

85 CHICHESTER ROAD PORTSMOUTH PO2 0AG**CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8- BED/8 PERSON HOUSE IN MULTIPLE OCCUPATION****23/00855/FUL | CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 8-BED/8-PERSON HOUSE IN MULTIPLE OCCUPATION | 85 CHICHESTER ROAD PORTSMOUTH PO2 0AG****Application Submitted By:**

Mrs Carianne Wells
Applecore PDM

On behalf of:

McKay

RDD: 07 July 2023

LDD: 10 October 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to the number of objections (7) including an objection and call-in request of Councillor Fazackarley

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

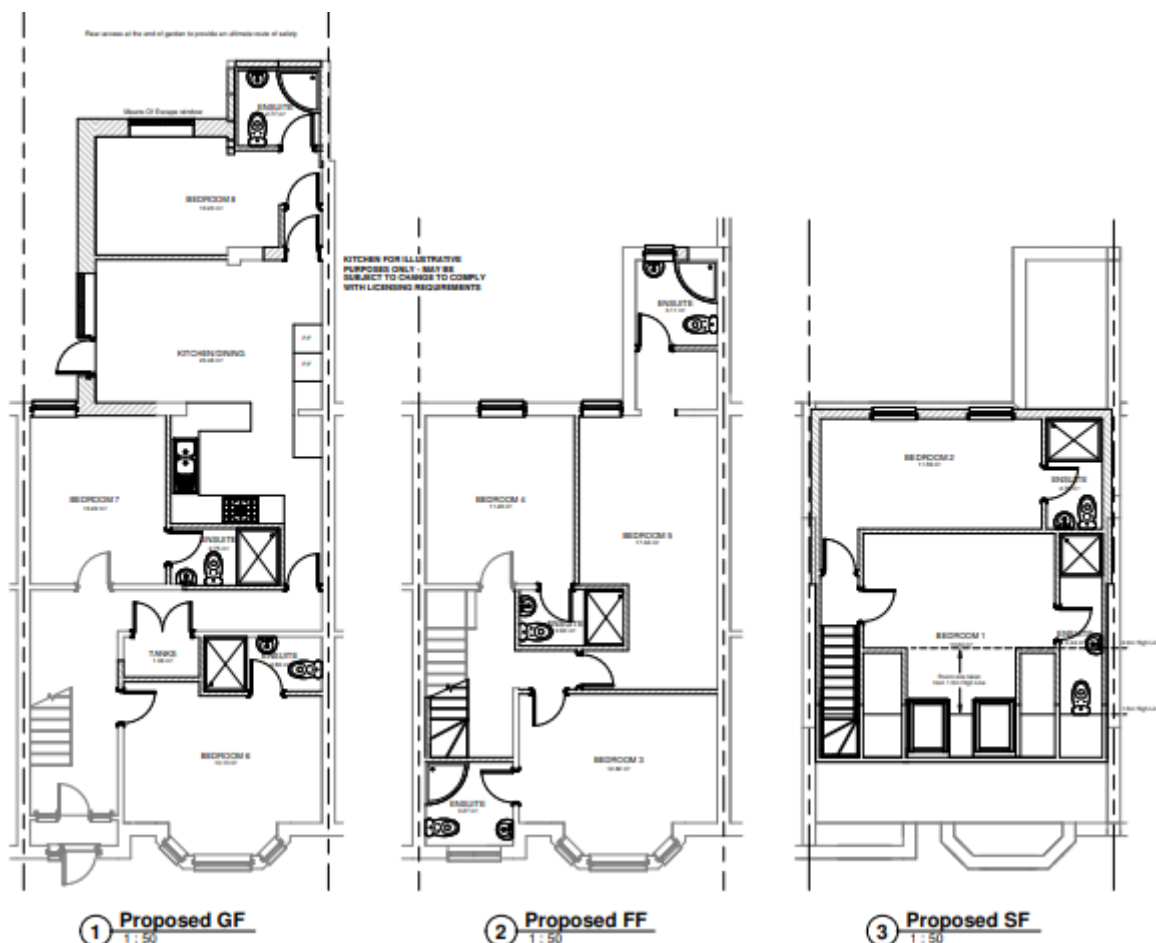
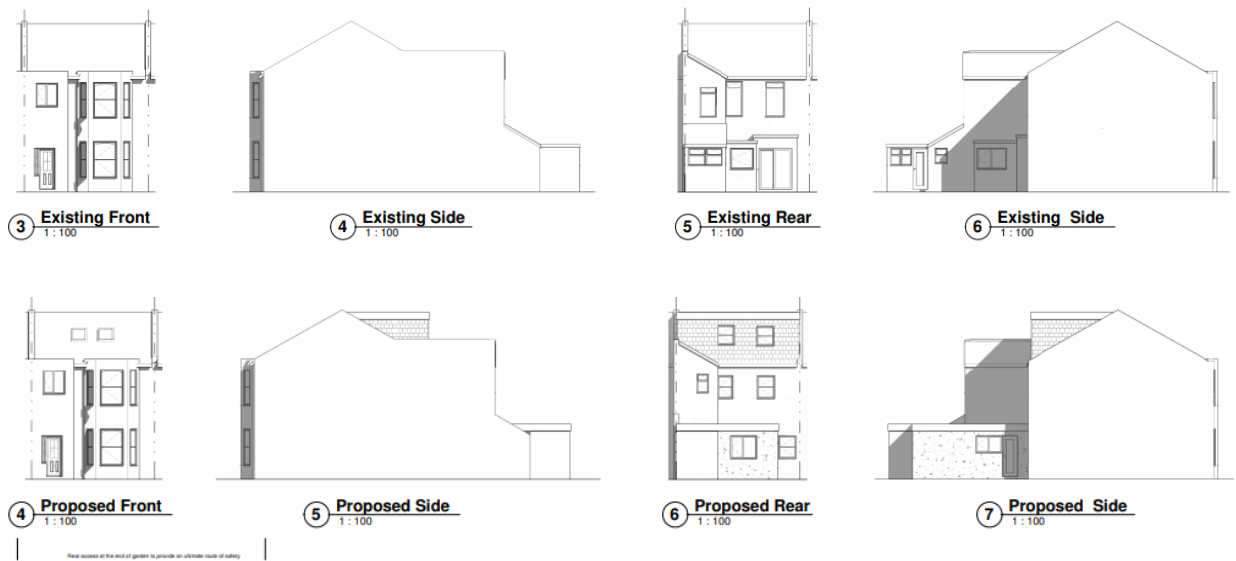
1.3 The application relates to a two-storey (to eaves height), mid terrace dwellinghouse (Class C3) located on the north side of Chichester Road close to the junction with Beresford Road. The building as existing has a double bay at the front. There is a two storey element at the rear with a single storey element with a pitched roof to which has been added a flat roof conservatory. The property features a rear garden. The existing layout features a lounge, dining room, kitchen and utility room as well as the conservatory on the ground floor, and 3 bedrooms and a box room and a bathroom on the first floor.

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, and closer to the west is North End local centre.

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 8 bedroom/8 person house in multiple occupation.

- 1.6 To accommodate the 8 rooms to the required space standard a flat roof single storey extension is proposed to replace the conservatory and a dormer is proposed at the rear. These physical alterations fall within the limits of 'permitted development'. These would be supplemented by a 'Prior Approval' extension, as set out below in 1.7.



1.7 Planning History

- 1.8 23/00033/GPDC, Construction of a single storey rear extension extending 6 metres from rear wall with a maximum height of 3m and measuring 2.8 metre to the eaves. Prior Approval not required. 21/06/2023.

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 Highway Authority: Chichester Road is a residential road, with bus stops and limited amenities in the close vicinity. No traffic assessment has been provided however given the small scale of the development, satisfied that the proposal would not have a material impact on the local highway network. The proposed application seeks to convert an existing 3 bedroom residential dwelling to a 8 bedroom HMO. Portsmouth City Council's Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. The requirement for a 3 bedroom dwelling is 1.5 vehicle spaces and 2 cycle spaces, this compared with the requirement for a 8 bedroom HMO is 2 spaces and 4 cycle spaces. No parking survey information has been submitted to demonstrate on street capacity if additional demand resulting from the development can be accommodated within a 200m walking distance of the application site. Therefore, there is the potential for increased instances of residents driving around the area hunting for a parking space, although this is an issue of residential amenity, which requires due weight in determination of the planning application. Cycle store is outlined within the rear garden and considered sufficient to meet the demand.

4.0 REPRESENTATIONS

- 4.1 7 objections received, including one from Councillor Fazackarley, 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;
 - b) Noise and disturbance and antisocial behaviour;
 - c) Increase in water use
 - d) Too many HMOs in the area
 - e) Congestion
 - f) Loss of a family home;
 - g) Building vans and delivery vehicles parked dangerously;
 - h) Increase in fire risk;
 - i) Increase in crime
 - j) Waste and building rubbish being dumped
 - k) Overcrowding - too many rooms for the size of property
 - l) Mixture of people from different countries and cultures leads to problems
 - m) Structural changes have already take place with no Party Wall Agreements or input from Building Control
- 4.2 1 letter of support:
- 1. Provides more housing
 - 2. Easier to mover individuals for anti social behaviour

3. No need for a car as there are good public transport links
4. Parking issues cannot all be blamed on HMOs as single families have multiple cars

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, 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. The potential behaviours, character and cultures of future occupants and the building works taking place are not 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 8 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 69 properties within a 50-metre radius of the application site, there is currently one 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 2.8% This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.

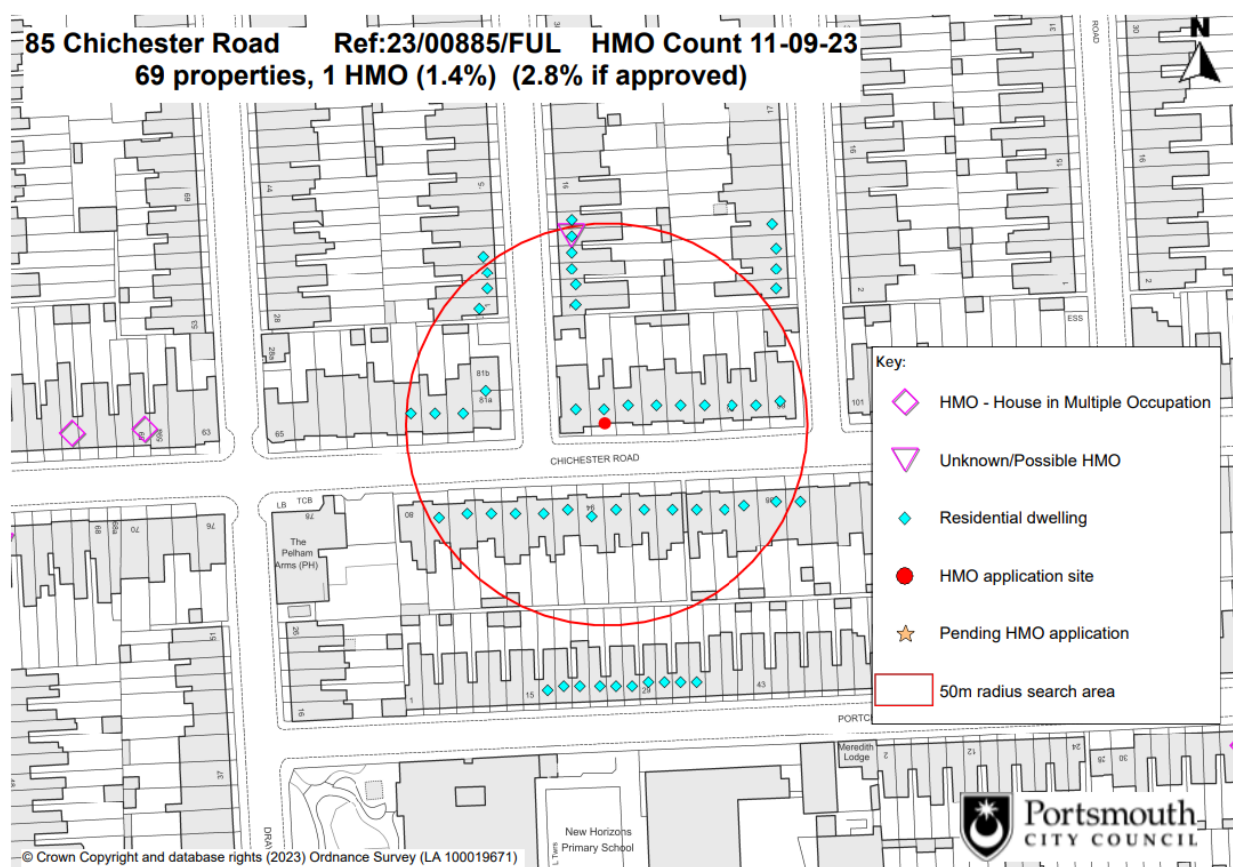


Figure 4 HMO's within 50m radius tbc

- 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
Bedroom 1	13.04m ²	6.51m ²
Bedroom 2	11.59m ²	6.51m ²
Bedroom 3	12.82m ²	6.51m ²
Bedroom 4	11.20m ²	6.51m ²
Bedroom 5	17.64m ²	6.51m ²
Bedroom 6	13.13m ²	6.51m ²
Bedroom 7	10.22m ²	6.51m ²
Bedroom 8	10.23m ²	6.51m ²
Communal Kitchen/Dining area (ground floor)	23.46m ²	22.5m ² (as all bedrooms exceed 10m ²)
Ground floor tanks room	1.36m ²	n/a
Ensuite bathroom 1	3.44m ²	2.74m ²
Ensuite bathroom 2	2.75m ²	2.74m ²
Ensuite bathroom 3	3.27m ²	2.74m ²
Ensuite bathroom 4	2.60m ²	2.74m ²
Ensuite bathroom 5	3.11m ²	2.74m ²
Ensuite bathroom 6	2.86m ²	2.74m ²
Ensuite bathroom 7	2.75m ²	2.74m ²
Ensuite bathroom 8	2.77m ²	2.74m ²

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 Chichester Road is a residential road, with bus stops and limited amenities in the close vicinity. No traffic assessment has been provided however given the small scale of the development, the proposal would not have a material impact on the local highway network. Whilst there would be a shortfall of 0.5 vehicle spaces despite the lack of a parking survey to demonstrate there is street capacity or if additional demand resulting from the development can be accommodated within a 200m walking distance of the application site, the potential for increased instances of residents driving around the area hunting for a parking space is not considered to result in some loss of residential amenity it is not to such a degree as to warrant refusal. A cycle store for 4 cycles is proposed within the rear garden additional demand.
- 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 8 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. An appropriate Assessment has been undertaken and agreed by Natural England. This mitigation can be secured through a s111 agreement.
- 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) 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 drawing - Drawing number: PG.8054.234 rev A.

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 House in Multiple Occupation for 8 persons, the single storey rear extension and rear dormer proposed to be constructed within permitted development allowances, and Prior Approval 23/00033/GPDC, 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) Prior to first occupation of the property as a House in Multiple Occupation, written documentary evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the property has achieved a maximum water use of 110 litres per person per day.

Reason: To reduce water usage in the interests of sustainable development and to comply with Policy PCS15 of the Portsmouth Plan.