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231 Laburnum Grove Portsmouth PO2 0HE

CHANGE OF USE FROM A DWELLINGHOUSE (CLASS C3) TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION

[24/01194/FUL | CHANGE OF USE FROM A DWELLINGHOUSE \(CLASS C3\) TO A 7-BED/7-PERSON HOUSE IN MULTIPLE OCCUPATION | 231 LABURNUM GROVE PORTSMOUTH PO2 0HE](#)

Application Submitted By:

Mr O Farr
Applecore PDM

On behalf of:

Hawkins

RDD: 01.10.2024

LDD: 26.11.2024

1. SUMMARY OF MAIN ISSUES

- 1.1 The application is brought to committee because 6 or more objections have been received.
- 1.2 The proposal is for the change of use from a C3 dwellinghouse to a 7 bed, 7 person house in multiple occupation (sui generis).

2. SITE AND SURROUNDINGS

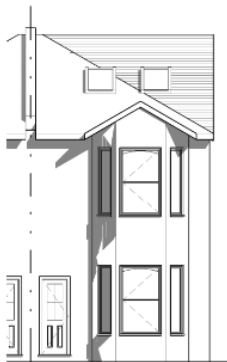
- 2.1 The application site comprises of a two-storey mid-terraced dwelling located to the northern side of Laburnum Grove as shown in **Figure 1** below. The property is set back from the highway by a small front garden and a fair-sized rear garden.
- 2.2 The surrounding area is predominantly residential in character with similar terraced properties. The application site falls within a residential area characterised by rows of two-storey terraced properties.



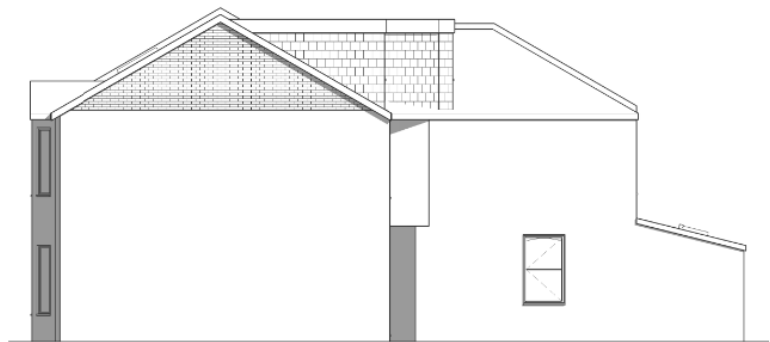
Figure 1 Location plan.

3. PROPOSALS

- 3.1 The proposal is for the change of use from a C3 dwellinghouse to a 7 bed, 7 person House in Multiple Occupation. These works would be facilitated by internal reconfiguration of rooms and a hip-to-gable extension, the addition of a rear dormer and front rooflights, undertaken with the benefit of permitted development rights.



4 Proposed Front Copy 1
1 : 100



5 Proposed Side Copy 1
1 : 100



6 Proposed Rear Copy 1
1 : 100



7 Section 1 Copy 1
1 : 100

Figure 2 Proposed Elevations and Sections showing permitted development dormer and rooflights

4. PLANNING HISTORY

4.1 24/00515/FUL

Change of use from dwellinghouse (Class C3) to 7 person/7 bedroom house in multiple occupation.

Recommended for refusal by planning committee due to communal space being less than 22.5m²

4.2 21/01083/HOU

Construction of hip to gable roof extension and 'L shaped dormer to rear/side roof slopes
Withdrawn (would have been recommended for refusal)
26.11.2021

5. CONSULTATIONS

5.1 Highways Team

5.2 Laburnum Grove is a residential road with parking accommodated through unrestricted on street parking, amenities are available in proximity along Copnor Road and London 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. There is a potential for increased instances of residents driving around the area hunting for a parking space, however this an issue of residential amenity for you to consider in your determination of the application. The proposal does indicate secure cycle storage, this should be provided prior to occupation of the new residential units

5.3 Private Sector Housing

5.4 Based on the layout and sizes provided there are no adverse comments to be made by Private Sector Housing. This property would require to be licenced under Part 2, Housing Act.

6. REPRESENTATIONS

6.1 Letters to adjoining properties were sent on 08.10.2024. A site notice was erected outside the site on 09.10.2024.

6.2 12 representations have been received in respect of the proposals. All 12 object to the scheme, including one from Cllr Benedict Swann. 2 of these letters were provided without the postal address of the objector. A further 2 of these letters were received from the same postal address.

6.3 The following objections were made to the scheme;

- Number of HMOs in the area including accuracy of HMO data held by the council;
- Impact on parking - highway safety, air quality, emergency services access;
- Impact of local character and heritage;
- Impact from noise of the development;
- Impact of local services, including doctors, dentists; the sewer network;
- Increase instances of anti-social behaviour and crime;
- Increase from waste at the site;
- Loss of family housing within the city;
- Impact on the Solent Special Protection Area;

6.4 The following points were also made which are not considered to be material considerations in the determination of the application;

- Complaints about methodology for determining number of properties in the 50m radius
- Request for a change in Policy from 10% to 5% or otherwise lower than existing for the threshold for HMO Applications
- Fire safety 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)

- PCS17 (Transport)
- PCS20 (Houses in Multiple Occupation)
- PCS23 (Design and Conservation).

Pre-Submission Portsmouth Local Plan 2020-2040

The draft Pre-Submission Portsmouth Local Plan 2020-2040 was approved for Regulation 19 consultation and submission for Examination at the meeting of Full Council on 28 May 2024 and consultation on the Pre-Submission Local Plan closed in September 2024.

- Core Policy PLP1: Design
- Strategic Policy PLP20: Houses in Multiple Occupation
- Strategic Policy PLP47: Movement and Transport
- Development Management Policy 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 upon amenity neighbouring residents;
- Parking;
- Waste;
- Impact upon the Solent Protection Areas; and
- Any other raised matters

8.2 **Principle of Development**

8.3 Five-year Housing Land supply.

8.4 The National Planning Policy Framework (NPPF) states that planning decisions should be based on a presumption in favour of sustainable development (paragraph 11). That presumption does not apply where the project is likely to have a significant effect on a 'habitats site' (including Special Protection Areas) unless an appropriate assessment has concluded otherwise (paragraph 182). Where a local planning authority cannot demonstrate a five-year housing land supply of deliverable sites, the NPPF deems the adopted policies to be out of date and states that permission should be granted for development unless:

- I. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.5 Currently, the Council can demonstrate 4.97 years supply of housing land. The starting point for determination of this application is therefore the fact that the authority cannot demonstrate a five-year supply of housing. This development would provide greater occupation of the building, so make a small, additional contribution towards the City's housing needs, at a sustainable location in the city, with good public transport, retail and services, employment, leisure, health facilities, etc. These factors weigh in favour of the proposed development. The further, specific impacts of the proposal must still be considered as to whether the development is appropriate in detail, as set out below.

- 8.6 HMO Policy
- 8.7 Permission is sought for the use of the property as a Sui Generis HMO for 7 persons. The property is currently considered to have a lawful use as a self-contained dwelling (Class C3).
- 8.8 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.
- 8.9 Based on information held by the City Council, of the 60 properties within a 50-metre radius of the application site, one property has been identified as an HMO in lawful use. Therefore, the existing number of HMOs equates to 1.7% of the properties within the search area. The addition of the application property increases the figure to 3.3%. This includes no.245 Laburnum Grove which was granted planning permission on 17.01.2025, and therefore with this inclusion of this property, as per the methodology of the HMO SPD the density figure is 3.3%. The density falls below the 10% threshold limit above which an area is considered to be imbalanced. Comments have been raised regarding the high density of HMOs along Laburnum Grove and the accuracy of data held by the council; however, officers have checked planning history and licensing records. No conflict with the HMO SPD has been found.
- 8.10 In addition to the HMO plan as shown below, a full check of planning history of properties within the 50m radius has also been undertaken, tallying with the data in the HMO map.

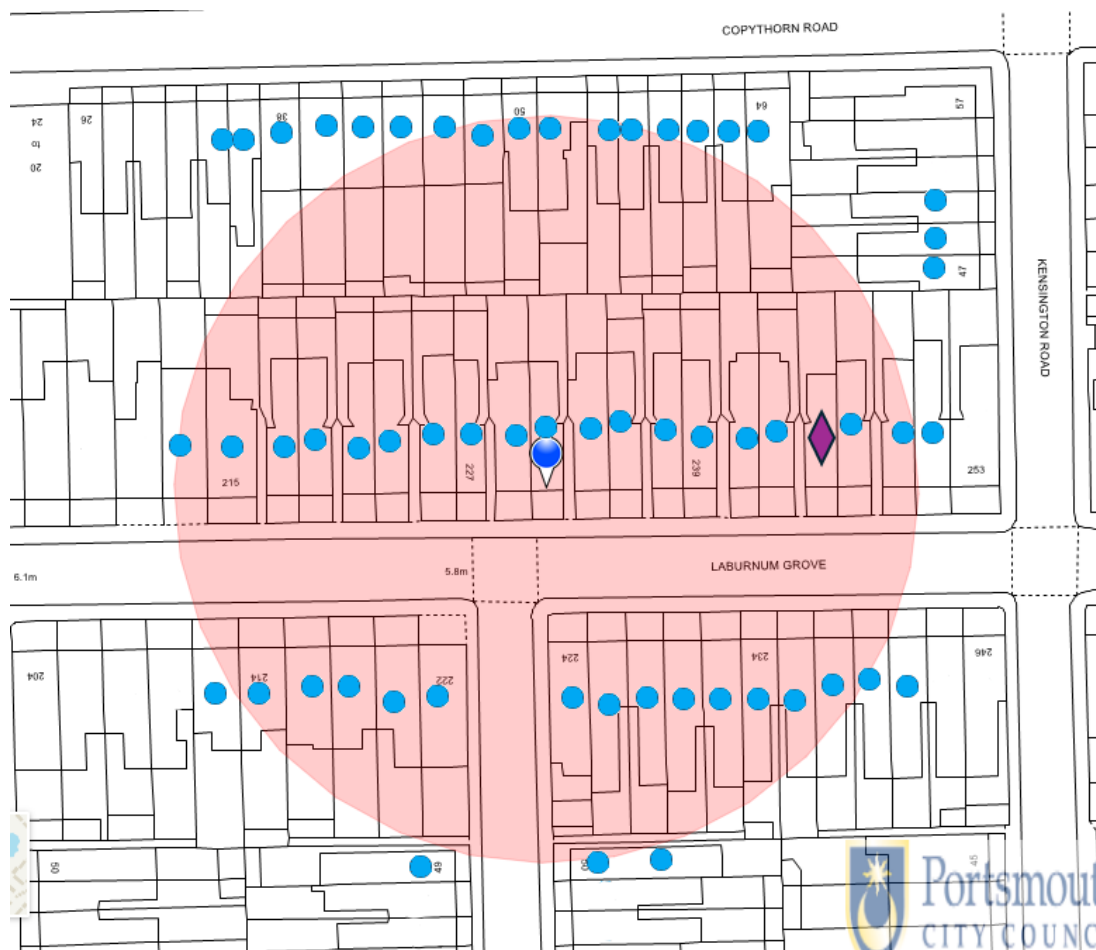


Figure 3 HMO map

- 8.11 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.
- 8.12 Having regard to the above, the proposal would comply with the aims and objectives of Policies PCS19 and PCS20 of the Portsmouth Plan (2012).
- 8.13 Standard of accommodation
- 8.14 The application seeks Sui Generis HMO use for 7 persons and proposes the following room sizes as measured by the planning officer, as shown in Table 1 below.

Room	Area Provided	Required Standard
Bedroom 1 ground floor (Single use)	11m ²	10.00m ²
Bedroom 2 ground floor (Single use)	10.75m ²	10.00m ²
Bedroom 3 first floor (Single use)	12.7m ²	10.00m ²
Bedroom 4 first floor (Single use)	11.7m ²	10.00m ²
Bedroom 5 first floor (Single use)	12.3m ²	10.00m ²
Bedroom 6 second floor (Single use)	10.4m ² (taken up to 1.5m head height line)	10.00m ²
Bedroom 7 second floor (Single use)	10.1m ²	10.00m ²
Communal Kitchen/Dining area (ground floor)	26.3m ² (taken from point demarked by applicant to exclude corridor)	22.5m ² (because all bedrooms exceed 10m ²)
Ensuite bathroom for bedroom 1	2.76m ²	2.74m ²
Ensuite bathroom for bedroom 2	2.75m ²	2.74m ²
Ensuite bathroom for bedroom 3	3.13m ²	2.74m ²
Ensuite bathroom for bedroom 4	2.8m ²	2.74m ²
Ensuite bathroom for bedroom 5	3.1m ²	2.74m ²
Ensuite bathroom for bedroom 6	2.79m ²	2.74m ²
Ensuite bathroom for bedroom 7	2.93m ²	2.74m ²
Tanks Room (first floor)	1.1m ²	N/A additional

Table 1 - HMO SPD (Oct 2019) compliance

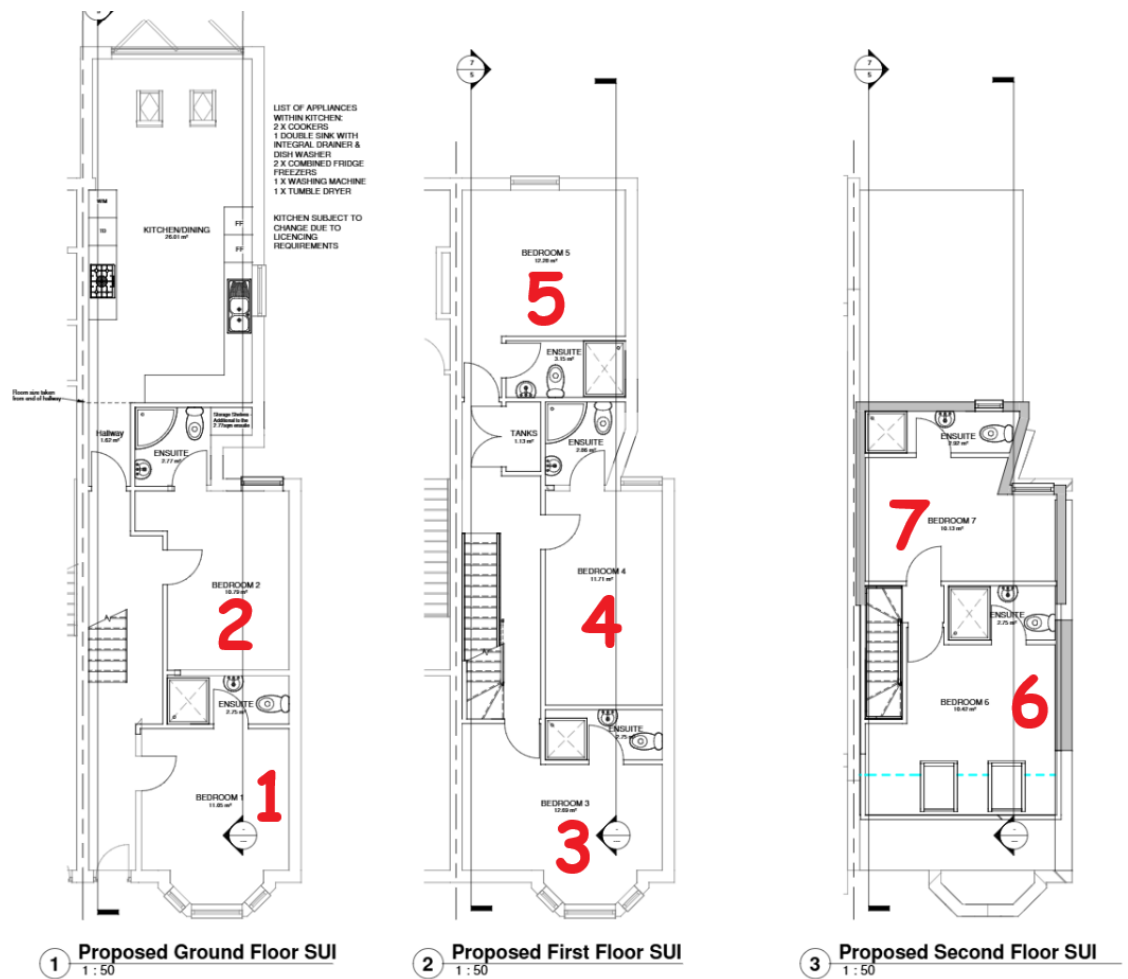


Figure 4 Floor Plans

- 8.15 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.
- 8.16 All habitable rooms have good access to natural light with a full length window added to bedroom 2 on the ground floor for additional light and outlook; in addition, a rear garden of some 35 sqm also provides external amenity space for the residents. Additionally, the communal area has patio doors, roof lights, and a side facing window which ensure adequate provision of natural light to this shared area.
- 8.17 All 7 bedrooms would have ensuite facilities, the accommodation therefore would provide a suitable overall arrangement of sanitary facilities.
- 8.18 Impact on neighbouring living conditions
- 8.19 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 of the property by up to 7 unrelated persons as an HMO would be unlikely to be

significantly different from the occupation of the occupation as a dwellinghouse in Class C3.

- 8.20 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 additional HMO would not be significantly harmful.
- 8.21 All alterations to facilitate additional living accommodation are to be undertaken using permitted development rights, which the property benefits from. Any objections regarding overlooking or loss of light from the dormer window would not be material planning considerations in the determination of this application as these works can be carried out without the need for planning permission.
- 8.22 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal.
- 8.23 Highways/Parking
- 8.24 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 Sui Generis HMOs with four or more bedrooms. It should be noted that the expected level of parking demand for a Class C3 dwellinghouse with three bedrooms is 1.5 off-road spaces. The proposal has no off-street parking, which is no change from the current use.
- 8.25 As explained above, neither the Highways Officer nor Planning Officer highlights an issue with the scheme on the grounds of a lack of off-street parking. As the SPD requirement for parking is not very different for the proposal than a similarly sized Class C3 dwellinghouse or HMO, it is considered that refusal on a lack of parking is not reasonable or defensible. There is no objection on either highway safety grounds and therefore refusal 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, 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.
- 8.26 The Council's Adopted Parking Standards set out a requirement for HMOs to provide space for the storage of at least 4 bicycles. The property has a rear garden where a proposed secure cycle storage is shown to be located and there is side access to the rear of the property. The requirement for cycle storage is recommended to be secured by condition.
- 8.27 Waste
- 8.28 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.
- 8.29 Other matters raised in objections
- 8.30 Comments regarding the HMO radius test and density need to be dealt with via the local plan process or during consultation on any proposals to amend the SPD. The 10% threshold and radius test remains as adopted guidance in the SPD. Fire safety would be within the control of the licensing and building control regimes.
- 8.31 Impact on Special Protection Areas
- 8.32 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 can be secured through a s111 agreement.
- 8.33 **Human Rights**

- 8.34 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.
- 8.35 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) and the objectives of the National Planning Policy Framework (NPPF) (2024).

RECOMMENDATION

Conditional Permission

RECOMMENDATION I - That delegated authority be granted to the Assistant Director of Planning & Economic Growth to Grant Conditional Permission subject to satisfactory agreement of an internal local authority approval mechanism (an equivalent legal agreement) to secure:

- (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 an internal local authority approval mechanism (an equivalent legal agreement) has not been satisfactorily agreed within six months of the date of this resolution.

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 drawing - Drawing numbers: Location Plan TQRQM24110101712242; Block Plan TQRQM2411010404566; Proposed Plans PG.9041.24.5 Rev B

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, 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.

4. Waste Storage:

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.

5. Water Efficiency:

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.

6. PD works:

The rear dormer and front rooflights shown on the plans (Ref: Proposed Plans PG.9041.24.5 Rev B) shall be completed prior to the first occupation of the property as an HMO.

Reason: To ensure the layout provided is fully implemented and the accommodation is suitable for the proposed occupation in accordance with Policies PCS20 and PCS23 of the Portsmouth Plan (2012).