

10 MANCHESTER ROAD PORTSMOUTH PO1 5ED

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

[24/00871/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Class C3 \(dwellinghouse\) or Class C4 \(House in Multiple Occupation\) | 10 Manchester Road Portsmouth PO1 5ED](#)

**Application Submitted By:**

Mrs Loretta Taylor  
Thorns Young Architectural

**On behalf of:**

Mr N Rowe

**RDD:** 19.07.2024

**LDD:** 13.09.2024

## **1.0 SUMMARY OF MAIN ISSUES**

- 1.1 The application is brought before Planning Committee due to receiving 12 neighbour objections
- 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, mid-terrace dwellinghouse (Class C3) located on the southern side of Manchester Road as shown in Figure 1 below. The dwellinghouse sits on the back of pavement and to the rear of the property is an enclosed garden. The existing layout comprises of a bathroom, kitchen, store lean-to, dining room, and living room at ground floor level; three bedrooms at first floor level.
- 2.2 The application site is within a predominantly residential area characterised by terraces of two storey dwellings.



Figure 1 Site Location Plan

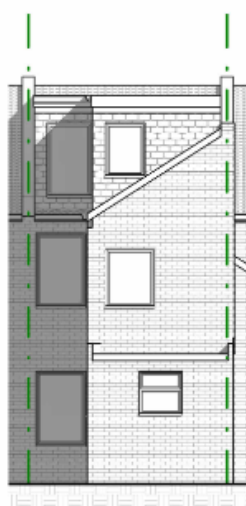
### 3.0 THE PROPOSAL

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).

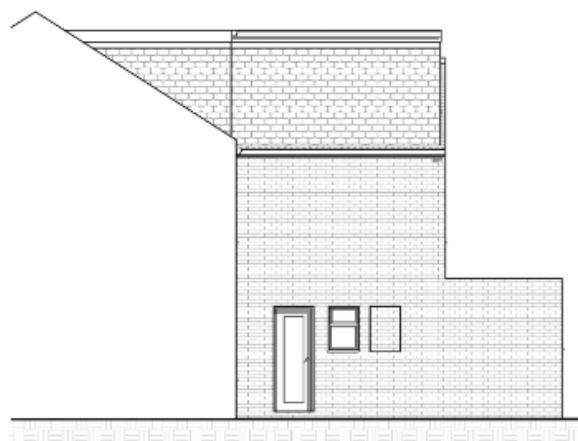
3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:

- Ground Floor - dining room, living space, shared WC;
- First Floor - Three bedrooms (single occupancy); shared bathroom with bath and WC, hand basin;
- Second Floor - Two bedrooms (single occupancy); shared WC with hand basin, shared shower room with shower, WC and hand basin

3.3 The Applicant has stated that works to extend the property will be undertaken under permitted development (without the need to apply for planning permission). These works include a rear dormer and rooflights to the front roof slope; these works are not included in the application. They should not be considered as part of the application.



**Proposed Rear (S/W)**  
1 : 100



**Proposed Side (N/W)**  
1 : 100

*Figure 2 Proposed Elevations*

#### **4.0 PLANNING HISTORY**

- 4.1 24/00692/FUL. Change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (House in multiple occupation) or Class C3 (Dwellinghouse). Withdrawn. 22.07.2024.

#### **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 Pre-Submission Portsmouth Local Plan 2020-2040

- 5.4 The draft Pre-Submission Portsmouth Local Plan 2020-2040 was adopted at full council on 28 May 2024. The relevant policies would include:

- Core Policy PLP1: Design
- Strategic Policy PLP20: Houses in Multiple Occupation
- Strategic Policy PLP47: Movement and Transport
- Development Management Policy PLP48: Access and Parking

Having regard to the NPPF paragraph 48, limited weight is given to those policies at this time.

##### 5.5 Other Guidance

5.6 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 floorplan provided we are satisfied there is suitable living space for the proposed number of occupants. The property would likely require a licence under Part 2, Housing Act 2004.

6.2 Highways Engineer - Manchester is a residential road with parking accommodated through restricted on street parking (MB Zone operating at 85% capacity), amenities are available in proximity along Guildford and Fratton Road. I am satisfied that the proposal would not have a material impact upon the function of local highway network. The proposal does not indicate secure cycle storage, this should be provided prior to occupation of the new residential units

## 7.0 REPRESENTATIONS

7.1 Representations from twelve address has been received objecting to the proposed development, 23 neighbour letters were sent out, in addition to the site notice which was put up on 30.07.2024.

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

- a) Increase in noise and disturbance including in construction;
- b) Increase in crime and anti-social behaviour;
- c) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- d) Undue strain on local services and infrastructure, including the sewage, drainage, waste management and Doctors/Dentists
- e) Concerns about impact on community and loss of family dwelling
- f) Overlooking and other amenity impacts of extensions
- g) Overdevelopment of the site and issues with room sizes
- h) Concentration of HMOs in the local area
- i) Issues with advertisement/consultation
- j) Fire risk
- k) Devaluation of surrounding properties

## 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 86 properties within a 50-metre radius of the application site, there are only 3 confirmed HMOs (Class C4) at 128 and 130 Guildford Road and 8 Liverpool Road 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 **4.7%**. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 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 have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured rooms sizes have been used for assessment purposes. 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 (single occupancy) (first floor)	8.6m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 2 (single occupancy) (first floor)	8.25m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 3 (single occupancy) (first floor)	7.5m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 4 (single occupancy) (second floor)	7.6m <sup>2</sup>	6.51m <sup>2</sup>
Bedroom 5 (single occupancy) (second floor)	9.1m <sup>2</sup> (measured to 1.5m head height line)	6.51m <sup>2</sup>
Dining Room	9.4m <sup>2</sup>	Not required
Living Space	27.8m <sup>2</sup>	24m <sup>2</sup>
Shared WC (ground floor)	1.22m <sup>2</sup>	1.17m <sup>2</sup>
Bathroom (first floor)	3.9m <sup>2</sup>	3.74m <sup>2</sup>
Shared WC (second floor)	1.25m <sup>2</sup>	1.17m <sup>2</sup>
Shower Room (second floor)	4.2m <sup>2</sup>	2.74m <sup>2</sup>

Table 1 Schedule of Floor sizes

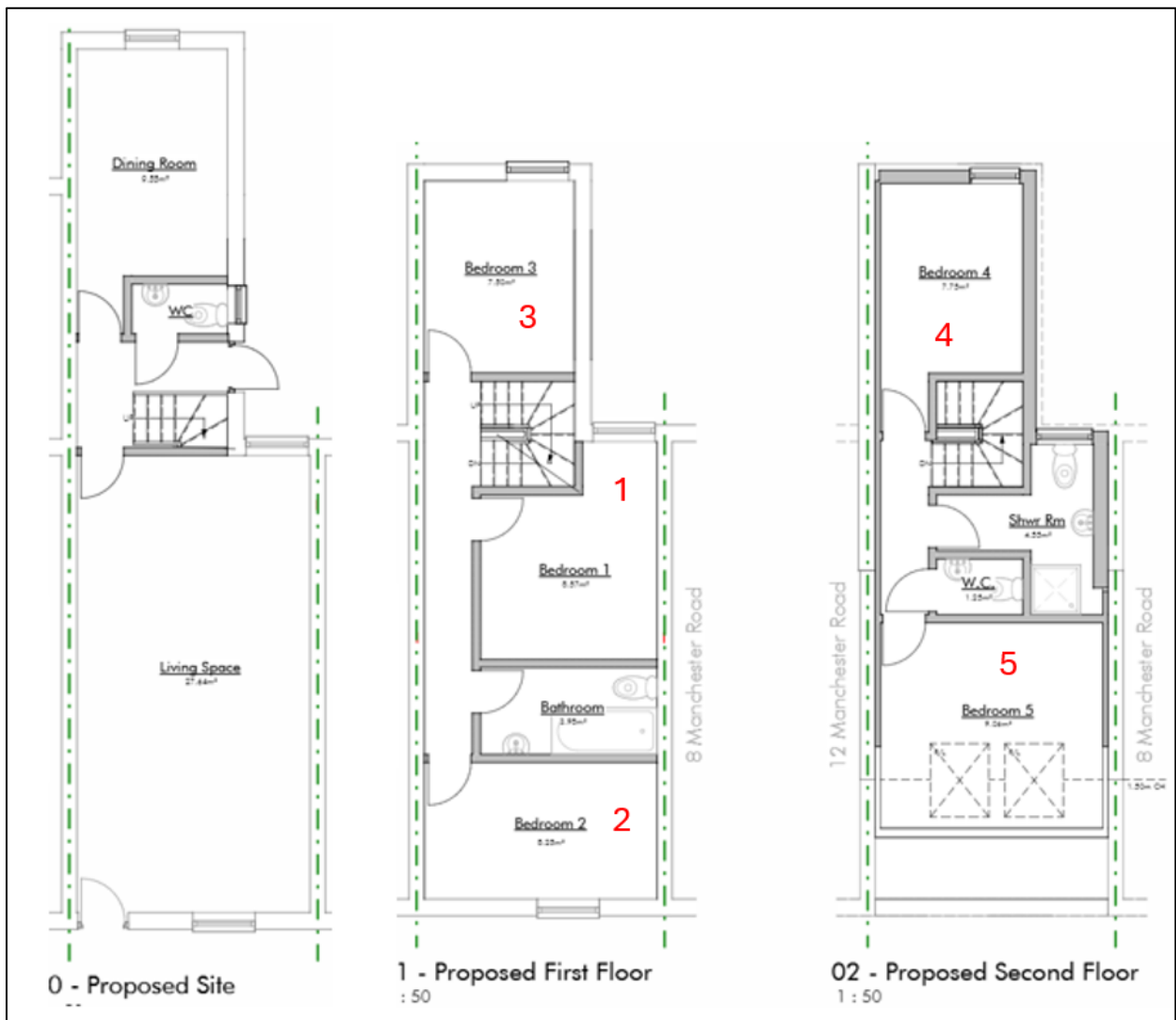


Figure 4 Proposed Floorplans

8.11 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. Furthermore, all habitable rooms would have good access to natural light. The dining room is slightly below the SPD size standard (11sqm) however a combined living space has been provided which exceeds the minimum size standard for the stated five occupiers and one communal room is all that is required - the dining room therefore is an 'extra'. An unrestricted C4 consent could allow up to six occupiers, a level of occupancy that would require a greater provision of communal living area than apparently achievable. Therefore, a condition is attached to restrict occupancy to five persons.

#### 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 (or 5 in this instance) 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 further HMO would not be significantly harmful.

8.15 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.

8.16 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.

#### 8.17 Highways/Parking

8.18 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 1.5 off-road spaces for Class C4 HMOs with two or three bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with three bedrooms (as existing) is also 1.5 off-road spaces:-

8.19 The C4 element of the proposal compared to the existing property has the same requirement for parking spaces, 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.

8.20 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 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, 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.

#### 8.27 Human Rights and the Public Sector Equality Duty ("PSED")

8.28 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.

8.29 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.

## 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:

- Location Plan - PP-13259855v1
- Block Plan AC0000813445
- Proposed Plans 8109.24.2 Rev A

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.

#### PD Works:

- 4) Prior to the occupation of the property as a Class C4 HMO, the rear dormer and front rooflights proposed to be constructed under permitted development allowances shall be completed.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy PCS23 of the Portsmouth Plan.

#### Occupancy Restriction

- 5) The HMO hereby approved shall be occupied by no more than 5 residents

In order for suitable communal living space to be provided, in compliance with the HMO SPD 2019 and Policy PCS23 of the Portsmouth Plan.