

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 28 May 2013
 Planning Application Report of the Planning and Development Manager**

Application address: 23 Woodside Road SO17 2GU			
Proposed development: Change Of Use From A Dwelling House (Class C3) To A House In Multiple Occupation (HMO, Class C4) For Up To 5 Persons			
Application number	13/00510/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	8.05.2013	Ward	Portswood
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Mr Ramesh Sharma	Agent: None
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Recommendation Summary	Refuse
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Reason for refusing - Impact on character of the local area

The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area. This would result in an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Therefore, the proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012)

Appendix attached			
1	Development Plan Policies	2	Medical evidence from Dr Khan dated 6 March 2013
3	Marketing evidence from Morris Dibben dated 11 March 2013		

Recommendation in Full

Refuse for the reasons set out above.

1.0 The site and its context

1.1 The application site comprises a two-storey terrace property authorised for use as a C3 dwelling house. The surrounding area is predominantly residential in character comprising C3 dwellings and C4 houses in multiple occupation. The western side of Woodside Road is occupied by flatted blocks.

1.2 There is unrestricted parking within Woodside Road and adjoining streets with high take-up of curb side space.

2.0 Proposal

2.1 The proposal seeks to change of use from a C3 dwelling house (3-bedroom) to a C4 house of multiple occupation for up to 4 persons with a communal lounge and kitchen.

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 The City Council adopted its Houses in Multiple Occupation Article 4 direction and associated Supplementary Planning Document on the 23rd March 2012. The two documents immediately became material planning considerations and therefore applications submitted before that date but which have been/are determined after that date need to comply with the legislation before support can be given to those schemes.

4.0 Relevant Planning History

4.1 12/01599/FUL - Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4) for up to 5 persons was Refused on 07.12.12

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 undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.04.2013). At the time of writing the report 2 representations had been received from a local ward councillor and a local doctor which raise no objections.

5.2 The representations can be summarised as follows:

5.3 Councillor Vinson

In light of the medical evidence from Dr Jawad Khan (attached to this report as Appendix 2), and the length of time this property has now been on the market (evidence from Morris Dibben is attached as Appendix 3). No objection raised.

5.4 Dr Jawad Khan
Indicates that the applicant (Mr Sharma) is a chronically ill gentleman who has numerous health problems and is desperate to sell and move into a property that is better suited to meet his mobility needs.

5.5 **SCC Highways** - No objection however it is acknowledged there is high demand for on-street parking within this area.

5.6 **SCC Private Sector Housing** – No objections in principle to the change of use. However the applicant must show that the property meets the room sizes and amenity levels at set out in the SCC Guidance on HMO Standards. If planning permission is granted, the applicant is advised to contact Environmental Health Housing for further guidance on fire precautions and the HMO licence that would be required at the property before it is let.

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 residential amenity
- impact on highway safety
- Personal circumstances of the applicant

6.2 Principle of Development

6.2.1 The Article 4 direction came into affect on 23 March 2012 to remove permitted development rights to convert a C3 dwelling to a C4 HMO.

6.2.2 The main objective of Policy H4 and CS16 is to assess the balance between the contribution a HMO could make to meeting the housing demand, against the harm to the character and amenity of the area which might occur. The Houses in Multiple Occupation (HMO) SPD provides detailed guidance to assess this policy objective by assessing the concentration of HMOs against a 10% threshold for the Portswood ward in the HMO SPD. The threshold limit ensures that the sustainability, mix and balance of the community is maintained, whilst ensuring that the supply of housing meets future need. Section 5 of the HMO SPD sets out the evidence base to justify the threshold level set in terms of the main policy objective. The application retains the property for future use as a family home in accordance with policy CS16.

6.2.3 The main considerations are whether the impact on residential amenity, living conditions of future occupants, highway safety and the character of the surrounding area is acceptable.

6.3 Impact on residential amenity

The type of occupant in terms of their lifestyle is not a relevant material consideration, as the occupation of the HMO cannot be restricted to any type of group or individual under the planning system. The impact from the day to day comings and goings from the occupiers of a small HMO (between 3 and 6 people) is considered not to be significantly different to a family group and, therefore, will not have an adverse impact on the amenity of local residents. The Council has

statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and litter.

6.4 Impact on highway safety

6.4.1 It is acknowledged there is high demand for on-street parking within this area. However the increased travel demands arising from a change of use from a 3-bedroom dwelling house to a 4-bedroom house of multiple occupation would be negligible and would not demonstrably prejudice highway safety.

6.4.2 Regard has been given to the appeal decision at nearby 75 Tennyson Road on 24.12.2011(enforcement appeal for conversion of a dwelling house into 4 x 1-bed units), in particular paragraph 11 in relation to the failure to provide parking, where the Inspector commented that,

"On the occasion of my site visit, there was no space available for car parking on Tennyson Road. However, the type of accommodation at the appeal site is likely to attract occupiers who do not own cars. Furthermore, the lack of available on-road car parking coupled with the proximity of bus routes would make ownership of a car an asset of dubious value. The Council, as highway authority, had no objection to the proposal. Given all these circumstances, I consider that the development would have no significant effect on the demand for on-street parking within Tennyson Road and adjoining streets."

6.4.3 On this basis it is considered that increased demand for on-street parking could not be substantiated as a reason for refusal.

6.4.4 The standards set out in the Residential Design Guide (paragraph 9.2.2 refers) states that 2x240 litre wheeled bins (one with green lid, one with blue lid) are required for households with less than 6 residents. It is therefore considered that the same number of bins provided for a family would be sufficient for the needs of a small HMO.

6.5 Living conditions of future occupants

6.5.1 The Private Housing team have raised no objection to the proposal. The applicant has agreed to amend the HMO to a maximum of 4 bedrooms with communal lounge and kitchen. All habitable rooms will receive sufficient outlook and daylighting. Private amenity space is provided to the rear.

6.6 Impact on the character of the surrounding area

6.6.1 The property is established as a C3 dwelling and, therefore, must be assessed against the maximum threshold limit set by the HMO SPD which is 10% in Portswood ward. The threshold determines whether the concentration of existing and proposed HMOs will detrimentally affect the balance and mix of households surrounding the application site.

6.6.2 Following the guidelines of the HMO SPD, the location of existing HMOs has been surveyed within a 40m radius of the application site.

6.6.3 The adjoining properties numbers 21 and 25 are advertised as shared student housing and therefore the development fails the 10% threshold test contained within the HMO SPG. Nearby properties at 17, 35, 37, 39 and 41 Woodside Road were also observed as shared student houses during the site inspection. Council tax records indicate that numbers 11, 15, 17, 20, 33, 37, 43, 45, 47, 54 and 60 are registered as student HMOs. An update indicating the total % of HMOs within the 40m radius will be provided at the panel meeting.

6.6.4 Therefore, it is considered that the proposed HMO will have an adverse impact on the overall character and amenity of the area surrounding the application site in terms of the mix and balance of households in the local community. Furthermore, the concentration of HMOs surrounding the application site is not high enough to be considered under exceptional circumstances, where only 1 or 2 family homes would be remaining.

6.7 Personal Circumstances of the applicant

6.7.1 The applicant is chronically ill with numerous health problems and seeks to move from the 23 Woodside Road to a property that is better suited to his mobility needs. Evidence has been submitted from Dr Jawad Khan of Portswood Road surgery to support this. However the applicant has attempted unsuccessfully to sell his property as a C3 dwelling for nearly 12 months and marketing evidence has been submitted by Morris Dibben Estate Agents to support this.

6.7.2 Morris Dibben indicates that there is now limited demand for owner occupier C3 dwelling houses in this location due to the existing high concentration of C4 HMOs. Therefore the applicant seeks change of use of the property to C4 in order to sell the property.

6.7.3 Members of the panel may choose to give greater weight given the personal circumstances of the applicant. Offices have been advised to constantly apply the tests within the HMO SPG.

7.0 Summary

7.1 There will be an adverse impact on the overall character and amenity of the surrounding area as an additional HMO will lead to the excessive concentration of HMOs. As such this will result in an unbalance of the mix of households in the local community. The submitted medical and market evidence is noted and the Local Planning Authority has some sympathy with the predicament of the applicant but at the same time with Local Planning Authority should consistently apply the tests within the HMO SPG. The development fails the threshold test for Portswood and cannot be treated as an exception because it is not one of the last "one or two" dwelling houses within the street. The application is therefore recommended for refusal, and will be contrary to saved policies SDP1(i) and H4(ii) of the Local Plan Review and policy CS16 of the Core Strategy as supported by the section 6.5 of the HMO SPD.

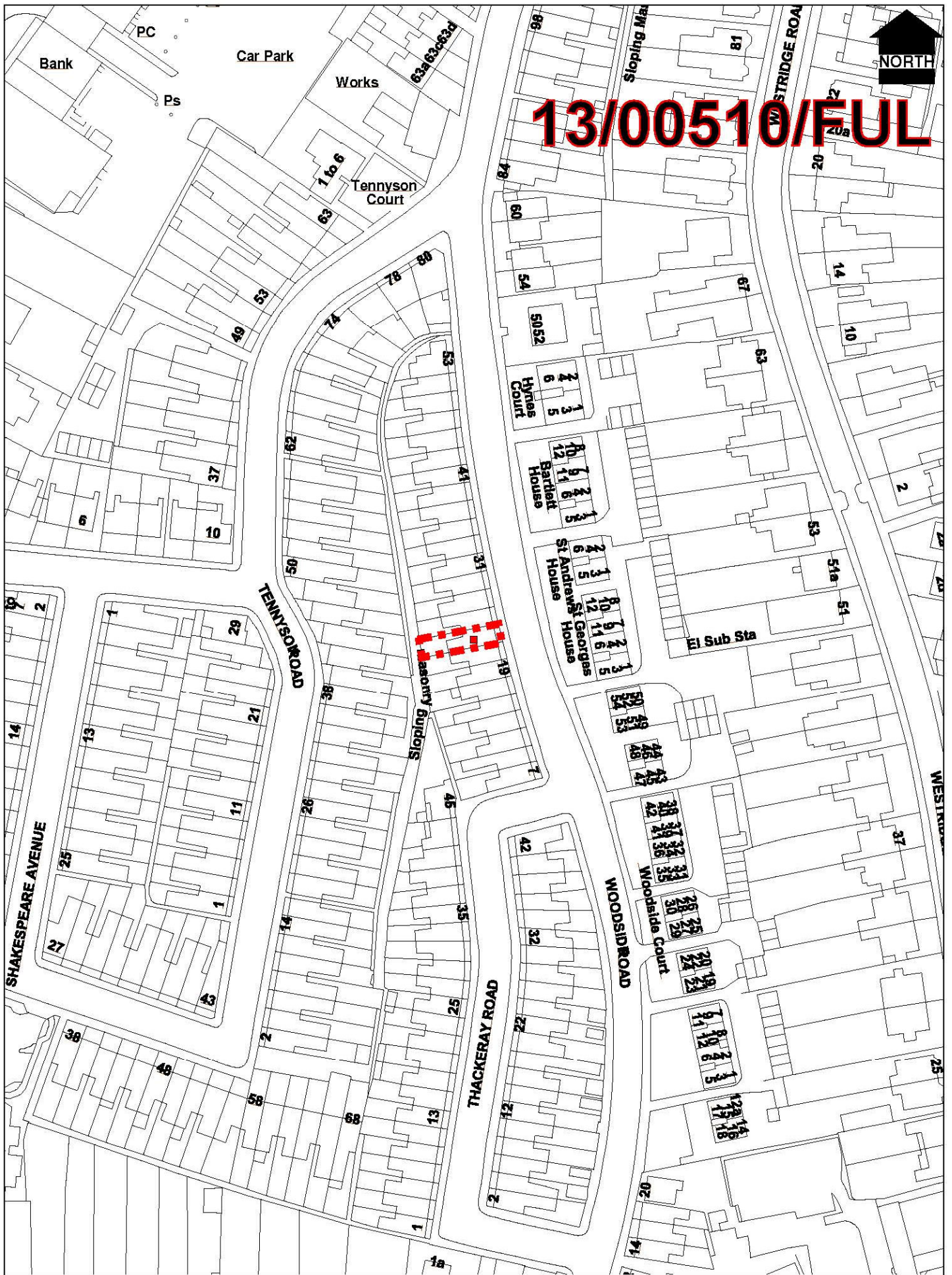
8.0 Conclusion

8.1 On balance the officer recommendation is refusal

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).

AG for 28/05/13 PROW Panel



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