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237 CHICHESTER ROAD, PORTSMOUTH, PO2 0AN.

CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7-BED/7-PERSON HOUSE IN MULUPLE OCCUPATION

WEBSITE LINK - 23/00686/FUL - CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7-BED/7-PERSON HOUSE IN MULUPLE OCCUPATION

Application Submitted By:

Mrs Carianne Wells of Applecore PDM Ltd.

On behalf of:

Mr Paul Parham

RDD: 15th June 2023

LDD: 8th August 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to an objection (and Call-in) from Councillor Wemyss and an objection from Councillor Swann.

1.2 The main issues for consideration in the determination of the application/appeal are considered to be as follows:

- The principle of development;
- Standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other matters raised.

2.0 SITE AND SURROUNDINGS

2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the north side of Chichester Road. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden and a rear outbuilding. The existing layout comprises of a lounge, kitchen/dining, conservatory and WC at ground floor level; three bedrooms and a bathroom at first floor level.

2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style.

3.0 THE PROPOSAL

3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a dwellinghouse (Class C3) or House of Multiple Occupation (HMO) (Sui Generis) use with up to seven individuals living together.

3.2 The proposed internal accommodation, comprises the following:

- Ground Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite), Lounge, Kitchen/Dining, W/C and handbasin;
- First Floor - Three bedrooms (each with a shower, toilet and handbasin ensuite); and
- Second Floor - Two bedrooms (each with a shower, toilet and handbasin ensuite).

3.3 The Applicant has planning approval (21/01388/FUL) for change of use from a dwelling house (Class C3) to purposes falling within Class C3 (Dwellinghouse) or Class C4 (House in Multiple Occupation) for six persons. That planning permission included permitted development works for a dormer and rear extension.

3.4 Permitted development works are part of this proposal, the main difference is that the ground floor layout now proposes an additional bedroom from the previous consented scheme, facilitated by a narrower rear extension providing a window and means of escape, and the communal area within the extension becoming narrower but longer, under permitted development. Works to deliver the permitted development extensions have commenced at site and were evident during the Case Officer visit. These have now been completed externally, but are not substantially complete internally.



4.0 PLANNING HISTORY

4.1 (21/01388/FUL) Change of use from dwelling house (Class C3) to purposes falling within Class C3 (Dwelling House) or Class C4 (House in Multiple Occupation). Conditional permission granted in December 2021.

5.0 POLICY CONTEXT

5.1 Portsmouth Plan (2012)

5.2 In addition to the aims and objectives of the National Planning Policy Framework (2023), 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 (revised 2023)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)
- The Solent Recreation Mitigation Strategy (2017)
- The 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 this property would require to be licenced under Part 2, Housing Act 2004.

6.2 Highways Engineer - no objection. Portsmouth City Councils 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 7-bedroom HMO is 2 spaces and 4 cycle spaces. Consequently, the parking and cycle requirement remains materially unchanged. Cycle store is outlined within the rear garden and therefore a suitable worded condition should be attached to secure prior to occupation.

7.0 REPRESENTATIONS

7.1 4 representations have been received from 4 properties, objecting to the proposed development, including one from Councillor Wemyss and one from Councillor Swann.

7.2 The above representations in objection have raised the following concerns:

- a) Strain on doctors and dental surgeries;
- b) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking on yellow lines;
- c) Loss of family home and eventual closure of schools without families and children moving into the 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

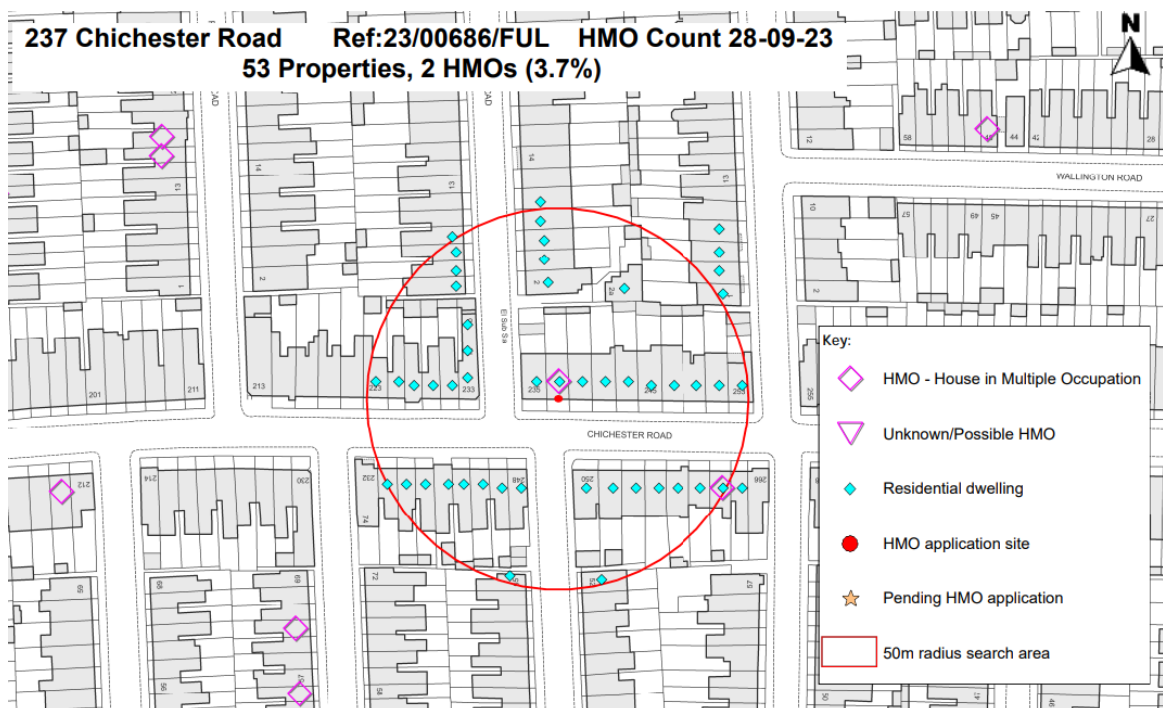
8.2 Principle of development

8.3 Permission is sought for the use of the property as a HMO for 7 persons. The property currently has a lawful use as a self-contained dwelling (Class C3). The property currently has an extant planning permission for use as HMO for 6 individuals. This proposal is for an additional person/bedroom.

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 49 properties within a 50-metre radius of the application site, there are two confirmed HMOs, at No. 262 Chichester Road and the application property itself. 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, which already has permission to be used as an HMO, the confirmed HMOs within a 50-metre radius of the application property the proposal would result in the percentage of HMOs within the area as 4.081%. 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 Policy PCS20 of the Portsmouth Plan (2012).

8.9 Standard of accommodation

8.10 The application seeks the opportunity to use the property as a Sui Generis HMO for occupation by up to seven individuals. The submitted plans have been checked by officers and the below table compares the proposed room sizes against the standards set out within the HMO SPD.

Room	Area Provided	Required Standard
Bedroom 1 (Second floor)	10.24m ²	6.51m ²
Bedroom 2 (Second floor)	10.89m ²	6.51m ²
Bedroom 3 (first floor)	11.04m ²	6.51m ²
Bedroom 4 (first floor)	10.37m ²	6.51m ²
Bedroom 5 (first floor)	10.19m ²	6.51m ²
Bedroom 6 (ground floor)	10.79m ²	6.51m ²
Bedroom 7 (ground floor)	11.04m ²	6.51m ²
Communal Kitchen/Dining area (ground floor)	31.56m ²	22.5m ² as all bedrooms exceed 10m ²
Ensuite bathroom 1 (second floor)	3.37m ²	2.74m ²
Ensuite bathroom 2 (second floor)	3.42m ²	2.74m ²
Ensuite bathroom 3 (first floor)	3.23m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.90m ²	2.74m ²
Ensuite bathroom 5 (first floor)	2.75m ²	2.74m ²
Ensuite bathroom 6 (ground floor)	2.75m ²	2.74m ²
Ensuite bathroom 7 (ground floor)	2.75m ²	2.74m ²
W/C (ground floor)	1.37m ²	1.17m ²

8.11 As is shown in the table above, the proposal results in an internal layout that meets a straightforward appraisal against the Council's adopted space. Based on the information supplied with the application this detailed guidance is considered applicable and the resulting layout is considered to result in a satisfactory standard of living environment.

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 either as a dwellinghouse (Class C3) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by 7 unrelated persons as a house in multiple occupation. It is also a material consideration that the property has permission to be used as a six bedroom

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six person HMO. The potential difference in level of activity between six and seven persons is not considered to be material.

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 further HMO, which has in any event already been consented as a six-bedroom HMO, would not be significantly harmful.

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 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. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces. The property has no off-street parking.

8.18 As the level of parking demand associated with an HMO is not considered to be significantly greater than the occupation of the property as a Class C3 dwellinghouse, it is considered that an objection on either highway safety grounds, or car parking standards, could not be sustained on appeal. It should be noted that the property could be occupied by a large family and/or with adult children, each potentially owning a separate vehicle. It is again a material consideration that the property already has consent for a six bedroom HMO, and that the impact of an additional resident in respect of parking is not material, and would in any event not result in any additional demand for parking spaces against standards.

8.19 The Council's Adopted Parking Standards set out a requirement for HMOs to provide space for the storage of at least 4 bicycles. The property has a rear outbuilding where secure cycle storage would be located. The requirement for cycle storage is recommended to be secured by condition.

8.20 Waste

8.21 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area which is acceptable and an objection on waste grounds would not form a sustainable reason for refusal.

8.22 Impact on Special Protection Areas

8.23 Natural England have agreed to figures to offset the impact on Nitrate output and SPA recreational disturbance and this has been resolved through a s111 agreement.

8.24 Community Infrastructure Levy (CIL)

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- 8.25 The development would not be CIL liable as the Gross Internal Area of the application property (carried out under permitted development) would not exceed 100m².
- 8.26 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.27 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.
- 8.28 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.
- 8.29 Other Matters raised in the representations
- 8.30 Concerns have been raised by neighbouring residents regarding the pressure additional occupants would put on local services, and parking. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, and the permitted extant scheme for use as a six bedroom HMO, it is considered the use of the property would not have a significantly greater impact on local services.

9.0 CONCLUSION

- 9.1 Having regard to all material planning considerations 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 (NPPF) (2023).

RECOMMENDATION Conditional Permission

Conditions

Approved Plans:

- 1) 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 Floor Plans PG.6176.21.04 Revision C (existing and proposed floor and elevation plans), Block plan and Location plan.

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

Cycle Storage:

- 2) Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, 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.

External works as shown:

- 3) Prior to first occupation of the property as a House in Multiple Occupation (Sui Generis) for seven persons, the building operations indicated within approved drawing numbers: namely the construction of the single storey rear extension, and dormer window shall be completed.

Reason: To ensure that adequate and communal living space is provided in accordance with Policy PCS23 of the Portsmouth Plan (2012) and the Houses in Multiple Occupation Supplementary Planning Document (2019).