

**Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 21 June 2011  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 1 Glen Eyre Road			
<b>Proposed development:</b> Erection of a single-storey rear extension and change of use from dwelling house (C3) to house of multiple occupation (sui-generis). Resubmission of planning application 10/00975/FUL.			
<b>Application number</b>	11/00706/FUL	<b>Application type</b>	Full
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination</b>	10 <sup>th</sup> June 2011	<b>Ward</b>	Bassett
<b>Reason for Panel Referral</b>	Request of Ward Councillor and seven letters of representation	<b>Ward Councillors</b>	Cllr Hannides Cllr L Harris Cllr B Harris

<b>Applicant:</b> Dr David Coleman	<b>Agent:</b>
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<b>Recommendation Summary</b>	<b>Grant planning permission subject to conditions</b>
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**Reason for Panel Consideration**

This application has been brought to the panel at the request of a ward councillor and seven letters of representation have been received.

**Reason for granting Permission**

The development has been assessed as being acceptable to residential amenity and its local residential context taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP7 and H4 of the City of Southampton Local Plan Review - Adopted March 2006.

Policy CS16 of the Local Development Framework Core Strategy - January 2010.

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

Grant Planning Permission subject to conditions

**1. The site and its context**

1.1 The application site comprises a two-storey detached dwelling house occupied as a shared house with 5 bedrooms. The property has a single-storey rear conservatory and a detached garage to the side. Car parking space for 3 vehicles is available on the front driveway which is enclosed by mature landscaping. A large garden is located to the rear. Part of the southern boundary is open to the neighbouring

flatted development (Bentham Court).

- 1.2 The area has a leafy suburban character comprising detached two-storey dwellings and larger flatted blocks both owner occupied and tenanted. A number of properties in the street are occupied as shared student houses and some of the private flats within the street may be occupied by students. Purpose built student halls of residence (Chamberlain Hall and Glen Eyre Hall) are located at the northern end of Glen Eyre Road. The University of Southampton, Highfield campus, is located to the south.
- 1.3 TRO parking restrictions are in place within Glen Eyre Road and adjoining streets.

## **2. Proposal**

- 2.1 The application seeks planning permission for a single-storey flat-roofed rear extension (to replace the existing conservatory) and conversion of the house from a 5-bedroom house of multiple occupancy (C4 use) to a larger 7-bedroom multiple occupancy (sui-generis use). The proposed layout would comprise 3 bedrooms and a kitchen, dining area and WC at ground floor level; and 4 bedrooms and a bathroom at first-floor level.
- 2.2 The rear garden provides approximately 180 square metres of private amenity space. The level of car parking provision will remain as existing, with 3 spaces on the frontage. The submitted plans to not identify a bin or bicycle storage location, however, the existing bin storage, comprising 2 no. wheelie bins, is located on the frontage adjacent to the northern boundary.

## **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 Policy CS16 of the Core Strategy resists the loss of family dwelling houses and seeks to control houses in multiple occupancy, particularly those properties which provide accommodation for students.
- 3.3 Paragraph 5.2.11 prevents the loss of family dwelling houses on redevelopment / conversion sites where planning permission is required. This means that CS16 opposes proposals which seek to change the physical layout of family dwelling houses so they no longer have the potential to be used as family dwelling houses without further physical alterations, i.e. it prevents the demolition or conversion of family dwelling houses into bedsits or flats where a family sized unit is not provided. Therefore Policy CS16 would restrict the conversion of a 3 bedroom (or larger) C3 dwelling to smaller flats and/or bedsits but does not prevent a change of use to houses of multiple occupation. Those proposals should be assessed against the criteria of ‘saved’ policy H4 of the Local Plan Review (March 2006) given as:-

### **H 4 Houses in Multiple Occupation**

**Proposals for the conversion of dwellings or other buildings into shared houses will be assessed on the balance between the contribution the development could make to meeting housing demand, against the**

**harm to the character and amenity of the area which might occur.**

**Planning permission will only be granted for conversions to houses in multiple occupation where:**

**(i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties;**

**(ii) would not be detrimental to the overall character and amenity of the surrounding area;**

**(iii) adequate amenity space is provided which:**

**a) provides safe and convenient access from all units;**

**b) is not overshadowed or overlooked especially from public areas; and**

**c) enables sitting out, waste storage and clothes drying.**

- 3.4 Paragraph 5.2.12 of the Core Strategy (January 2010) explains that *'where planning permission is required the acceptability of a proposal to convert a building to a House in Multiple Occupation (HMO) will be assessed by balancing the contribution that such a conversion will make to meeting housing demand against the potential harm to the character and amenity of an area and the suitability of the property concerned. Further information is contained in Policy H4 of the adopted Local Plan Review.'*
- 3.5 It is currently permitted development to convert a dwelling house (C3 use) into a house of multiple occupancy for up to 6 unrelated persons living together as a shared household (C4 use); however the Council has resolved to introduce a city wide Article 4 to remove these permitted rights in order to control the growth and distribution of HMO's. A public consultation is currently being undertaken and the Article 4 may come into force from March 2012.
- 3.6 1 Glen Eyre Road was converted from a C3 dwelling house into a five bedroom HMO under permitted development rights. Conversion into a larger 7-bedroom HMO requires planning permission. As such the proposal needs to be considered against saved policy H4 of the City of Southampton Local Plan Review which requires the LPA to balance the contribution a development could make to meet housing demand against the harm to the character and amenity of the area. In particular the assessment must take account of the amenities of the residents of nearby properties, the character and amenity of the surrounding area and the adequacy of the amenity space which is provided.

#### **4.0 Relevant Planning History**

10/00975/FUL

Refused 08.09.2010

Erection of a 2-storey rear extension and change of use from dwelling house (C3) to a house of multiple occupation (sui generis)

- 4.1 The proposal was refused for the following reason:

*REFUSAL REASON - Over-intensification Use and Character*

*The erection of a two-storey rear extension in the manner proposed and the associated change of use to a 9-bedroom House of Multiple Occupation (HMO) would, in the opinion of the Local Planning Authority, represent an over-intensive*

*use of the building which is out of keeping with the established character and appearance of the local area, which is predominantly characterised by large single dwellinghouses. The resultant level of site coverage with buildings and hard surfacing, the introduction of windows into the side elevation with their outlook across the neighbour at 3 Glen Eyre Road, the likely increased level of activity and associated noise and disturbance, and the insufficient provision of communal space to serve the proposed increased level of occupancy is symptomatic of a site overdevelopment and, therefore, harmful.*

## **5.0 Consultation Responses and Notification Representations**

5.1 A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice. At the time of writing the report **9** representations had been received (including **1** Ward Councillor objection) which can be summarised as follows:

- Loss of a family home / Impact on local character;
- Growth in student lets has led to increased noise nuisance, litter and other anti-social behaviour;
- The enlarged HMO will lead to an over-intensive use of the property leading to increased noise disturbance late at night and during the early hours of the morning
- Increased car ownership;
- Glen Eyre Road already suffers from night time noise and anti-social behaviour from students as they return to their halls of residence;
- Out of character with surrounding area which is made up of predominantly large family homes;
- Contrary to Council policy which seeks to retain family homes;
- Increased HMO's lead to deteriorating surrounds, because absent landlords fail to adequately manage and maintain properties;
- Increased car movements at varying times of the day;
- The application fails to demonstrate how rubbish will be managed. Unmanaged bin storage can have a harmful impact on the visual amenities of the area and can lead to increased litter within the street and neighbouring properties;
- It is expected that Bassett will become an area of restraint as part of the city wide Article 4 direction;
- Increased overlooking of Bentham Court from the first-floor window within the side elevation.

5.2 **SCC Highways** – The level of car parking provision will remain as existing. The site is located within an area of low accessibility however is located within close proximity to the university campus where students will be destined. TRO restrictions will prevent any displacement parking into adjoining streets. Bin and bicycle storage should be secured through condition.

5.3 **SCC Housing** - Private Housing has no concerns over the layout of the property, as proposed, as long as the rear left exit door allows access directly to the street, rather than into an enclosed garden. It appears from the plans that this is likely to be the case. The sanitary facilities are suitable for the number of occupants. The bedrooms appear to be of an adequate size, although it is difficult to be sure when the plan is scaled down. The first floor, rear right bedroom appears quite small, but it seems likely that it will exceed the minimum space requirement of 6.5m<sup>2</sup>. The dining room appears to be undersized compared to the recommended size of 16.5m<sup>2</sup> for a communal room for between 6 and 10 occupants. However, Private Housing would not take any action in respect of this.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
  - ii. Impact on the character and amenity of the surrounding area;
  - iii. The adequacy of the residential environment provided for occupiers;
  - iv. and whether the travel demands of the development can be met.
- 6.2 Given that the resubmitted proposal now involves a modest single-storey rear extension and seeks a reduced increase in the level of occupancy, and does not result in any significant change to the physical structure of the property or prevent it from being used as a family dwelling house in the future; and given the current policy status, the principal of the change of use is acceptable subject to the criteria of policy H4.
- 6.3 It is clear from third party representations that the growth in student numbers has had an impact on the character and appearance of the area as a result of the changing demographic and a shift in terms of the way some dwelling houses are occupied and managed; furthermore the general intensification in student numbers in this area has altered the residential environment, particularly as Glen Eyre Road is located in close proximity to the University and forms a primary link between student halls to the north and the Highfield Campus to the south. However the council are yet to carry out further research to consider whether other forms of control, such as areas of restraint and/or the setting of HMO thresholds, would be suitable for the area or not, in which case little weight should be attributed to this consideration in the context of Policy H4 of the Local Plan Review, whose criteria form the primary material planning consideration from the statutorily adopted Development Plan for Southampton.
- 6.4 The property currently comprises a five bedroom HMO and could be occupied by up to 6 persons / students living together as a shared house, without requiring planning permission. Therefore having regard to this fallback position, a key assessment in the consideration of this application has to be whether or not the introduction of one additional person will lead to demonstrable harm to the character and appearance of the area.
- 6.5 HMO's play an important part in the city economy, meeting housing need, providing housing choice and creating "mixed and balanced communities" (the bedrock of PPS3 (Housing)). However it is acknowledged that high concentrations within parts of the city can lead to anti-social behaviour, noise nuisance, parking problems and reduced opportunity for family housing which can detract from local character.
- 6.6 The character of the area is formed by a mix of dwelling houses, flatted accommodation and houses of multiple occupation. There would appear to be a balanced range of accommodation types within this area. The proposed intensification of 1 Glen Eyre Road to form a 7 person HMO within the area is not considered to harmfully tip the balance of accommodation choice within this area to a degree that would unreasonably compromise the character of the area.
- 6.7 The proposed layout indicates that the property can still be occupied as a single household with residents sharing communal facilities. It is recognised that there is the potential for a greater level of activity to take place at the property as a result in the change of use to a 7-person HMO. Whether the additional activity is harmful is, however, more difficult to prove. As previously stated the change of use would not

be considered out of character and/or context with the surroundings as there are already a mix of housing choice in the area. Whilst there is potential for some additional Impact on the amenities of existing residents it would be very difficult to quantify and unlikely to be harmful in itself should future occupiers behave reasonably. Unreasonable behaviour by occupiers resulting in statutory nuisance would be dealt with by other legislation.

- 6.8 The residential environment for occupiers is considered acceptable. All habitable rooms are of sufficient size, and are served by natural lighting and ventilation. The rear garden is sufficient in terms of amount, quality and usability to serve this level of occupancy and having regard to the context of other private gardens in the area.
- 6.9 Bin storage details will be reserved through condition to ensure that adequate storage and management is secured. However there is adequate space on site to accommodate the bin storage demands of this site without compromising the visual amenities of the area.
- 6.10 With regard to parking, the property is within a low accessibility area. However the need for the use of a car in this location is reduced as a result of the proximity of the site to the Highfield Campus and the University actively promotes a reduction in car ownership. In any event there will be no change to the current level of provision with 3 car parking spaces maintained. TRO restrictions are in place on adjoining streets to prevent displacement parking. Bicycle storage will be secured in the interests of sustainable transport.

## **7.0 Conclusion**

- 7.1 On balance, this application has been assessed as being acceptable to residential amenity and its local residential context. The application is recommended for approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 3(a), 4(s), 6(a), 6(c), 6(f), 6(h), 7(c), 8(a), 9(a), 9(b), 2(c),  
LDF Core Strategy and saved policies from Local Plan (Review)

AG 7.6.11 for 21.6.11 PROW Panel

### **CONDITIONS for 11/00706/FUL**

#### **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 building 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 – Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday                    08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays                            09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

Reason

To protect the amenities of the occupiers of existing nearby residential properties

#### 04. PERFORMANCE CONDITION - Restriction on number of occupiers

The premises shall only be used as a House in Multiple Occupation (HMO) for a maximum of 7 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority upon submission of a formal planning application.

Reason:

To define the planning permission and to ensure that the HMO meets Council's standards.

#### 05. APPROVAL CONDITION – Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties

#### 06. APPROVAL CONDITION - Bicycle storage

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the site for 7 bicycles to be stored for the benefit of the residents in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

Reason:

To encourage cycling as a sustainable form of transport.

07. No development shall be commenced until details of all means of enclosure on the site have been submitted to and approved by the Local Planning Authority. Such detailed scheme shall be implemented before the development is brought into use. The means of

enclosure shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason:

To protect the amenities, privacy and security to neighbouring properties.

08. APPROVAL CONDITION - No other windows or doors other than approved  
[Permanent 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

09. APPROVAL CONDITION - Residential - Permitted Development Restriction  
[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 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.

10. 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**

City of Southampton Local Plan Review – (March 2006)

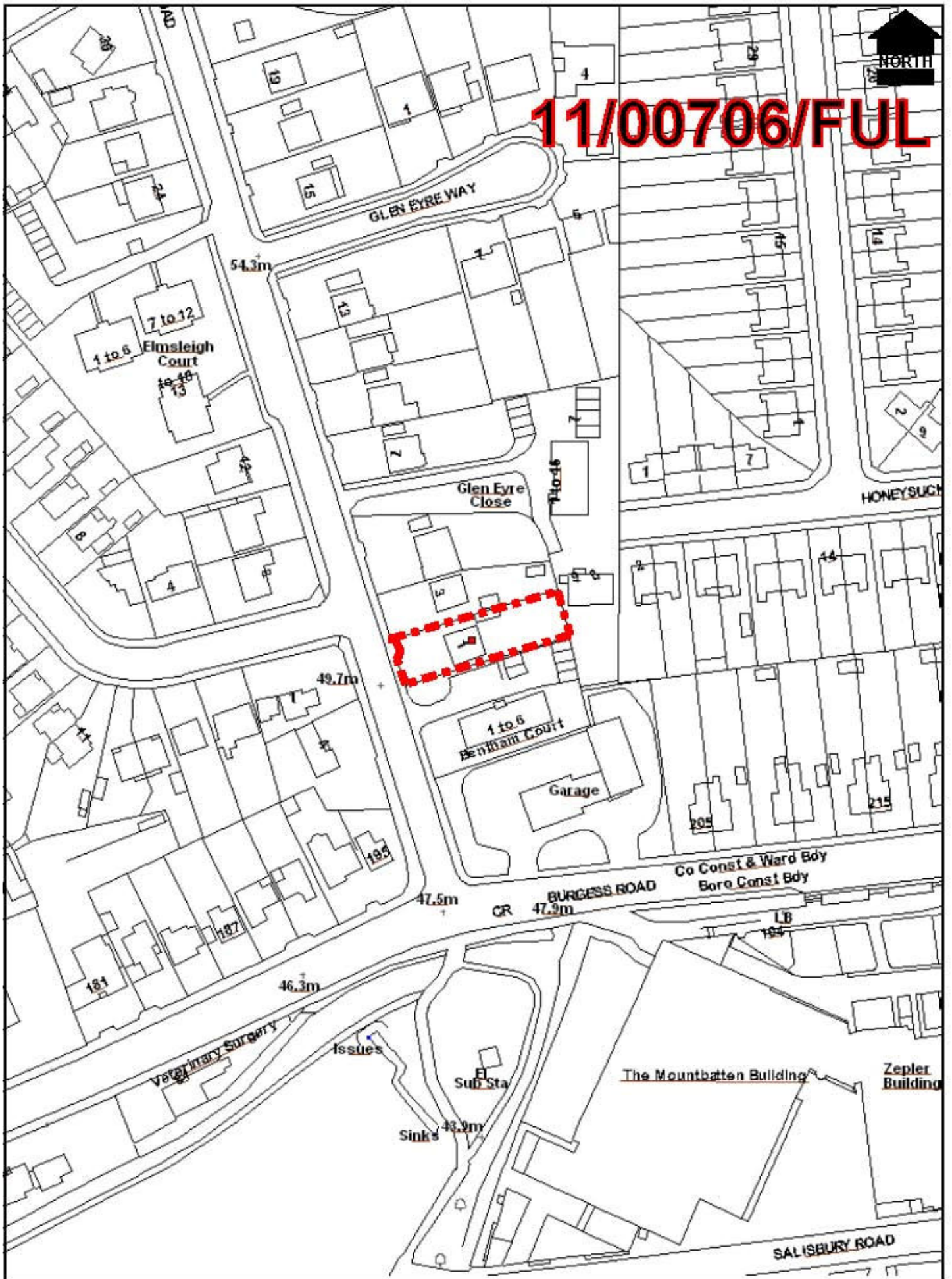
SDP1	Quality of Development
SDP7	Context
H4	Houses in Multiple Occupation

Local Development Framework Core Strategy Development Plan Document (January 2010).

CS16	Housing Delivery
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Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS3	Housing



Scale : 1:1250

Date : 07 June 2011

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