

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 23 April 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 20 Elmsleigh Gardens SO16 3GF			
Proposed development: Part Two Storey, Part Single Storey Side And Rear Extensions To Existing C4 HMO			
Application number	13/00215/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	02.04.2013	Ward	Bassett
Reason for Panel Referral:	Referred by the Planning & Development Manager due to wider public interest	Ward Councillors	Cllr L Harris Cllr B Harris Cllr Hannides

Applicant: Mr Singh	Agent: Sanders Design Services Ltd
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that the occupancy of the property by one additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is located on the north east side of Elmsleigh Gardens to the north of Burgess Road, within Bassett ward. This attractive residential street is comprised of detached and semi detached dwellings with a mix of styles, and a mature landscaping.
- 1.2 The site contains a 2 storey detached dwelling which is well set back from the street, with a side driveway leading to a garage. The property is established as a small HMO (class C4) with 4 bedrooms (the lounge is used as a bedroom), and communal facilities including a bathroom, kitchen, diner, and toilets.

2.0 Proposal

- 2.1 It is proposed to erect a part two storey, part single storey rear extension and a single storey side extension to an existing C4 HMO. This will extend an existing bedroom on the first floor, and provide an additional bedroom and larger kitchen and dining facilities on the ground floor.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23rd March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

4.0 Relevant Planning History

- 4.1 There is no relevant planning history.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **13** representations have been received from surrounding residents, including 11 letters of objection and 2 of support. The comments are summarised below:

5.2 Comment

The increase in occupants and resultant visitors will increase noise disturbance to neighbours, as well as 18 Elmsleigh Gardens due to the narrowing of the adjoining side passage.

Response

The tenancy agreements submitted shows there are currently 4 unrelated occupants. Resultantly, there will be an additional bedroom to allow 1 more occupant. It is considered that the noise and activities associated with the intensification of use of 1 additional occupant will not significantly be different to the existing occupation. An additional occupant will not result in a material change of use of the property, which will remain as a small HMO (class C4). Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed. Noise disturbance is enforced separately under Environmental Health legislation.

5.3 Comment

The size and cost of the extension being proposed seems excessive for the provision of one extra bedroom and it is a matter of concern that the number of occupants could exceed what is shown. With the potential for 6/7 occupants, as the garage to the rear may be converted to a bedroom when it is hidden from view, as well as the lounge.

Response

The proposed floor layout shows an open plan lounge and kitchen, which will be conditioned to be retained as shown to ensure that there is sufficient communal space for residents. The applicant is entitled to have upto 6 residents occupying the property as it is established as a small HMO, where there is no material change of use, however, there is potential for a maximum of 5 residents as there is only 5 bedrooms.

5.4 Comment

HMOs are profit making business more akin to boarding houses than social housing. The applicant has applied for a 'householder' when it is currently occupied by 4 tenants, even though permitted development rights have been withdrawn under the Article 4 direction dated 23rd March 2012.

Response

As a small HMO is a dwelling, the applicant is able to apply for permission under a householder application. Permitted development rights for householders still apply to small HMOs. The financial business of the landlord is not a material planning consideration. The applicant is not required to occupy the property to be able to apply under a householder application.

5.5 Comment

The applicant may have more than one name as stated on the application form, and this is insufficient to identify the owner of no. 20 without reference to the Land Registry.

Response

The applicant is duty bound to provide accurate information on the application form, and the LPA should take the information provided in good faith.

5.6 Comment

The neighbour will be unable to erect scaffolding to maintain the side of their property to detriment of their amenity.

Response

There is no planning restriction on the applicant building up to the boundary of their land. This is a civil matter to be resolved between the adjoining landowners.

5.7 Comment

There is insufficient gap to the side between the south east boundary for bin access and emergency access for an event such as a fire.

Response

The gap will be 860mm, which is sufficient to fit up to a 360 litre bin (large household bin) with a width of 600mm. A condition will be applied to require the bins to be stored to the rear except on collection days. The access for emergencies is assessed under other statutory legislation separate to the planning application.

5.8 Comment

There will be insufficient amenity space remaining, and loss of garden space will increase possibility of local flooding.

Response

The area of remaining amenity space will be approximately 90 square metres with a length of 10 metres. This is equivalent to the minimum standards in the Council's Residential Design Guide for a detached dwelling. Furthermore, it is considered that the amount of space remaining will not significantly affect surface run off drainage.

5.9 Comment

The removal of a parking space as result of the side extension and the increase in residents will result in increased on street parking, changing the residential character of the area. On street parking is under pressure from visitors to the University main campus.

Response

The Highway Officer has raised no concerns to the impact on highway safety from the loss of parking. The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed is unchanged. In addition, there is off-road parking on the forecourt for two vehicles. The maximum parking standards for a 5 bed HMO is 3 spaces; with 2 on site and the potential of a permit parking space, this complies with the standards.

5.10 Comment

The increase in the number of residents will result in overflowing refuse bins, and they will then put their waste in neighbour's bins.

Response

It is considered that there would not be significantly more refuse generated by 1 additional occupant. The standards in the Residential Design Guide requires 2 x 240 litre bins for households with less than 6 residents and, therefore, the existing number of bins is sufficient. Nuisance caused by littering or overflowing bins is enforced separately by other Council departments.

5.11 Comment

The proposed extension is an overdevelopment and will be out of character with the local area, which is characterised by properties with reasonably spacious gardens, and suitable distance between individual houses.

Response

It considered that the scale and massing of the proposed extension will be in keeping with the dwelling, as it will appear subservient in size, and the main part of the extension visible from the street will be a single storey side element well set back from the front wall of the original dwelling. The size of garden is equivalent to detached dwelling in the suburbs under the Council's minimum standards.

5.12 Comment

Property values will be devalued.

Response

This is not a material planning consideration.

5.13 Comment

This will set a precedent. The applicant is seeking further permission to extend a HMO, where they are already building out an extension at 1 Elmsleigh.

Response

The Council decides each case on its own individual merits.

5.14 Comment

Enlarging the existing HMO is unnecessary as there is already sufficient number of HMOs for students in the local area. This will further increase the concentration of HMOs and the number of transient residents and, therefore, unbalance the mix of households and long term residents in the local community, which will contrary to policy CS16.

Response

As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs and, therefore, the application is not contrary to policy CS16. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

5.15 Comment
There will be a harmful loss of the privacy to neighbours.

Response

The proposed extension will not result in direct overlooking of habitable rooms nor private garden areas of the adjoining dwellings.

5.16 **SCC Highways** – No objection.

5.17 **SCC Environment Health Housing** – No comments received, will update at Panel meeting, if any are received.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) under permitted development rights prior to 23rd March 2012. The applicant has provided a 12 month signed tenancy agreement for 4 tenants from 1st July 2011 to 30th June 2012, and 1st July 2012 to 30th June 2013.

6.2.2 The 10% threshold applicable to this site which falls within the Bassett Ward does not apply, as the HMO is already established as a small HMO on 23rd March 2012 and there will be no increase in the concentration of HMOs (section 6.7 refers).

6.2.3 An additional occupant will not result in a material change of use of the property, which will remain as a small HMO. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Within the class C4 HMO up to 6 unrelated occupants can live in a property without a material change of use occurring which requires planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of impact on amenity and character.

6.3.2 There will be an additional bedroom to allow 1 more occupant, where the ground floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the intensification of use of 1 additional occupant will not significantly be different to the existing occupation. It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than

students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.

6.3.3 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs.

6.3.4 It is considered that the scale and massing of the proposed extension will be in keeping with the dwelling, as it will appear subservient in size, and the main part of the extension visible from the street will be the single storey side element, which is well set back from the front wall of the original dwelling. The visual gap between no. 18 will be maintained as the side extension is single storey in scale.

6.4 Impact on amenity of neighbouring occupiers

6.4.1 There are no habitable room windows affected in the side elevation of the neighbouring properties affected. The depth of the proposed rear extension at single storey level will project 4m from the rear of the original dwelling, with an eaves and ridge height of 2.4 and 3.7m. There is sufficient separation from the closest habitable room windows to ensure there is no adverse impact on the outlook and light of the neighbouring occupiers. Furthermore, there will be no adverse impact, given the 2m separation distance of the 2 storey element (depth of 3m) from the common boundary of the no. 18.

6.4.2 The proposed extension will not result in direct overlooking of habitable rooms nor private garden areas of the adjoining dwellings and, therefore, adversely affect the privacy of the neighbouring occupiers.

6.5 Impact on highway safety

6.5.1 The Highway Officer has raised no concerns to the impact on highway safety from the loss of parking. The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed is unchanged. In addition, there seems to be off-road parking on the forecourt for two vehicles. The maximum parking standards for a 5 bed HMO is 3 spaces; with 2 on site and the potential of a permit parking space, this complies with the standards.

6.6 Standard of living conditions for future residents

6.6.1 It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 90 square metres with a length of 10 metres. This is equivalent to the minimum standards in the Council's Residential Design Guide for a detached dwelling. The communal spaces, including the lounge, will be retained by condition.

7.0 Summary

7.1 In summary, it is considered that an additional person will not materially affect the character of the local area in terms of the balance of households in the local

community, and will not adversely affect the amenity of local residents or highway safety.

8.0 Conclusion

In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(qq), 6(c), 7(a), 9(a), 9(b).

SB for 23/04/13 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the extension hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

03. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

04. APPROVAL CONDITION - Retention of communal spaces

The rooms labelled lounge and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved

and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

05. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4 Housing Delivery
CS16 Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

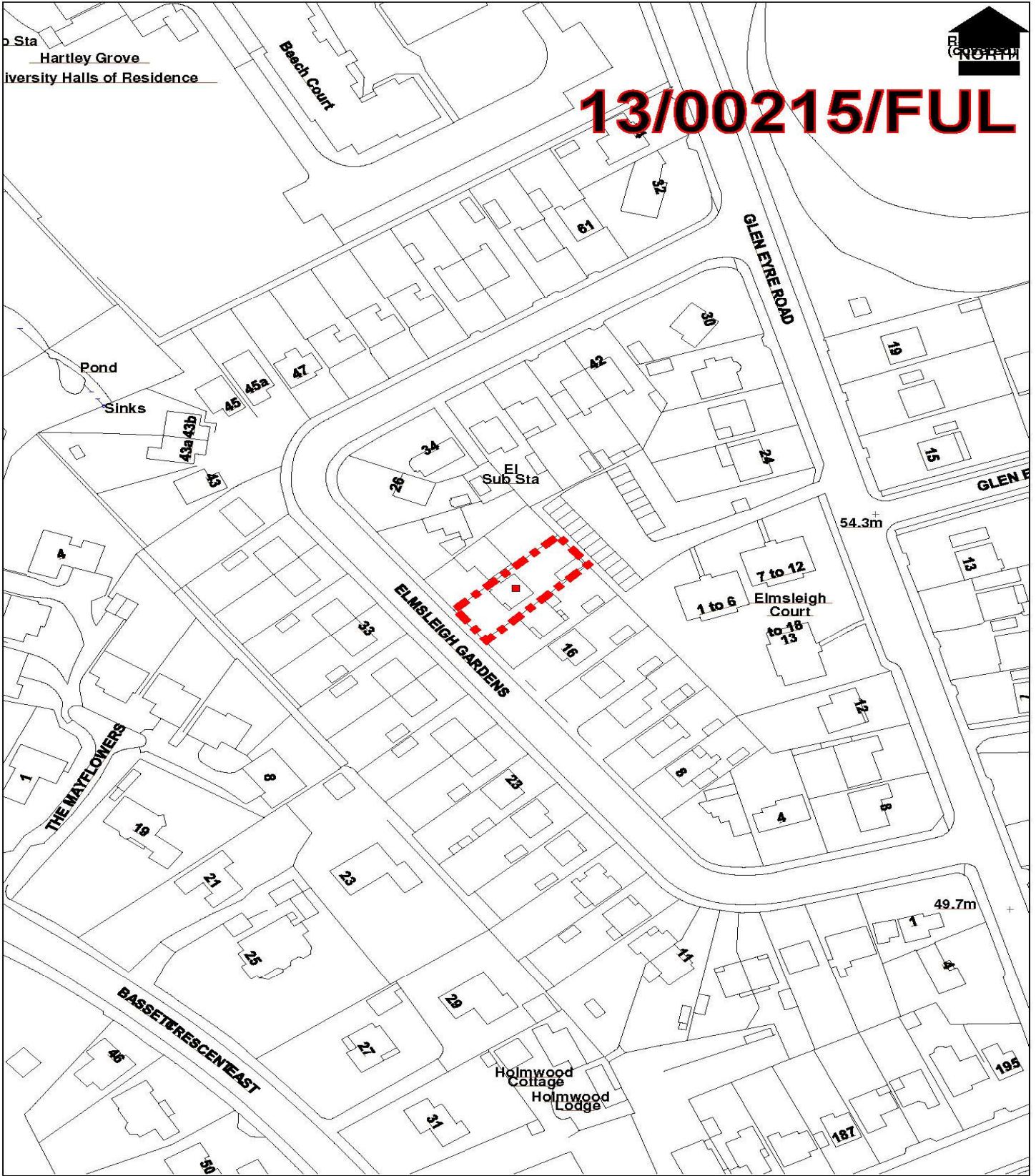
SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
H4 Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)
Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



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