

24/00710/FUL

WARD: DRAYTON & FARLINGTON

24/00710/FUL | CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (CLASS C4) WITH INSTALLATION OF REAR DORMER AND CHANGES TO FENESTRATION | 31 SOUTHBOURNE AVENUE PORTSMOUTH PO6 2HL

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CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO PURPOSES FALLING WITHIN CLASS C4 (HOUSE OF MULTIPLE OCCUPATION) OR CLASS C3 (DWELLINGHOUSE) WITH INSTALLATION OF REAR DORMER AND CHANGES TO FENESTRATION

Application Submitted By:

Mr Derek Treagus

On behalf of:

Mr Garry Bryant

RDD: 13th June 2024

LDD: 12th September 2024

1.0 SUMMARY OF MAIN ISSUES

1.1 This application is brought before Planning Committee by reason of its 15 objections.

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

- Principle
- Standard of accommodation
- Impact on neighbouring living conditions
- Highways/Parking
- Impact on refuse and recycling
- Human Rights and the Public Sector Equality Duty ("PSED")
- Other material considerations

1.3 Site and surroundings

1.4 The application relates to a two-storey, semi-detached dwellinghouse (Class C3) located on the southern side of Southbourne Avenue, a residential street in Cosham. The existing dwellinghouse is served by three windows to the front over two floors and has a narrow, paved/gravelled garden area enclosed with a brick boundary to the front of the property, and a back garden. The existing ground floor layout comprises a combined dining living area, kitchen, W/C and kitchen store. The first floor contains 3 bedrooms and a bathroom. There is a shared driveway leading to a rear garage.

1.5 Proposal

1.6 The Applicant has sought planning permission for the change of use of the dwelling from the current lawful Class C3 dwellinghouse use to a Class C4 HMO, which would enable up to six occupiers. However, the applicant has annotated each of the five bedrooms for single occupancy.

1.8 The Applicant intends to construct a rear dormer extension. This would be under permitted development, as shown in the drawing below, to enlarge the property before undertaking the proposed change of use. Also, the kitchen store would be insulated and have its fenestration and brickwork altered. The extension and alterations can be completed under

permitted development regardless of the use of the property as Class C3 Dwellinghouse or Class C4 HMO.

- 1.9 Given that the external alterations and enlargement to the property are considered to be permitted development, it is not possible to consider the design or amenity impact of the rear dormer or the ground floor extension as part of this application. Otherwise, the applicant has stated the garage would be used for the cycle store.



Figure 1: Proposed external alterations.

1.10 Planning History

1.11 None relevant .

2.0 POLICY CONTEXT

2.1 In addition to the aims and objectives of the National Planning Policy Framework (2023), 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')

2.3 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.

3.0 CONSULTATIONS

3.1 Private Sector Housing: Required to be licenced under Part 2, Housing Act 2004.

3.2 Highways: Southbourne Avenue is a residential road with unrestricted on street parking, amenities are available nearby along Havant Road. The proposal would not have a material impact upon the function of local highway network. Realistically only one parking space could be provided within the curtilage of the property and there is therefore a potential for increased instances of residents driving around the area hunting for a parking space given the additional pressure that might arise with the change of use, however this an issue of residential amenity for you to consider. The proposal does not indicate secure cycle storage, it should be provided prior to occupation.

4.0 REPRESENTATIONS

4.1 15 representations have been received objecting to the proposal on the following grounds:

- a) Overcrowding;
- b) Unknown Occupants (concern in potential residents of HMO)
- c) Increase in litter;
- d) Parking concerns;
- e) Anti-social behaviour;
- f) Impact on property values;
- g) Standard of the proposed accommodation;
- h) Works commencing prior to permission;
- i) Illegal parking on verges
- j) Emergency Vehicles struggling to access Southbourne Avenue.
- k) Publicity not adequate as only one site notice, and it was bent (A site notice was placed on 25th July)

5.0 COMMENT

5.1 The main issues to consider in the determination of this application are:

- Principle
- Standard of accommodation
- Impact on neighbouring living conditions
- Highways/Parking
- Impact on refuse and recycling
- Community Infrastructure Levy (CIL)
- Human Rights and the Public Sector Equality Duty ("PSED")
- Other material considerations

5.3 Principle

5.4 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.

- 5.5 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.
- 5.6 The HMO count plan shows there is currently no HMOs in a 50m radius of the property. Were the application to be approved, there would be one HMO out of the 40 houses and flats in the 50m radius, equalling 2.5%. The proposal is therefore in accordance with the HMO SPD, as it is below the policy threshold of 10%. 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. Following further Officer Investigation, including current applications for HMOs in the 50m radius, no additional HMOs have been uncovered by the Case Officer.



- 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 caused by this proposal with this guidance.

5.8 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).

5.9 Standard of accommodation

5.10 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. While the applicant has indicated the occupancy would be for five people, the standards for six potential occupants within Class C4 have been shown below. 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	9.23m ²	6.51m ²
Bedroom 2	12.95m ²	6.51m ²
Bedroom 3	8.67m ²	6.51m ²
Bedroom 4	9.08m ²	6.51m ²
Bedroom 5	12.25m ²	6.51m ²
Ground floor WC	1.32m ²	1.17m ²
Bathroom 1 st Floor	4.62m ²	3.74m ²
Shower room 2 nd Floor	4.04m ²	2.74
Lounge/Dining (Combined Living Space) (6 persons)	27.42m ²	Not set out in SPD
Kitchen (6 persons)	11.67m ²	11m ²

Table 1 Schedule of room sizes

5.11 It is noted that all of the bedrooms very clearly exceed the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. The applicant has only indicated an occupancy for 5 persons (one per bedroom), but two of the bedrooms are big enough for double occupancy (11sqm), so one could accommodate two persons and the whole dwelling be used by six people as a C4 HMO. The SPD accounts for one combined communal room, or three individual rooms (kitchen, living, dining), but this application proposes a combined living-dining room, and separate kitchen. Individually, the SPD requires 14m² for a living room (six persons) and 14m² for a dining room (six persons), the combined living-dining room is 27.42, so marginally short of the 14 + 14m² if it were two rooms. The kitchen exceeds the standard for six occupiers. In combination, the ground floor communal rooms amount to the same as the three individual room sizes, and all the bedrooms are some way larger than the minimum. The bath/shower rooms and wc exceed the standard for six persons. Therefore, and for clarity, although the plans indicate single occupancy of the five bedrooms, it is considered that the overall size and layout is considered to result in a satisfactory standard of living environment for six occupiers, and light appears satisfactory.

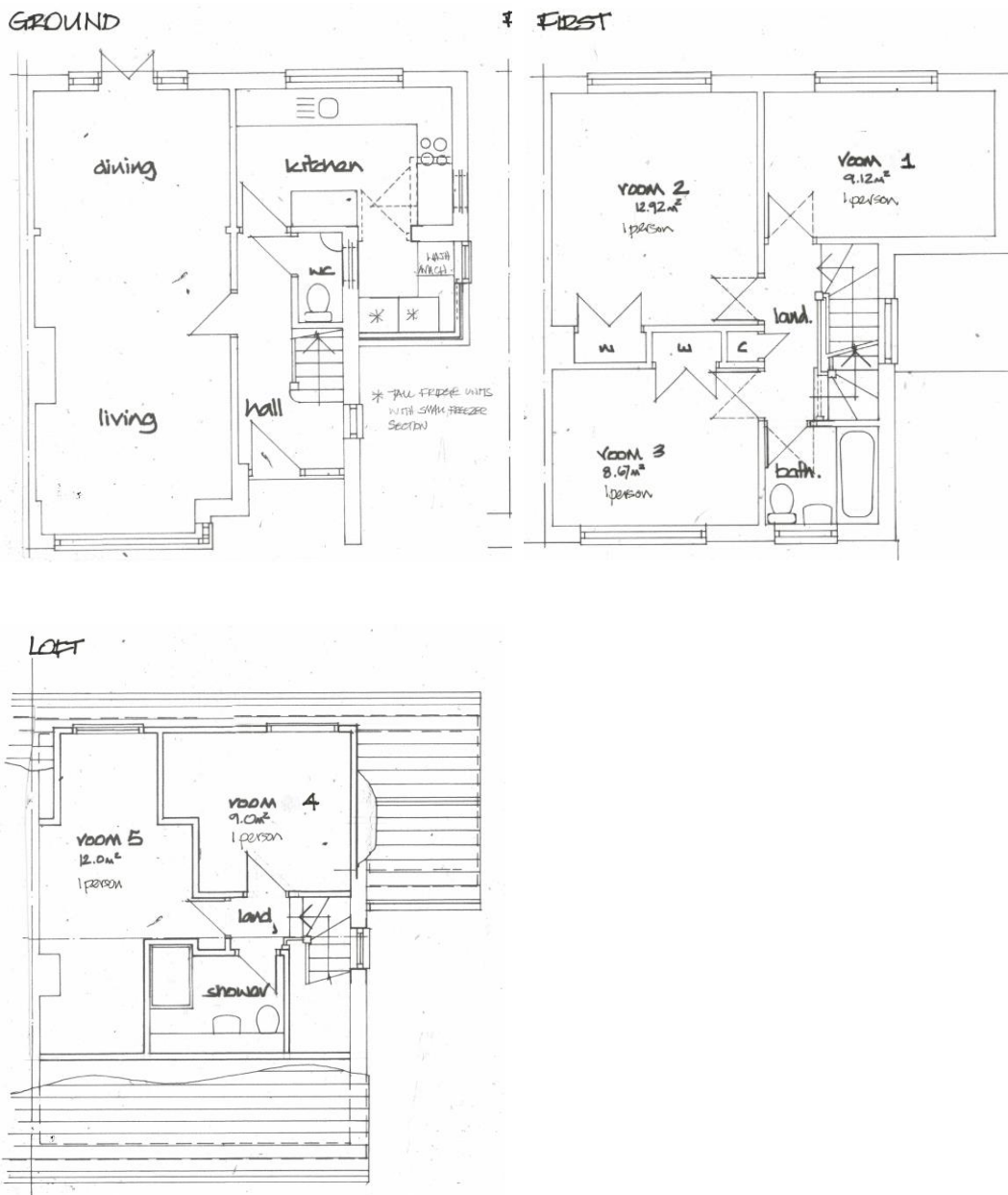


Figure 2: Proposed Floorplans

5.12 Impact on neighbouring living conditions

5.13 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 unrelated persons as a house in multiple occupation.

5.14 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 HMO would not be significantly harmful.

- 5.15 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), would not be significantly different from the occupation of the property by between 3 and 6 unrelated persons as a house in multiple occupation.
- 5.16 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 impact of one further HMO (bringing the total to two within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 5.17 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 5.18 Highways/Parking
- 5.19 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 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, a minor difference. The property has one off-street parking space, although it is located on a shared driveway with the adjoining neighbour.
- 5.20 The C4 element of the proposal compared to the existing property only expects an extra half a parking space, this is not considered to be sufficient reason for refuse the application. 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.
- 5.21 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 garden where secure cycle storage could be located. The requirement for cycle storage is recommended to be secured by condition.
- 5.22 Impact on refuse and recycling
- 5.23 The storage of refuse and recyclable materials would remain unchanged, being located in the forecourt area, and an objection on waste grounds would not form a sustainable reason for refusal.
- 5.24 Community Infrastructure Levy (CIL)
- 5.25 The development would not be CIL liable as there would be no increase in the Gross Internal Area of the application property.
- 5.26 Human Rights and the Public Sector Equality Duty ("PSED")
- 5.27 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.

- 5.28 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
- 5.29 Matters raised in neighbours' objections
- 5.30 Some of the issues raised in the objections are not material planning issues, for example property values, fire risk and building structure (which is addressed by the Building Regulations).
- 5.31 Many objections centre around parking issues. This matter is discussed above in greater length. In summary, a lack of parking could not be defended at appeal due to policy having the same or similar parking requirement as the current C3 use (with some minor internal/PD works).
- 5.32 Many comments raise concerns over the impact of the Permitted Development works. These works are not included in this application and are beyond the control of the Local Planning Authority. These works could be implemented without the need to apply for permission under the current C3 use. Following on from this, works commencing at the site prior to the application can be carried out as the external changes themselves do not require Planning Permission.
- 5.33 Some comments object due to the apparent poor quality of living for future occupiers. Both of these objections are considered to be unfounded because the proposal is found to comply with both policies PCS20 and PCS23 of the Portsmouth Plan. As per the map detailed above, this would be the only HMO in the 50m radius area currently.
- 5.34 Some objectors have raised concerns regarding the type and number of people staying in the property. The application indicated five single-occupancy rooms, but a C4 consent is for up to six persons and it is considered the premises could satisfactorily accommodate six, as explained earlier in this report. The level of occupancy would be monitored and controlled through the licensing regime. There is no planning control over the 'type' of person occupying, eg their type of employment or age.
- 5.35 The use of the property as an HMO would not result in any increase in litter or air quality concerns. Anti-social behaviour would not necessarily be linked to the use of the property as a HMO.
- 5.36 One objector has raised concerns with the publicity of the scheme. A site notice was placed on the 25th July, which is the standard procedure for applications of this nature.

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

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: 23/340/01 REV B PROPOSED LOFT PLAN, 23/340/02 PROPOSED GROUND FLOOR AND FIRST FLOOR, 23/340/04 PROPOSED ELEVATIONS, 23/355/05 SECTION

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

3) Cycle Storage

The garage 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 (C3 or C4), cycle storage, bin storage if wished, and/or any vehicle parking. If it is not used at all for cycle storage, separate secure and weatherproof cycle storage shall be provided on-site for four bicycles for the Class C4 use.

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

4) PD Works

Prior to the occupation of the property as a HMO, the dormer 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.