

22/00975/FUL

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17 PADDINGTON ROAD PORTSMOUTH PO2 0DU

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

LINK TO DOCUMENTS: [22/00975/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Class C4 \(house in multiple occupation\) or Class C3 \(dwellinghouse\) | 17 Paddington Road Portsmouth PO2 0DU](#)

Application Submitted By:

Applecore PDM Ltd
FAO Mrs Carianne Wells

On behalf of:

Riley
Riley Marshall Hanson Webb Ltd

RDD: 4th July 2022

LDD: 1st September 2022

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to eighteen letters of objection, a local petition with 52 signatures and a call-in request of Councillor Swann.

1.2 The application is currently the subject of appeal on grounds of non-determination and the Secretary of State is now the determining authority in this case.

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

- Principle of Development including compliance with policy
- Amenity and living standards for future occupiers
- Impacts on Residential Amenity including parking
- Impact on Special Protection Areas
- Other material considerations

1.4 SITE PROPOSAL AND RELEVANT PLANNING HISTORY

1.5 Site and surroundings

1.6 This application site relates to a two-storey mid-terrace dwelling located on the western side of Paddington Road. The property is set back from the road by a small front forecourt and benefits from an enclosed west facing garden. The surrounding area is residential in character with similar terraced properties.



Figure 1- Photos showing the front elevation.

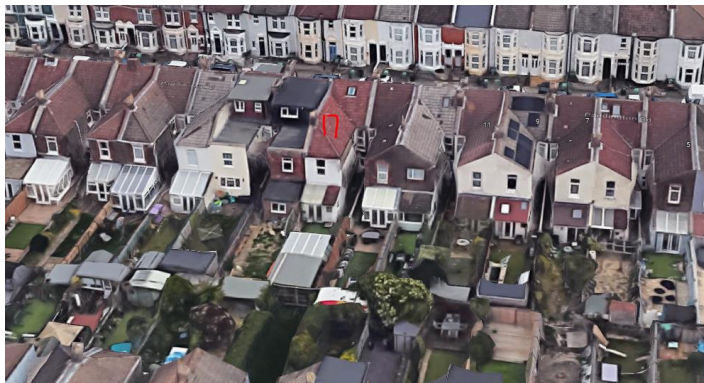


Figure 2: Rear view of no.17 and surrounding properties

1.7 The Proposal

1.8 The Applicant has sought planning permission for the change of use from dwelling house (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (House in Multiple Occupation). This change in occupancy will involve the repurposing of internal rooms. 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.

1.9 The submitted drawings indicate a single storey rear extension (to replace a conservatory), rear dormer and front-facing rooflights. These would be erected under permitted development rights. As such, the application relates to the use of the property only.

1.10 Planning History

1.11 22/00075/GPDC - Construction of single-storey rear extension that comes out a maximum of 5m beyond the rear wall of the original house with a maximum height of 3m and a maximum height of 2.8m to the eaves. Refused 17/10/2022 (excessive depth,

height, and position on the side boundary would result in an unneighbourly and overly dominant form of development detrimental to the amenities of the adjoining occupiers at no.19 in terms of overbearing impact, creation of a strong sense of enclosure and an unacceptable degree of overshadowing).

1.12 Plans

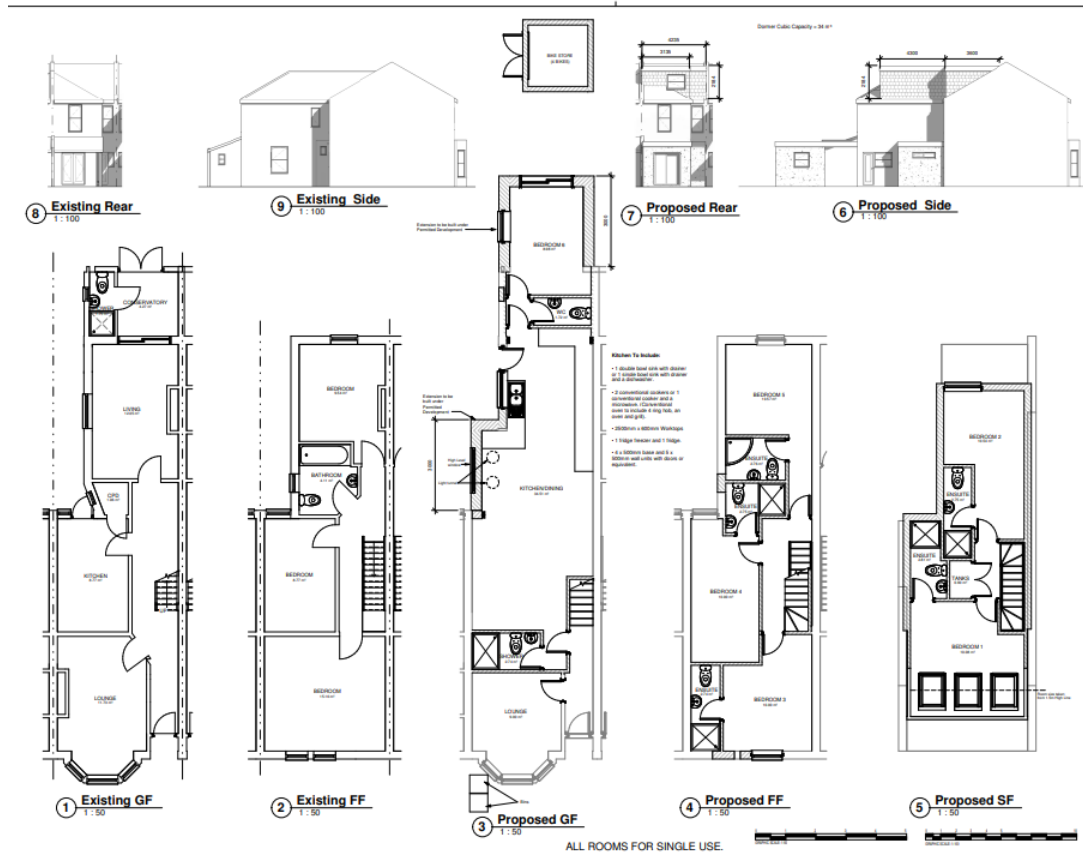


Figure 3: Existing and Proposed Floor and Elevation plans

2.0 POLICY CONTEXT

2.1 Portsmouth Plan (2012)

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

2.2 In accordance with the National Planning Policy Framework (NPPF) 2021 due weight has been given to the relevant policies in the above plan.

2.3 Other guidance:

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019)

3.0 CONSULTATIONS

- 3.1 Private Sector Housing:
No response received.

4.0 REPRESENTATIONS

- 4.1 Eighteen letters of objection, a local petition with 52 signatures received objecting on the following summarised grounds:

- a) Increase in noise pollution
- b) There are more HMO properties than shown on the 50m radius data count map
- c) Lack of privacy and overlooking
- d) Increase load to local amenities/infrastructure
- e) Lack of parking
- f) Loss of light to neighbouring property from the proposed rear extension
- g) Lounge, with a toilet/shower room in the dining area, this looks like another ensuite bedroom
- h) Increase in amount of rubbish generated
- i) Loss of day/sunlight and overshadowing from proposed extension
- j) Loss of family housing
- k) Anti-social behaviour
- l) HMOs should not be used to meet the Council's housing targets

Non-planning considerations

- a) Property marketing process
- b) Devaluation of adjacent properties
- c) Building works carried out before consent (*Officer note: This is done at owner's risk*)

5.0 COMMENT

- 5.1 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;
- Impact upon the Solent Protection Areas; and
- Any other raised matters.

5.2 Principle of Development

- 5.3 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 shared basic amenities such as a kitchen or bathroom.

- 5.4 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 (October 2019), sets out how Policy PCS20 will be implemented and details how the City Council will apply this policy to all planning applications for HMO uses. The SPD states that a community will be considered to be imbalanced where more than 10% of residential properties within the area surrounding the application site (within a 50m radius) are already in HMO use.
- 5.5 Based on information held by the City Council, of the 81 properties within a 50 metre radius of the application site, two HMOs are identified. 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. The neighbouring property, no. 19, is one of the two HMOs identified in the 50m radius, it was granted planning permission for a C3/C4 flexible use, ref. 21/01386/FUL (Planning Committee February 2022).
- 5.6 Following Officer Investigation, no further HMOs have been uncovered and none have been removed from the list of HMOs in the area. Including the application property, the proposal would bring the percentage of HMOs within the area up to 3.7%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.
- 5.7 A further policy strand 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. Neither of these cases would apply to this application.

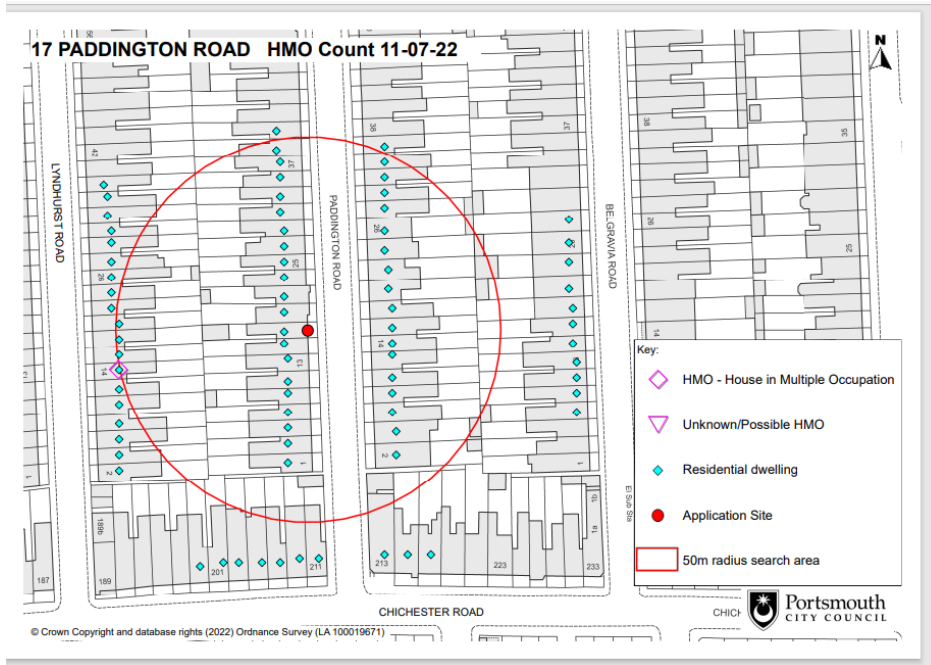


Figure 4- HMO Count map (50m radius)

5.8 Amenity and living standards of future occupiers

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

Room	Approx. Area Provided:	Required Standard:
Bedroom 1	10.54sqm	6.51 sqm
Bedroom 1 Ensuite	2.75sqm	2.74 sqm
Bedroom 2	10.06sqm	6.51 sqm
Bedroom 2 Ensuite	2.81sqm	2.74 sqm
Bedroom 3	10sqm	6.51 sqm
Bedroom 3 Ensuite	2.74sqm	2.74 sqm
Bedroom 4	10sqm	6.51 sqm

Bedroom 4 Ensuite	2.75sqm	2.74 sqm
Bedroom 5	10.57sqm	6.51 sqm
Bedroom 5 Ensuite	2.76sqm	2.74 sqm
Bedroom 6	8.98sqm	6.51 sqm
Bed 6 WC	1.72sqm	1.17 sqm
Shared ground floor shower room	2.74sqm	2.74 sqm
Kitchen-diner	34.51sqm	34sqm
Separate Lounge	9sqm	Not required (11 sqm)

- 5.10 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 range between 8.98sqm and 10.57sqm, the size expected of the communal living area is 34sqm, which would exactly be provided. Additionally, a separate living room would be provided. As such, it is considered suitable living arrangements would be provided and the proposals would accord with the SPD.
- 5.11 The proposed ensembles would meet the required standard as set out within the HMO SPD
- 5.12 The proposal would provide an adequate standard of living accommodation to facilitate up to 6 persons sharing.
- 5.13 Impact on neighbour amenity
- 5.14 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of any property as a dwellinghouse (Class C3) for a single family, would be unlikely to be significantly different than the occupation of the property by up to 6 unrelated persons as an HMO.
- 5.15 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 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.
- 5.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.17 Parking
- 5.18 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 six bedrooms. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of

parking spaces, 2 spaces per dwelling, for any scale of HMO with 4 or more bedrooms. Where no on-site parking is provided, it is assumed that existing parking demand is met on-street and as such would not be required to provide any car parking spaces despite an increase in the number of bedrooms. It is therefore considered that an objection on car parking requirement can be sustained on refusal. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle.

5.19 According to the submitted drawing PG.7099.22.1 Rev B as part of these proposals, the property will provide 4no. weatherproof bicycle storage facilities. No further details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

5.20 Waste

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

5.22 Impact on Special Protection Areas

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

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

5.25 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.

5.26 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).

RECOMMENDATION Conditional Permission

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:

- Location Plan - 17 Paddington Road
- Block Plan - 17 Paddington Road
- PG.7099.22.1 Rev B

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 no. PG.7099.22.1 Rev B, 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).