

36 HARTLEY ROAD PORTSMOUTH PO2 9HU

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

LINK TO DOCUMENTS:

[22/00877/FUL | Change of use from dwelling house \(Class C3\) to purposes falling within Class C4 \(House in Multiple Occupation\) or Class C3 \(dwelling house\) | 36 Hartley Road Portsmouth PO2 9HU](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Riley
Riley Marshall Hanson Webb Limited

RDD: 14th June 2022

LDD: 7th September 2022

1 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to the request of Councillors Benedict Swann and Scott Payter-Harris and receipt of thirty five (35) letters of objection.
- 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:
 - The principle of Development;
 - The standard of accommodation;
 - Parking;
 - Amenity impacts upon neighbouring residents;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters
- 1.4 Site and surroundings
- 1.5 This application relates to a two-storey end terrace property situated on the northern side of Hartley Road. The application site comprises of; a lounge, dining room, kitchen/dining and external store at ground floor level and three bedrooms and a bathroom at first floor level.
- 1.6 The application site is within a predominantly residential area that is characterised by rows of similar two-storey terraced properties with a similar visual style.

2 The Proposal

- 2.1 Planning Permission is sought for change of use from a dwelling house (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) or Class C3 (dwelling house).
- 2.2 This change in occupancy will involve repurposing of some rooms, the erection of a single storey rear extension to provide a new bedroom (ensuite) and opening up the separate dining and combining it with the existing kitchen diner to create a larger open-plan kitchen/dining area. In addition, loft conversion with rear dormer to habitable space is also being proposed.
- 2.3 At first floor level the existing bathroom would be subdivided to create ensuite bathrooms for bedrooms 4 and 6. A new ensuite bathroom would be added to bedroom 3. The second floor 2no bedrooms would both be ensuite.
- 2.4 The submitted drawings indicate a single-storey flat roof rear extension, front-facing rooflight 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

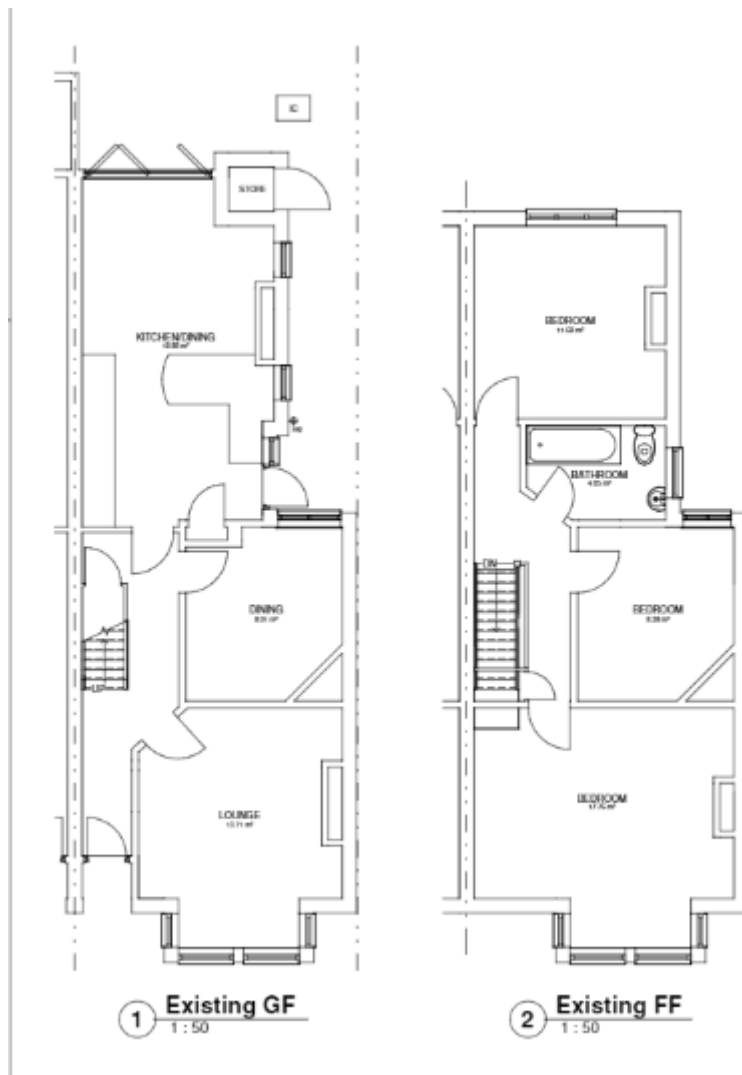


Figure 1: Existing floor plans



Figure 2: Proposed floor plans

2.6 Planning History

2.7 None

3 **POLICY CONTEXT**

3.1 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).

3.2 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**

4.1 Private Sector Housing

4.2 No objection raised.

4.3 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.

4.4 With regards to ground floor bedroom 6. They raised a fire safety concern and commented that bedroom 6 (ground floor back) appears to be an inner room. The property will require to be inspected by Private Sector Housing to assess whether there are adequate means of escape from bedroom 6 to a place of safety that do not pass through a high-risk room (kitchen).

4.5 **REPRESENTATIONS**

Thirty five letters of representation and a petition with 102 signatures received objecting on the following summarised grounds:

- Inadequate standard of living for future occupiers
- Security concerns
- Pressure on parking
- Loss of family homes
- Noise
- Loss of outdoor space
- Overbearing
- Out of keeping with the area
- High water consumption from increase in occupants
- Loss of privacy
- Pressure on infrastructure
- Non-compliance with The Portsmouth Plan which states the urgent need for 3 bed family homes
- Concern on number of occupants and potential to increase occupancy numbers
- Set a precedent

- Non-planning concerns
- House prices and saleability of adjacent properties will be affected
- Uncertainties of future occupants

4.6 **COMMENT**

4.7 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

5.1 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.

5.2 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 57 properties as shown in figure 3 below. This proposal would change the current figure to be 1.75% 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.

5.3

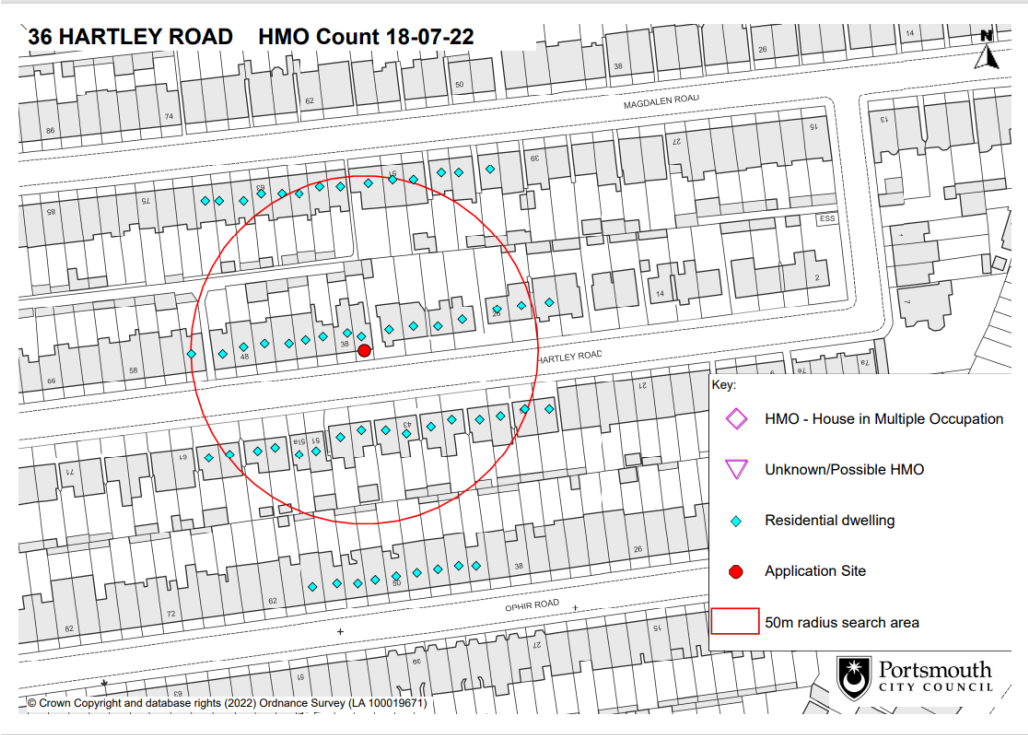


Figure 3: HMO data count (50m radius)

5.4 **Standard of accommodation**

5.5 The application seeks a flexible C3/C4 (HMO) use, which would, in planning terms allow occupation by up to six individuals.

5.6 The single storey rear extension, loft conversion with rear dormer and repurposing of internal rooms to accommodate the additional 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:

5.7

Room	Area Provided:	Required Standard:
Bedroom 1	11.21m2	6.51m2
Ensuite B1	2.75m2	2.74m2
Bedroom 2	12.63m2	6.51m2
Ensuite B2	2.77m2	2.74m2

Bedroom 3	12.79m ²	6.51m ²
Ensuite B3	2.85m ²	2.74m ²
Bedroom 4	10.03m ²	6.51m ²
Ensuite B4	2.83m ²	2.74m ²
Bedroom 5	11.11m ²	6.51m ²
Ensuite B5	2.83m ²	2.74m ²
Bedroom 6	10.56m ²	6.51m ²
Ensuite B6	2.78m ²	6.51m ²
Ground Floor WC	1.71m ²	1.17m ²
Ground Floor shower	3.33m ²	2.74m ²
Combined kitchen/dining Space	24.51m ²	22.5sqm (based on 10m ² sized bedrooms)
Ground Floor Lounge	10.74m ²	None (based on 10m ² sized bedrooms)

5.8 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 24.51m² combined living space would be provided. Additionally, a separate living room would be provided.

5.9 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.

5.10 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.

5.11 **Impact on neighbour amenity**

5.12 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 likely number of residents and 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.

5.13 Whilst noise may be increased with the introduction of a HMO in this location, it is not considered to result in an overconcentration of HMOs within the surrounding area as it is the first one within the 50m radius, and therefore it is considered that the impact of one HMO would not be significantly harmful at this particular point in time.

5.14 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.

5.15 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 this application would not impact on or result in over-concentration of HMOs within the surrounding area, it is considered that the impact of one further occupant within the existing 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 **Amenity and Parking**

5.18 The minor increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. 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 cannot 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 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.

5.20 According to the submitted drawing no. PG.7088 - 22 - 4 Rev B, the property will provide 4no. 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.

5.21 **Waste**

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

5.23 **Impact upon the Special Protection Area**

5.24 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.

5.25 **Community Infrastructure Levy (CIL)**

5.26 The development would not be CIL liable as there would be no increase in the Gross Internal Area of 100sqm and above to the application property.

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:

- PG.7088.22.5 Rev A Sections and Elevations
- PG.7088.22.4 Rev C Existing and proposed floor plans
- Block Plan
- Location Plan

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 - PG.7088.22.5, 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).