



Appeal Decision

Site visit made on 26 February 2013

by T M Smith BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 April 2013

Appeal Ref: APP/D1780/A/12/2185123

30 Glen Eyre Drive, Bassett, Southampton, SO16 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lena Chesney against the decision of Southampton City Council.
 - The application Ref 12/00677/FUL, dated 9 April 2012, was refused by notice dated 2 July 2012.
 - The development proposed is change of use from C3 to C4.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effects of the proposal on the character of the area;
 - its effects on the living conditions of adjacent residents, having particular regard to noise and disturbance; and
 - whether the proposal would result in the unacceptable loss of family housing stock.

Reasons

3. Saved policy H4 of the Southampton LPR¹ only permits conversions to HMOs where, amongst other things, they would not be detrimental to the overall character of the area or the amenities of nearby residents. The Council have adopted a SPD² specifically in respect of HMOs in order to provide more detailed guidance in support of the policy, following the implementation of a City-wide Article 4 Direction which removed permitted development rights for the conversion of dwellings to HMOs.
4. In order to positively manage amenity and character impacts associated with HMOs and their concentrations, together with the need to maintain balanced communities within the city, a two tier threshold limit for HMOs is applied across the City³. A 10% threshold has been identified for the northern area in

¹ City of Southampton Local Plan Review adopted version March 2006

² Southampton Local Development Framework – Houses in Multiple Occupation Supplementary Planning Document – March 2012

³ Section 6.5, paragraph 6.5.1 Southampton Local Development Framework – Houses in Multiple Occupation Supplementary Planning Document – March 2012

which the appeal site falls and is subsequently required to be applied through a radius based assessment of HMOs within a distance of 40 metres from an application site.

5. At the wider ward level, the threshold has already been exceeded at 10.4%⁴. Notwithstanding this, the threshold is required to be applied using the radius based assessment. There are no HMOs within 40 metres of the appeal property. If permitted the threshold radius would still not be exceeded.
6. The appeal property comprises an attractive extended five bedroom detached property with integral garage and a large drive. The property occupies a prominent position in the street scene as it lies closer to the road in comparison with the neighbouring properties. Glen Eyre Drive by reason of the abundance of mature trees and hedging is an attractive and verdant suburban area within the ward of Bassett, and which appears to mainly comprise of large detached family housing. To the south west of the appeal property is the Glen Eyre Halls of Residence providing student living accommodation for some 2,000 occupants. The car parking serving the residence lies to the south of the appeal site adjacent to the garden of the appeal property.

Character of the area

7. Notwithstanding that the 10% threshold limit would not be exceeded, paragraph 6.5.1 of the SPD requires that other material considerations arising from the impact of the proposal are to be assessed. These include: *"the intensification of use, highway safety, and residential amenity of future and existing occupiers"*. This approach both compliments and sits alongside policy H4 of the Southampton LPR. The poor management of rented HMOs can lead to amenity and character issues which are identified at paragraph 5.4.2 of the SPD and include: on-street parking pressure; poor refuse management; neglected gardens; and lack of maintenance to housing stock. Furthermore, paragraph 7.5.3 of the Inspector's Report in to the Southampton LPR (Revised Deposit), contained within Appendix 8 of the Council's statement, confirms two problems associated with HMOs. The first is the condition of the properties and secondly, the people who occupy them. The Inspector acknowledged that: *"these were mostly students, some of whom have a different lifestyle and value system from the local community."*
8. I appreciate the appellant's contention that a Class C4 use would allow the occupation by any group of unrelated persons living as a single household and this could include young professionals, doctors and nurses. However, given the proximity of the property to the University Campus and its associated facilities, I consider that it is very likely that students would be attracted to this form of accommodation. This is reinforced through a statement provided by the appellant with the original application confirming that the property would be occupied by her daughter and four friends. Notwithstanding that the property would not comprise a rented HMO per se, it would still be occupied as such and the type of occupants could not be controlled by condition.
9. I accept that poor refuse and garden management can be exhibited by any occupants, regardless of the tenure of that property. However, these are recognised problems of, for example, groups of students living together in

⁴ Table 1 Distribution of HMOs, Southampton Local Development Framework – Houses in Multiple Occupation Supplementary Planning Document – March 2012

unmanaged accommodation who, due to their generally short stay in an area, often have little affinity with the settled family community and care less about their local surroundings. This can result in a slow degradation in the appearance of the property and its garden and amenity spaces, which then adversely impacts on the character of the street scene. Glen Eyre Drive is an attractive road where its occupants clearly take pride in their both their properties and the area, with houses and gardens maintained in addition to refuse bins brought in from the pavement. All of these actions contribute to the pleasant appearance and ambience of the area. I consider that the negative external effects of the proposed HMO occupation of the appeal property would be sufficiently noticeable to harm the character of the area.

10. Consequently the appeal scheme would fail to comply with the aims of policy H4 of the LPR and paragraph 6.5.1 of the SPD as they relate to safeguarding the overall character of an area. Having regard to paragraph 215, I find these policies to be consistent with the provisions of the National Planning Policy Framework, particularly since I consider that the proposal would conflict with paragraphs 17 and 58 of that document. These paragraphs require developments take account of the different roles and character of different areas as well as ensuring developments function well and add to the overall character of an area.

Living conditions of adjacent residents

11. For the reasons given above, the occupation of a HMO manifests itself differently from the occupation of a property by a typical family. This is outlined in the SPD and is based on research. It is also a view shared by the Council, local residents and the East Bassett Residents' Association. Whether the occupants are students or working adults with independent lifestyles, the additional comings and goings would differ significantly from a family dwelling and the existing conditions currently enjoyed by the residents of Glen Eyre Drive. These would have the potential for increased noise and disturbance and possibly anti-social behaviour. The appellant has referred to controls available for HMO accommodation which include the mandatory registration of HMO landlords and anti-social behaviour orders. However, I have been provided with no evidence that these control measures are either effective or would be put in place if this appeal had succeeded, and they could not be secured by planning conditions.
12. I conclude that the introduction of a HMO at this location would have the potential to cause material harm to living conditions of the existing residential occupiers of the area by virtue of noise and disturbance. It would therefore be contrary to the residential amenity aims of policy H4 of the Southampton LPR and paragraph 6.5.1 of the SPD. For the purposes of paragraph 215 of the Framework, the policy and SPD are consistent with the provisions of the Framework which requires as a core principle at paragraph 17, that planning always seeks a good standard of amenity for all existing and future occupants of land and buildings.

Loss of family housing

13. The Core Strategy⁵ at policy CS16 seeks to provide a mix of housing types and balanced communities, consistent with paragraph 50 of the Framework. This is

⁵ Local Development Framework Core Strategy Development Plan Document – adopted January 2010

to be achieved through a number of measures which includes, amongst other things, the control of HMOs. The Council expresses concern in terms of the availability of family houses and specifically refers to some 400 new jobs to be created at the university as well as highlighting student housing schemes in the city. However, the appellant considers that there is no specific evidence which suggests a specific need for 5 bedroom houses based largely on the absence of any such wording in policy CS16. None of the evidence presented by the parties on this matter is either definitive or conclusive. Policy CS16 was devised in specific response to the housing issues the City faces and which the Council has subsequently sought to further control through the Article 4 Direction and the SPD. This approach is consistent with the Framework at paragraph 50 which seeks *"to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."*

14. On balance I am not satisfied that the loss of a family home where the threshold would not be exceeded, would undermine the policies and guidance outlined above. However, this does not outweigh my concerns in respect of the potential harm that would occur to the character of the area and the living conditions of adjacent properties in conflict with policy H4 of the Southampton LPR and the Framework.

Other Matters

15. My attention has been drawn to a number of appeal decisions made in respect of HMOs, including one which relates to an application refused by Portsmouth City Council. None of the decisions are directly compatible with this appeal, all vary in terms of their location, intensification and status of local and national policies at the time. Therefore, they have had little bearing on my decision.
16. In light of the facts in this case, I do not consider that the revocation of the Regional Spatial Strategy for the South East alters my conclusions.

Conclusion

17. Although I have not found harm in relation to the retention of the stock of family dwellings in the City, I have to the character of the area and the living conditions of neighbours. These are the prevailing issues. Therefore, having had regard to all other matters raised, I conclude that the appeal should not succeed.

TM Smith

INSPECTOR