

23/00543/FUL

WARD: HILSEA

26 FEARON ROAD, PORTSMOUTH, PO2 0NJ.

CHANGE OF USE FROM DWELLING HOUSE (C3) TO PURPOSES FALLING WITHIN DWELLING HOUSE (C3) OR 6 BED/6 PERSON HOUSE IN MULTIPLE OCCUPATION (C4)

[23/00543/FUL | CHANGE OF USE FROM DWELLING HOUSE \(C3\) TO PURPOSES FALLING WITHIN DWELLING HOUSE \(C3\) OR 6 BED/6 PERSON HOUSE IN MULTIPLE OCCUPATION \(C4\) | 26 FEARON ROAD PORTSMOUTH PO2 0NJ](#)

Application Submitted By:

Mr Willment of hmodesigners.

On behalf of:

Walker

RDD: 6th June 2023

LDD: 28th July 2023

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee due to objections from 23 neighbours.

1.2 The main issues for consideration in the determination of the application include:

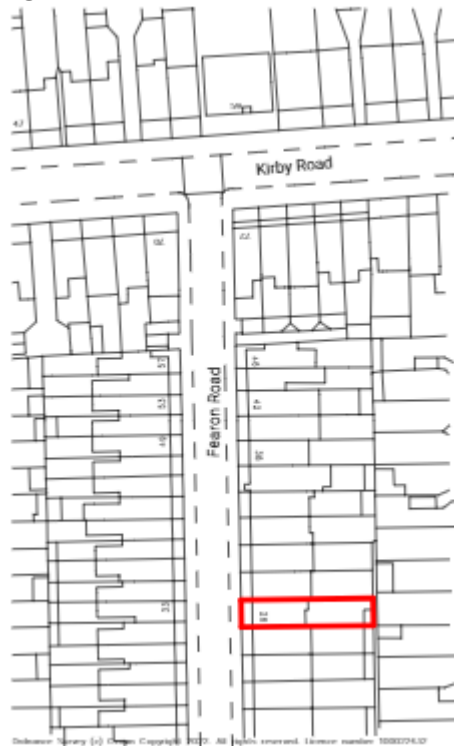
- The principle of development;
- Standard of accommodation;
- Parking;
- Waste;
- Amenity impacts upon neighbouring residents;
- Impact upon the Solent Protection Areas; and
- Any other matters raised.

2.0 SITE AND SURROUNDINGS

2.1 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the east side of Fearon 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 and a rear outbuilding. The existing layout comprises of a lounge, kitchen, dining, conservatory and a WC at ground floor level; three bedrooms and a bathroom at first floor level.

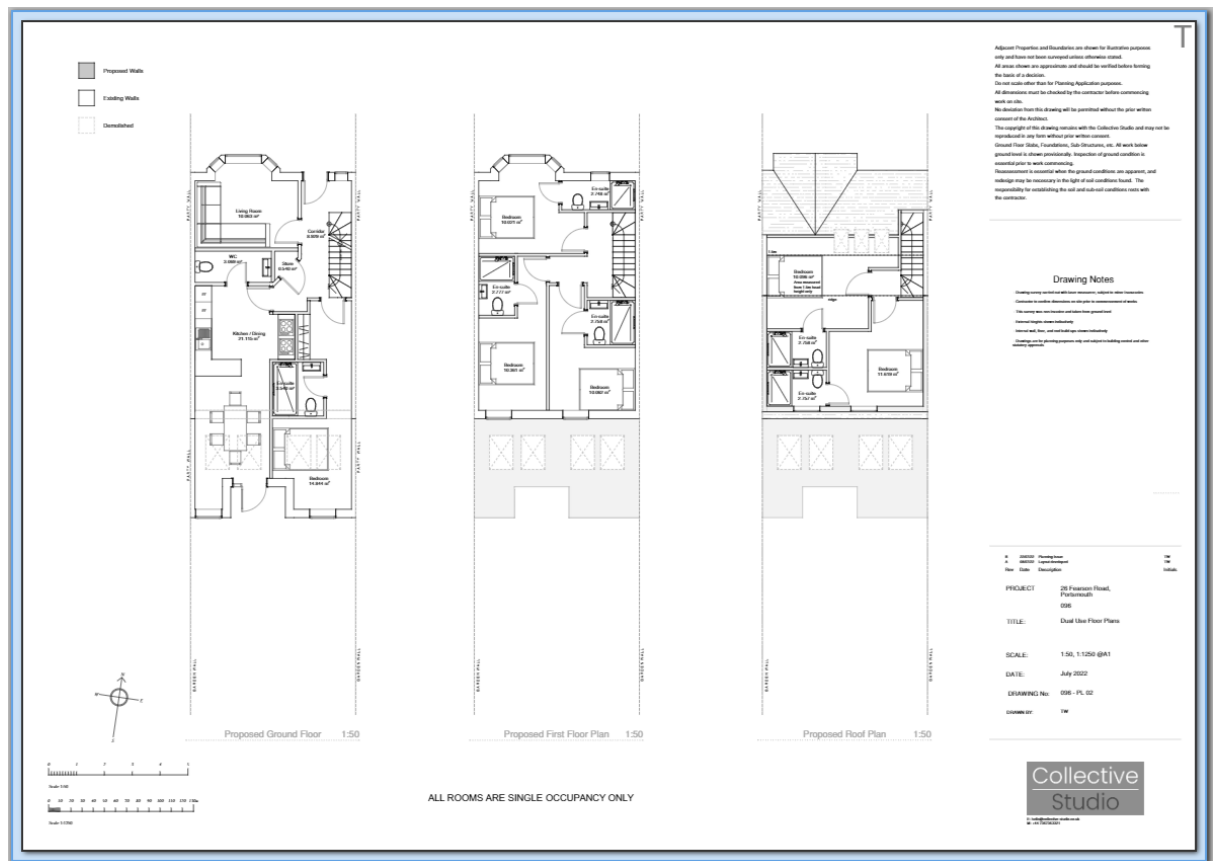
2.2 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style.

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) use with up to six individuals living together.
- 3.2 The proposed internal accommodation, as shown in **Figure 2** below, comprises the following:
- Ground Floor - One bedroom (with a walk-in wardrobe, shower, toilet and handbasin ensuite), Lounge, Kitchen/Dining, communal W/C and handbasin; and a store.
 - 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 is seeking to replace existing pitched roofs with a flat roof and consolidate the structures at the ground floor rear and construct a rear dormer extension within the main roof and insert three rooflights within the front roofslope, as shown in the drawing below, to facilitate the enlargement of the property. Both roof alterations can be completed under permitted development rights regardless of whether the property is in Class C3 or C4 use.
- 3.4 Given that the roof alterations are permitted development, it is not possible to consider the design or amenity impact of the rear dormer as part of this application. There would be no other external operational development forming part of this application. The cycle and bin store would be within the retained rear garden shed, with alleyway access or through the house.



Figures 2 - Existing & Proposed Plans

4.0 PLANNING HISTORY

- 4.1 22/00060/GPDC - Construction of single-storey rear extension that comes out a maximum of 4.8m beyond the rear wall of the original house with a maximum height of 2.8m and a maximum height of 2.8m to the eaves. Permitted Development (Approval).

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 Policy Framework (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 - The application has not provided any floor plans so no comments can be made by the Private Sector Housing Team in regard to the compliance of regulations in relation to the Housing Act 2004.
- 6.2 Private Sector Housing have been reconsulted.
- 6.3 The client is advised to refer to our new Space standards and Enforcement policy which can be found by searching HMO Space Standards on our website www.portsmouth.gov.uk.
- 6.4 If the property is classified as an HMO the client is advised to review the necessary licensing requirements to ensure the property is managed in the appropriate manner, as deemed by Portsmouth City Council Private Sector Housing Team
- 6.4 Highways Engineer - no objection.
- 6.5 Fearon Road is an unclassified residential street. No traffic assessment provided however given the small scale of the development, satisfied the proposal would not have a material impact on the local highway network. Proposal does not increase parking demand.
- 6.6 The Parking SPD gives the expected level of vehicle and cycle parking within new residential developments. A 3 bedroom dwelling requires 2 vehicle spaces and 4 cycle spaces, a 6 bedroom HMO is 2 spaces and 4 cycle spaces: no change in requirement. A cycle store is provided to the rear of the property for 4 cycles.
- Correction by Planning Officer: the requirement for a 3 bedroom dwelling is 1.5 vehicle spaces.*
- 6.7 Waste Reduction Initiatives Team Leader - No objection
- 6.8 There appears to be enough room in forecourt for required bins. Needs 1 x 360 litre refuse and 1 x 360 litre recycling bins. Need to inform PCC at least 3 weeks prior to anyone moving in so records can be updated and ensure bins are in stock for purchase.

7.0 REPRESENTATIONS

- 7.1 23 representations have been received, objecting to the proposed development:
- a) Builders blocking parking, noise, and disturbance.
 - b) HMO will affect house prices.
 - c) Parking.
 - d) Building works does not meet building standard and structural impact.
 - e) Building work already started but they answered no to officials.

- f) Impact on water pressure and waste/drainage.
- g) This HMO is not affordable.
- h) No fire escape included.
- i) Six double bedrooms does not offer a good standard of living.

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). 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.

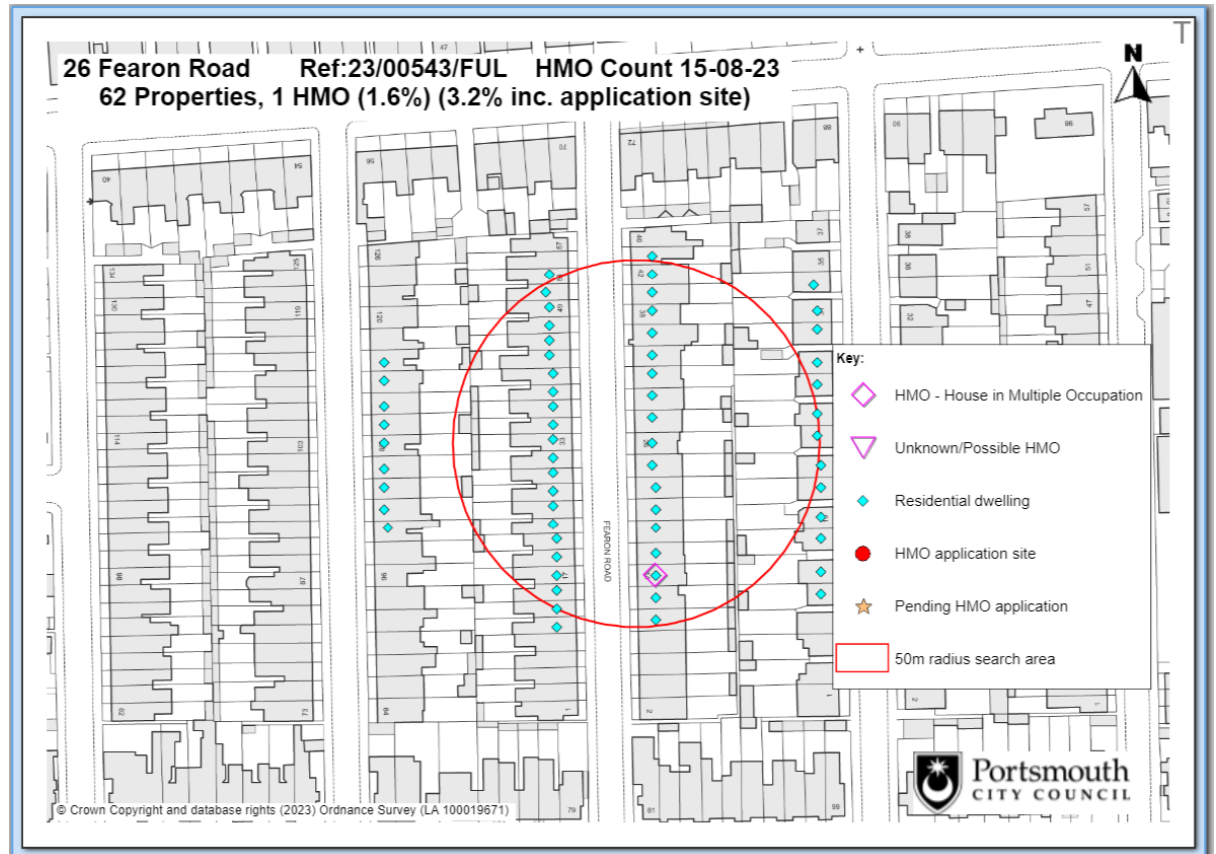
8.5 Based on the information held by the City Council, of the 62 properties within a 50-metre radius of the application site, there is one confirmed HMO as shown in **Figure 4** below. Whilst this is the best available data to the Local Planning Authority (LPA) and is updated on a regular basis, there 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. The proposal would bring the percentage of HMOs within the area up to 3.2%. 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.

Figure 4 - Existing HMOs within 50m of the application site



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. 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 (Second floor)	11.61m ²	6.51m ²
Bedroom 2 (Second floor)	10.09m ²	6.51m ²
Bedroom 3 (first floor)	10.06m ²	6.51m ²
Bedroom 4 (first floor)	10.36m ²	6.51m ²
Bedroom 5 (first floor)	10.02m ²	6.51m ²
Bedroom 6 (ground floor)	14.84m ²	6.51m ²

Lounge	10.06	Only required if communal Kitchen/Dining room is under-sized
Communal Kitchen/Dining area (ground floor)	21.11m ²	22.5m ² since all bedrooms are at least 10m ²
Store	0.54m ²	Not required
Ensuite bathroom 1 (second floor)	2.75m ²	2.74m ²
Ensuite bathroom 2 (second floor)	2.75m ²	2.74m ²
Ensuite bathroom 3 (first floor)	2.75m ²	2.74m ²
Ensuite bathroom 4 (first floor)	2.77m ²	2.74m ²
Ensuite bathroom 5 (first floor)	2.74m ²	2.74m ²
Ensuite bathroom 6 (ground floor)	3.54m ²	2.74m ²
W/C (ground floor)	3.06m ²	1.17m ²

Table 1 - HMO SPD (Oct 2019) compliance

- 8.11 The kitchen - dining room is short of the required size, even with the hallway store added. However, there is a separate ground floor lounge, which together with the kitchen - dining room, would exceed the minimum communal space standards. The proposed W/C proposed also meets the Council's standards. In addition, each of the bedrooms would be served by its own ensuite, and as such sanitary arrangements are considered to be acceptable.
- 8.12 All of the bedrooms and communal areas 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. Furthermore, all habitable rooms would have good access to natural light, and room layouts are acceptable.
- 8.13 Impact on neighbouring living conditions
- 8.14 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.
- 8.15 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 only one HMO would not be significantly harmful.
- 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 slightly increased in the case of six individuals, it would not result in an overconcentration of HMOs within the surrounding area, and therefore it is considered that the impact of one HMO (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 C3 dwellinghouses and 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. The property has no off-street parking.

8.20 The C4 element of the proposal compared to the existing property only attracts an extra half a parking space, to which neither the Highways Officer nor Planning Officer raises an objection. 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 outbuilding where secure cycle storage would 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 in the forecourt area which is acceptable.

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 Concerns have been raised by neighbouring residents regarding the pressure additional occupants would put on local services including drainage, parking, and poor living standards. However, having regard to the existing lawful use of the property as a self-contained dwellinghouse, it is considered the use of the property would not have a significantly greater impact on local services than the existing use which could be occupied by a similar number of occupants. Impact on property prices, is not a material planning consideration. Party wall or structural matters, fire safety, are dealt with under separate regulations to town planning.

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) (2021).

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: 096 - PL 01 (Existing Floor Plans), 096 - PL 02 (Proposed Floor Plans), 096 - PL 03 (Existing Elevations), 096 - PL 04 Rev A (Proposed Elevations), 096 - PL 06

(Existing & Proposed Block and Location Plan) and 096 - PL 07 (Existing & Proposed Sections).

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.