

36 HARTLEY ROAD PORTSMOUTH PO2 9HU

CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR SEVEN PEOPLE (SUI GENERIS).

LINK TO DOCUMENTS:

[22/01603/FUL | Change of use from dwellinghouse \(Class C3\) to House in Multiple Occupation for seven people \(Sui Generis\). | 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: 18th November 2022

LDD: 19th January 2023

1 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a call in from Councillor Payter-Harris, as well as receipt of thirteen (13) letters of objection and a petition containing 107 signatures.
- 1.2 An earlier application ref. 22/00877/FUL, is the subject of an appeal on grounds of non-determination. This was previously considered by the Committee on 9th November 2022 where it was resolved that planning permission would have been refused due to inadequate safe amenity space for the occupier of bedroom six contrary to building regulations
- 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 single dwellinghouse situated on the northern side of Hartley Road. The application property 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 an HMO with 7 bedrooms
- 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 (en-suite) and opening up the separate dining room and combining it with the existing kitchen diner to create a larger open-plan kitchen/dining area (24.51m²). In addition, a loft conversion with rear dormer to habitable space is also being proposed, pursuant to permitted development rights.
- 2.3 At ground floor level, an en-suite bathroom is to be formed in the existing lounge and dining room. At first floor, the existing bathroom would be subdivided to create en-suite bathrooms for bedrooms 4 and 5. A new en-suite bathroom would be added to bedroom 3. The second floor 2no bedrooms would both be en-suite.
- 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 In the earlier application under ref. 22/00877/FUL, the planning committee had raised fire safety concerns, considering that bedroom 6 (ground floor back) appeared to have inadequate means of escape to a place of safety in event of a fire. The applicants have clarified that propose French doors are proposed leading out into the rear garden from this room to remove these concerns.

2.6 **Plans**

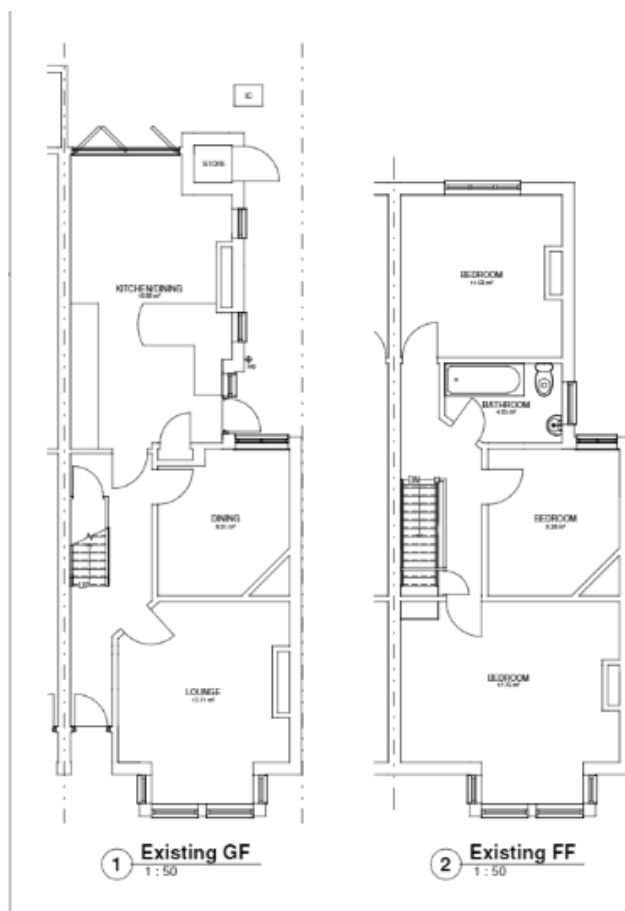


Figure 1: Existing floor plans

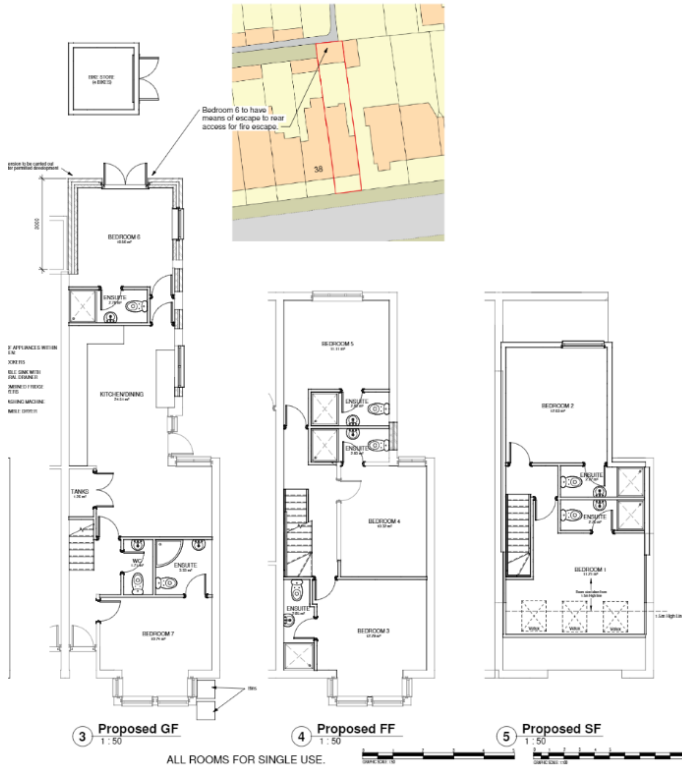


Figure 2: Proposed floor plans



Figure 3: Existing and proposed side and rear elevations

2.7 Planning History

2.8 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). Currently being considered at appeal.

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 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 **REPRESENTATIONS**

Thirteen letters of representation 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
- Loss of needed 3 bed family homes
- Concern on number of occupants and potential to increase occupancy numbers
- Set a precedent
- Impact on medical services
- Overlooking
- Previous application refused.

- Non-planning concerns
- House prices and saleability of adjacent properties will be affected
- Uncertainties of future occupants
- Property neglect resulting from subletting

4.5 **COMMENT**

4.6 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 principle 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 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 a 50m radius comprising a maximum proportion of HMO properties. 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 1.75% and therefore remains well 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 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

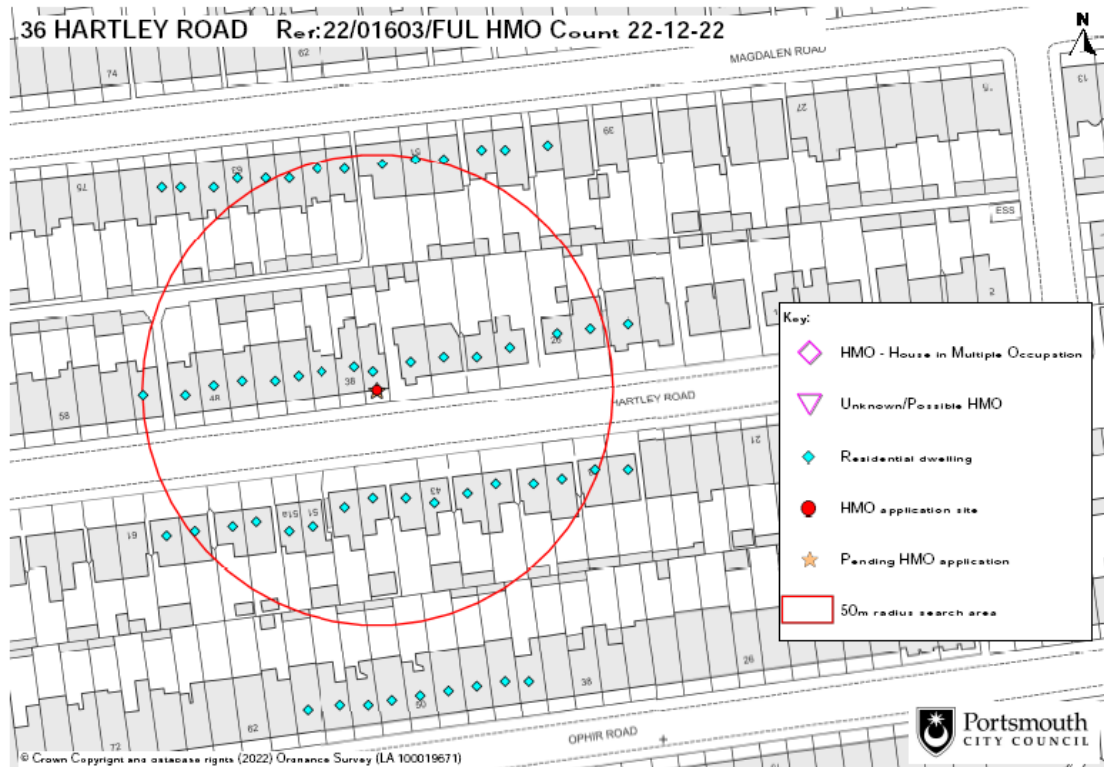


Figure 4: HMO data count (50m radius)

5.4 **Standard of accommodation**

5.5 The application seeks a change of use from a C3 dwelling to a HMO (sui generis) comprising 7 self-contained bedrooms.

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 | 11.21m ² | 6.51m ² |
| Ensuite B1 | 2.75m ² | 2.74m ² |
| Bedroom 2 | 12.63m ² | 6.51m ² |
| Ensuite B2 | 2.77m ² | 2.74m ² |
| Bedroom 3 | 12.79m ² | 6.51m ² |
| Ensuite B3 | 2.85m ² | 2.74m ² |
| Bedroom 4 | 10.32m 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 | 2.74m ² |
| Bedroom 7 | 10.74m ² | 6.51m ² |
| Ensuite B7 | 3.33m ² | 2.74m ² |
| Ground Floor WC | 1.71m ² | 1.17m ² |
| Combined kitchen/dining Space | 24.51m ² | 22.5sqm (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/kitchen area is 22.5sqm, and 24.51m² combined living space would be provided.

5.9 The combination of en-suites, shared bathroom and a separate wc at the ground floor level would provide a suitable overall arrangement of sanitary facilities. 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 that the proposal would provide an adequate standard of living accommodation to facilitate up to 7, or indeed more, persons sharing and the proposals would accord with the SPD.

5.11 **Impact on neighbour amenity**

5.12 If operated as Sui-generis, the proposal would increase the accommodation of the existing 3-bedroom dwellinghouse (C3) by 4 extra bedrooms. While this could have a proportionate increase in activity within and coming and going from the property, this is a small increase in the number of residents and it is considered that the level of activity that could be associated with the use of the property as sui-generis for up to 7 persons, would be unlikely to be significantly different to the occupation of the property by up to 6 unrelated persons as may occur within the lawful C3 use. 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 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.

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, beyond the threshold permitted for C3 use, would not be significantly harmful.

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

5.17 **Amenity and Parking**

5.18 The modest potential 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. It should also be noted that the property could be occupied by a large family with grown children, each owning a separate vehicle, for which the LPA would have no control.

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 A (Sui Gen Plan), the property will provide 4no. bicycle storage facilities. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

5.21 **Waste**

5.22 The storage of refuse and recyclable materials would remain unchanged, located at the front of the property, 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, as the existing lawful C3 use could potentially give rise to the same level of occupancy outside planning control (as a single person C3 household) it is not considered that the proposal would give rise to a material intensification of overnight stays and therefore not be expected to have a likely significant effect on the Solent Special Protection Areas by way of additional nutrient pollution.

5.25 **Community Infrastructure Levy (CIL)**

5.26 The development would not be CIL liable as the increase in floorspace at the property is to be pursued as permitted development and these works are not the subject of this application.

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 and notwithstanding the objections received, and for the reasons set out in this report, it is not considered that these can be reasonably sustained in planning terms.

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 · 4A (Sui Gen Plan)
- PG.7088 · 22 · 5B (Sections and Elevations)
- 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 as hereby permitted, the building operations indicated within approved drawing Elevations - PG.7088.22.5B, namely the construction of the single storey rear extension and rear dormer, shall be completed.

Reason: To ensure that adequate and communal living accommodation 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).