

48 WALLINGTON ROAD PORTSMOUTH PO2 0HB

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

**LINK TO DOCUMENTS:**

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RGAT98MOLF200](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rgat98molf200)

**Application Submitted By:**

Mr Edward Edward  
Incollective Limited

**On behalf of:**

Mr Manning

**RDD:** 9th August 2022

**LDD:** 11th October 2022

## 1 SUMMARY OF MAIN ISSUES

This application is brought before Planning Committee due to the request of Councillor Benedict Swann and eighteen letters of objection.

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

- The principle of Development including compliance with policy;
- The standard of accommodation;
- Parking;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

### 1.1 Site and surroundings

1.2 This application relates to a two-storey mid terrace property situated on the northern side of Wallington Road. The application site comprises of; front room, kitchen, a living area, rear conservatory and separate WC at ground floor level and three bedrooms and bathroom at second floor level.

1.3 This application seeks planning permission for the flexible 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 an Article 4 Direction relating to HMOs came into force. 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.

## 2 The Proposal

- 2.1 Planning permission is sought for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwelling house) or Class C4 (House of multiple occupation).
- 2.2 This change in occupancy will involve the repurposing of most of the rooms. In addition to this, the existing rear conservatory would be replaced with an L-shaped single storey rear extension. Also, the loft would be converted and extended to the rear with a rear dormer to provide two new additional bedrooms under permitted development rights to facilitate the change of use from C3 to C3 or C4 use.
- 2.3 If occupied as a C4 property, and if extended under Permitted Development, six, single-occupancy bedrooms would be provided across the three floors, further details are provided in the table later in this report.
- 2.4 The submitted drawings indicate a single-storey flat roof rear extension, 3no. front-facing rooflights and a rear dormer. These would be erected under permitted development rights. As such, the application relates to the use of the property only.
- 2.5 Plans.



**Figure 1:Existing floor plans**

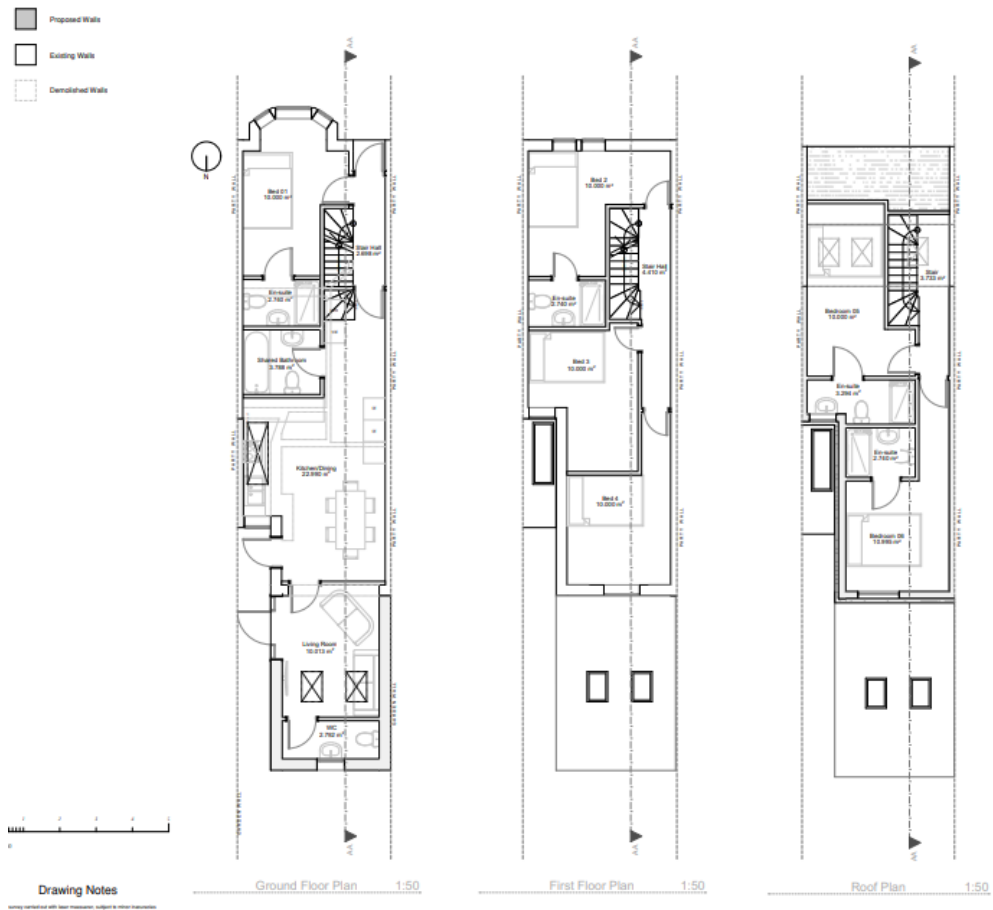


Figure 2: Proposed floor plans



Figure 3: Proposed elevations

## 2.4 Planning History

- 2.5 22/00049/GPDC- Construction of single-storey rear extension that comes out a maximum of 4.8m beyond the rear wall of the original house with a maximum height of 2.8m and a maximum height of 2.8m to the eaves.  
Prior Approval not required; decision issued 18 Jul 2022.

### 3 POLICY CONTEXT

- 3.4 In addition to the aims and objectives of the National Planning Policy Framework (2021), the relevant policies within the Portsmouth Plan (2012) would include: PCS17 (Transport), PCS20 (Houses in Multiple Occupation) and PCS23 (Design and Conservation).
- 3.5 Guidance for the assessment of applications that is relevant to the application includes The Parking Standards and Transport Assessments Supplementary Planning Document (2014), The Technical Housing Standards - nationally described space standards (2015), The Solent Recreation Mitigation Strategy (2017), The Interim Nutrient Neutral Mitigation Strategy (2019), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

### 4 CONSULTATIONS

#### 4.4 Private Sector Housing

- 4.5 No objection or adverse, comments raised.
- 4.6 They commented that based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 4.7 Based on the plans provided. Wash hand basins must be installed in all en-suites. Appropriate sizes for washing facilities and activity space can be found in the metric handbook.

#### 4.8 REPRESENTATIONS

Eighteen letters of representation received objecting on the following summarised grounds:

- Parking and road congestion issues
- Anti-social behaviour would impact on residents mental health
- Loss of family homes
- Increase on occupants will impact on struggling services and infrastructure e.g drainage
- Lack of refuse/recycling bins storage space
- Lack of communal space within the site
- Loss of light to adjacent gardens
- Overlooking
- Noise disturbance
- Infringement on article 8 right( human rights act 98) privacy and peaceful enjoyment of property
- Overbearing extension

#### Non-planning considerations

- Devaluing of neighbouring properties
- Work started before planning consent has been granted (*Officer note: This is done at owner's risk*)
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#### 4.9 COMMENT

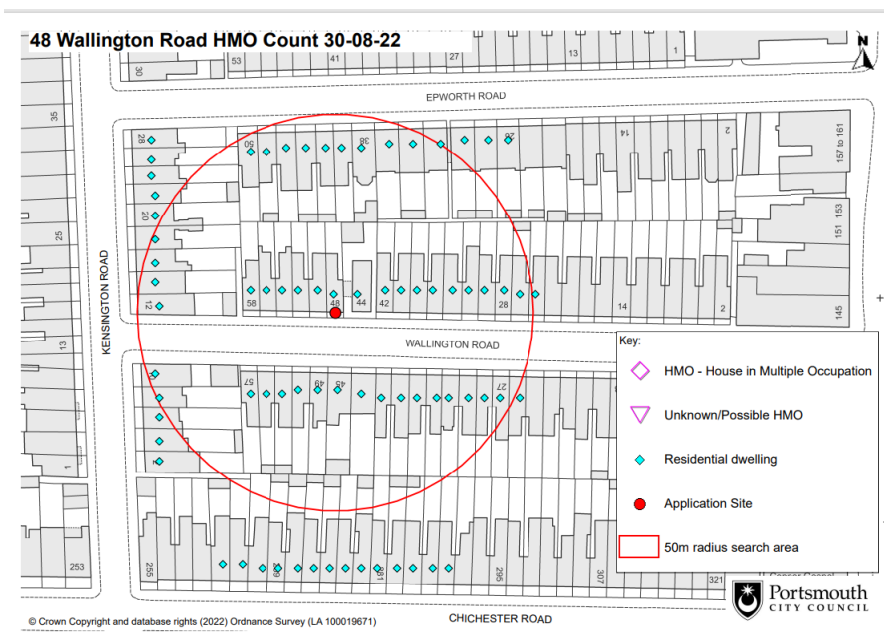
- 4.10 The main determining issues for this application relate to the following:
- The principle of Development;
  - The standard of accommodation;
  - Impact upon amenity neighbouring residents;

- Parking;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

## 5 **Principle**

5.4 The HMO SPD has been published to provide a tool for addressing the recognised impacts that HMO's may have in Portsmouth, most notably in relation to the residential amenity, both for occupiers of HMO's and neighbouring properties and housing mix of certain communities. Two of the key matters of principles explained in the HMO SPD are the assessment of housing mix to ensure balanced communities and the application of minimum room sizes, reflecting those in force as part of the private sector housing licencing regime, to ensure an appropriate living environment for future residents.

5.5 In this case the application site is in lawful use as a C3 dwellinghouse. The HMO SPD suggests a threshold of 10% of dwellings in any area of 50m radius as maximum proportion of HMO dwellings to C3, single household, dwellings. It is noted that the relevant 50m radius area currently has zero (0) HMOs out of 74 properties as shown in figure 2 below. This proposal would change the current figure 1.35% and therefore remains below the 10% threshold. The HMO SPD also described a number of circumstances where new HMOs are considered not desirable, such as where they 'sandwich' single household dwellings between HMOs or create a 3 adjacent HMOs next to each other. As this proposal would not result any of these scenarios, these considerations are not brought into effect.



**Figure 4: HMO data count map (50m radius)**

## 5.6 **Standard of accommodation**

5.7 The repurposing of internal rooms to accommodate six occupants if operated as a Class C4 small HMO would have an effect on the ratio of communal/amenity space compared to private bedroom space available internally for future occupants. While this matter will also be considered as part of the necessary licensing of the HMO by the Private Sector Housing team under the Housing Act, the HMO SPD identifies this as a consideration as part of the assessment of whether a good standard of living environment is provided for future residents as required by Local Plan Policy PCS23. Under the current proposal the following room sizes would be provided, as compared to the minimum size prescribed in the Council's adopted guidance:

5.8

Room	Area Provided:	Required Standard:
Bedroom 1	10.0m <sup>2</sup>	6.51m <sup>2</sup>
Ensuite B1	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Bedroom 2	10.0m <sup>2</sup>	6.51m <sup>2</sup>
Ensuite B2	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Bedroom 3	10.0m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4	10.0m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 5	10.0m <sup>2</sup>	6.51m <sup>2</sup>
Ensuite B5	3.29m <sup>2</sup>	2.74m <sup>2</sup>
Bedroom 6	10.99m <sup>2</sup>	6.51m <sup>2</sup>
Ensuite	2.74m <sup>2</sup>	2.74m <sup>2</sup>
Ground Floor WC	2.79 m <sup>2</sup>	1.17m <sup>2</sup>
Ground Floor shared bathroom	3.79m <sup>2</sup>	3.74m <sup>2</sup>
Lounge	10.01m <sup>2</sup>	14m <sup>2</sup>
Combined kitchen/dining	22.99m <sup>2</sup>	22.5sqm (based on 10m <sup>2</sup> sized bedrooms )

5.9 As is shown in the table above, all of the bedrooms 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. Given the bedrooms all meet or exceed 10sqm, the size expected of the communal living area is 22.5sqm, and 33m<sup>2</sup> combined living space (kitchen/dining/livingroom) would be provided.

5.10 The combination of ensuites, shared bathroom and a separate wc at the ground floor level would provide a suitable overall arrangement of sanitary. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.

5.11 As such, it is considered the proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing and the proposals would accord with the SPD.

5.12 **Impact on neighbour amenity**

5.13 If operated as Class C4, the proposal would increase the accommodation of the existing 3-bedroom dwellinghouse(C3). While this could have a proportionate increase in activity within and coming and going from the property, this a small increase in the number of residents is considered that the level of activity that could be associated with the use of any individual property either as a dwellinghouse(C3), would be unlikely to be significantly different than the occupation of the property by between 3 and 6 unrelated persons as a HMO. It is therefore not considered the proposal would result in a demonstrably higher level of harm to existing general levels of residential amenity in the area, whether from noise, additional vehicle use or any other form of nuisance/disturbance.

5.14 Whilst noise may be increased with the introduction of a further HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one HMO would not be significantly harmful at this particular point in time.

5.15 The loft extension would be implemented under permitted development and so any effects on privacy or overlooking cannot be assessed as part of this planning application.

5.16 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and 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 this application would not impact on or result in over-concentration of HMOs within the surrounding area, it is considered that the impact of the proposed C3/C4 HMO would not be significantly.

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

5.18 **Amenity and Parking**

5.19 The proposal would increase the accommodation of the existing property by 3no bedrooms. The increase is not considered to have a demonstrable impact on the parking need over and beyond the existing, bearing in mind the property could still be occupied by the similar number of residents as a single family dwellinghouse(C3), as a C4 HMO

5.20 As existing, there is no on-site parking being provided but is met on-street and due to site constraints no off-street parking.

5.21 The Portsmouth parking SPD also gives the expected level of cycle parking that should be provided for residential developments. A 4+ bedrooms has an expected demand for 4 cycle parking spaces.

5.22 According to the submitted design and access statement, the property will provide 4no. weatherproof bicycle storage facilities. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

5.23 **Waste**

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

5.25 **Impact on Special Protection Areas**

5.26 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 to flexible C3/C4 use. The proposed use would allow occupation by up to 6 people, while a C3 dwellinghouse could be more or less, 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 overnight stays nor therefore on the Solent Protection Areas or result in an increased level of nitrate discharge.

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

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

5.29 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 don't. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010.

## **6 CONCLUSION**

- 6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. Having regard to all material planning consideration 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 (2021).

## **7 RECOMMENDATION**

### **7.1 Approve subject to the following conditions:**

#### Time limit

- 1) The development hereby permitted shall be begun before 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 (as amended).

#### 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:

- 093-PL 05 Proposed floor plans
- 093-PL 06 Proposed elevations

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

#### External works as shown

- 3) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, the building operations indicated within approved drawing Elevations - 093-PL 06, namely the construction of the single storey rear extension and rear dormer, shall be completed.

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

#### Cycle storage

- 4) Prior to first occupation, details and plans of a covered, enclosed, secure and weatherproof bicycle parking facilities (including elevational and material details) shall be submitted to and approved in writing by the Local Planning Authority. The bicycle compound shall provide for a minimum of 4 bicycles 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 (2012).