATIONS**

**None.**

## **REPRESENTATIONS**

None received.

## **COMMENT**

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene and the amenities of adjacent occupiers.

In considering whether to grant planning permission for extensions to residential properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

### **Design**

Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework which requires that all new development: will be of an excellent architectural quality; will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will establish a strong sense of place; will respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; relates well to the geography and history of Portsmouth and protects and enhances the city's historic townscape and its cultural and national heritage; and is visually attractive as a result of good architecture and appropriate landscaping.

The applicant proposes to construct a single-storey outbuilding. The proposed outbuilding would be located to the rear of the plot and would be finished with a dual pitched roof. The structure would replace an existing summerhouse and would have an 'L-shaped' footprint. The proposed would have a maximum height of 2.8m, an eaves height of 2.3m, a maximum width of 5m and a length of 8m. The proposed outbuilding would be constructed from a composite imitation timber material and the dual pitched roof would be finished with a similar tile material to complement the dwellinghouse.

It is noted that a similar outbuilding with a maximum height of 2.5m could be constructed without the need for planning permission under permitted development.

The submitted details indicate the outbuilding would only be used by the occupiers of 5 Lealand Road as a summerhouse and to store a vintage car. Furthermore, a suitably worded planning condition would be imposed to ensure the outbuilding would only be used for domestic purposes that remain incidental and ancillary to the residential use of the existing house at no. 5 Lealand Road.

For the reasons stated above, it is considered that the single storey detached outbuilding would be acceptable in design terms and would relate appropriately to the recipient building, in accordance with Policy PCS23 of the Portsmouth Plan.

## **Amenity**

Policy PCS23 of the Portsmouth Plan includes, amongst other things, that new development should ensure the protection of amenity and the provision of a good standard of living environment for neighbouring and local occupiers as well as future residents and users of the development.

By virtue of the size of the plot, the proposed outbuilding to the rear of the back garden is not considered to have any significant impact on the occupiers of the adjoining properties in terms of loss of outlook or light.

## **Conclusion**

For the reasons stated above, the proposed outbuilding is considered to represent an acceptable level of development that would be in keeping with the existing building and would preserve the character of the wider area, in accordance with policy PSC23 of the Portsmouth Plan.

## **RECOMMENDATION                      Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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 (100047474); block plan (TQRQM18121124111118); and, elevations & plans (PO61LY).
- 3) The outbuilding hereby permitted shall only be used for domestic purposes that remain incidental and ancillary to the residential use of the existing house at no. 5 Lealand Road.

### **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 ensure that the adjoining properties are not adversely affected by the development in accordance with policy PCS23 of the Portsmouth Plan.

### **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, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

---

**69 WADHAM ROAD PORTSMOUTH PO2 9ED****CHANGE OF USE FROM CLASS C3 (DWELLINGHOUSE) TO CLASS C4 (HOUSES IN MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE)****Application Submitted By:**

Thorns Young Ltd  
FAO Mrs Carianne Wells

**On behalf of:**

Mr J Durai

**RDD:** 7th June 2018

**LDD:** 3rd August 2018

**SUMMARY OF MAIN ISSUES**

This application is brought to the Planning Committee for determination following a deputation requests from neighbouring residents, Nos49 & 71 Wadham Road.

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in regards to an adequate standard of accommodation and in respect of car and cycle parking.

**The Site**

This application relates to a two-storey terraced dwelling located to the south of Wadham Road. The property is set back from the highway by a small courtyard and benefits from a larger garden to the rear. The surrounding area is characterised by densely populated residential terraces and is in close proximity to a range of shops and services located on London Road and is also well serviced by bus routes.

**The Proposal**

Planning permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or within Class C4 (House in Multiple Occupation). The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 a city wide Article 4 Direction relating to HMOs came into force removing this permitted development right. As such, planning permission is now required in order to interchange between the uses of a Class C3 dwellinghouse and a Class C4 HMO where between three and six unrelated people share at least a kitchen and/or a bathroom. The lawful use of the property is currently as a dwellinghouse within Class C3.

**Planning History**

There is no planning history considered to be relevant for the determination of this application.

## **POLICY CONTEXT**

The relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)), PCS23 (Design and Conservation),

In addition to the National Planning Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation (HMOs)) and PCS23 (Design and Conservation). The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (November 2017) and the Parking Standards SPD would also be material to this application.

## **CONSULTATIONS**

### **Private Sector Housing**

Definitions

Dwelling and Flat: Housing Act 2004, Part 1, Chapter 1, Section 1 (5).

"Dwelling" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

"Flat" means a separate set of premises (whether or not on the same floor) —

- (a) Which forms part of a building
- (b) Which is constructed or adapted for use for the purposes of a dwelling, and
- (c) Either the whole or a material part of which lies above or below some other part of the building.

Proposal

Change of use from Class C3 (dwellinghouse) to class C4 (house in multiple occupation) or Class C3 (Dwelling house)

Summary

- 5 bedrooms
- 2 storeys

Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would not require to be licenced under Part 2, Housing Act 2004.

## **REPRESENTATIONS**

Seventeen representations have been received raising objections on the grounds of:

- (a) Increase on parking pressure;
- (b) HMOs devalue existing properties;
- (c) there are too many HMOs already;
- (d) the HMO would impact negatively on the neighbourhood;
- (e) anti-social behaviour associated with HMOs;
- (f) increase in noise associated with HMOs;
- (g) sewage and drainage cannot support increase in population;
- (h) increased pressure on refuse collection;
- (i) loss of family homes;
- (j) families cannot afford to buy in the local area;
- (k) HMOs put strain on infrastructure, schools and local services);
- (l) application does not take into account the demographics of the community within the road;
- (m) front gardens are being paved over to make way for parking;
- (n) increase in dropped kerbs means less space available for on road parking;

- (o) increase in litter and waste associated with HMOs; and,
- (p) concerns have been raised regarding a lack of neighbour notification about the application.

Deputation requests from Nos71 & 49 Wadham Road have been received (should the application be recommended for approval).

A petition containing No86 signatures has also been received in objection to the proposed development.

## COMMENT

The main issues to be considered in the determination of this application are the appropriateness of such a use in the context of the balance of uses in the surrounding area and whether it would have a detrimental impact on the living conditions of adjoining and nearby residents. Other considerations are whether the proposal complies with policy requirements in regards to an adequate standard of accommodation and in respect of car and cycle parking.

## Principle

Permission is sought for the use of the property for purposes falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) (HMO), to enable the applicant the flexibility to change freely between the two use classes. The property currently has a lawful use as a dwellinghouse (Class C3). For reference, a Class C4 HMO is defined as a property occupied by between three and six unrelated people share who share basic amenities such as a kitchen or bathroom.

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.

Based on information held by the City Council, of the 73 properties within a 50 metre radius of the application site, one (1) is considered to be in lawful use as a HMO. Therefore, as the granting of planning permission would increase the proportion of HMOs to 2.74%, it is considered that the community is not already imbalanced by a concentration of HMO uses and this application would not result in an imbalance of such uses.

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. No additional properties have been brought to the attention of the LPA to investigate.

## Standard of Accommodation

In terms of internal living conditions, the property benefits from the following:

Area:	Provided:	Required Standard: (HMO SPD-NOV 2017)
Bedroom 1 Inc. en-suite (Ground Floor)	15.25m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 2 Inc. en-suite (Ground Floor)	11.85m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3 Inc. en-suite (First Floor)	20.09m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4 Inc. en-suite (First Floor)	12.19.m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 5 Inc. en-suite (First Floor)	14.93m <sup>2</sup>	7.5m <sup>2</sup>

Whilst it is acknowledged there is no separate bathroom or W.C provided, it is noted that each bedroom has an en-suite measuring 2.8m<sup>2</sup>. It is therefore considered that the proposed development would be acceptable and in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017).

For the reasons stated above, in accordance with the requirements outlined on pages 8 and 9 of the HMO SPD (November 2017), the property is considered to provide an adequate standard of living accommodation to facilitate 3 to 6 persons sharing.

### **Impact on amenity**

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, or other groups living as a single household, would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation. The HMO SPD is however, 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. The use of the property as a HMO is not therefore considered to result in a change of character of the property, the area or represent over-development of the site. Whilst high concentrations of HMOs can negatively impact upon the local area, the percentage if granted would be 2.74%. As it is considered that there are few material planning differences between a Class C3 or a Class C4, the property could be used flexibly in either class and would not result in the loss of a family home.

In dismissing a recent appeal (July 2017) at 239 Powerscourt Road ref. APP/Z1775/W/17/3169402, the Inspector stated that:

'Turning to noise and disturbance, the proposed Class C4 HMO would comprise between 3 and 6 persons. Although the persons within the HMO are unrelated, there is no evidence that they would generate greater activity than a typical family household or group of people living as a household. The proposed use would, therefore, be unlikely to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings by reason of noise and disturbance.'

Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the use of the property within Class C3 or C4.

### **Highways/Parking**

The Parking Standards SPD does not require an increased parking provision for a Class C4 HMO. The application site is within 400m of a high frequency bus route. The application site benefits from a rear garden and a condition could be imposed to secure cycle parking. In dismissing an appeal at 239 Powerscourt Road, the Inspector stated that: 'However the Council's Parking Standards and Transport Assessments Supplementary Planning Document (SPD) 2014 requires 2 car parking spaces for the current dwelling use and the same for the HMO use. Furthermore the HMO property is close to a high frequency bus route and within a short walk of the North End District Centre. Such accessibility to shops, services and transport facilities would substantially reduce the necessity for a car by future occupiers. For all these reasons, it has not been demonstrated that there would be a significant worsening of the current car parking issues that have been identified.'

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. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces. Whilst the concerns of local residents in respect of parking are noted, in light of the requirements set out within the Parking Standards SPD and the view that 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 car parking standards could not be sustained. It should be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

Having regard to the considerations above and this appeal decision, it is not considered that an objection on highways grounds could be sustained. The submitted drawings do not indicate the provision of bicycle storage facilities in line with the Parking Standards SPD. However the rear yard is considered appropriate for the provision and retention of suitable bicycle storage facilities which can be required through a suitably worded planning condition

## **Waste**

The storage of refuse and recyclable materials would remain unchanged and an objection of waste grounds would not form a sustainable reason for refusal.

## **Matters Raised in Representations**

Representations refer to the potential increase in noise, disturbance and anti-social behaviour resulting from the use of the application dwelling as a HMO. It is however, generally considered that the level of activity associated with the use of any individual property as a Class C4 HMO is unlikely to be materially different to the use of a single household as a Class C3 dwellinghouse occupied by either a single family or other groups living as a single household. Indeed this issue has been considered in previous appeal decisions where Inspectors have taken the view that properties used as HMOs within Class C4 would be occupied by similar numbers of occupiers to a C3 use. In dismissing an appeal at 82 Margate Road (APP/Z1775/A/12/2180908 - 7th January 2013) the Inspector opined that "The level of activity generated by a large family would be comparable to that arising from the current proposal. Therefore, concerns over noise and disturbance would not justify rejection of the appeal. Other legislation is available to address concerns relating to anti-social behaviour." It is therefore considered that the proposed use of this individual property within Class C4 would not be demonstrably different from uses within Class C3 that make up the prevailing residential character of the surrounding area and an objection on the grounds of increased noise and disturbance or anti-social behaviour could not be sustained.

Representations refer to the development having an impact on the neighbourhood character of Wadham Road. The Houses in Multiple Occupation SPD (November 2017) paragraph A2.1 states: "National planning policy guidance (PPS1 and PPS3) provides the context for local planning policy to ensure that mixed and balanced communities are developed in the future and to avoid situations where existing communities become unbalanced by the narrowing of household types towards domination by a particular type, such as shared housing (HMOs)." In respect of this, given the low percentage of lawful HMOs in the surrounding area (50m radius) it is considered that the proposed change of use would not create a situation where neighbourhood would become unbalanced and therefore the development would not be considered to have a detrimental impact on the sense of community in Wadham Road.

In response to representations relating to undesirable behaviour, in addition to ensuring adequate size standards, sanitary facilities and fire safety, the City Council's Private Sector Housing Team can assist should the property not be managed in an appropriate manner.



Concerns have been raised regarding a lack of neighbour notification about the application. It is confirmed that letters were sent to the immediate adjoining properties and a site notice was displayed in accordance with the Council's consultation procedures.

## **Conclusion**

Having regards to all material consideration, raised representation and planning policy, it is concluded that the development is acceptable.

## **RECOMMENDATION            Conditional Permission**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) Unless 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 (TQRQM18158104216264); site plan (TQRQM18158104058029); and, floor plans.
- 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.

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

### **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, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

---

Assistant Director of City Development  
17<sup>th</sup> July 2018