

296 LABURNUM GROVE PORTSMOUTH PO2 0EX

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

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=REYBJDMOKWZ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=reymbjdmokwz00)

Application Submitted By:

Mr Edward Kercher, Collective Studio

On behalf of:

Mr Noel Forrest

RDD: 14th July 2022

LDD: 27th October 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (thirty-two).

1.2 The main issues for consideration in the determination of the application/appeal are considered to be as follows:

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

2.0 SITE AND SURROUNDINGS

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

2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style. Some of the properties on the road have been subdivided into flats, the nearest being at No. 280 and 312 Laburnum Grove.



Figure 1 - Site Location Plan

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Class C4) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - One bedroom (with a shower, toilet and handbasin ensuite), Kitchen/Dining Communal room, Living room, and a WC with handbasin;
 - First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite); and
 - Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).
- 3.3 The Applicant intends to remove an existing single storey element and construct a new single storey extension, construct a rear dormer extension within the main roof and insert two rooflights (to bring the total number of front rooflight to three) within the front roofslope under permitted development, as shown below in the drawing below, to facilitate the enlargement of the property before undertaking the proposed development. The extensions and alterations can be completed under permitted development regardless of whether the property is in Class C3 or C4 use.
- 3.4 Given the external alterations and enlargements to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or rear ground floor extension as part of this application. There would be no

external operational development forming part of this application with the exception of an indicative siting of a cycle store within the rear garden, details of which could be secured by planning condition.



Figures 2 and 3 - Proposed Elevations and Plans

4.0 PLANNING HISTORY

There is a corresponding proposal for a very minor, additional rear extension that does require planning permission, that is considered elsewhere on this agenda, ref. 22/01110/HOU.

5.0 POLICY CONTEXT

Portsmouth Plan (2012)

5.1 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

Other Guidance

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

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

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

6.2 Highways Engineer - no objection.

Considering the small scale of the proposal, it is the belief of the LHA that the proposal is unlikely to have a material impact upon the highway network and as such is satisfied that a traffic assessment would not be required.

6.3 Portsmouth's residential parking standards expect that dwelling houses (C3) and Houses in Multiple Occupation (HMO) (C4/ sui generis) with more than 4bedrooms should provide 2 car parking spaces per dwelling. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street.

6.4 Where an application property already has 4 or more bedrooms, the expected parking demand of a HMO(sui generis) would be the same as the existing use as per SPD standards and as such would not be required to provide any further spaces despite an increase in the number of bedrooms.

6.5 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. An existing property with 4bedrooms has an expected demand for 4 cycle parking spaces; upon changing to a HMO (Sui generis), the cycle parking provision required would remain the same as the current use and therefore

additional cycle parking spaces are not required. It should however be ensured that the existing property already provides for 4 cycle parking spaces as per SPD standards.

7.0 REPRESENTATIONS

7.1 Thirty-two representations have been received objecting to the proposed development, including one from Councillor Swann.

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

- a) Loss of family home from the existing housing stock;
- b) Over concentration of HMOs on the road;
- c) Increase in noise and disturbance;
- d) Increase in crime and anti-social behaviour;
- e) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- f) Increase in pollution to the detriment of air quality;
- g) Undue strain on local services and infrastructure, including the sewage, drainage and water pressure;
- h) Concerns over accuracy of HMO Database for area;
- i) Concerns about impact on community
- j) Waste and litter concerns.
- k) Loss of property value;
- l) Possibility of an additional storey being added to the property through Permitted Development;
- m) Noise and pollution from building work;
- n) Loss of light from proposed extension and dormer;
- o) Work has already started on site;
- p) Concerns over the quality of the accommodation for residents;
- q) Location of site notice;
- r) Lack of publicity;
- s) Petition from 260 Laburnum Grove should be considered against application; and
- t) External extensions to roof proposed but no planning application.

8.0 COMMENT

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

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

Principle of development

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

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

8.4 Based on the information held by the City Council, of the 76 properties within a 50 metre radius of the application site, there is only 1 confirmed HMO (Class C4) at 165 Copnor Road as shown in Figure 4 below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there are occasions where properties have been included or omitted from the database in error or have lawfully changed their use away from Class C4 HMOs without requiring the express permission of the LPA.

8.5 Following further Officer Investigation, one additional HMO (285 Laburnum Grove) has been uncovered by the Case Officer when reviewing the Planning History for the road. Three further addresses have been raised by neighbours within objection comments, these are 183, 189 and 192 Laburnum Grove, these properties are not within the 50m radius and therefore do not affect the balance of the 50m radius area set out within your guidance. As a note, these addresses have been raised to Planning Enforcement to investigate further. Including the application property and the HMOs at no. 165 Copnor Road and 285 Laburnum Grove, the proposal would bring the percentage of HMOs within the area up to 3.94%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



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

- 8.6 A further policy strand introduced in July 2018, amended in October 2019, seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within Appendix 6 of the HMO SPD, which references the specific proximity of HMOs to adjacent dwellings and how these circumstances may give rise to a particular risk of harm to amenity and disturbance. These are where: the granting of the application would result in three or more HMOs adjacent to each other, or where the granting of the application would result in any residential property being 'sandwiched' between two HMOs. There is no conflict caused by this proposal with this guidance.
- 8.7 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

Standard of accommodation

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

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	10.04m ²	6.51m ²
Bedroom 2 (first floor)	10.06m ²	6.51m ²
Bedroom 3 (first floor)	10.08m ²	6.51m ²
Bedroom 4 (first floor)	10.45m ²	6.51m ²
Bedroom 5 (second floor)	11.76m ²	6.51m ²
Bedroom 6 (second floor)	10.9m ²	6.51m ²
Living room (ground floor)	10.04m ²	Undefined
Communal Kitchen/Dining area (ground floor)	20.42m ²	22.5m ² as all bedrooms exceed 10m ²
Ensuite bathroom 1 (ground floor)	3.44m ²	2.74m ²
Ensuite bathroom 2 (first floor)	3.22m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.86m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.82m ²	2.74m ²
Ensuite bathroom 5 (second floor)	2.79m ²	2.74m ²
Ensuite bathroom 6 (second floor)	2.75m ²	2.74m ²
WC (ground floor)	2.79m ²	1.17m ²

Table 1 - HMO SPD (Oct 2019) compliance

- 8.9 It is considered that taken by itself that the Communal Area is under the prescribed standard by 2.08m². However, the property benefits from an additional living room which when considered with the rest of the communal space, would provide a good standard of accommodation for the 6 residents. The combination of ensuites and a shared WC would provide a suitable overall arrangement of sanitary facilities. Furthermore, all habitable rooms would have good access to natural light, and would have a suitable configuration/layout, as well as size.
- 8.10 It is considered that all of the bedrooms and the communal living areas accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses

in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light.

Impact on neighbouring living conditions

- 8.11 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.12 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of the impacts of high concentrations of HMOs on local communities. Paragraphs 9.1-9.10 discuss the negative impacts of HMO concentrations on local communities and points to the cumulative environmental effects of HMO concentrations. However, given that there is not an over-concentration of HMOs within the surrounding area, it is considered that the impact of one further HMO would not be significantly harmful.
- 8.13 Concerns have been raised in the representations regarding a potential increase in crime and anti-social behaviour as a result of the proposed change of use. However, the Council does not have any evidence to suggest that HMOs result in higher levels of crime or anti-social behaviour than a Class C3 dwellinghouse.
- 8.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.15 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

Highways/Parking

- 8.17 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, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.
- 8.18 The C4 element of the proposal compared to the existing property only experts an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an

objection. As the level of occupation associated with a HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle.

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

Waste

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

Impact on Special Protection Areas

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

Community Infrastructure Levy (CIL)

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

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

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

- 8.24 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. One of the neighbours living next door to the application site has objected, stating that he has a disability that means he struggles with changes to routine and with large amount of noise, so would find many months of construction work directly next door detrimental to his mental health. It is noted that any owner of a residential property may undertake works to the property, with or without the need for planning consent, which could cause noise

disturbance to neighbours. As such, it does not seem reasonable or possible to withhold planning permission, nor to impose a condition for a construction management plan, for example. The Council will nevertheless seek to achieve the least disturbance possible, by informally requesting the site owner liaises with this neighbour to see how the works can best be managed. Thus far, the Council has written to the neighbour, offering to discuss how best their circumstances may be addressed, in the event of planning permission being granted. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

Other Matters raised in the representations

- 8.25 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local services. However, having regard again to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants.
- 8.26 There was an objection about air quality. Given the scale of the site and proposed change of use it is not considered it would result in any significant increase in pollution or result in a detriment to the local air quality.
- 8.27 Loss of property value is not considered to be a material planning consideration.
- 8.28 Concerns have been raised of new Permitted Development rights which may enable the property to add an entirely new storey to the property. While there are Permitted Development which may allow for this under certain circumstance, the site and property in question would not be applicable for this under the existing GDPO.
- 8.29 While noise from construction work may have an impact on the amenity of neighbours, this is an unavoidable consequence of building work and is not a sufficient reason to withhold Planning Permission. Further work commencing prior to a Permission being granted is not uncommon and is done at the Applicant's own risk.
- 8.30 Publicity though both neighbour letters and a site notice was conducted in accordance with the Council's Statement of Community Involvement. The site notice was placed outside No.284 Laburnum Grove, as this is the closest lamppost to the application site.
- 8.30 An objection point states that a petition concerning a previous application at 260 Laburnum Grove should be considered against this new application at no. 296. That is not accepted, as each and every proposal must be considered on its own particular merits, that may differ from another site. As it happens, though, the points of objection for no. 260 have also been made for this new application at no. 296, and they are set out earlier in this report.

9.0 CONCLUSION

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

RECOMMENDATION**Conditional Permission****Conditions****Time Limit:**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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Approved Plans:

- 2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: Proposed Floor Plans - 095 - PL 03; and Proposed Elevations - 094 - PL 04.

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

Cycle Storage:

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

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