

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (West) 2 June 2015
 Planning Application Report of the Planning and Development Manager**

Application address: 17 Carlton Road			
Proposed development: Minor Material Amendment to remove condition 3 (permitted development restriction) of planning permission reference 14/01427/FUL (change of use from a 6-bedroom House In Multiple Occupation To A 7-Bedroom House In Multiple Occupation)			
Application number	15/00398/MMA	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	18.05.2015	Ward	Bevois
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received	Ward Councillors	Cllr Derek Burke Cllr Jacqui Rayment Cllr Stephen Barnes-Andrews
Referred by:	Cllr Jacqui Rayment	Reason:	Impact on character and amenity

Applicant: Dr J Jenkinson	Agent: Simpson Hilder Associates - Fao James Thompson
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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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. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, 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) as supported by the Council's Houses in Multiple Occupation Supplementary Planning Document (March 2012).

Appendix attached			
1	Development Plan Policies	2	Plans for previous applications

Recommendation Summary	Conditionally approve
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1.0 Introduction

1.1 The application is one of six separate applications, submitted concurrently, for works to existing Houses in Multiple Occupation (HMO's) in Carlton Road. The applications currently being considered are listed as follows and are highlighted on the attached location plan:

- 7 Carlton Road reference 15/00484/FUL
- 9 Carlton Road reference 15/00489/FUL
- 11 Carlton Road reference 15/00483/FUL
- 13 Carlton Road reference 15/00485/FUL
- 17 Carlton Road reference 15/00482/FUL and 15/00398/MMA.

1.2 Numbers 7, 11 and 13 are all existing Use Class C4 HMO's (up to six persons). Number 9 benefits from planning permission for use as a larger, Sui Generis HMO (limited to seven persons) and is essentially seeking to amend the scheme as approved to incorporate the two-storey side extension. Number 17 (this application) also benefits from planning permission for use as a larger, Sui Generis HMO (limited to seven occupants). This planning application seeks to remove a condition imposed on that planning permission which restricts permitted development rights. A further application has been submitted for the application property at no. 17 Carlton Road, to extend the property in a similar manner to the other applications listed above.

1.3 Whilst it is important to take a consistent approach to decision-making, each of the above listed applications should be determined on their own merits, taking into account the specific circumstances of each site.

2.0 The site and its context

2.1 This application site is located within the ward of Bevois. It is a predominantly a residential area, characterised by mainly two storey dwellings.

2.2 The site itself consists of a large two storey semi detached dwelling which currently occupied as a C4 HMO. The information submitted with a previous planning application for this site, demonstrate that the HMO use of the property is lawful and the Electoral Register and Council Tax records confirm this.

3.0 Proposal

3.1 This application seeks permission for the removal of condition 3 (Permitted Development Restriction) under permission 14/01427/FUL. Condition 3 reads as follows:

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 building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),

Class C (other alteration to the roof),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The National Planning Policy Framework (NPPF) came into force on 27 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.
- 4.3 Following the Article 4 direction coming into effect on March 23rd 2012, the conversion of a family house into a small HMO for up to six people requires planning permission. Any physical improvement to the property should be purely assessed against the Council's quality of development policies where the level of occupation does not exceed a small HMO as there would be no further affect the balance and mix of the households within the local area.
- 4.4 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 20% for the total number of HMOs in the ward of Bevois. 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 23 March 2012 and the threshold, therefore, does not apply in this case. The reason being that there would be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).
- 4.5 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of

good design.

5.0 Relevant Planning History

- 5.1 Prior to this application, permission (ref no. 14/01427/FUL, see **Appendix 2** for the decision notice and plans) was granted under officer delegated powers to change the use of the property from a small HMO (class C4 up to 6 persons) to a large HMO (7 bedrooms). This would be facilitated through rearranging the internal layout without any physical extension to the building.
- 5.2 On 30th June 2014, the Council also granted a proposed lawful development certificate for roof alterations to nos. 11, 13, 15 and 17 Carlton Road (reference 14/00669/PLDC). The development granted, but not implemented, would provide an additional two bedrooms in the roof space of each property. The plans for this certificate are included in **Appendix 2** of this report. It is important to note that, if a roof extension were to be constructed under permitted development, a condition imposed upon the change of use planning permission would prevent the overall occupancy from exceeding seven persons.
- 5.3 As noted above, there is a current full planning application also under consideration for a two-storey extension to the dwelling (reference 15/00482/FUL).

6.0 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **6** representations have been received from surrounding residents and a call in by the local Ward Councillors. The following is a summary of the points raised:

6.1.1 Comment

Overconcentration of HMOs already. Overdevelopment and over-intensification of the property, whilst adding more population to the densely populated area. Further occupiers will further harm the amenity of long term residents living in the local area. The Council's planning policy is meant to cap the increase of HMOs.

Response

There will be no further change to the balance of households in the local community. Permission has already been granted to increase the occupation of the property from a small C4 HMO to a large 7 bedroom HMO. As such, the alteration and enlargement works within the allowances of permitted development rights by removal of the condition would not be considered to materially harm the amenity and character of the local area. It is recommended that a condition to limit the occupancy of the property to 7 persons be re-imposed to prevent further intensification of the use.

6.1.2 Comment

Out of character. The Edwardian style of buildings in Carlton Road should be preserved as they are the only ones of their type in the local area. Affects the local conservation area.

Response

The changes under permitted development would be minor in scale within the

nationally accepted guidelines for extensions and alterations. The property is not highly visible within the setting of the conservation area within Carlton Crescent and The Avenue.

6.1.3 Comment

The condition should not be removed as this would worsen the living conditions for the occupiers. The owner is expanding a series of properties so the removal of the condition would further affect residents. No circumstances have changed to justify the removal of the condition.

Response

The number of occupiers is limited to seven persons, so any increase in occupation of the property as the result of an extension or roof conversion under permitted development rights would require planning permission. Permitted development tolerances require at least 50% of the curtilage to remain, which will ensure residents have access to external space.

6.2 **Consultation Responses**

6.3 **SCC Private Housing** - No objection

7.0 **Planning Consideration Key Issues**

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

- Principle of Development
- Impact on Character and Amenity

7.2 Principle of Development

7.2.1 An assessment should be made whether the reason for applying condition 3 under permission 14/01427/FUL meets the tests in line with the Government's guidance on the Use of Planning Conditions under section 21a of the Planning Practice Guidance.

7.2.2 The applicant is entitled to apply to the Local Planning Authority to review the imposing of the condition. In particular, whether it has been necessary and reasonable in restricting permitted development rights for extensions and alterations to the building. The reason for the condition being in the interests of visual amenity of the local area.

7.3 Impact on Character and Amenity

7.3.1 After a further review of this case, it is not considered necessary to retain this condition to restrict permitted development rights.

7.3.2 There will be no further change to the balance of households in the local community as a result extending and altering the existing property, given that permission has already been granted to increase the occupation of the property from a small C4 HMO to a large 7 bedroom HMO. Permission would be required for further increase the occupation of the property even if it was extended further, given that a condition would be imposed to limit the occupation of the property.

- 7.3.3 The property has a garden length of between 12 and 16m with a usable area of approximately 95sqm beyond the most rearward wall. This is larger than the Council usually seeks for new semi-detached dwellings. As such, this is considered to be sufficient enough space in the event of the property being enlarged under permitted development, including the erection of outbuildings (class E). It should be noted that class E does not permit the total footprint of all outbuildings to exceed 50% of the area within the curtilage of the property (excluding the ground area of the footprint of the original dwelling).
- 7.3.4 The alteration and extension of the property allowed under permitted development would be minor in scale whilst using matching materials and is, therefore, not considered to adversely affect the appearance and character of the property.
- 7.3.5 As such, the alteration and enlargement works within the allowances of permitted development rights by removal of the condition would not be considered to materially harm the amenity and character of the local area and the residents affected.

8.0 Summary

- 8.1 In summary, the removal of the condition is judged not to materially harm the amenity and character of the local area and the residents affected.

9.0 Conclusion

- 9.1 In conclusion, the proposal is not considered to be contrary to the Council's planning policy and guidance and, therefore, it is recommended that condition 3 is removed from permission 14/01427/FUL.

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 02/06/15 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - Number of occupiers

The number of occupiers at the property in connection with the change of use hereby permitted shall not exceed 7 persons.

REASON:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

03. APPROVAL CONDITION - Site Frontage

The boundary wall to the site frontage shall be retained and no refuse bins shall, except on the day of collection, be left on the Carlton Road pavement to front of the site.

REASON:

In the interests of providing a screen to the refuse bins and in the interests of pedestrian safety.

04. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been provided in accordance with the approved plans. The cycle store hereby approved shall thereafter be retained on site for those purposes.

REASON:

To encourage cycling as an alternative form of transport.

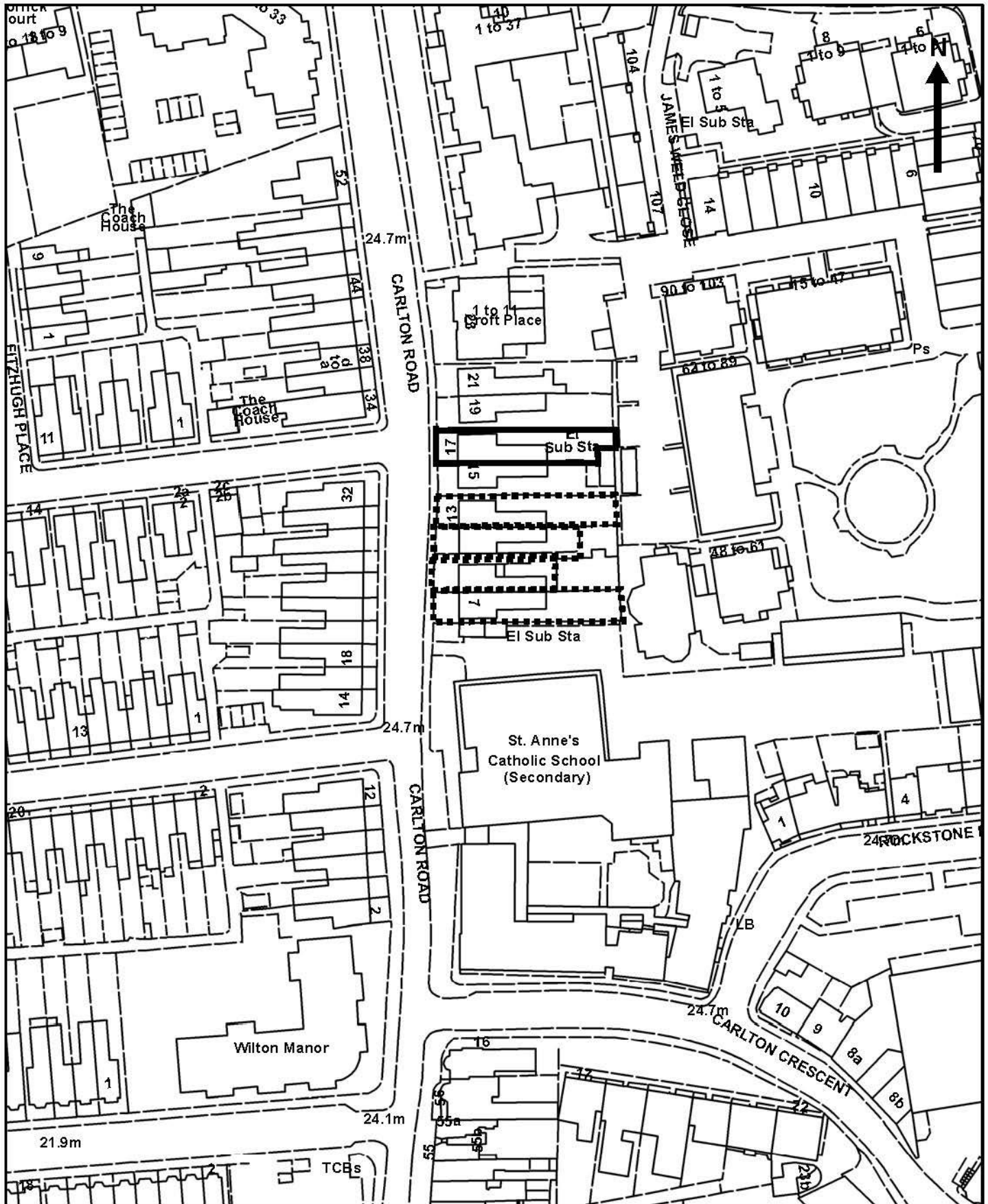
05. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to decision notice of planning permission 14/01427/FUL, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

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

15/00398/MMA



Scale: 1:1,250

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