

163 STATION ROAD PORTSMOUTH PO6 1PU

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=RN7HG4MOG3900](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rn7hg4mog3900)

**Application Submitted By:**

Mr Steve Walker  
Parkers Design

**On behalf of:**

Alex Cooper

**RDD:** 21st December 2022

**LDD:** 6th March 2023

## 1 SUMMARY OF MAIN ISSUES

This application is brought before Planning Committee due to eight 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 end of terrace property situated on the western side of Station Road. The accommodation comprises of; a living/ dining room, kitchen, conservatory, one double bedroom and separate WC at ground floor level, and three bedrooms and a bathroom at first floor level.

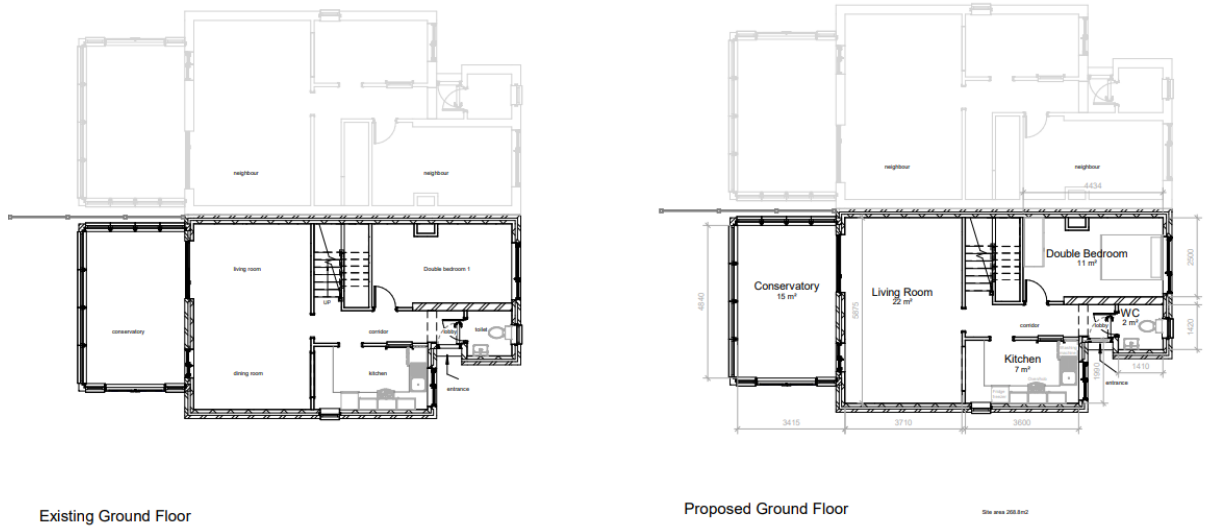
## 2 The Proposal

2.1 This application seeks planning permission for the flexible use of the property for purposes falling within Class C3 (dwellinghouse) to purposes falling within dwellinghouse (Class C3) or house in multiple occupation (Class C4).

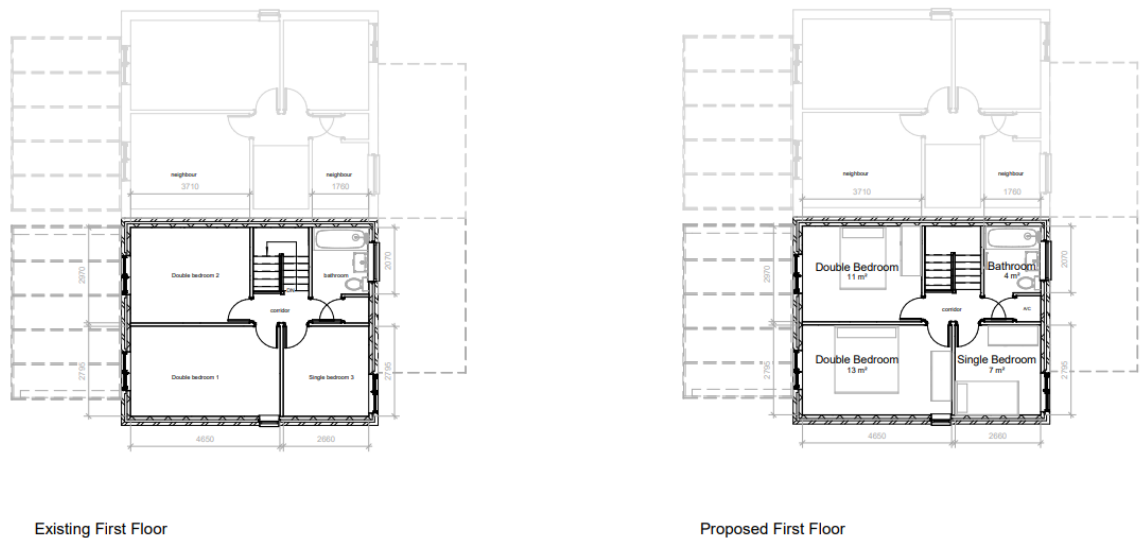
2.2 The interchange between Class C3 and Class C4 would normally be permitted development within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, on 1st November 2011 an Article 4 Direction relating to HMOs came into force. As 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.

2.3 This change in occupancy will not involve any physical alterations to the property nor repurposing of any rooms.

2.4 Plans:



**Figure 1: Existing and proposed ground floor plans**



**Figure 2: Existing and proposed first floor plans**

2.4 Planning History

2.5 A\*11990/R- Erection of 148 dwellings and construction of roads footpaths garaging and parking. Approved 03.05.1985

2.6 A\*21800/N - Residential development, single and/or two storey dwellings with garages (density not to exceed 46 units per hectare). Approved 30.10.1984

### **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 layout and sizes, single bedrooms must have a minimum gross internal floor area (GIA) of 7.5m<sup>2</sup>(10m<sup>2</sup> is required where no separate living space is provided). Double bedrooms or twin bedrooms must have a minimum GIA of at least 11.5m<sup>2</sup> (14m<sup>2</sup> is required where no separate living space is provided).

#### **4.8 REPRESENTATIONS**

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

- Overconcentration of HMO's in the area
- Parking issues
- On-street parking would worsen the narrow road for emergency vehicle access
- Anti-social behaviour
- Inadequate living space for four people
- Retrospective application
- Fire risk

#### **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 1no. HMO out of 46 properties as shown in figure 2 below. This proposal would change the current figure of 2.17%, to 4.35% 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.

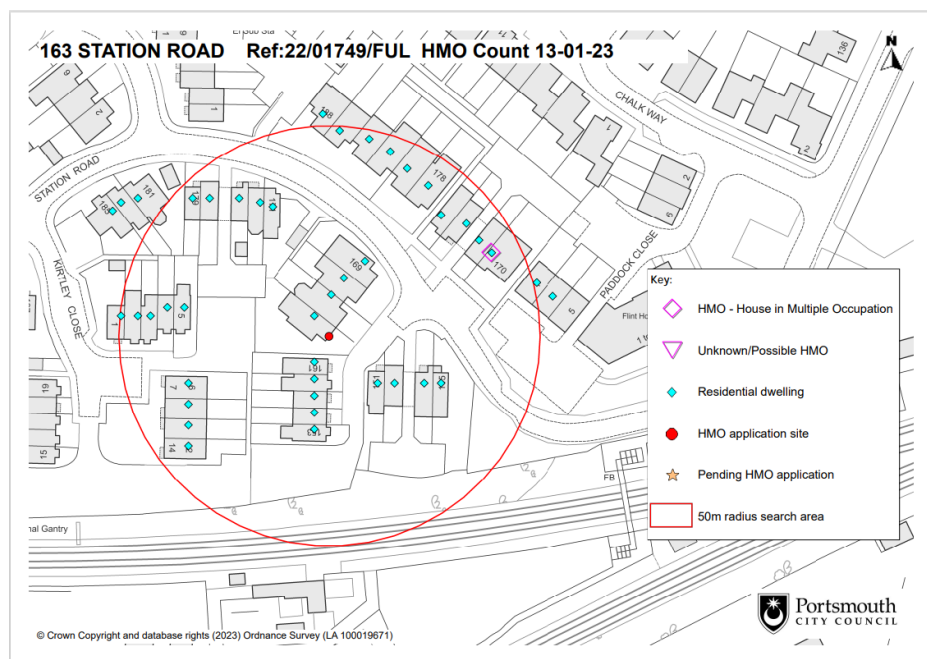


Figure 3: HMO data count map (50m radius)

## 5.6 Standard of accommodation

- 5.7 If the property is operated as a Class C4 small HMO this 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	11m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2	11m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3	11m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4	7m <sup>2</sup>	6.51m <sup>2</sup>
Shared bathroom	4m <sup>2</sup>	3.74m <sup>2</sup>
Ground Floor WC	2m <sup>2</sup>	1.17m <sup>2</sup>
Living Room	22m <sup>2</sup>	14m <sup>2</sup> (6 persons)
Conservatory	15m <sup>2</sup>	14m <sup>2</sup> (6 persons)

Kitchen	7m <sup>2</sup>	11m <sup>2</sup> (6 persons)
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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. Three of the four bedrooms significantly exceed the minimum size. At 7m<sup>2</sup>, the kitchen is below the standard of 11m<sup>2</sup>. It is, however, of a simple, usable layout. The conservatory exceeds the living space standard by 1m<sup>2</sup>. The living room exceeds the living space standard by 8m<sup>2</sup>. In combination, the three ground floor communal rooms exceed the total expectation of 39m<sup>2</sup>, by providing 44m<sup>2</sup>. This exceedance, combined with the three larger bedrooms, and good-sized, south-facing garden would, it is considered, provide a good standard of living accommodation. 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 The property would remain a 4-bedroom property and if operated as Class C4, this *could* have a proportionate increase in activity within and coming and going from the property, compared to a Class C3 use (were that to allow-level C3 use). However, 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 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 further HMO would not be significantly harmful at this particular point in time.

5.14 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.

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

#### 5.16 **Amenity and Parking**

5.17 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 proposal is thus not considered to have a demonstrable impact on the parking need over and beyond the existing. As existing, there is 2no on-site parking being provided and this would be retained.

5.18 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. No details of the bicycle storage facilities have been submitted with this application, but this can however be secured via condition.

## **5.19 Waste**

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

## **5.21 Impact on Special Protection Areas**

5.22 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.

## **6 CONCLUSION**

6.1 As detailed above the application is considered to 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:

- P 0 - Location Plan and Block Plan
- P 1 - Ground Floor
- P 2 - First floor
- P 3 - Elevations Front/Rear
- P 4 - Elevations Right/Left side
- P 5 - P 8 -Proposed 3D

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

### Cycle storage

- 3) 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).