

25/00026/FUL

WARD: BAFFINS

64 LANGSTONE ROAD, PORTSMOUTH, PO3 6BX

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

[25/00026/FUL | CHANGE OF USE FROM DWELLING HOUSE \(CLASS C3\) TO PURPOSES FALLING WITHIN HOUSE OF MULTIPLE OCCUPATION \(CLASS C4\) OR A DWELLINGHOUSE \(CLASS C3\) | 64 LANGSTONE ROAD PORTSMOUTH PO3 6BX](#)

Application Submitted By:

Mr. Paul Gosling, PMG Building Design & Consultancy Ltd

On behalf of:

Mr. D Horn

RDD: 13.01.2025

LDD: 03.04.2025

1. SUMMARY OF MAIN ISSUES

- 1.1 The application is brought to Committee because of a call-in from Councillors Kadir and Sanders, and by means of the number of objections. The reasons for the Councillors' call-in are: in the interest of transparency, and for the potential residential amenity impact on local residents.
- 1.2 The main issues for consideration in the determination of the application are considered to be as follows:
 - The principle of development;
 - The standard of accommodation;
 - Impact on neighbouring living conditions;
 - Parking;
 - Waste;
 - Impact upon the Solent Protection Areas, and;
 - Any other matters raised.

2. SITE AND SURROUNDINGS

- 2.1 The application dwelling is a two storey (with roof extension) residential terraced house. The property benefits to full access rights to an alleyway to the rear of the dwelling (as confirmed by the owner).
- 2.2 The site is approximately 700m from Tangier Road Local Centre, which has a limited range of shops. There are no local parking restrictions, although there are several disabled allocated spaces within 100m of the property. Langstone Road itself has speed bumps and connects Eastern Road with the junction of Milton and St Mary's Roads, both of which have bus services. Fratton train station is 1.7km away. Tamworth Park is in close proximity, and nearby are Milton Common, Kingston Park, Kingston Cemetery and Baffins Pond. St Marys Health campus is close to the southwest.

3. PROPOSALS

- 3.1 The proposal is 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, with room sizes set out in Table 1 later in this report, comprises the following:
- Ground Floor - one bedroom (single occupancy); communal combined amenity area; shared shower room with WC, handbasin. Additional living room. Access to garden area.
 - First Floor - Three bedrooms (single occupancy); shared bathroom with bath and WC, hand basin
 - Second Floor - Double bedroom, ensuite with bath and WC, hand basin. Cupboard area.
- 3.3 The Applicant has stated that no external works would be required to facilitate the change of use: the single storey rear extension was recently constructed under the Prior Approval set out below. The roof extension has also been carried out recently under Permitted Development rights, otherwise, the plans show no changes internally.
- 3.4 A bike store is proposed in the rear garden, and an area for waste recycling/disposal bins is shown on the property forecourt.

4. PLANNING HISTORY

- 4.1 **App No** 24/00015/GPDC - Construction of single storey rear extension
Decision - No Prior Approval required.
Date 23.05.2024

5. CONSULTATIONS

5.1 Highways Team

- 5.2 No objection. Langstone Road is a residential road with bus stops and local amenities. The proposed application seeks to convert an existing 5 bed residential (c3) to a 5 bed C3/C4 use. It is not considered that size of development would lead to a material impact to the function of the highway or result in any unacceptable safety impact. Given the level of bedrooms is unchanged, it is not considered that any material impact would arise in terms of parking pressure. The proposal does indicate secure cycle storage, which should be secured by condition.

5.3 Private Sector Housing

- 5.4 The applicant is informed of the presence of inner rooms (Bedrooms 1 to 5). In addition, the measurements for the shower rooms in Ground floor and First floor have not been provided. As per reference of the Space and Amenity Standards, this should be of a minimum of 2.74 m². Furthermore, it has been noted that the kitchen / dining space is shown on the plan as measuring 31 m² and therefore does not meet the minimum space requirements of 34 m² as detailed within the Council's local space and amenity standards. This property would require to be licenced under Part 2, Housing Act.

6. REPRESENTATIONS

- 6.1 Letters to adjoining properties were sent on 10.02.2025. A Site Notice was displayed outside the site originally on 11th February. A neighbour informed the Local Planning Authority (LPA) that this was taken down within 2 days, and thus a second site notice

was displayed on 20th February. Again, the same neighbour informed the LPA that the site notice was removed. On the 26th February, three site notices were displayed along the length of the road, and the Officer validated that all three were still in place by mid-day on Monday 3rd March (the final day of publicity).

- 6.2 Forty-nine representations have been received in respect of the proposals. All are in objection to the scheme, including an objection each from Councillor Sanders and Councillor Kadir. Twenty-three of the forty-nine letters were provided without the postal address of the objector. Ten of the forty-nine letters were provided with names, sent from the same email account.
- 6.3 The following objections were made to the scheme;
- Parking on existing road is poor/difficult, and a HMO would increase parking pressure through additional occupancy. This makes it difficult for emergency services and local health workers to access residents.
 - Cycle parking will not be utilised
 - No provision for parking for oversized vehicles such as work vans. Lack of parking enforcement from the Council. Local hospital workers using Langstone Road to park. Nos 60 and 49 owning 11 vehicles between them, while other houses only have 1,2 or 3 cars above
 - Drainage concerns, and the lack of capacity of the local sewerage and drainage network to cope with 6 additional residents. Previous drainage concerns and unblocking.
 - Construction problems such as diggers and skips and other building materials being left on the highway. Burning of waste on site, leading to thick smoke. Conduct of the builders, such as leaving nails/sharp objects in the street.
 - Asbestos concerns due to a garage at rear of property being demolished
 - Property has been vacant for 3 years and the existing use is incorrect. C3 dwellings incompatible to be compared with C4 HMO use as nature of occupation is different.
 - Overcrowding of Baffins Ward, wider city, overtly dense development.
 - Proximity to Fratton Park, and parking pressures associated with matchdays
 - Transient tenants due to the loss of a family-oriented area. Social cohesion, HMO would impact community social fabric
 - Noise and general impact on residential amenity, for example, litter, bin overflow, 'clean living'.
 - Impact on disabled parking on Langstone Road, and residents having to park further from their properties. Specifically, 4 disabled parking spaces within 150m of dwelling.
 - Precedent of an approval for HMO use in an area with low HMO use.
 - Possible conflict with PCS20 and the HMO SPD, i.e. other properties close by that exhibit the traits of an HMO.
 - Existing HMOs on street (no.49) and issues therewithin.
 - Impact on health and well-being of neighbours and occupiers
 - Fire safety of the HMO
 - Speed bumps on the road incompatible with the development
 - Insufficient facilities to cope with the waste generated
 - Environmental concerns, due to higher energy consumption of HMOs which would exacerbate local and global environmental issues
 - Deceit of the applicant by starting works prior to permission
 - Strain on local services such as dentists and GPs
 - Character and appearance of local area
 - Site notice being taken down by developer, lack of publicity of application
 - Dwelling is being advertised as a 6 bedroom property.

- 6.4 The following points were also made which are not considered to be material considerations in the determination of the application;
- Impact to house prices, difficulty in future sale of houses near the HMO
 - Damage to neighbouring properties and outbuildings
 - Party Wall Act concerns

7. POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Portsmouth Plan (2012) and the saved policies of the Portsmouth City Local Plan (2006)

7.2 The following policies are of particular relevance in this case:

The Portsmouth Plan (2012)

- PCS23 - Design & Conservation
- PCS20 - Houses in Multiple Occupation
- PCS17 - Transport

Pre-Submission Portsmouth Local Plan 2020-2040

The Pre-Submission Portsmouth Local Plan 2020-2040 was endorsed at full council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024. Policies relevant to this application include:

- PLP1: Design
- PLP20: Houses in Multiple Occupation
- PLP22: Space Standards
- PLP47: Movement and Transport
- PLP48: Access and Parking

7.3 Having regard to the NPPF paragraph 49 and the stage the emerging plan has reached in its preparation, limited weight is given to the above policies at this precise time.

7.4 Supplementary Planning Documents and Guidance

7.5 The following have been adopted by the Council as Supplementary Planning Documents and are relevant to the proposals;

- Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings (2022)
- Houses in Multiple Occupation (HMOs) (2019) - ('the HMO SPD')
- Solent Recreation Mitigation Strategy (2017)
- The Parking Standards and Transport Assessments Supplementary Planning Document (2014)

7.6 National Guidance

- National Planning Policy Framework (2024)
- National Planning Practice Guidance
- The Technical Housing Standards - Nationally Described Space Standards (2015)

8. OFFICER ASSESSMENT

8.1 The main issues for consideration in the determination of the applications include the following:

- The principle of development;
- The standard of accommodation;
- Impact on neighbouring living conditions;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other matters raised.

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 adopted 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 36 properties within a 50-metre radius of the application site, there is 1 confirmed HMO, as shown in Figure 1 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.



Figure 1: Residential properties and HMOs within the 50m radius of the application site.

- 8.6 Following further investigation, no additional HMOs have been uncovered by the Case Officer. One further property, no. 49 Langstone Road, was referenced by an objector as being a possible HMO. Council records, including planning records, licensing data and council tax data shows the property as being in a C3 use. The application proposal would bring the percentage of HMOs within the area up to **5.56%**. This would be lower than the 10% threshold above which an area is considered to be imbalanced and in conflict with Policies PCS20.
- 8.7 Having regard to the above, the proposal would comply with the aims and objectives of Policy PCS20 of the Portsmouth Plan (2012).
- 8.8 **Standard of accommodation**
- 8.9 The application seeks, in addition to a C3 use, the opportunity to use the property as a C4 HMO which would allow occupation by up to six individuals. The Applicant has referred to 6 occupiers in the total of 5 bedrooms in the submission, showing Bedroom 4 in the roof space being double-occupancy.
- 8.10 The HMO SPD sets out various expected room sizes and permutations, and also refers across to the Public Sector Housing 'Standards for Houses in Multiple Occupation' document dated September 2018.
- 8.11 The submitted plans have been checked by officers and, notwithstanding the annotations on the plans, the sizes stated below are those measured and assessed by the Planning Officer. For the proposed C4 HMO use, the room sizes have been assessed against the space standards for a 6 person HMO as shown in Table 1 below. Figure 2 below shows the submitted floor plans.

Room	Area Provided:	Size provided for in Guidance:
Bedroom 1	13.35m ²	6.51m ²
Bedroom 2	9.31m ²	6.51m ²
Bedroom 3	8.09m ²	6.51m ²
Bedroom 4 (double)	14.33m ²	11m ²
Bedroom 5	13.35m ²	6.51m ²
Combined Living Space	31.82m ² (excluding the rear corridor space)	34m ²
Additional Living Space	8.80m ²	Combine with communal space to achieve at least 34m ²
Shower room (ground floor)	2.83m ²	2.74m ²
Bathroom (first floor)	3.10m ²	3.74m ²
Ensuite (bed 4)	6.04m ²	3.74m ²
Storage (cupboard, second floor)	4.36m ²	Not required

Table 1: Schedule of room sizes

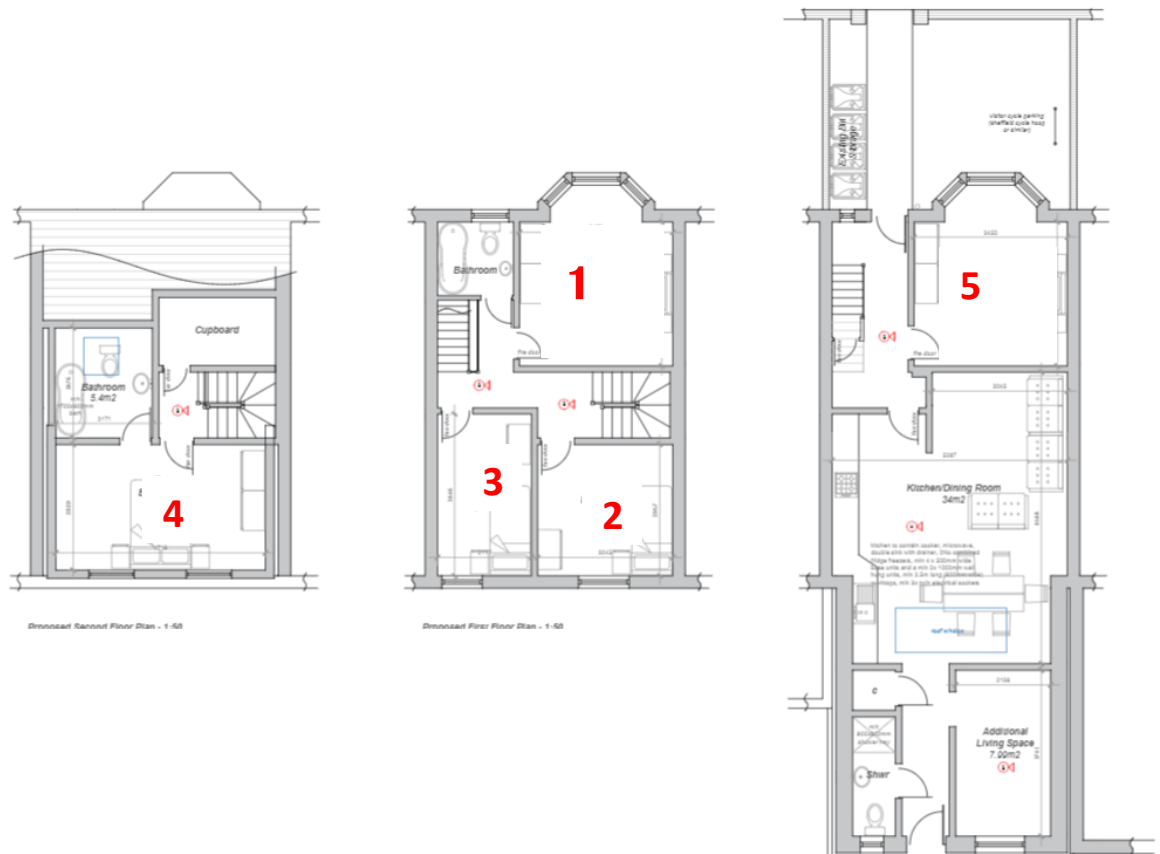


Figure 2: Submitted floor plans.

- 8.12 All of the rooms bar the first floor shared bathroom accord with the standards as set out within the HMO SPD, and all habitable rooms are of suitable configuration and would have good access to natural light and outlook. With regards to bath/shower rooms, Bedroom 4 has its own ensuite, leaving four persons sharing the first floor bathroom and the ground floor shower room. The required standard for four persons is only one bathroom. So, although the first floor bathroom is not to the required size, it is more than compensated for by the presence of the additional shower room. As such, it is considered the proposals accord with the SPD.
- 8.13 **Impact on neighbouring living conditions**
- 8.14 As well as the matter of mixed and balanced communities discussed above, further details concerning neighbouring amenity are contained within PCS20 and the SPD. The SPD seeks to ensure that the amenity and standard of living environment of neighbours and local occupiers is protected. This is explained within its Appendix 6, 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.
- 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 harmful.
- 8.16 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 household, 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.

- 8.17 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, any impacts of this on neighbours' living conditions would be nominal and unlikely to be regularly perceived by adjacent occupiers. It is not considered that the impact of one further HMO (bringing the total to 5.56% within a 50m radius) would not have any demonstrable adverse impact on wider amenity.
- 8.18 Having regard to these material considerations, it is considered there would not be a significant impact on residential amenity from the proposal, and so the application would comply with PCS20 and the SPD.
- 8.19 **Highways/Parking**
- 8.20 The City Council's Parking Standards SPD sets the level of off-road parking facilities for new developments within the city and places an expectation of two off-road spaces for Class C4 HMOs with four or more bedrooms. The expected level of parking demand for a Class C3 dwellinghouse with four or more bedrooms (as existing) is also two off-road spaces.
- 8.21 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, with total car ownership being two or more vehicles.
- 8.22 The Council's Adopted Parking Standards set out an expectation for C4 HMOs of this size to provide space for the storage of 4 bicycles. The application proposes a bike store be provided in the rear garden, this will be secured by condition.
- 8.23 **Waste**
- 8.24 The storage of refuse and recyclable materials would remain similar to the existing - bins on the front forecourt - and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.25 **Impact on Special Protection Areas**
- 8.26 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 or C4 use, and 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 **Other matters raised in representations**
- 8.28 An objection has raised that the property was being advertised on a property website for 6 bedrooms. The Applicant has confirmed this was an error, the advert has been corrected to five bedrooms, and that the intentions for occupation are as per the submitted planning application. Irrespective of the advert, the application has to be determined on what is stated therein, being six persons in five bedrooms.
- 8.29 Issues during the construction of the HMO, Fire Safety, ongoing noise complaints and the character of potential tenants are an issue for Environmental Health or Private Sector

Housing to consider. This includes the reference from some objections to the potential of asbestos on site, and the burning of waste.

- 8.30 A resident informed the LPA of the removal (twice) of the Site Notice. The Development Management Procedure Order requires the LPA to replace a missing Notice during the 21 day publicity period. As set out above in the 'Representations' section, the LPA has complied with the Order by replacing the missing Notice (twice).
- 8.31 Biodiversity and Ecology concerns are not considered to be materially different from the existing C3 use. In any case, in terms of Biodiversity Net Gain the site is considered to have a 'de-minimis' exemption. This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m x 5m) of non-priority on-site habitat. Other legislative regimes cover any disturbances of bird nests or ecology concerns.
- 8.32 An objection point concerning drainage has been raised. It is not considered that a change of use from a Class C3 Dwellinghouse to an HMO would result in a significant impact on the local sewer network, and this was confirmed with a dismissed Appeal Decision in 2024 for a proposed Sui Generis HMO at 61 St Chads Avenue (ref 23/00676/FUL) . The Planning Inspector noted that "... *the construction, operation and maintenance of an adopted sewerage system is the responsibility of the statutory sewerage undertaker, in this case, Southern Water, and the sewerage undertaker has a legal duty under S94 of the Water Industry Act 1991 to provide an effective system of sewers in its area. These sewers become public sewers to which the owners/occupiers of premises, and the owners of private sewers, have a right to connect and thereby drain foul water regardless of any capacity issues*".
- 8.33 Objections have been raised on the retrospective nature of the application, with construction on site beginning before the determination of this application. The two extensions (roof, and ground floor rear extension) have been recently completed and works are in their final stages, such as painting, when the Planning Officer site visit was conducted. All works that have been completed fall within the permitted development rights pertaining to the dwelling (the roof extension), and the Prior Approval (ground floor rear extension).
- 8.34 **Human Rights**
- 8.35 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.
- 8.36 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 CONCLUSIONS AND PLANNING BALANCE

- 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), the HMO SPD, and the objectives of the National Planning Policy Framework (NPPF) (2024).

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:

- 2025.005 REV D, OS Licence No 100047474 (Location and Block Plan)

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

3. Cycle storage

Prior to first occupation of the property as a House in Multiple Occupation within Use Class C4, secure and weatherproof bicycle storage facilities for four 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 Policy PCS17 of the Portsmouth Plan (2012).

Informative:

- 1) Please be aware that an HMO license may be required. HMO licenses are assessed against new standards that may differ to those used in the Planning process and you are therefore advised to check the licensing requirements and standards prior to occupation. For more information, and to find out about our landlord accreditation scheme please contact the City Council's Private Sector Housing Team using the details below:

Email: housing.privatesector@portsmouthcc.gov.uk

Postal address: Private Sector Housing, Portsmouth City Council, Civic offices, Guildhall Square, Portsmouth, PO1 2AZ.

Phone Number: 023 9284 1659

- 2) The dual Use Classes C3/C4 (dwellinghouses/3-6 person HMO) hereby permitted allows the property to be used for either use interchangeably, overcoming the need for a new planning permission each time a material change of use from Class C3 to C4 occurs. It should be noted that 10 years from the date of this permission, the flexibility currently afforded by Schedule 2, Part 3, Class V of the Town and Country

- Public -

Planning (General Permitted Development) (England) Order 2015 (as amended) ceases and the use of the property at that time becomes the singular lawful use.

Should you wish the property to continue to be used as a dual Class C3/C4 use after the 10 year period, you would need to make a further planning application.

Please inform the local planning authority of the use of the property applicable at the expiry of the 10 year period.