

24/01524/FUL

WARD: COSHAM

180 HAWTHORN CRESCENT PORTSMOUTH PO6 2TR

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) INTO HOUSE OF MULTIPLE OCCUPANCY (C4 USE CLASS) CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AFTER DEMOLITION OF LEAN-TO STRUCTURE

[24/01524/FUL | Change of use from dwelling house \(Class C3\) into House of Multiple Occupancy \(C4 use class\) construction of single storey rear extension after demolition of lean-to structure | 180 Hawthorn Crescent Portsmouth PO6 2TR](#)

Application Submitted By:

Mr Bernard Harding
BH Architecture Ltd

On behalf of:

Mr Gavin Bateman

RDD: 20.12.2024

LDD: 15.02.2025

1. SUMMARY OF MAIN ISSUES

- 1.1 The application is brought before Planning Committee due to six or more letters from separate addresses having been received objecting to the proposals.
- 1.2 The application is for the change of use of the property from a dwellinghouse (Class C3) to a House of Multiple Occupation (HMO) (Class C4). Additionally, a single storey rear extension is proposed following the demolition of an existing rear extension. The main issues for consideration in the determination of the application are set out in para. 8.1 below.

2. SITE AND SURROUNDINGS

- 2.1 The application relates to a two-storey mid terrace dwellinghouse (Class C3) located on the southern side of Hawthorn Crescent as shown in Figure 1 below. The dwellinghouse sits back from the pavement with a paved driveway and to the rear of the property is an enclosed garden. The existing layout comprises of a WC, dining room, kitchen and living room at ground floor level; three bedrooms and a shower room at first floor level and a further one bedroom at second floor level.
- 2.2 The application site is within a predominantly residential area characterised by terraced dwellings, largely of two stories.

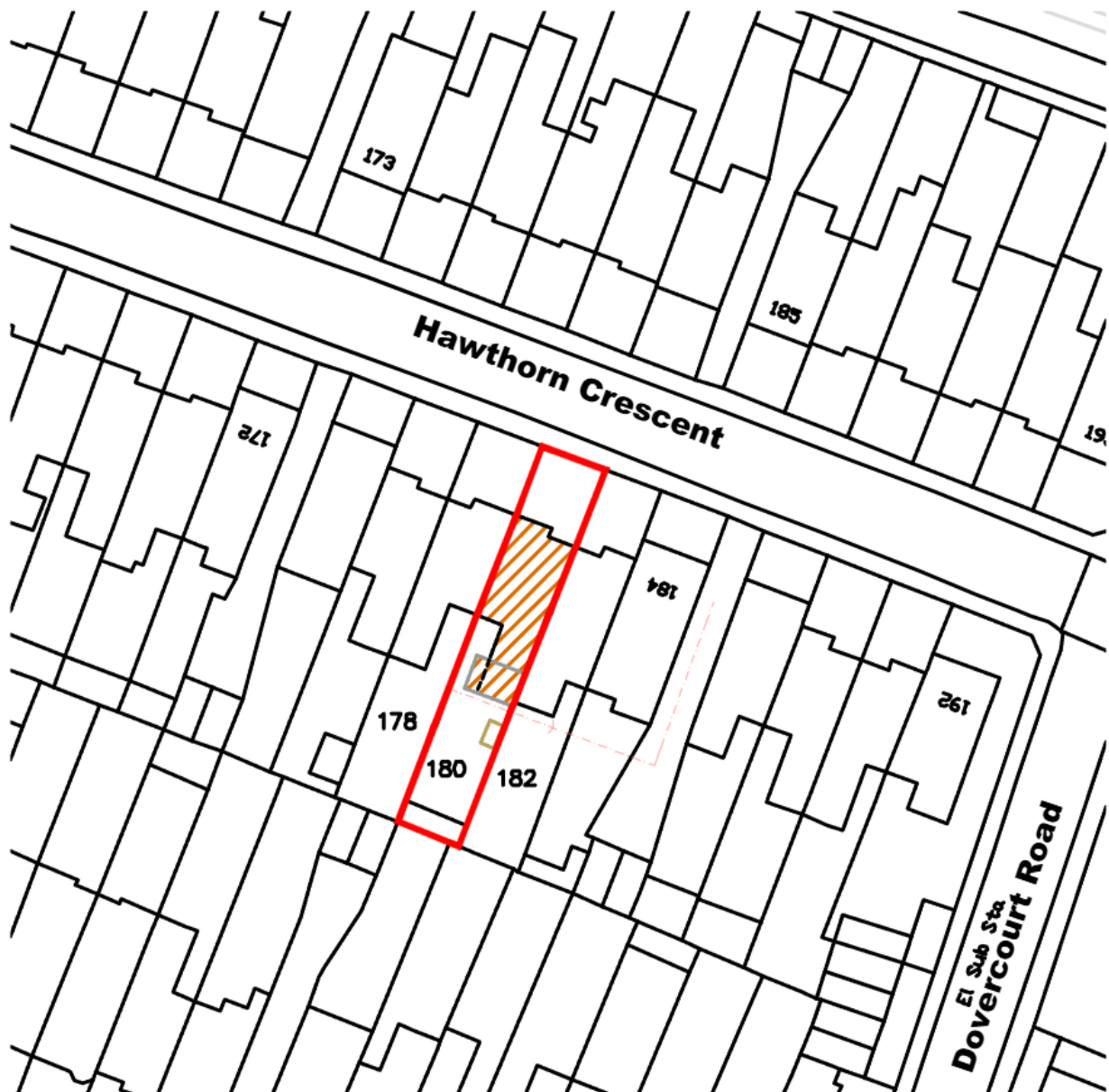


Figure 1 Site Location Plan

3. PROPOSALS

- 3.1 Planning permission is sought for the change of use of the property from a dwellinghouse (Class C3) to a House of Multiple Occupation (HMO) (Class C4).
- 3.2 The proposed internal accommodation, as shown in Figure 4 below, comprises the following:
 - Ground Floor - Two bedrooms (single occupancy) both with en-suite bathrooms; communal combined amenity area
 - First Floor - Two bedrooms (single occupancy) all with en-suite bathrooms; shared WC
 - Second Floor - One bedroom (single occupancy) with en-suite bathroom
- 3.3 The rear dormer at first floor level is existing, the rear extension is to be constructed and forms part of the development description. This would not benefit from Permitted Development Rights as it projects beyond a side elevation of the property and is more than half the width of the original dwellinghouse.

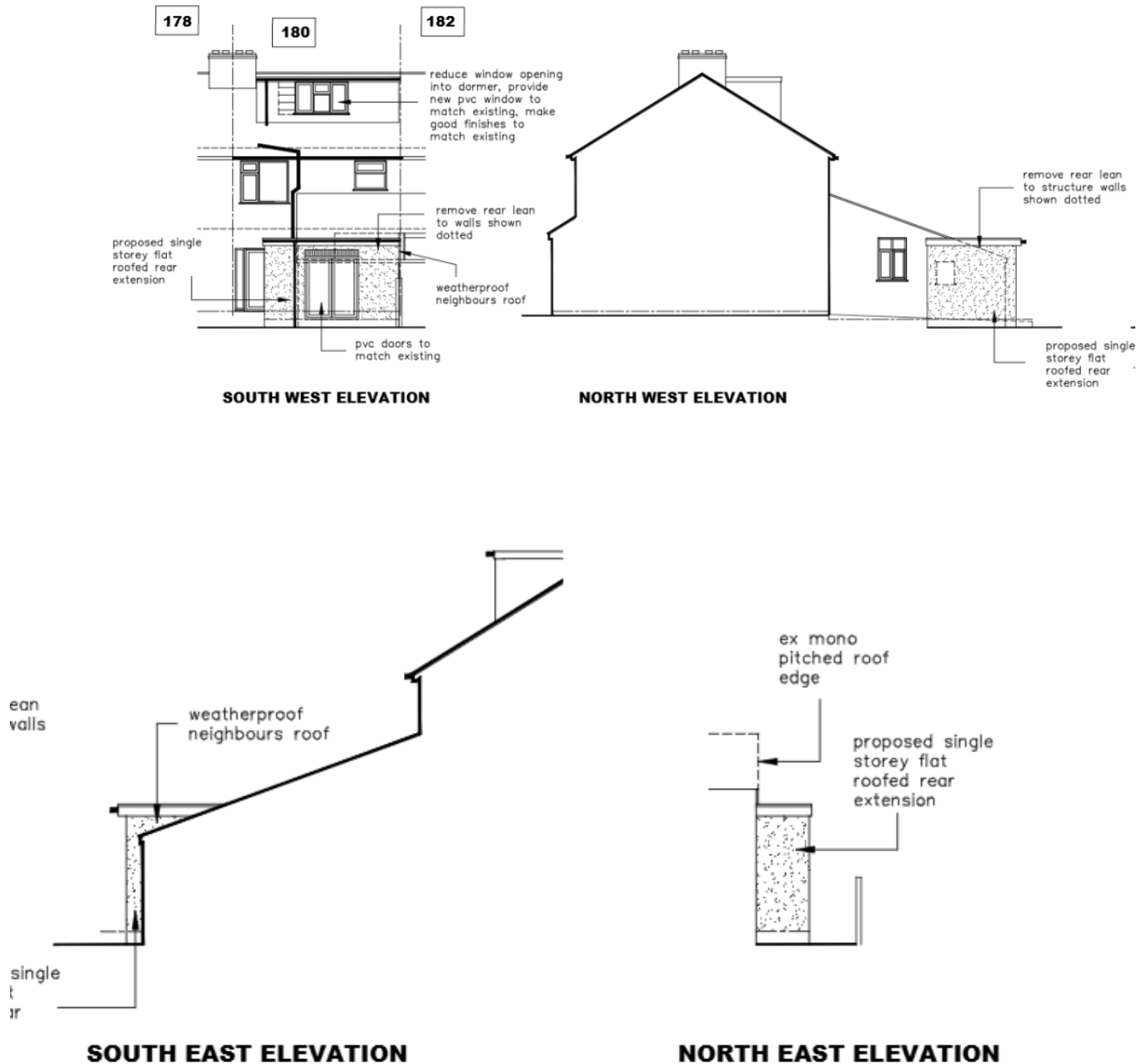


Figure 2 Proposed Elevations

4. PLANNING HISTORY

4.1 24/01282/FUL

Change of use from dwellinghouse (Class C3) to purposes falling within Class C4 (House in Multiple Occupation) including construction of single storey rear extension after demolition of lean-to structure

Refused due to lack of communal space. This application proposed 6 bedrooms.

11.12.2024

5. CONSULTATIONS

5.1 Highways Team

No objection - Hawthorn Crescent is a residential road with bus stops and local amenities in close proximity along Chatsworth Avenue and Portsmouth Road. It is not considered that the size of development would lead to a material impact to the function of the highway or result in any unacceptable safety impact. There may be increase insidences of vehicles hunting for space in the vicinity, this is however an issue of residential amenity for your consideration of the application, but it is noted that the property does benefit from two off road parking spaces. Condition required for secure cycle storage.

5.2 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 require a licence under Part 2, Housing Act 2004.

6. REPRESENTATIONS

6.1 Letters to adjoining properties were sent on 27.01.2025. A site notice was erected outside the site on 30.01.2025.

6.2 10 representations have been received in respect of the proposals. All 10 object to the scheme. 2 of these letters share the same postal address.

6.3 The following objections were made to the scheme;

- Increase in noise and disturbance;
- Increase in crime and anti-social behaviour;
- Lack of car parking provision leading to an increase in traffic and exacerbation of existing on-street parking problems;
- Undue strain on local services and infrastructure, including sewage, drainage, waste management and Doctors/Dentists
- Concerns about impact on community and loss of family dwelling
- No other HMOs in the local area would mean the proposal is out of character
- Over occupation of the property
- Overdevelopment of the site and issues with room sizes

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

- Party wall issues
- Loss of property value
- The application, if approved, could set a precedent for more HMO properties

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
- PCS17 - Transport

- PCS20 - Houses in Multiple Occupation

Pre-Submission Portsmouth Local Plan 2020-2040

The draft 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;
- Housing land supply;
- Acceptability of the external alterations in regard to design
- 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) 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 44 properties within a 50-metre radius of the application site, there are no confirmed HMOs, 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 3 Existing HMOs within 50m of the application site (none)

- 8.6 Following further investigation, no additional HMOs have been uncovered by the Case Officer. The application proposal would bring the percentage of HMOs within the area up to **2.3%**. 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 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 Policy PCS20 of the Portsmouth Plan (2012).
- 8.9 **Housing Land Supply**
- 8.10 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 195). 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 this 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.11 Currently, the Council can demonstrate 4.97 years supply of housing land (Authority Monitoring Report 2024). 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 access to public transport, retail and services, employment, leisure, health facilities, etc. The application is therefore acceptable in principle, complies with Policies PCS19 & PCS20 and these factors weigh in favour of the proposed development. The further, specific impacts of the proposal will be considered below as to whether the development is appropriate in detail.
- 8.12 **Design**
- 8.13 Policy PCS23 of the Portsmouth Plan echoes the principles of good design set out within the National Planning Policy Framework and requires all new development be well designed and respect the character of the city. The following will be sought in new development, appropriate scale, density, layout, appearance and materials in relation to the particular context.

- 8.14 The proposed extension to the rear is modest in scale with a total depth of 2.95m from the rear wall of the property. Due to the siting of the extension to the rear, its single storey scale and the surrounding buildings, the extension will not be visible in the streetscene of surrounding roads. The extension is not considered disproportionate in scale to the existing building and its design is appropriate in relation to the property.
- 8.15 Overall, the proposed rear extension is considered to be acceptable and in accordance with Policy PCS23.
- 8.16 **Standard of Accommodation**
- 8.17 The application seeks to use the property as a C4 HMO which would in planning terms allow occupation by up to six individuals. The Applicant has referred to five occupiers in the submission. As the communal area is only adequate for up to five occupiers, a condition is suggested to limit occupancy levels.

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) (ground floor)	8.75m ²	6.51m ²
Bedroom 2 (single occupancy) (ground floor)	13.1m ²	6.51m ²
Bedroom 3 (single occupancy) (first floor)	9.7m ²	6.51m ²
Bedroom 4 (single occupancy) (first floor)	8.7m ²	6.51m ²
Bedroom 5 (single occupancy) (second floor)	10.4m ²	6.51m ²
Combined Living Space	24.7m ²	24m ²
Bedroom 1 ensuite	2.8m ²	2.74m ²
Bedroom 2 ensuite	2.8m ²	2.74m ²
Bedroom 3 ensuite	2.8m ²	2.74m ²
Bedroom 4 ensuite	2.8m ²	2.74m ²
Bedroom 5 ensuite	3.5m ²	2.74m ²
Shared WC (first floor)	3.9m ²	N/A Additional
Additional first floor communal area	4.5m ²	N/A Additional

Table 1 Schedule of Floor sizes

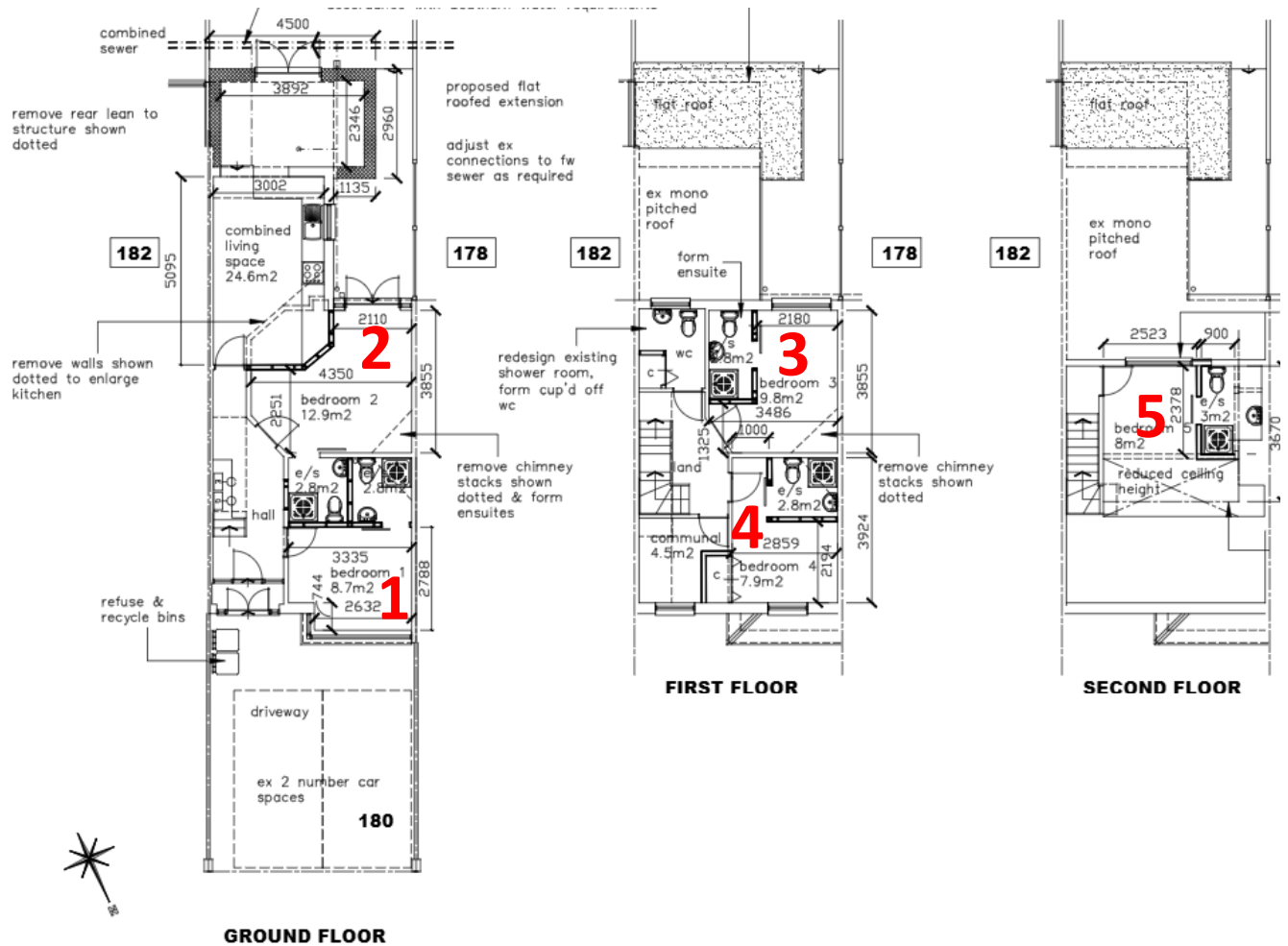


Figure 4 Proposed Floorplans

8.18 All of the rooms accord with the standards as set out within the HMO SPD (October 2019) and 'The Standards for Houses in Multiple Occupation' document dated September 2018. Furthermore, all habitable rooms would have good access to natural light. An unrestricted C4 consent could allow up to six occupiers. The combined communal area is below the required 34m² for six occupiers, therefore a condition is required to limit occupancy to 5 occupiers.

8.19 The scheme therefore complies with Policy PCS23 and the HMO SPD in this regard.

8.20 Impact on neighbouring living conditions

8.21 In terms of the impact on the living conditions of the adjoining occupiers, it is considered that the level of activity associated with the use of the 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 in this case up to 5 unrelated persons as a house in multiple occupation. This is borne out by the fact that without an Article 4 Direction made in 2011, the application would be permitted development under Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 and would not require planning permission.

8.22 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 an additional HMO is acceptable. The HMO SPD & PCS20 specifically permits additional HMOs in such locations in order to support mixed and balanced communities.

- 8.23 Activity with 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. However, there is no evidence this will cause significant harm to neighbouring living conditions and therefore it is considered that the impact of one HMO (bringing the total to one within a 50m radius) would not have any demonstrable adverse impact to wider amenity.
- 8.24 With regards to the proposed rear extension, this would ordinarily be within permitted development limits for depth as noted in para. 3.3 above. The extension would project approximately 0.3m beyond the rear addition of the adjoining neighbour at no.182 Hawthorn Crescent. It is not considered that there would be a materially harmful impact on neighbouring living conditions by means of overshadowing, loss of light, privacy or increased dominance.
- 8.25 Having regard to this material consideration, it is considered there would not be a significant impact on residential amenity from the proposal and the scheme therefore complies with Policy PCS23 in this regard.
- 8.26 **Highways/Parking**
- 8.27 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 4 or more bedrooms (as existing) is also 2 off-road spaces.
- 8.28 The C4 element of the proposal compared to the existing property has the same requirement for parking spaces. 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.
- 8.29 The application site has two off road parking spaces on the paved front garden area, and therefore the provision of parking spaces is in accordance with the City Council's Parking Standards SPD.
- 8.30 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.
- 8.31 The scheme therefore complies with Policy PCS17 in this regard.
- 8.32 **Waste**
- 8.33 The storage of refuse and recyclable materials would remain unchanged, and an objection on waste grounds would not form a sustainable reason for refusal.
- 8.34 **Impact on Special Protection Areas**

8.35 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 C4 use (both would allow up to 6 people), 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.

8.36 **Other matters raised in representations**

8.37 Party wall issues are a civil matter. The applicant has correctly served Certificate B for the rear extension works. Loss of property value is not a material planning consideration. All applications are assessed on their own merits and therefore the granting of planning permission for this application would not set a precedent for further HMOs within the local area. The Council's adopted policies and guidance support the provision of further HMOs subject to compliance with the criteria in these policies and guidance.

8.38 **Human Rights**

8.39 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.

8.40 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 drawing - Drawing

numbers: Block and Location Plan 5; Proposed Elevations 4; Proposed Floor Plans 3 Rev C

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

3. Occupancy Limit

The Class C4 HMO hereby approved shall only be occupied by a maximum of 5 residents

Reason: To order for the property not to exceed the SPD standards for the number of residents given the lack of further communal space in accordance with Policy PCS20 of the Portsmouth Plan.

4. 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 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.

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