

19 TAMWORTH ROAD PORTSMOUTH PO3 6DL

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

[23/01220/FUL | CHANGE OF USE FROM DWELLINGHOUSE \(CLASS C3\) TO PURPOSES FALLING WITHIN CLASS C3 \(DWELLINGHOUSE\) OR CLASS C4 \(HOUSE IN MULTIPLE OCCUPATION\) | 19 TAMWORTH ROAD PORTSMOUTH PO3 6DL](#)

Application Submitted By:

Mr Chris Broyd
New Era Agency Ltd

On behalf of:

C/o New Era Agency Ltd

RDD: 29th September 2023

LDD: 1st December 2023

1.0 SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to the number of objection comments it received (twelve) and a call-in request by Cllr Sanders.
- 1.2 The main issues for consideration in the determination of the application 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 raised matters.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey, semi-detached dwellinghouse (Class C3) located on the northern side of Tamworth Road as shown in Figure 1 below. The dwellinghouse is set back from the road by a small front forecourt and to the rear of the property is an enclosed garden. The existing layout comprises of a lounge, WC, kitchen/dining room, bedroom and boiler room at ground floor level; three bedrooms (one with a ensuite with bath WC and handbasin, a storage room and a bathroom at first floor level.
- 2.2 The application site is within a predominantly residential area, the majority of which are in a similar format as two-storey semi-detached dwellings. To the front (south) of the site is Tamworth Park.



Figure 1 Site Location Plan

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) (Class C4). While C4 use allows up to six individuals living together, the applicant has stated this property would have four single-occupancy bedrooms.
- 3.2 The internal accommodation would not change as a result of the proposal, shown in Figure 4 below and comprises the following:
- Ground Floor - Lounge, WC, kitchen/dining room, bedroom and bike store;
 - First Floor - Three bedrooms (one with a bath, toilet and handbasin ensuite) and a bathroom (with a bath, toilet and handbasin).

4.0 PLANNING HISTORY

- 4.1 07/01765/FUL: Construction of two storey side and single storey rear extensions and porch to front elevation. Conditional Permission (21.11.2007).

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 Guidance (revised 2023)
- 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.

6.2 Highways Engineer - Awaiting comments.

7.0 REPRESENTATIONS

7.1 Twelve representations from eleven addresses have been received objecting to the proposed development, including one from Councillor Sanders.

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

- a) Parking impacts;
- b) Noise concerns;
- c) Anti-social behaviour and crime;
- d) Out of character of the area;
- e) No guarantee it will accommodate medical staff;
- f) Possible double occupancy of the bedrooms;
- g) Bedroom is in place of former garage;
- h) Increase in pollution; and
- i) Impact on greenspace.

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 flexible use of the property for purposes falling within Class C4 (house in multiple occupation) (HMO) or Class C3 (dwellinghouse). The property currently has a lawful use as a self-contained dwelling (Class C3). For reference, a Class C4 HMO is defined as 'a property occupied by between three and six unrelated people who share basic amenities such as a kitchen or bathroom'.
- 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 24 properties within a 50-metre radius of the application site, there are no confirmed HMO (Class C4) 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.
- 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 4.16%. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 2 No existing HMOs within 50m of the application site

- 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, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would, in planning terms, technically allow occupation by up to six individuals. The submitted plans are not to scale and only provide annotations of width and depth of the rooms. Officers have visited the property and reviewed the previous floorplans for the property which are correct and to scale, these plans have been measured and the figures below are taken from them. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for an HMO as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 (ground floor)	13.45m ²	10m ²
Bedroom 2 (first floor)	10.8m ²	10m ²
Bedroom 3 (first floor)	11.39m ²	10m ²
Bedroom 4 (first floor)	10.58m ²	10m ²
Storage room (first floor)	6.68m ²	Not required
Bike store (ground floor)	4.07m ²	n/a
Communal Kitchen/Dining area (ground floor)	36.3m ²	22.5m ² , as all bedrooms meet or exceed 10m ²
Lounge (ground floor)	14.6m ²	Not required as all bedrooms meet or exceed 10m ²
Bathroom (first floor)	3.61m ²	3.74m ²
Ensuite (first floor)	3.8m ²	3.74m ²
WC (ground floor)	2.3m ²	1.17m ²

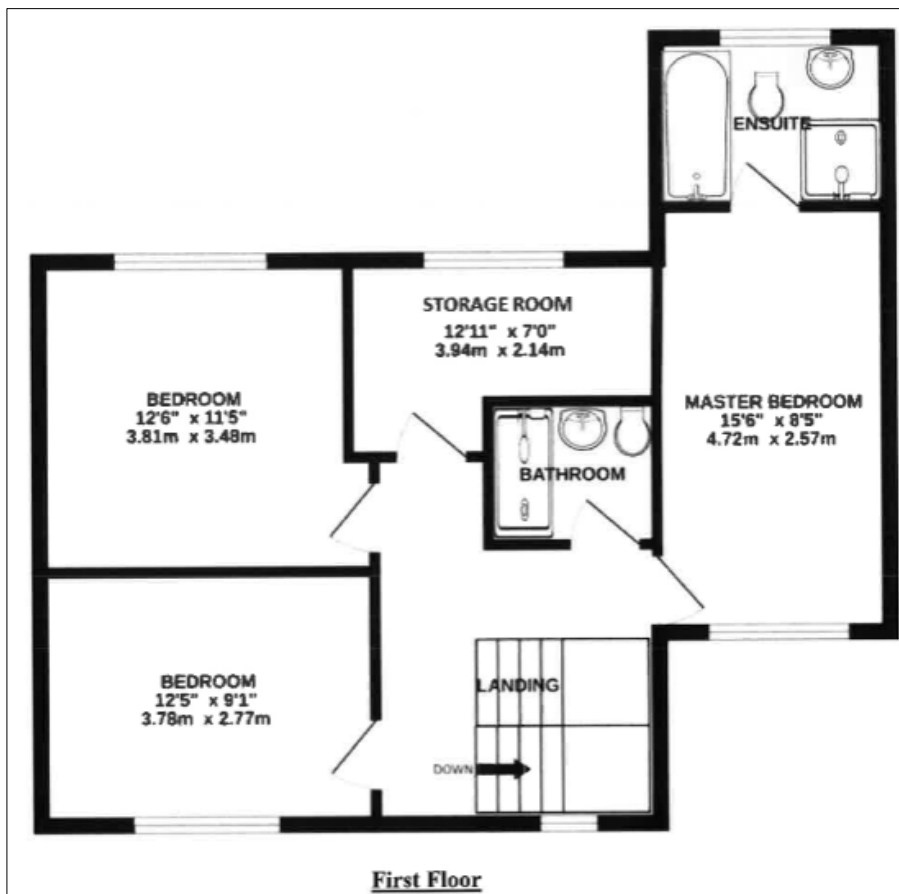
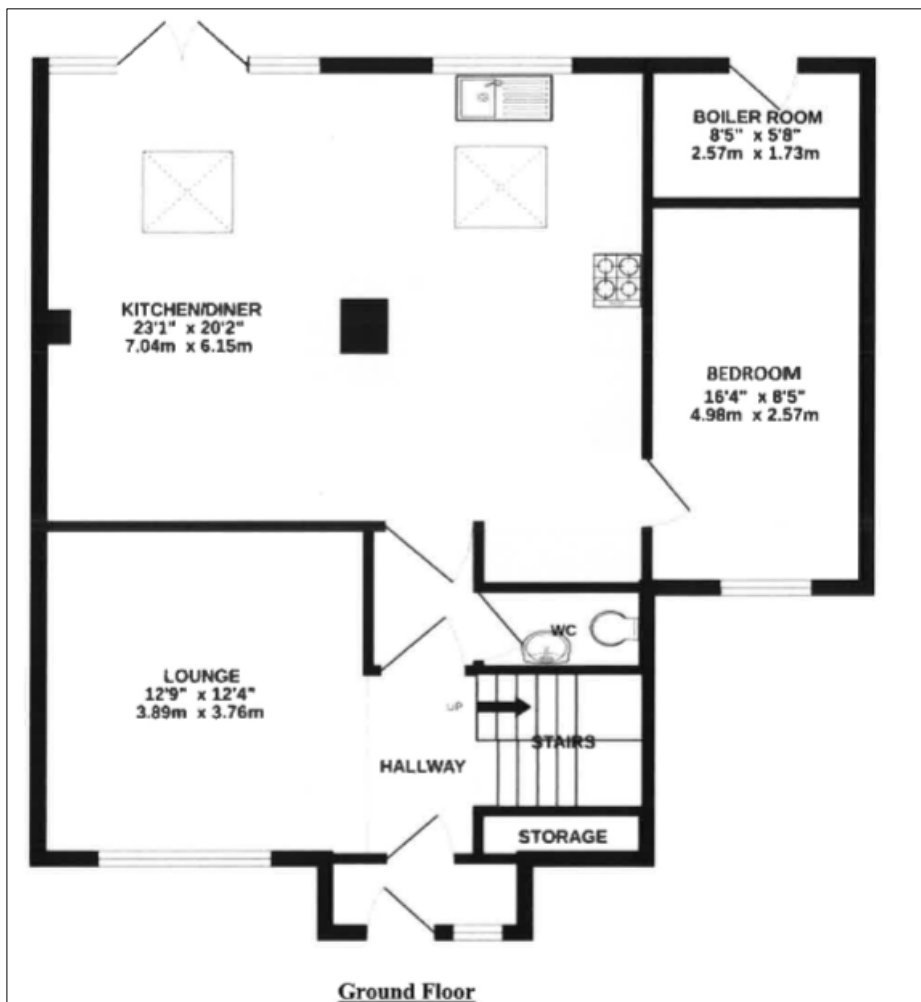


Figure 3 Proposed Floorplans

- 8.11 It is noted that all of the bedrooms and communal areas meet the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light. The first-floor bathroom is considered to be marginally under the required standard, however following an Officer site visit, it is considered that the bathroom is perfectly usable even with a marginally reduced size. It should be noted that the SPD requires only one shared bathroom for an HMO with four individuals, while this property proposes a shared bathroom *and* one ensuite *and* a downstairs WC. It is therefore not considered to be sufficient rationale to refuse the application on and as such the proposal is considered to accord with Policy PCS23 of the Portsmouth Plan.
- 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 between 3 and 6 unrelated persons 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.
- 8.15 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 (Class C3), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 8.16 Whilst activity in regards to coming and goings to the site as well as cooking and general household activities, through the occupants possibly not acting as a collective and therefore cooking meals on an individual basis, may be increased with the introduction of a HMO in this location, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.18 Highways/Parking
- 8.19 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. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is 1.5 off-road spaces, a minor difference. The property has one off-street parking space.
- 8.20 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, this is not considered to be sufficient reason for refuse the application. As the level of occupation associated with a 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.

- 8.21 The Council's Adopted Parking Standards set out a requirement for C4 HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.
- 8.22 Waste
- 8.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.24 Impact on Special Protection Areas
- 8.25 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 (dwellinghouse) to a flexible C3/C4 use (both would allow up to 6 people), 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 the Solent Special Protection Areas or result in an increased level of nitrate discharge.
- 8.26 Community Infrastructure Levy (CIL)
- 8.27 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 8.28 Human Rights and the Public Sector Equality Duty ("PSED")
- 8.29 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.
- 8.30 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.
- 8.31 Other Matters raised in the representations
- 8.32 It is not considered that the proposed use would result in any demonstrable increase in anti-social behaviour.

- 8.33 It is not considered that the scheme would result in an increase in pollution and would have no impact upon the adjacent greenspace.
- 8.34 The change of the garage to a bedroom was approved under the 2007 Permission and therefore does not form part of this assessment.
- 8.35 There is no assurances given over the occupants in terms of profession, however that is the case for a Class C3 or C4 property and therefore has no impact on the scheme.
- 8.36 The Applicant has stated that the property would, when in C4 use, have four occupiers. The property would be required to be licensed which would manage the number of occupants. Two of the bedrooms are of a sufficient size to be double occupancy, however, the property lacks sanitary facilities to provide occupation for 6 individuals. This standard is shared by Licensing and Planning, therefore in order to achieve a higher occupancy, further change would be required to the property. Given the Licensing regime and size of the property there is no need to restrict occupancy to the numbers proposed (four residents) should planning permission be granted. Further consideration would be given by the Private Sector Housing Team towards the toiletry facilities in consideration of licensing the property above four occupants.
- 8.37 All other objections are addressed within the report above or conditions below.

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

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: Location Plan - 100051661; Floor Plans - 19 Tamworth Road.

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 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.

