

76 ORIEL ROAD PORTSMOUTH PO2 9EQ

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

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=ROZOJKMOGNQ00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=ROZOJKMOGNQ00)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Reynolds

RDD: 25th January 2023

LDD: 27th March 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to a total of 12 objections from local residents.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
- The principle of development (including HMO density);
 - The standard of accommodation;
 - Impact upon amenity neighbouring residents;
 - Parking;
 - Waste;
 - Impact upon the Solent Protection Areas; and
 - Any other raised matters

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey mid terrace dwellinghouse with large bay windows and a gabled frontage. It is served by a front forecourt and rear garden with an outbuilding.
- 2.2 The application site falls within a residential area characterised by rows of two-storey terraced properties. To the east of the site is London Road, which features a number of shops, services and public transport routes.

3.0 THE PROPOSAL

- 3.1 Planning permission is sought for the change of use of the property from Class C3 (Dwellinghouse) into a 6 bedroom HMO falling within use C4, while retaining its C3 use class so that it can be used as either a C3 or C4.

3.2 The proposed internal accommodation, as shown in the below proposed floorplans comprises the following:

- Ground Floor - 1 bedroom with ensuite, Communal kitchen-dining area, study, shower room and WC;
- First Floor - 3 bedrooms with ensuites; and
- Second Floor - 2 bedrooms with ensuites.

3.3 Permitted Development works including a rear dormer and rear extension are proposed and do not form part of the application, but a condition should be imposed to ensure this work is undertaken in order to meet the required space standards.

4.0 PLANNING HISTORY

4.1 No relevant planning history.

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (2021), due weight has been given to the relevant policies within the Portsmouth Plan (2012), which include:

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

5.3 Other Guidance

5.4 Guidance for the assessment of applications that is relevant to the application includes:

- National Planning Practice Guidance (revised 2021)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The Updated Interim Nutrient Neutral Mitigation Strategy (2022)
- The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD').

6.0 CONSULTATIONS

6.1 Private Sector Housing - Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004. No adverse comments re size and layout of the property. The property will need to be inspected by private sector housing to ensure it meets licensing requirements.

6.2 Highways Engineer - No comment. It should be noted that there is no increase in the requirements for parking spaces between a C3 and C4 dwelling.

7.0 REPRESENTATIONS

7.1 12 objections received summarised as:

- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- b) Overdevelopment of the site and loss of neighbours amenity;
- c) Lack of external space;
- d) Impact on the character of the area;
- e) Noise and disturbance - anti-social behaviour (including needles and stabbings);
- f) Loss of a family home;
- g) Set a precedent for future development;
- h) Building works going on at the site and other sites owned by the applicant are already in use without permission ;
- i) Lacks adequate living space;
- j) Out of character for the area;
- k) Strain on public services;
- l) Noise from the communal area;
- m) Lack of natural light to the rooms.
- n) Disruption and mess from building works
- o) It will be extended further to a larger HMO
- p) PD works are not PD
- q) Next door is an HMO and there has to be a 50m gap between HMOs
- r) Extra council tax for the Councils' coffers
- s) Loss of value to neighbouring properties
- t) Unnecessary
- u) The area will look like a student area

8.0 COMMENT

8.1 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;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

8.2 HMO Policy

8.3 Permission is sought for the use of the property as a Sui Generis HMO for 8 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3).

8.4 Policy PCS20 of the Portsmouth Plan states that applications for 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 (as amended 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.

8.5 Based on the information held by the City Council, of the 70 properties within a 50-metre radius of the application site, there are only 3 HMOs at 49, 78 and 94 Oriol Road as

shown below. 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.

- 8.6 Following further Officer Investigation, no additional HMOs have been uncovered by the Case Officer. Including the application property, the proposal would bring the percentage of HMOs within the area up to 5.64%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



- 8.7 A further policy strand introduced in July 2018, amended in October 2019, 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. There is no conflict caused by this proposal with this guidance.

- 8.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

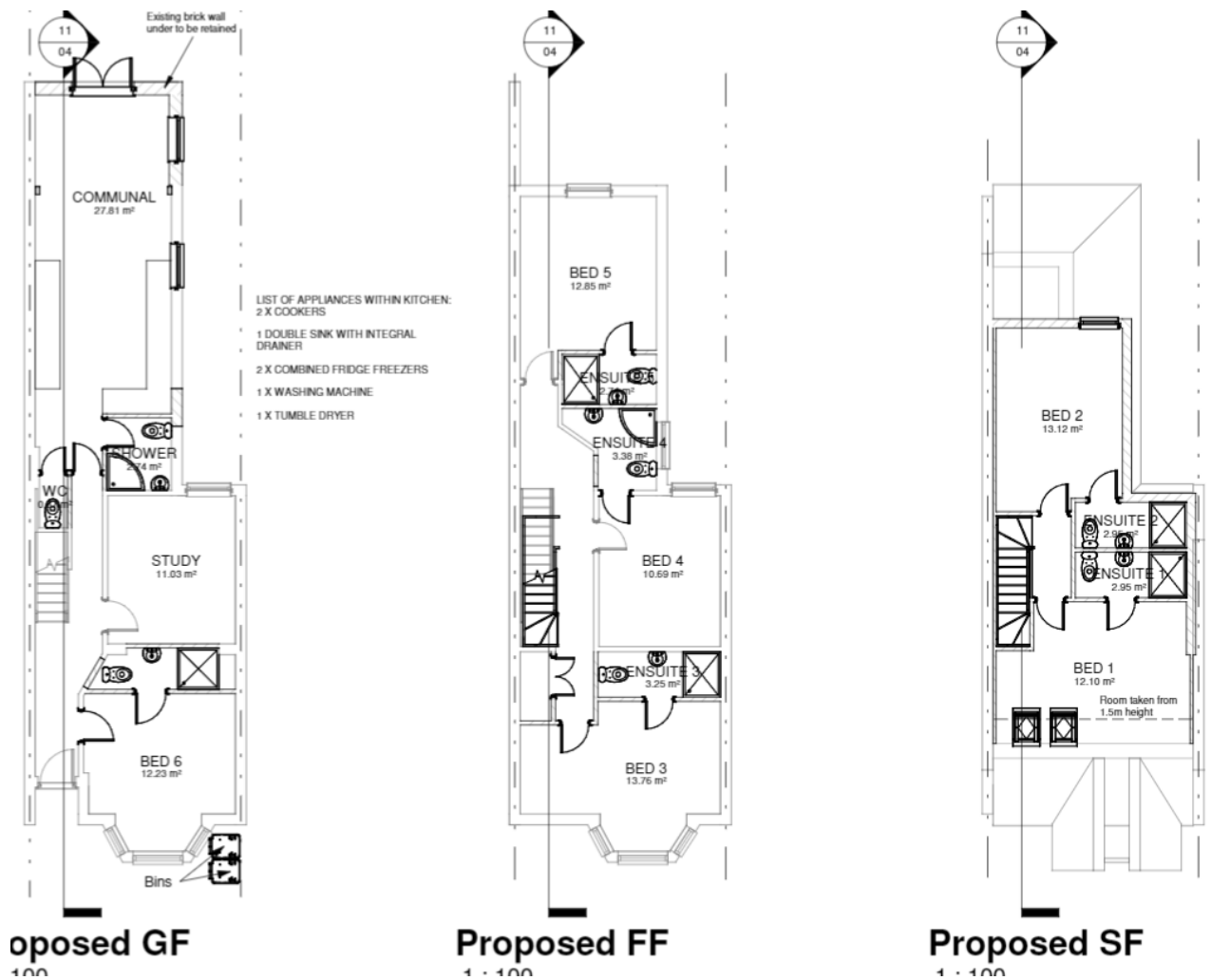
8.9 Standard of accommodation

- 8.10 The application seeks Sui Generis HMO use for 8 persons and proposes the following room sizes, as shown in **Table 1** below.

Room	Area Provided	Required Standard
Bedroom 1	12.01m ²	6.51m ²
Bedroom 2	13.12m ²	6.51m ²
Bedroom 3	13.76m ²	6.51m ²
Bedroom 4	10.69m ²	6.51m ²

Bedroom 5	12.85m ²	6.51m ²
Bedroom 6	12.23m ²	6.51m ²
Communal Kitchen/Dining area (ground floor)	27.81m ²	22.5m ² (as all bedrooms exceed 10m ²)
Ground Floor WC	0.87m ²	1.17m ² (but not required)
Ensuite bathroom 1	2.95m ²	2.74m ²
Ensuite bathroom 2	2.95m ²	2.74m ²
Ensuite bathroom 3	3.25m ²	2.74m ²
Ensuite bathroom 4	3.38m ²	2.74m ²
Ensuite bathroom 5	2.74m ²	2.74m ²
Ensuite bathroom 6	2.74m ²	2.74m ²

Table 1 - HMO SPD (Oct 2019) compliance



- 8.11 All rooms exceed the required space standards and the proposal is considered to provide a good standard of living for future occupiers, with a good standard of light and outlook.
- 8.12 Impact on neighbouring living conditions
- 8.13 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity that could be associated with the use of any individual property as a dwellinghouse in Class C3, would be unlikely to be significantly different from the occupation of the as a house in multiple occupation.

- 8.14 The HMO SPD is supported by an assessment of the need for, and supply of, shared housing in Portsmouth and of 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 HMO would not be significantly harmful. The principle of an HMO use at this dwellinghouse has already been established as acceptable earlier in this report.
- 8.15 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.16 Highways/Parking
- 8.17 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 four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms would also be 2 off-road spaces, and these bedrooms could be achieved by permitted development without any planning control on parking. The expected level of parking demand for a Class C3 dwellinghouse with two or three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.
- 8.18 As explained above, neither the Highways Officer nor Planning Officer highlights a serious issue with the scheme on the grounds of a lack of off street-parking. As the SPD requirement for parking is not materially different for the proposal than a similarly sized Class C3 dwellinghouse, it is considered that refusal on a lack of parking is not reasonable or defensible. There is no objection on either highway safety grounds and therefore refusal could not be sustained on appeal.
- 8.19 The Council's Adopted Parking Standards set out a requirement for 6 person HMOs to provide space for the storage of at least 4 bicycles. The plans include a proposed bike store accessed via the side access. The requirement for storage for 4 bicycles is recommended to be secured by condition.
- 8.20 Waste
- 8.21 The storage of refuse and recyclable materials can be accommodated in the front forecourt or rear/side garden. It is not considered necessary to require details of formalised waste storage.
- 8.22 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.23 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.

- 8.24 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 do not. 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.
- 8.25. Other Matters raised in the representations
- 8.26 The loss of the use as a family home is not considered to be defensible in policy, the change of use is considered to be acceptable in policy as established above.
- 8.27 It is not considered that the application in and of itself would result in an undue strain on public services or infrastructure.
- 8.28 The other matters raised by residents have been covered within the report or are not material planning considerations.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations, 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 (NPPF) (2021) and it is recommended that permission be granted in accordance with the following conditions:

Conditions

Time Limit:

- 1) The development hereby permitted shall be begun before the 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

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:

- Dual Use Plans PG.7186.22.04
- LOCATION 1-1250

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

Cycle Storage:

- 3) Prior to first occupation of the property as a House in Multiple Occupation, secure and weatherproof bicycle storage facilities for 4 bicycles shall be provided at the site 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.

PD Works

- 4) Prior to the occupation of the property as a HMO for 6 persons, the single storey rear extension and rear dormer proposed to be constructed under permitted development allowances shall be completed in accordance with the conditions and requirements of the relevant allowances.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.