

24/01026/FUL

WARD: BAFFINS

158 HAYLING AVENUE PORTSMOUTH PO3 6ED

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

WEBSITE LINK:

[24/01026/FUL | Change of use from dwellinghouse \(Class C3\) to purposes falling within Class C3 \(dwellinghouse\) or Class C4 \(House in Multiple Occupation\) | 158 Hayling Avenue Portsmouth PO3 6ED](#)

Application Submitted By:

Ms Thea Travers-Ayre
Thorns Young Architectural

On behalf of:

Mr Nicolas Rowe
Rowelane Homes Ltd

RDD: 19th August 2024

LDD: 15th October 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 The application is brought before Planning Committee at the request of Cllr Sanders and due to receiving 31 letters of objection.

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 end-of-terrace dwellinghouse (Class C3) at the junction of Hayling Avenue and Marina Grove, as shown in Figure 1 below. The dwellinghouse has a low walled forecourt fronting Hayling Avenue with a path leading along the side of the property to the rear garden. A garage has recently been constructed at the southern end of the garden which incorporates a pedestrian doorway in the northern elevation giving access to the garden. The original layout of the property comprised a kitchen, dining room, and living room at ground floor level and 3 bedrooms and a bathroom at first floor level.

2.2 The application site is within a predominantly residential area characterised by terraces of two storey dwellings.

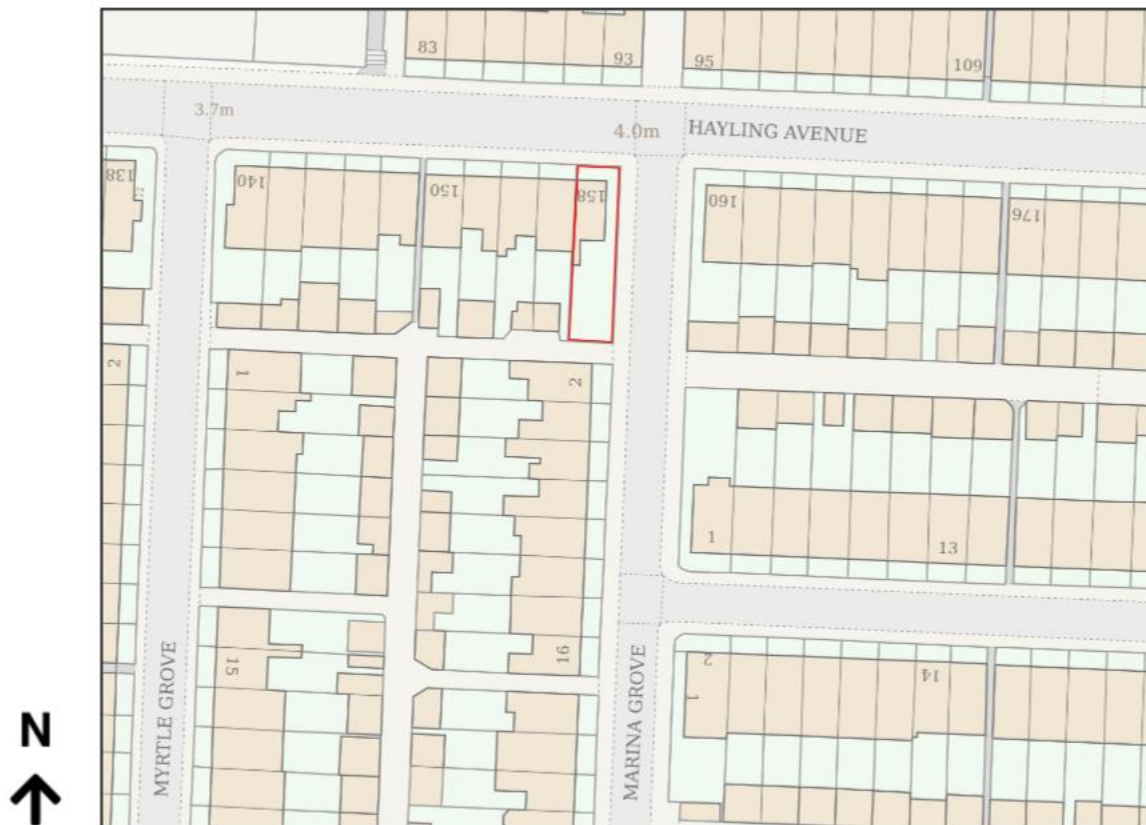


Figure 1 Site Location Plan

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, would comprise the following:
- Ground Floor - combined kitchen/living space, separate dining room, shared WC;
 - First Floor - three bedrooms (all single occupancy); shared bathroom with bath and WC, hand basin;
 - Second Floor - two bedrooms (all single occupancy); shared shower room with shower, WC and hand basin.
- 3.3 Works are on-going on site to alter the internal layout, make fenestration alterations and to construct a rear dormer, a single storey rear extension and a detached outbuilding/garage. The Applicant has stated that these works are being carried out under 'permitted development' rights (without the need to apply for planning permission) or under the Prior Approval application stated below. These works are not included in the application. They should not be considered as part of the application.



Figure 2 Proposed Elevations

4.0 PLANNING HISTORY

- 4.1 24/00045/GPDC - Construction of single storey rear extension; extending 4m from the rear wall, with a maximum height of 3m and measuring 2.9m to the eaves - Prior Approval not required (no neighbour objections received) - 16/8/24.

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 - Hayling Avenue is a residential road with parking accommodated through restricted on street parking. Amenities and public transport available in Baffins Road and Eastern Road. I am satisfied that the proposal would not have a material impact upon the function of local highway network. Given the constraints of the site, no off-street parking can be accommodated within the curtilage of the property. Given the provision of bedrooms has increased, there is the potential for increase instances of

vehicles driving around looking for spaces, however this is an amenity issue for your consideration. The proposal does not indicate secure cycle storage, therefore this should be provided prior to occupation of the new rooms should you be minded to approve the application.

7.0 REPRESENTATIONS

7.1 31 representations have been received from 26 addresses in Hayling Avenue, Jenkins Grove, Myrtle Grove, Marina Grove and Stride Avenue (3 of these did not include a specific postal address) objecting to the proposed development. The applicant has addressed objections received within a letter that was distributed by himself to neighbours (and a copy provided to the Local Planning Authority (LPA) which is on the Public Access System).

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

- a) Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems; bottleneck created by semi-pavement parking in Marina Grove particularly on refuse collection days;
- b) Increase in crime and anti-social behaviour; use would diminish the integrity, character and spirit of the community; use could pose a risk to children safety;
- c) Concerns about impact on community and loss of family dwelling and precedent of approving the first HMO in area;
- d) Undue strain on local services and infrastructure, including the sewage, drainage, waste management and doctors;
- e) Amenity impacts of proposed use as an HMO; increase in noise and disturbance;
- f) Work has already commenced on site before any planning permission is granted;
- g) Potential for an extra bedroom to be provided in the dining room should be accounted for;
- h) Concern that new garage at rear will be used as a builders store; any permission should require garage to be used for cycle storage;
- i) Concern about impact of plethora of bins;
- j) Overdevelopment of the site;
- k) Floor plans do not appear to reflect new ground floor layout;
- l) Issues with lack of care by construction vehicles parking, and quality of work;
- m) If permission granted then a condition should be imposed restricting occupancy to health workers only;
- n) Rear dormer not in-keeping;
- o) Concern that residents have not been properly notified;
- p) Devaluation of surrounding properties; developer wants to maximise profits.

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 39 properties within a 50-metre radius of the application site, there are no confirmed HMOs as shown in Figure 3 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 **2.56%**. 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 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 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)	11.63m ²	6.51m ²
Bedroom 2 (single occupancy) (first floor)	9.53m ²	6.51m ²
Bedroom 3 (single occupancy) (first floor)	11.45m ²	6.51m ²
Bedroom 4 (single occupancy) (second floor)	9.55m ² (measured to 1.5m head height line)	6.51m ²
Bedroom 5 (single occupancy) (second floor)	9.91m ²	6.51m ²
Dining Room	9.6m ²	Not required in this case
Kitchen/Living Space	43.65m ²	24m ² for 3-5 persons, 34m ² for 6-10 persons
Shared WC (ground floor)	1.76m ²	1.17m ²
Bathroom (first floor)	3.74m ²	3.74m ²
Shower Room (second floor)	3.3m ²	2.74m ²

Table 1 Schedule of Floor sizes

8.11 The combined kitchen-living room would far exceed the 24m² required in the HMO SPD for the five residents proposed. A C4 consent would allow up to six residents, which would increase the required combined kitchen-living room to 34m², which the proposed main room also exceeds. The bath/shower rooms and WC meet the required sizes also. The separate dining room is not required, it is provided as an extra facility. All habitable rooms would have good access to natural light.

8.12 The dining room is of a sufficient size to be used as a single bedroom and therefore a condition is not required restricting occupancy to five persons providing the rear extension is constructed under permitted development allowances (as per application 24/00045/GPDC).

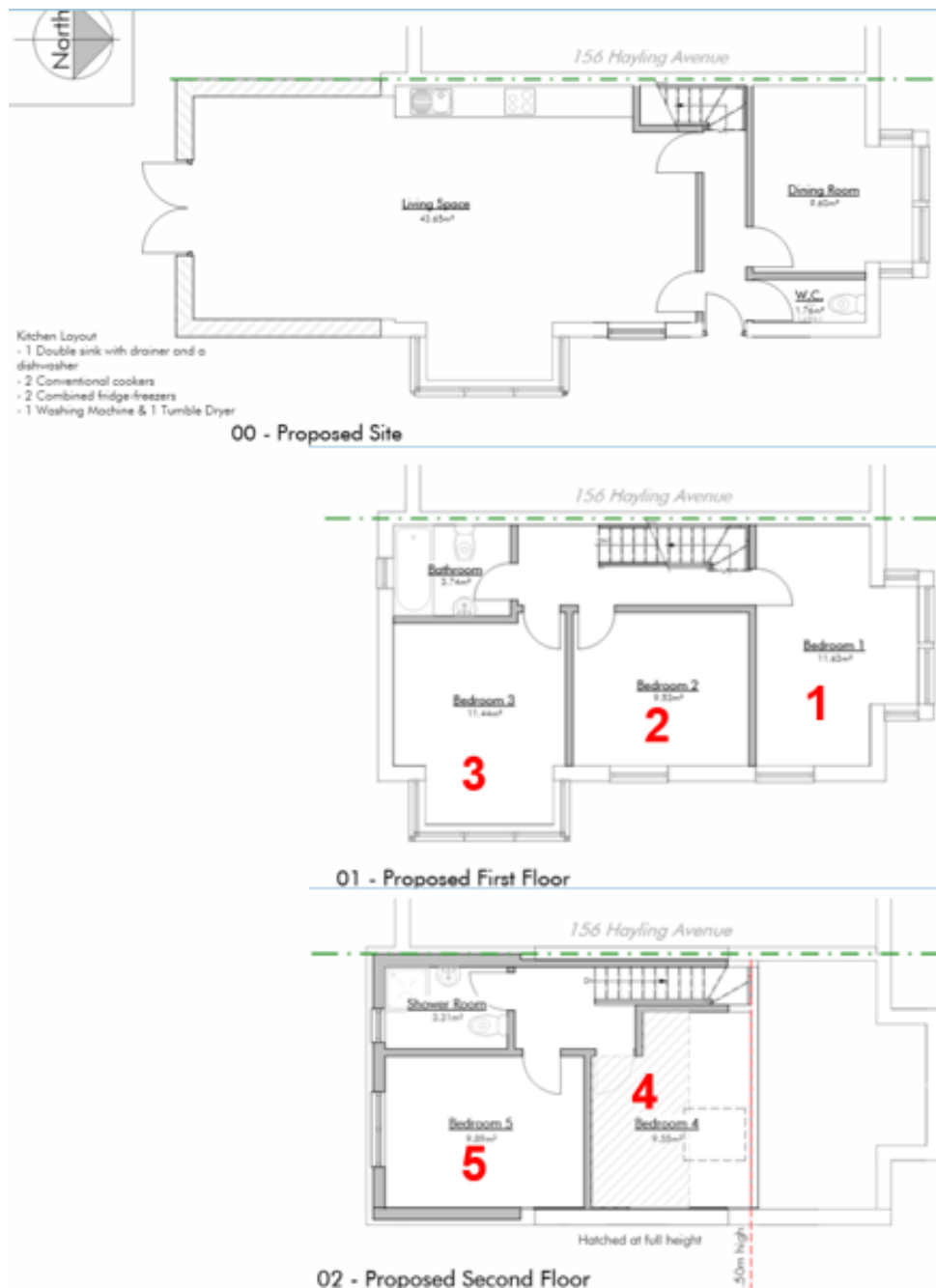


Figure 4 Proposed Floor Plans

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 one further 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 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 introduction of one HMO within the 50m radius search area 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 1.5 off-road spaces for 2-3 bed Class C3, Class C4 HMOs and mixed C3/C4 uses, and 2 spaces for 4+ bed properties within Class C3, Class C4 HMO's and mixed C3/C4 uses.

8.20 The Class C4 (5 bedroom) element of the proposal compared to the existing (3 bedroom) Class C3 property has an additional 0.5 parking space requirement. However, it is noted that the alterations and extensions currently being undertaken at the property could result in a 5/6 bed Class C3 use in the event that planning permission is not granted for the proposed C3/C4 mixed use. Therefore, as the level of occupation associated with a Class C4 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 new 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. There is ample room within the curtilage of the property to the front, side and rear to accommodate bins. The applicant has verbally indicated he has no intention of altering the location of the front gate which currently leads onto Hayling Avenue and therefore it is likely that bins would continue to be lined up along the Hayling Avenue frontage on collection days (rather than create a pinch point on Marina Grove).

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, 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 Any Other Matters Raised

- 8.27 In response to other matters raised within objections received that have not been addressed elsewhere in the report:
- a) The planning officer has checked that the internal layout of the building carried out thus far on site is consistent with the proposed layout plans.
 - b) Devaluation of property values is not a material planning consideration.
 - c) Construction vehicle parking is a temporary inconvenience.
 - d) The issue of quality of work carried out is likely to be a matter dealt with under Building Regulation Approval.
 - e) Publicity has been carried out in accordance with agreed procedures. In addition to neighbour letters a site notice was displayed at the junction of Hayling Avenue and Marina Grove.
 - f) Cllr Sanders requests that if permission is granted then a condition should be imposed restricting occupancy to health workers only - the local planning authority cannot limit or restrict the occupation of a Class C4 HMO to any specific tenant group.

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.

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 no.PP-13343633v1 dated 19/8/24
 - Site Plan received 2/10/24
 - Proposed Floor Plans and Elevations no.8133.24.2 Revision D

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 within the existing outbuilding shown on the Site Plan 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 House in Multiple Occupation, the rear dormer, front rooflight and single storey rear extension shown on drawing no.8133.24.2 Revision D (proposed to be constructed under permitted development allowances and Prior Approval) shall have been 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.

Outbuilding:

- 5) The rear outbuilding shown on the Site Plan shall be retained for uses incidental to the main property, to include any domestic storage associated with the main dwelling, cycle storage, bin storage if wished, and/or any parking.

Reason: In order to retain the outbuilding for use of the host property only, in accordance with Policies PCS17 and PCS23 of the Portsmouth Plan.