

165 LABURNUM GROVE

CHANGE OF USE FROM CLASS C3 DWELLING HOUSE TO 7 PERSON/7 BEDROOM HOUSE IN MULTIPLE OCCUPATION

[23/01193/FUL | Change of use from a Class C3 dwellinghouse to a 8-bed/8-person House in Multiple Occupation](#)

Application Submitted By:

Mrs Carianne Wells
Applecore PDM Ltd

On behalf of:

Mrs Carianne Wells
Applecore Living Ltd

RDD: 16th February 2024

LDD: 16th February 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee at the request of Councillor Benedict Swann and Councillor Russell Simpson

1.2 The main issues for consideration in the determination of the application are as follows:

- Principle of Development including compliance with policy
- Impacts on Amenity including parking
- Other material considerations

1.3 Site and surroundings

1.3 The application site is a two-storey terraced dwelling with rooms in the roof in a predominately residential area.

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 to allow up to 7 individuals to live together as an HMO.

1.5 Planning History

1.6 No relevant applications

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: The City Council Private Sector Housing team advise that this property would require to be licenced under Part 2, Housing Act 2004.

3.2 Highways provided no objections to the proposals provided cycle storage is secured by condition.

4.0 REPRESENTATIONS

4.1 26 representations have been received, objecting to the proposal on the following grounds:

- a) Lack of parking in the area;
- b) Loss of family homes
- c) Noise pollution and disruption
- d) Changes to toilet & bathing facilities, water pressure
- e) Poor building regulations/quality of work
- f) Existing unregistered HMOs;
- g) Missing' HMO's from the database/database not up to date
- h) Problems with waste management and collection
- i) Issues with brick/masonry being left in the highway

4.2 One objection raised the issue of the tree (outside no.163) in front of the property not being included in the plan. The tree is not directly in front of the dwelling and is located outside the curtilage of the dwelling. The applicant has confirmed via email that during construction the tree would not be impacted and that no materials would be stored near it.

5.0 COMMENT

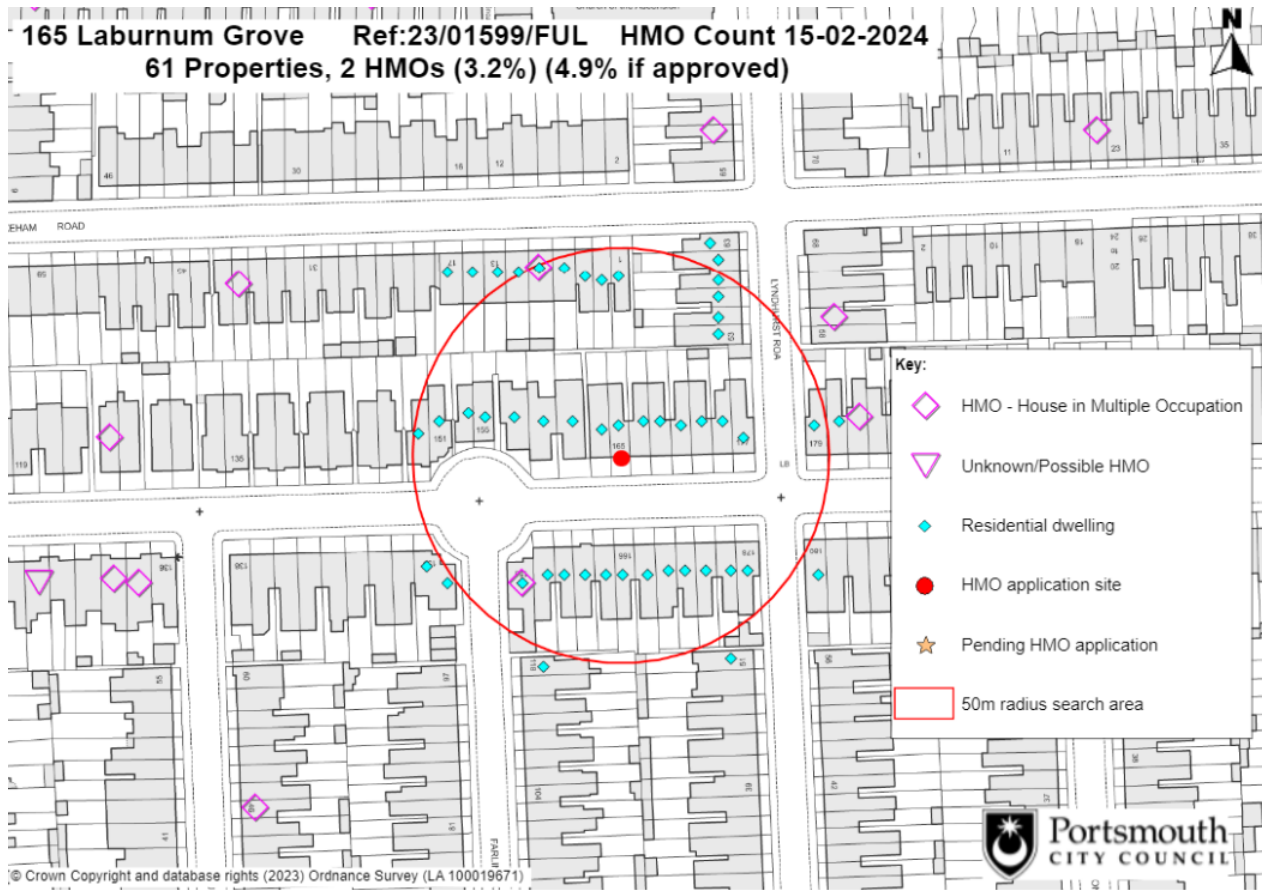
5.1 The main issue to consider in the determination of this application is whether the proposal is acceptable in principle.

5.2 Principle

5.3 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.

5.4 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.

5.5 The HMO count plan shows there are currently 2 HMOs surrounding the property in a 50m basis. In accordance with the HMO SPD, this would be acceptable in the judgement of the application. This third HMO would give a balance of 4.9% if approved. After reviewing relevant applications in the surrounding areas, no live applications for HMOs were found within 50m of the application site.

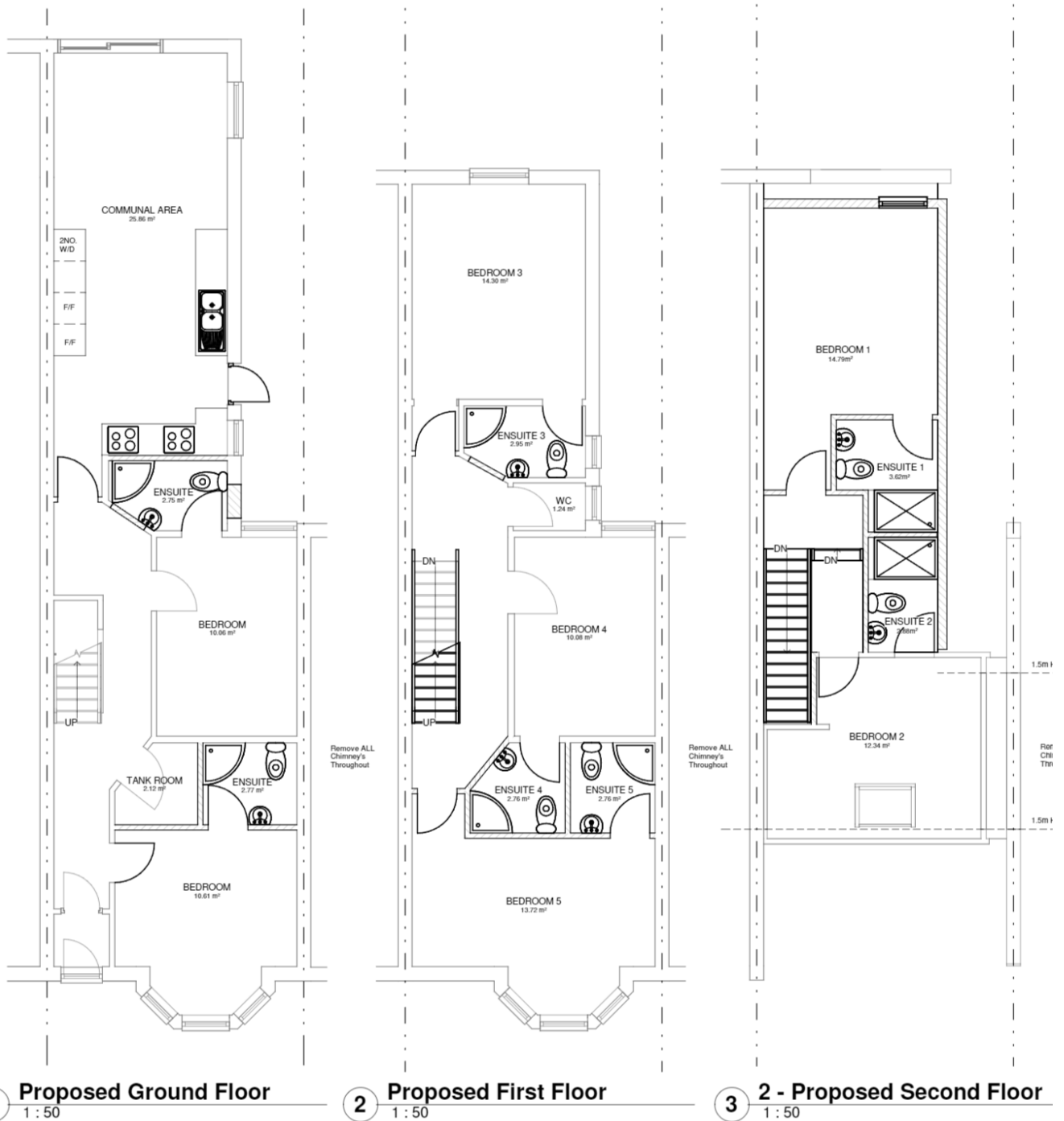


5.6

5.7 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	14.79m ²	10.00m ²
Bedroom 2	12.34m ²	10.00m ²
Bedroom 3	14.30m ²	10.00m ²
Bedroom 4	10.08m ²	10.00m ²
Bedroom 5	13.72m ²	10.00m ²
Bedroom 6	10.61m ²	10.00m ²
Bedroom 7	10.06m ²	10.00m ²
Combined Living Space	25.86m ²	22.5m ²
Ensuite B1	3.62m ²	2.74m ²
Ensuite B2	2.88m ²	2.74m ²
Ensuite B3	2.95m ²	2.74m ²
Ensuite B4	2.76m ²	2.74m ²
Ensuite B5	2.75m ²	2.74m ²
Ensuite B6	2.77m ²	2.74m ²
Ensuite B7	2.75m ²	2.74m ²
Additional WC	1.24m ²	1.17m ²

5.8 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 standards except for the communal area. The HMO SPD, at para 2.6, advises that more detailed guidance, beyond these headline requirements should be referred to within the Council's standards for Houses in Multiple Occupation Guidance (September 2018). This more detailed guidance applies lower minimum requirements (of 22.5m²) for combined living accommodation in circumstances where all bedrooms are at least 10m² and the accommodation is otherwise acceptable as communal space. On the basis of 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.



Amenity and Parking

- 5.8 The proposal would increase the occupancy of the existing dwelling by at least 4 occupants. While this would have a proportionate increase in activity within and coming and going from the property this small 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. Compared to the existing C3 use, more activity would again be expected, but not at a level that can objectively be described as resulting in demonstrable adverse effect.
- 5.9 Similarly, the increase of occupants is not considered to have a demonstrable impact on the parking need and thus parking availability in the wider area. It is noted that the Council's adopted Parking Standards, within the associated SPD has the same expectation for the number of parking spaces, 2 spaces per dwelling, for any scale of HMO with 4 or more bedrooms. Consequently, the proposal remains in accordance with the Council's adopted guidance on parking provision.

Other Material Considerations

- 5.11 It has been raised that the HMO data in Laburnum Grove is inaccurate and there are several unregistered HMOs in the surrounding area. This has been investigated through planning application searches and corresponding this with the licencing database and it is not believed that there are any extant permissions that are not represented within 50m of the application site.
- 5.12 In the circumstances of the case the subject of this report it must first be noted that it is considered that the existing lawful use is Class C3 and the proposed change of use to a 7 bedroom HMO is considered to be a material change of use that requires planning permission. For the avoidance of doubt, as discussed above that change of use is considered to fully comply with the Council's Development Plan.
- 5.13 In addition the Committee's attention is drawn to the current 5 year housing land supply position within Portsmouth. In any planning application, the decision-maker will need to 'balance' any harms identified due to the development against any benefits also arising. Principally, for this HMO application, the benefits are to the provision of housing through the provision of additional bedspaces of occupation within the dwelling. While this is a small contribution to the overall housing stock, the Council currently is unable to identify a 'five year supply' of housing, with only a 3.31 year supply currently identifiable. In this circumstance, the Council is directed to consider that the policies which are most important to determinations associated with housing provision within the Local Plan are out of date. The consequence of this is that decision makers are directed to apply a tilted balance to determinations so that permission is only withheld when the adverse impacts '*...significantly and demonstrably outweigh the benefits...*'. Any harm associated with the increase in occupancy in this area are considered to be relatively insignificant and therefore fall short of being able to significantly and demonstrably outweigh even the small benefit to the city's housing stock of the provision of bedspaces.
- 5.14 Impact on Special Protection Areas
- 5.15 Changing the use of the premises from a C3 dwelling to a 7 bed HMO will result in a likely increase in occupancy which will have an adverse impact on the Solent Special Protection Area. The application is for a Class C3 dwelling to a Sui Generis dwelling. The increase in occupancy would be 4 persons.
- 5.16 Impact on refuse and recycling
- 5.17 In Portsmouth a 7 bed HMO is provided with 720 litres of bin capacity, usually in the form of a single 360l bin for recycling and a single 360l bin for residual waste. Considering the

surrounding area and refuse capacity, there is not expected to be an identifiable harmful impact on waste collection/capacity as a result of the granting of this permission.

6.0 CONCLUSION

6.1 As detailed above the application is considered to fully comply with the relevant policies of the Local Plan. It is recommended that permission be granted subject to the imposition of conditions requiring implementation of the additional occupancy within 3 year (a Time Limit condition), requiring that the development be carried out in accordance with plans submitted (an Approved Plans condition); a cycle storage condition; and a water efficiency condition.

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 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:

1) Time Limit

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.

2) Approved Plans

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: PG.8205.23.02 Sui Gen Plan, received 21st December 2023.

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

3) Cycle Storage

Prior to the occupation of the dwelling as a HMO for 7 persons, secure and weatherproof cycle storage for four or more bicycles shall be provided as shown on the approved plans and retained thereafter for the storage of bicycles. The storage shall accord with Permitted Development rights.

Reason: To provide adequate cycle storage in accordance with policies PCS17 and PCS23 of the Portsmouth Plan.

4) Water Efficiency

The proposal hereby permitted shall not (unless otherwise agreed in writing with the LPA) be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)b of the Building Regulations (2010) (as amended). Such evidence shall be in the form of a post construction water efficiency calculator.

Reason: To ensure that the development complies with PCS15 of the Portsmouth Plan and does not exceed the scope of Nitrate Mitigation Credits purchased.