

**47 BELGRAVIA ROAD PORTSMOUTH PO2 0DX****CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7- BED/7 PERSON HOUSE IN MULTIPLE OCCUPATION**

[23/00551/FUL | Change of use from a Class C3 dwellinghouse to a 7-bed/7-person House in Multiple Occupation | 47 Belgravia Road Portsmouth PO2 0DX](#)

**Application Submitted By:**

Mrs Carianne Wells  
Applecore PDM

**On behalf of:**

Howard Baker

**RDD:** 03 May 2023

**LDD:** 30 September 2023

**1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought before Planning Committee due to the number of objections (15) as well as the request of Councillor Wemyss

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

- The principle of development;
- The standard of accommodation;
- Impacts on amenity of neighbouring residents;
- Parking;
- Waste;
- Impact on the Solent Protection Area; and
- Any other material considerations.

1.3 Site and surroundings

1.3 The application relates to a two-storey (to eaves height), mid terrace dwellinghouse (Class C3) located on the western side of Belgravia Road close to the junction with Laburnum Grove. The building as existing has a single bay at the front at ground floor and a 2 storey element set in c1 metre from the boundary at the rear with a mono pitch roof with a single storey element with a lean to roof. The property features a small rear garden. The existing layout features four bedrooms.

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 Copnor Road, which features a number of shops, services and public transport routes.

1.4 The Proposal

1.5 The Applicant has sought planning permission for the change of use of the dwelling from the current lawful use of as a C3 dwelling to a 7 bedroom/7 person house in multiple occupation.

1.6 A flat roof single storey extension is proposed to be built via the Prior Approval 23/0013/GPDC. And the rear roof extension would be Permitted Development. Neither extension therefore form a part of this application, but are required to provide the layout

and occupation shown. A communal kitchen-diner would be provided and seven ensuite bedrooms.

#### 1.7 Planning History

- 1.8 23/0013/GPDC, Construction of a single storey rear extension extending 4m beyond the rear wall, with a height of 2.8m to the eaves and a maximum height of 3m. Prior Approval Not Required, 05.04.2023.

### **2.0 POLICY CONTEXT**

- 2.1 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).
- 2.2 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 Updated Nutrient Neutral Mitigation Strategy (2022), and The Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2019) ('the HMO SPD')

### **3.0 CONSULTATIONS**

- 3.1 Private Sector Housing: would require to be licensed under Part 2 of the Housing Act 2004. No adverse comments in relation to the proposed size and layout. It will be inspected by the Private Sector Housing Team to ensure it meets licensing requirements.
- 3.2 Highways Engineer - No objection. No material impact on the local highway network. The Parking SPD gives the expected level of vehicle and cycle parking for a 3-bedroom dwelling is 2 vehicle spaces and 4 cycle spaces, this compared with the requirement for an 7-bedroom HMO is 2 spaces and 4 cycle spaces. Consequently, although it is acknowledged that demand for on-street parking exceeds the space available in the evenings and at weekends, the parking and cycle requirement remains unchanged. Suggest a condition to secure the store for 4 cycles.

### **4.0 REPRESENTATIONS**

- 4.1 15 objections received, including one from Councillor Swann and one from Councillor Wemyss, summarised as:
- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems particularly in the evenings and at weekends;
  - b) Sewage issues;
  - c) Increased population density and consequent strain on infrastructure and health and dentistry provision;
  - d) Proximity of other HMOs
  - e) Noise and disturbance;
  - f) Congestion and consequent pollution;
  - g) Loss of a family home;
  - h) Loss of community cohesion;
  - i) Building vans and delivery vehicles;
  - j) Increase in fire risk;
  - k) Out of date HMO register means lack of information on which to make a decision
  - l) Loss of property value;
  - m) Owner and agent not local residents;
  - n) HMO residents may be drug users and criminals and have mental health issues

## 5.0 COMMENT

- 5.1 The main issues to consider in the determination of this application are, whether the proposal is acceptable in principle, the standard of accommodation, design of the extensions, the impact on the amenity of neighbouring residents, parking, provision to be made for the disposal of waste, impact on the Solent Protection Area and any other material considerations. Property values, the fact the agent and owner are not local residents and the character and health of future occupants are no material in this case
- 5.2 Principle
- 5.3 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:
- I. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.4 Currently, the Council can demonstrate 2.9 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc.. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.
- 5.5 HMO Policy
- 5.6 Permission is sought for the use of the property as a Sui Generis HMO for 7 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3).
- 5.7 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.
- 5.8 Based on the information held by the City Council, of the 65 properties within a 50-metre radius of the application site, there are currently no other HMOs as shown in **Figure 4** 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.
- 5.9 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 1.5%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

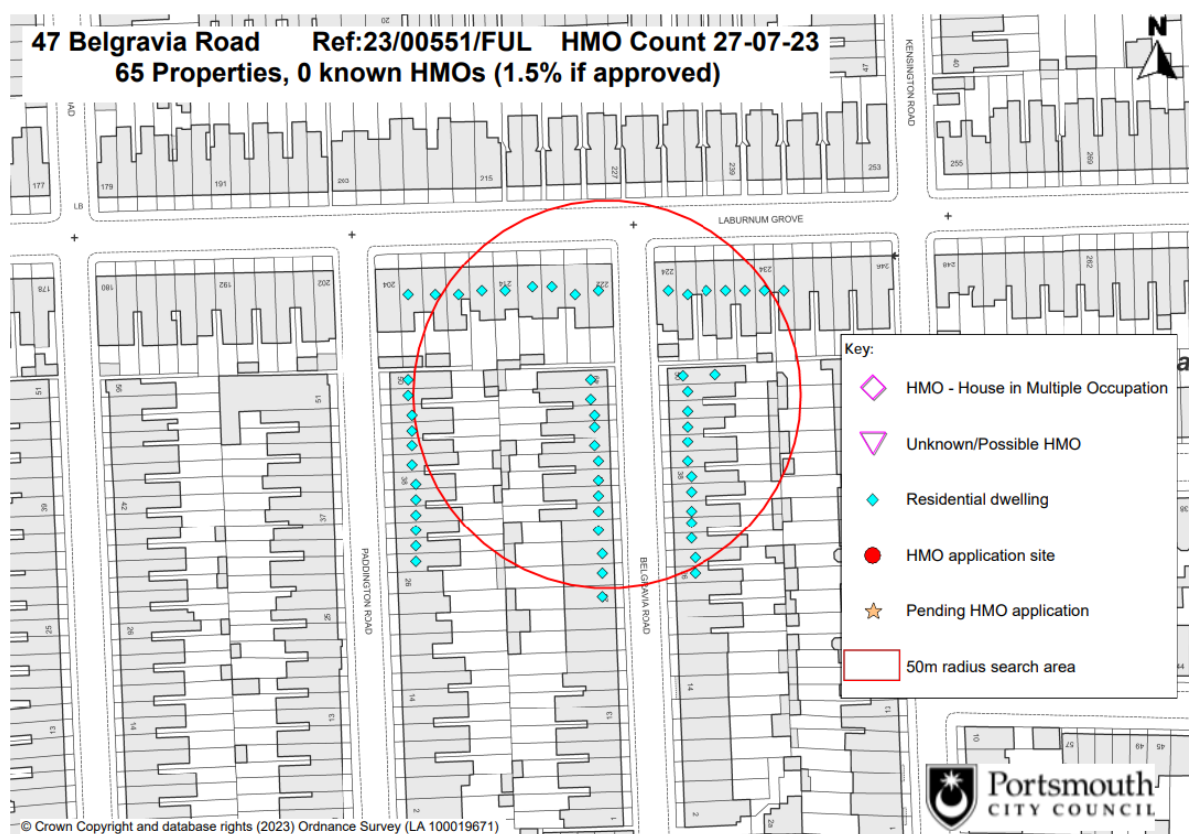


Figure 4 HMO's within 50m radius

- 5.10 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.
- 5.11 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.12 Standard of accommodation
- 5.13 The 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:

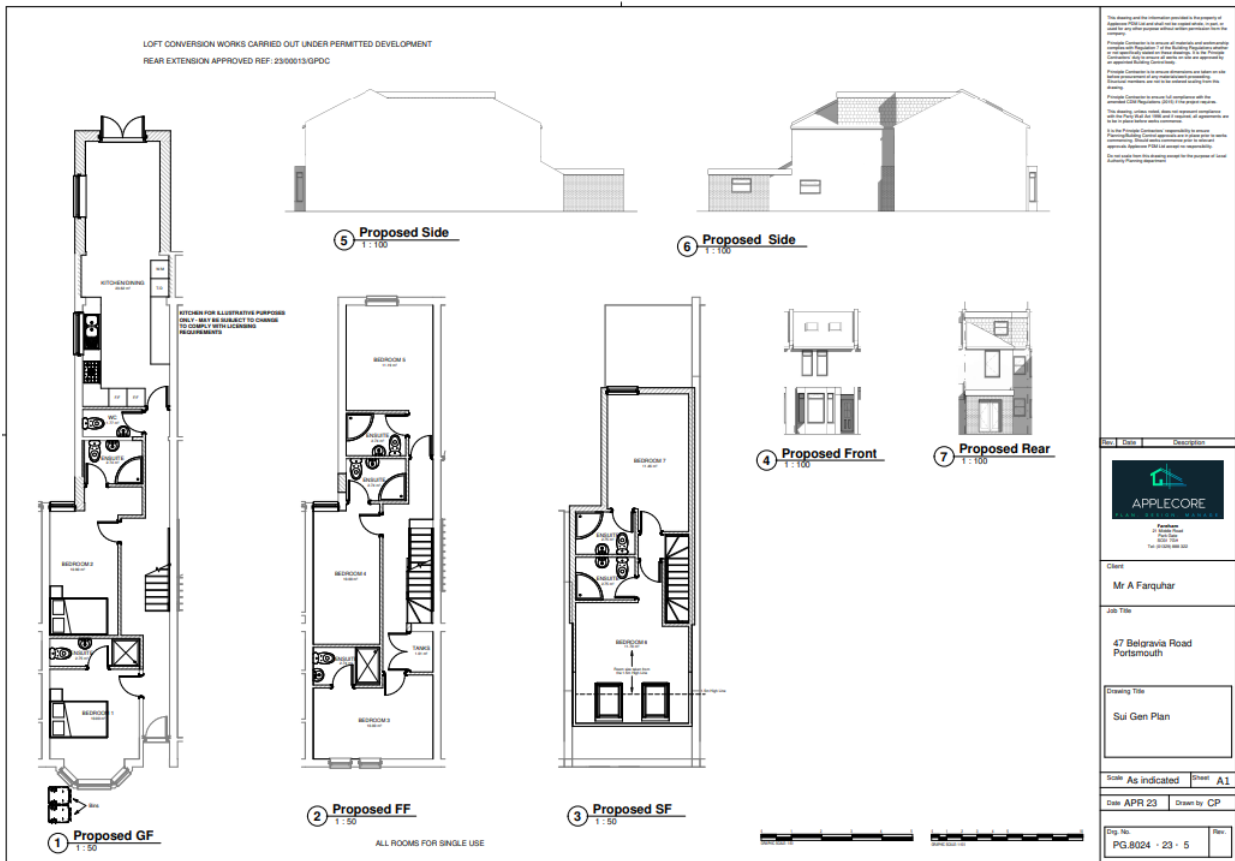
Room	Area Provided	Required Standard
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Bedroom 1	10m2	6.51m2
Bedroom 2	10.90m2	6.51m2
Bedroom 3	10m2	6.51m2
Bedroom 4	10m2	6.51m2
Bedroom 5	11.19m2	6.51m2
Bedroom 6	11.70m2	6.51m2
Bedroom 7	11.46m2	6.51m2
Communal Kitchen/Dining area (ground floor)	23.62m2	22.5m2 (as all bedrooms exceed 10m2)
Ground floor WC	1.77m2	1.17m2
Ensuite bathroom 1	2.74m2	2.74m2
Ensuite bathroom 2	2.75m2	2.74m2
Ensuite bathroom 3	2.74m2	2.74m2
Ensuite bathroom 4	2.74m2	2.74m2
Ensuite bathroom 5	2.74m2	2.74m2
Ensuite bathroom 6	2.75m2	2.74m2
Ensuite bathroom 7	2.75m2	2.74m2
First floor tanks room	1.01m2	None.

**Table 1 - HMO SPD (Oct 2019) compliance**

*Figure 5 Proposed Floorplans*

- 5.14 All rooms meet 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.
- 5.15 There is no requirement for outdoor amenity space within the HMO SPD. However the property benefits from a small rear garden, part of which would be taken up by bike storage, however the space is still considered to be useable and provide opportunity for sitting out. There is space for 2 bins in the front forecourt.



#### 5.16 Impact on neighbouring living conditions

5.17 In terms of the impact on the living conditions of the adjoining occupiers whilst there would be an increase in activity within and coming and going from the property the increase in the number of residents is not considered likely to have any demonstrable adverse effect on residential amenity for neighbours of the surrounding area.

5.18 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.

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

#### 5.20 Highways/Parking

5.21 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 Sui Generis HMOs with four or more bedrooms. However, it should be noted that the expected level of parking demand for a Class C3 dwellinghouse with three bedrooms would be 1.5 off-road spaces, so there is little difference in the parking requirement. As such, there is no objection on either highway safety grounds and therefore refusal could not be sustained on appeal.

5.22 The Council's Adopted Parking Standards set out a requirement for 7 person HMOs to provide space for the storage of at least 4 bicycles. The requirement for storage for 4 bicycles is recommended to be secured by condition.

5.29 Waste

5.30 The storage of refuse and recyclable materials can be accommodated in the front forecourt. It is not considered necessary to require details of formalised waste storage.

5.31 Impact on Special Protection Areas

5.32 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 7 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This can be secured through a s111 agreement and/or condition.

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

5.34 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.

5.35 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.

5.36 Other Matters raised in the representations

5.37 Concerns have been raised over character and potential criminal activities of future occupants. This is not a valid planning issue.

5.38 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.

5.39 It is not considered that the application in and of itself would result in an undue strain on public services or infrastructure.

5.40 The impact on property values is not a material planning consideration.

5.41 The other matters raised by residents have been covered within the report.

## **6.0 CONCLUSION**

6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan

## **RECOMMENDATION**

**RECOMMENDATION I** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to:

- (a) Receipt of 'no objection' from Natural England concerning the SPA Mitigation, and;
- (b) satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution.

**RECOMMENDATION II** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

### **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:

Proposed Floorplans PG.8024-23-5  
Proposed Section PG.8024-23-6

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 7 persons, the single storey rear extension and rear dormer proposed to be constructed under Prior Approval 23/0013/GPDC and permitted development allowances respectively shall be completed.

Reason: to ensure that an adequate standard of accommodation is provided to comply with Policy PCS23 of the Portsmouth Plan.



## **Water Efficiency**

- 5) \_The proposal hereby permitted shall not (unless otherwise agreed in writing with the LPA) be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)b of the Building Regulations (2010) (as amended). Such evidence shall be in the form of a post construction water efficiency calculator.

Reason: To ensure that the development complies with PCS15 of the Portsmouth Plan and does not exceed the scope of Nitrate Mitigation Credits purchased.