

7 DERSINGHAM CLOSE PORTSMOUTH PO6 3LE

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

LINK TO DOCUMENTS:

[HTTPS://PUBLICACCESS.PORTSMOUTH.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DOCUMENTS&KEYVAL=RXL1MXMOJUE00](https://publicaccess.portsmouth.gov.uk/online-applications/applicationdetails.do?activetab=documents&keyval=rxl1mXmoJUE00)

Application Submitted By:

Dr Tudor Leandru

On behalf of:

Dr Tudor Leandru

RDD: 11th July 2023

LDD: 9th October 2023

1 SUMMARY OF MAIN ISSUES

This application is brought before Planning Committee due to sixteen 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 mid-terrace property situated on the northern side of Dersingham Close. The accommodation comprises of; a living/ dining room, kitchen, shower room 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 but only repurposing of two living rooms into two bedrooms.

2.4 Plans:

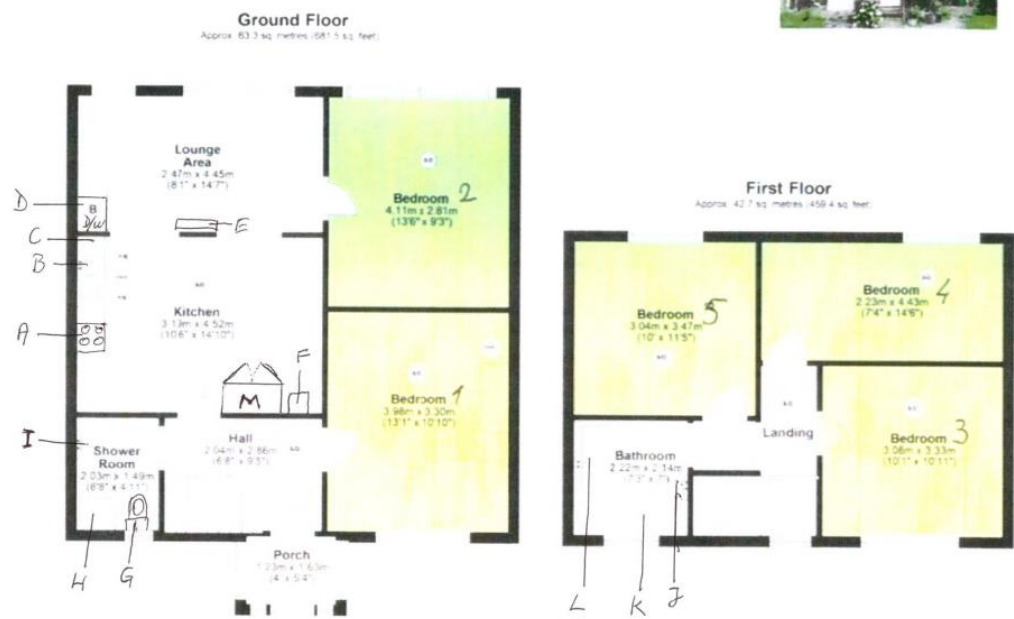


Figure 1: Existing/proposed floor plans



Figure 2: Location Plan

2.4 Planning History

2.5 A*31689- New front porch and bow window. Approved 27.04.1981

2.6 A*31689/A - Single storey rear extension. Approved 15.05.1984

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 Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004.
- 4.6 Based on the plan, bedroom 2 is an inner room of the kitchen/dining/lounge open plan area. Unable to ascertain from the drawing layout if there are suitable exits to outside. This is a significant fire risk which will need to be addressed.

4.7 REPRESENTATIONS

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

- Overconcentration of HMO's in the area resulting in huge strain on the local infrastructure
- If approved this would exceed the quota of 10% within a 50m radius.
- Parking issues by adding another potential 5 car parking spaces.
- Loss of family home
- Plans to convert other neighbouring properties to HMOs
- On-street parking would worsen the narrow road for emergency vehicle access
- Anti-social behaviour such as noise, increased comings and goings and late night playing music and partying

Non-planning matters

- Devaluation of neighbouring properties

4.8 COMMENT

- 4.9 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 33 properties as shown in figure 2 below. This proposal would change the current figure of 3.03%, to 6.06% 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.

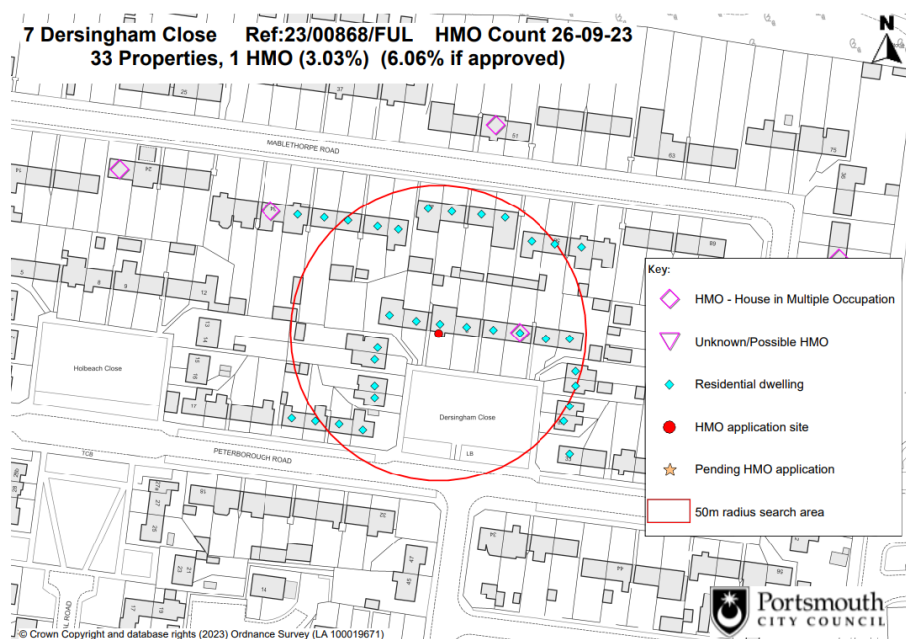


Figure 3:HMO data count map (50m radius)

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	13.13m ²	6.51m ²
Bedroom 2	11.6m ²	6.51m ²
Bedroom 3	10.2m ²	6.51m ²
Bedroom 4	9.9m ²	6.51m ²
Bedroom 5	10.6m ²	6.51m ²
Shared bathroom	4.75m ²	3.74m ²
Ground Floor shower room/WC	3.03m ²	2.74m ²

Kitchen (3 to 5 persons)	14.14m ²	7m ²
Living Room (3 to 5 persons)	10.99m ²	11m ²

- 5.9 As is shown in the table above, all of the rooms 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. The exception is the 10.99m² Living Room, which is on a purely technical basis less than 11m². This nominal deficit is considered to be adequately compensated for by the 14.14m² Kitchen which is largely open to the lounge and could be equally considered to be a combined living area of 25.13m², in excess of the 24m² standard applicable.
- 5.10 One bathroom at first floor level and a separate shower room/WC at ground floor level would be provided. Furthermore, all habitable rooms would have good access to natural light and would be of an appropriate configuration/layout.
- 5.11 Whilst the Private Housing Sector team has raised concern that bedroom 2 is an inner room of the kitchen/dining/lounge open plan area posing a significant fire risk which will need to be addressed, based on the information submitted the room is served by a patio sliding door which would provide suitable exit to the outside in case of an emergency. In addition, this is a matter covered by the Building Regulations legislation.
- 5.12 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.
- 5.13 **Impact on neighbour amenity**
- 5.14 The property would remain a 5-bedroom property and if operated as Class C4, this could have a proportionate increase in activity within and coming and going from the property. 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.
- 5.15 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.
- 5.16 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.
- 5.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.18 **Amenity and Parking**
- 5.19 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, due to site constraints there is no off-site parking being provided and none is being proposed. Therefore, lack of off-street parking cannot be justified as a reason for refusal.

- 5.20 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.

5.21 Waste

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

5.23 Impact on Special Protection Areas

- 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, 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

- 6.4 As detailed above the application is considered to fully 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:

- Location plan
- Floor plan details
- Elevations sketch
- Photo rear elevation
- Photo front elevation

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 5 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).