

87 CHICHESTER ROAD PORTSMOUTH PO2 0AG

CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION AND CONSTRUCTION OF REAR EXTENSION

[24/00854/FUL | CHANGE OF USE FROM A CLASS C3 DWELLINGHOUSE TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION AND CONSTRUCTION OF REAR EXTENSION | 87 CHICHESTER ROAD PORTSMOUTH PO2 0AG](#)

Application Submitted By:

Mr Oliver Farr
Applecore PDM

On behalf of:

A Berthonneau

RDD: 22nd Aug 2024

LDD: 17th Oct 2024

1.0 SUMMARY OF MAIN ISSUES

- 1.1 This application is brought before Planning Committee due to the number of objection comments received (13), including one from Councillor Swann. Councillor Swann and Councillor Hunt called this application in for determination by the Planning Committee. It is noted there were seven sets of comments received from objectors who have not provided their addresses, and in accordance with guidance these comments were not added to the total number of objections.
- 1.2 The main issues for consideration in the determination of the application are as follows:
- Principle of development
 - Standard of accommodation
 - Impacts on amenity of the neighbouring residents
 - Parking
 - Waste
 - Impact on the Solent Protection Area
 - Community Infrastructure Levy (CIL)
 - Human Rights and the Public Sector Equality Duty ("PSED"); and
 - Any other material considerations.
- 1.3 Site and surroundings
- 1.4 The application relates to a two-storey, mid-terrace dwellinghouse (Class C3) located on the east northern side of Chichester Road as shown in *Figure 1* below. The dwellinghouse is set back from the road by a front forecourt and to the rear of the property is an enclosed garden and an outbuilding. The existing layout comprises of a lounge, kitchen, dining at ground floor level; four bedrooms and a bathroom at first floor level; bedroom and a bathroom at second floor level in converted roofspace.
- 1.5 The application site is within a predominantly residential area characterised by rows of similar two-storey terraced properties with a similar visual style.

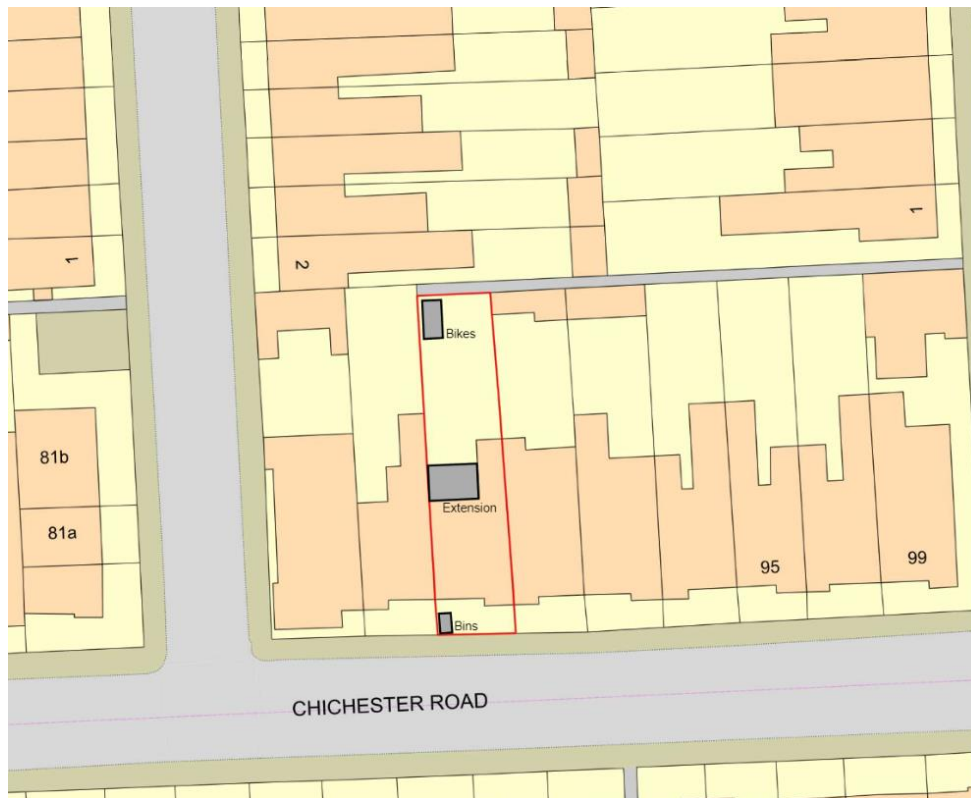


Figure 1 Site plan

1.6 The Proposal

1.7 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to 7 bed/7 person House in Multiple Occupation (Sui Generis) and construction of a rear extension.

1.8 The proposed accommodation, as shown in *Figure 2* below, comprises the following:

- Ground floor: two bedrooms with ensuite shower rooms, communal area, utility room, WC;
- First floor: three bedrooms with ensuite shower rooms, and tanks room;
- Second floor: two bedrooms with ensuite shower rooms.

1.9 The proposed rear/side extension would require planning permission because it would exceed half the width of the building and as such it would exceed the permitted development (PD) allowances. This proposed extension was not part of the original submission, so the amended plans have been re-advertised to local residents. The drawings also indicate the construction of a dormer to the rear roof slope which is within the PD allowances therefore its design or amenity impact cannot be considered as part of this application. The cycle store would be within the retained rear garden shed and the bin store would be at the front forecourt. The back garden is accessed by a shared path from Balfour Road.

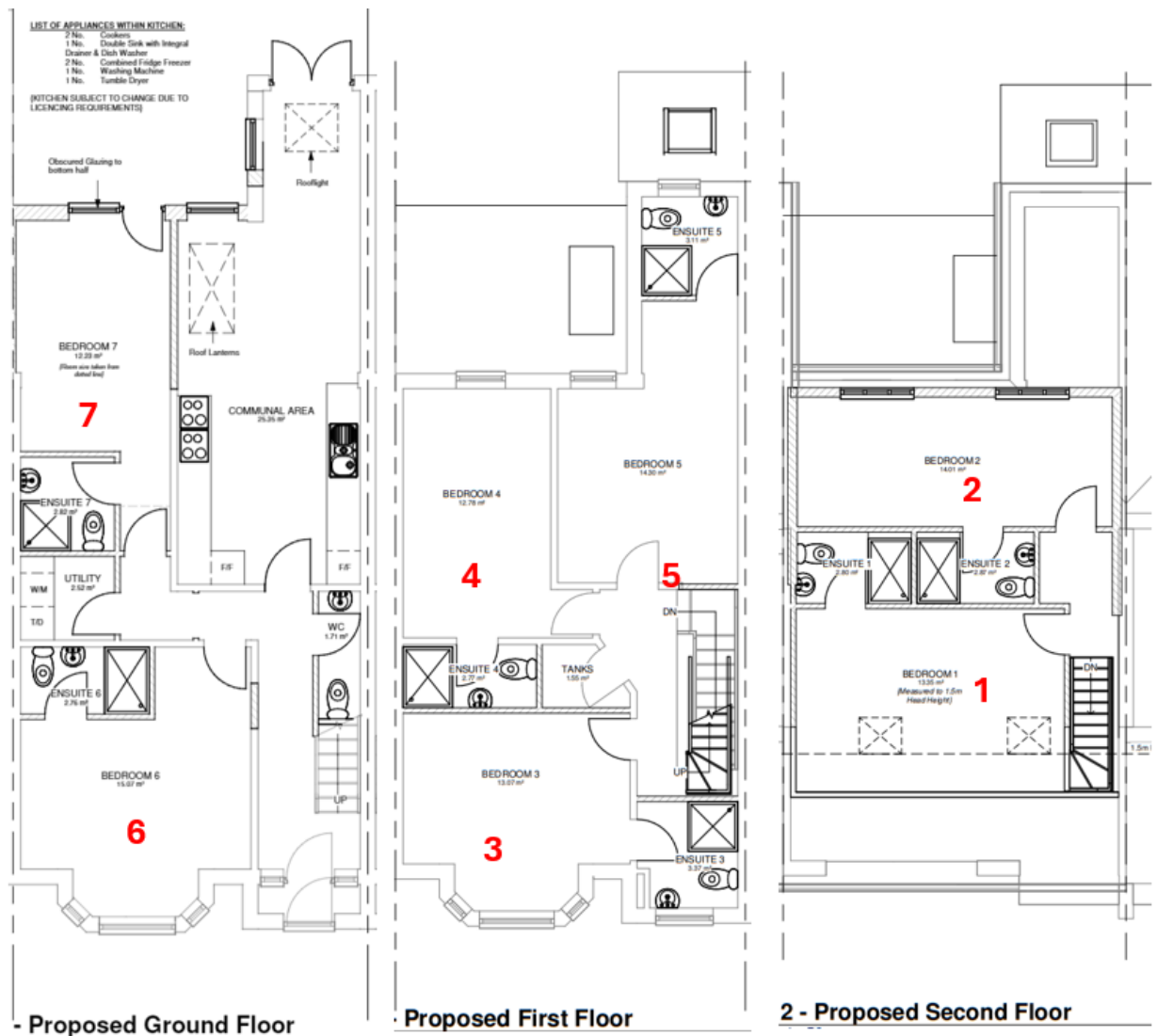


Figure 2 Proposed floor plans

1.10 Planning History

1.11 There is no relevant planning history on this site.

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework (2024), 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 Solent Recreation Mitigation Strategy (2017), The Updated Interim 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 property requires mandatory HMO licencing and based on the layout would be considered to provide suitable living space for the proposed number of occupants.

3.2 Highways

No objection subject to a condition securing appropriate bicycle storage.

4.0 REPRESENTATIONS

4.1 Thirteen letters of representation were received objecting to the proposal. The concerns raised can be summarised as follows:

- Parking and the congestion as well as reduced air quality resulting from hunting for a parking space;
- Strain on the sewage and drainage system;
- Concerns about impact on community and loss of family dwelling;
- Overdevelopment of the property; loss of historic fabric of the local area;
- More demand for social infrastructure; doctors and dentists;
- Potential for noise and anti-social behaviour; overcrowding; high turnover of tenants;
- Inaccuracies in the submitted drawings;
- The 10% threshold for HMOs within 50m radius should be reduced to 5%;
- The application should be reassessed to take into account the actual number of HMOs in the area; there is already an HMO next door;
- Fire risks, emergency exits;
- Impact on Solent Protection Area.

5.0 COMMENT

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

- Principle of development
- Standard of accommodation
- Impact on residential amenity of the neighbours
- Parking
- Waste
- Impact on the Solent Protection Area
- Community Infrastructure Levy (CIL)
- Human Rights and the Public Sector Equality Duty ("PSED"); and
- Any other matters raised in the representations.

5.2 Principle of development

5.3 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a 7 bedroom HMO (House in Multiple Occupation) for 7 persons.

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 Based on the information held by PCC, of the 61 properties within a 50-metre radius of the application site, there are 3 confirmed HMOs as shown below, which equals 4.92%.

5.6 Including the application property, the percentage of HMOs within the area, should permission be granted, would be 6.56%. This falls well below the 10% threshold above which an area is considered to be imbalanced and in conflict with Policy PCS20.



Figure 3 Existing HMOs within 50m radius of the application site

- 5.7 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 with this guidance caused by this proposal.
- 5.8 It is noted there is a pending HMO application at 80 Chichester Road, elsewhere on this agenda, however, as can be seen on the map above (Fig.3) 80 Chichester Road falls outside of the 50m radius for no. 87 and therefore would have no bearing on the current proposal at no. 87.
- 5.9 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 5.10 Standard of accommodation
- 5.11 The application seeks to use the property as a 7 bed/ 7 person HMO. The submitted plans have been checked by officers, and, notwithstanding the annotations on the submitted plans the measured room sizes have been used for assessment purposes. For the proposed HMO use, the room sizes have been assessed against the space standards for an HMO as shown below.

Room	Area Provided (m2)	Required Standard (m2)
Bedroom 1	13.35	10
Bedroom 2	14.01	10
Bedroom 3	13.07	10
Bedroom 4	12.78	10
Bedroom 5	14.30	10

Bedroom 6	15.07	10
Bedroom 7	12.23	10
Combined communal space	25.35	22.5 (because each bedroom is over 10m2)
Shower rooms (ensuites)	range from 2.77 to 3.37	2.74
Utility room (ground floor)	2.52	N/A
WC (ground floor)	1.71	1.17

- 5.12 As is shown in the table above, the proposal results in an internal layout that meets the Council's adopted space standards in accordance with your HMO SPD. This states at para 2.6, 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. 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. The submitted proposed floor plans show sufficient space within the communal kitchen/dining area to accommodate the proposed communal dining/lounge space. In addition, the plans indicate a utility room and a separate WC on the ground floor which are not required by the guidance.
- 5.13 All habitable rooms have good access to natural light and in addition, a rear garden also provides external amenity space for the residents.
- 5.14 All the 7 bedrooms would have ensuite facilities, the accommodation therefore would provide a suitable overall arrangement of sanitary facilities.
- 5.15 Impact on residential amenity of the neighbours
- 5.16 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) which involves occupation by a single family, would be unlikely to be significantly different from the occupation of the property by up to seven unrelated persons as a house in multiple occupation.
- 5.17 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. PCC's report on Shared Housing in Portsmouth: An Assessment of Demand, Supply and Community Impacts (2012) provides an overview of the negative impacts of HMO concentrations on local communities and point 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 more HMO would not be significantly harmful.
- 5.18 The proposed rear extension would project 3.3m beyond the existing rear elevation and would be nestled between the original rear projection at no.87 and that at no.85. The projection would have no amenity impact on the neighbouring properties, and it is noted there are similar examples of rear projections along the terrace.
- 5.19 Having regard to these material considerations, the impact of the change of use and the rear extension would not be significant on residential amenity.
- 5.20 Parking
- 5.21 Properties in HMO use with four or more bedrooms are required to provide two parking spaces which is the same as the requirement for parking spaces for properties in C3 use

class with four or more bedrooms (Parking Standards SPD 2014). The proposal has no off-street parking, which is no change from the fallback position.

- 5.22 Given the above, it is considered that refusal on a lack of parking is not reasonable or defensible. 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, or even more than 1 vehicle each. In addition, it is considered that the site is within an area of good accessibility and located within an acceptable walking distance of the various amenities and services, and bus routes.
- 5.23 The Parking Standards SPD (2014) also specifies the expected level of cycle parking that should be provided for residential developments. A 4+ bedroom property has an expected demand for 4 cycle parking spaces. A bicycle storage facility for four bikes has been indicated in the back garden and this would be secured through a condition.
- 5.24 Waste
- 5.25 The storage of refuse and recyclable materials would remain unchanged, to be accommodated in the suitable front forecourt area. An objection on waste grounds would not form a sustainable reason for refusal and it is not considered necessary to require details of formalised waste storage.
- 5.26 Impact on Special Protection Areas
- 5.27 As there is a measurable increase in occupancy from 2.4 persons (for a C3 dwelling) to 7 persons, mitigation for increased Nitrate and Phosphate Output into the Solent and Recreational Disturbance to the SPA is required. This would be secured through a s.111 agreement. An appropriate assessment was carried out and Natural England (NE) were consulted on 5.08.2024. No response from NE was received as at 23.09.2024.
- 5.28 Community Infrastructure Levy (CIL)
- 5.29 The development would not be CIL liable as there would be no increase of 100 square metres or more in the Gross Internal Area of the application property.
- 5.30 Human Rights and the Public Sector Equality Duty ("PSED")
- 5.31 PCC 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.
- 5.32 Under section 149 of the Equality Act 2010, PCC must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Furthermore, PCC 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.
- 5.33 Other matters raised in the representations
- 5.34 Concerns have been raised by neighbouring residents regarding the pressure the use would put on local services. 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 and would not be a reason to withhold a planning permission.

- 5.35 The development would accommodate up to seven people. Such an increase would not result in a material increase in the potential for anti-social behaviour, noise, etc. compared to a single-family household and would not thereof represent a reason to withhold planning permission.
- 5.36 Fire safety is not a consideration in such a planning application and would be appropriately managed via Private Sector Housing and Building Control.
- 5.37 The applicant provided amended drawings during the course of this application to accurately reflect the existing and the proposed floor plans.
- 5.38 The objection request for a different policy threshold for the percentage of HMOs in the 50m radius should have been directed to the Pre-submission Local Plans formal consultation stage over the summer, it cannot be taken in to account during the course of a planning application, the adopted SPD guidance still applies.

6.0 CONCLUSION

- 6.1 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

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 residential development on Solent Special Protection Areas (recreational disturbance and nitrates) by securing the payment of a financial contribution and conditions (below).

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 by or on 14/10/24.

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 - PG9085 · 24 · 01 E (Elevations and floor plans), Location plan, Block plan

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, 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.

Waste Storage:

- 4) Prior to the first occupation of the property as a House in Multiple Occupation; refuse and recyclable materials storage facilities shall be provided at the site and shall thereafter be retained for the continued use by the occupants.

Reason: To ensure that adequate provision is made for the storage of refuse and recyclable materials in accordance with policy PCS15 and PCS23 of the Portsmouth Plan.

Water Efficiency:

- 5) 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.

Informatives:

- 1) 2 x 360 litre bins are required for a 7 bed HMO. The applicant will need to purchase these bins directly from Portsmouth City Council Waste Management prior to the tenants moving in.
- 2) Based on the layout and sizes provided with this application this property would require to be licenced under Part 2, Housing Act 2004. This is not a planning matter and would require a separate licensing application.