

**Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 6 September 2011  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 13 Grosvenor Road SO17 1RU			
<b>Proposed development:</b> Conversion of existing dwelling to 2 sui generis houses in multiple occupation (1 x 7 bedroom dwelling and 1 x 8 bedroom dwelling) with associated bin and cycle storage (alternative proposal to application 11/01025/FUL)			
<b>Application number</b>	11/01026/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Steve Lawrence	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	23.8.2011 (Over time)	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager	<b>Ward Councillors</b>	CLlr M Claisse CLlr A J Vinson CLlr V Capozzoli

<b>Applicant:</b> Mr H Singh	<b>Agent:</b> Mr Balbinder Heer
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<b>Recommendation Summary</b>	(i) <b>Refuse planning permission</b> (ii) <b>Take enforcement action to secure the cessation of use of the property as a sui generis house in multiple occupation.</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2	Summary of planning history
3	Letter from previous owner of 13 Grosvenor Road dated 14.2.1973.	4	Copy of decision notice 02/00482/FUL

**Reason for Refusal – Harm to the character of the area**

The local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, or from a C4 occupation by up to 6 unrelated persons, to occupation as two Sui Generis House units in Multiple Occupation by 15 persons would cause serious harm, contrary to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006) and CS16 (3) Core Strategy (January 2010). The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;

- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses;
- (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;
- (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
- (v) Not demonstrating convenient access through the building by occupiers of the separate tenancy agreement for 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

## **Recommendations in Full**

- 1. Refuse planning permission**
- 2. Take enforcement action to secure the cessation of use of the property as a sui generis house in multiple occupation.**

### **1. The site and its context**

- 1.1 Substantial (floorspace arranged on three floors – top floor in roofspace) detached property on west side of street between the junctions of Welbeck Avenue to the north and Grosvenor Gardens to the south. There is very large garden to the rear. This is accessible via doors from the single storey rear projection and via a side way abutting No.11 Grosvenor Road. There are two single storey structures in the back garden. One is brick faced, whose flat roof is not yet fully clad. The other is a timber summerhouse which partly dog-legs behind No.11 Grosvenor Road's back garden. An amount of waste building materials and scaffolding equipment was present at the time of the officer site visit. There is a 7m deep (from back edge of pavement to front door steps) x 10m (measured at pavement, where no front boundary wall has been retained) wide hard surfaced forecourt sloping down from the front door to the street. This is capable of accommodating 3 cars, or 4 cars if a single access route for pedestrians is left to reach the front door and side accessway abutting No.11.
- 1.2 Either side of the site are single family, detached houses. A great part of the street is comprised of detached character properties, in use as single family houses, but elsewhere in the street there are semi-detached properties and some purpose built flats (Richmond Gardens, Grosvenor Court, Dawtrey Court, Richmond Hall and Grosvenor Lodge, all south of the application site. The latter are the closest to the application site being some 110m away. The immediate area is wholly residential in character with good plot to building footprint ratios and mature, treed gardens. There are no TPO trees on, or overhanging, the site. Some properties in the street have been converted to flats. It appears that the majority of properties in the street are occupied as family homes.

## **2. Proposal**

- 2.1 The applicant has recently undertaken building works inside the building under a Building Notice. This was to facilitate its use as letting accommodation for 15 people. Permission is now sought for that use, supported by cycle parking and refuse storage facilities. This application only differs to 11/01025/FUL in two respects. Firstly, that two separate dwelling units would be created and secondly, that each would enjoy their own dedicated amenity space to the rear of the property.
- 2.2 The ground floor (working front to back) comprises lounge/hall space, kitchen/diner, lockable door leading to 3 separate bedrooms, corridor door leading to kitchen/lounge space, Shower-room, bathroom, and three other bedrooms (one with French doors leading into an attached glass conservatory).
- 2.3 The first floor (working front to back) comprises two bedrooms, a bathroom and four further bedrooms.
- 2.4 The second floor (in the roofspace) comprises two bedrooms and a bathroom.
- 2.5 Two tenancy agreements have been signed. One for a group of 7 students, the other for 8 students. On 4 July 2011, 5 students were residentially occupying the property. An update as to the current level of occupation will be reported at the meeting. All bedrooms are lockable by a key at the front and by 'thumb-turn' to the rear. No sanitary or cooking facilities were witnessed in any of the bedrooms.

## **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 Only major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

## **4.0 Relevant Planning History**

- 4.1 A summary of the site's relevant history is listed in **Appendix 2**. It is the opinion of planning officers that the authorised use of the site is as a single dwelling under permission 02/00482/FUL. This allowed for No. 11 to be a single house and for No.13 to be a single house. It is contended that this permission was implemented, not least because No. 11 Grosvenor Road is now in use as a single

family house and electoral roll entries for just before and every year since the permission was granted. Where rest home use subsisted, this is easily apparent from the roll entries, with the applicant for the 02/00482/FUL permission also resident until 2004, whereafter a couple of the same surname occupied the property and paid council tax for single residential property. Later a large (and it is believed to be extended) family were in occupation between 2004 and 2009.

- 4.2 Conversion of the roofspace to provide owners accommodation took place under a permission granted in 1976, when the property appears to have been in use as a guest house (although no planning permission for that use was ever established/obtained. **Appendix 3** indicates how the property was being used at that time, when the loft conversion was first applied for). A rest home for the elderly in both 11 and 13 Grosvenor Road, was subsequently granted planning permission and in 1985 a single storey extension was approved that provided owners accommodation, which was not permitted to be used to house any further elderly residents in care at the rest home use, which then allowed for up to 16 elderly residents to be cared for in 11-13 Grosvenor Road.
- 4.3 On 24.1.2011, a Planning Enforcement Officer called at the site to investigate a brick built outbuilding being constructed. The property at that time was asserted to be a single house enjoying permitted development rights for the outbuilding. The property itself was gutted inside and not being occupied. The owner was told that planning permission for use for anything other than a single house or within Class C4 purposes would require planning permission before that use commenced.
- 4.4 During this summer the Planning Enforcement Team, acting on intelligence that contracts for occupation for 15 students had been signed with the owner, had occasion to use its Rights of Entry powers to gain access to the property. Having ascertained that the contracts had been signed and were due to commence, the Council took action and sought an injunction from the High Court to prevent the unauthorised use from taking place. The High Court granted an interim injunction. On a further visit before the matter was to be re-heard by the High Court, the property was only being occupied by 5 people.
- 4.5 The (new) judge refused to extend the injunction on the basis that he did not consider that the harm caused by the students going in to occupation was great enough to outweigh the harm and detriment that they would suffer in losing their accommodation especially bearing in mind that they had acted in good faith with the landlord.
- 4.6 The witness statement of the officer set out the full history of the matter including the fact that tenants had collected keys and that less than 6 persons had actually taken up occupation. The judge was therefore well aware of the fact most of the students were not in actual occupation but were contractually entitled to move in under the terms of the agreement that they had signed and took into account that an extension of the injunction would mean that Mr Singh would be in breach of his contract with the students, but more significantly, it would leave the students without accommodation for the forthcoming academic year.
- 4.7 The owner has sought to regularise this situation by the submission of this planning application. An alternative option is put forward in a parallel application 11/01026/FUL, which is being reported separately.

## **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 and erecting a site notice (11.7.2011). At the time of writing the report **24 objections** from mostly local addresses/Portswood Ward Councillor Vinson/The Highfield Residents' Association and **a petition of objection** signed by 21 people from 14 different addresses (some of who have also written individual letters) have been received from surrounding residents. Those **objections** are summarised below:-

5.1.1 The intensity of occupation is grossly excessive, overdeloped and out of character with a street which is still predominantly comprised of mostly well cared for family houses, whose average occupancy No.'s 1-26 is calculated at 4 persons per property. The life-styles of the students would be incompatible with those in family occupation and certainly very different to occupation by elderly persons being cared for in a rest home. Reference is made to the intensity of occupation when a rest home existed in 11 &13, (that use and its impact not being in existence for the last [it is asserted] ten years) limited by condition to prevent overintensive use and protect the character of the area. This approach has consistently been applied through the property's planning history. If permitted, this will be enough for the occupants of No.15 to assert they will move house. The Council sought an injunction to prevent such a level of occupation, indicating that it did not find that acceptable.

**Response – Notwithstanding the size of the property, occupation by 15 students is considered an over-intensive use of the site, largely for the reasoning articulated above and prompted the Council to seek an injunction to prevent such use.**

5.1.2 Increased noise disturbance from that level of occupation and attendant comings and goings – especially to occupiers of No. 11 and No.15, the former having bedroom windows above the position where access to the rear tenancy agreement is proposed/exists. With no on-site warden to manage such a mini hall of residence, the property and garden would be likely to become a focus for uncontrolled social events. Such disturbance would be more troublesome at night/unsocial hours and is cited as already occurring from an existing HMO in the street (8 Grosvenor Road), which wakes small children. One neighbour is a doctor and works night shifts, so undisturbed sleep is of clear importance.

**Response – It is considered that unacceptable noise disturbance would be likely to occur, to the detriment of neighbours' amenities and peaceful enjoyment of their properties.**

5.1.3 Inadequate car parking to support that level of occupation. Occupation by 6 students so far appears to have generated 4 cars being parked at the front of the site. Residents would also have visitors and parking would overspill into the street, exacerbating existing capacity problems, where the street is currently being considered for a residents' parking scheme and adversely affecting highway safety in a street, where many walk their children to Portswood Primary School. Whilst provision of cycle parking as a sustainable alternative is admirable, the Council has no means of controlling actual car ownership and use.

**Response – Notwithstanding the views of the Highways DM Team, it is**

considered that overspill street car parking would be likely, which would harm amenity and potentially interfere with highway safety, especially where people would park tight to private driveways and restrict driver visibility of other highway users – especially pedestrians – leading to increased highway hazards. The fact that the council has also balloted residents on a residents' only parking scheme is also indicative of the existing pressures on on-street parking in the area. Whilst pressures may increase naturally over time, it is considered appropriate for the local planning authority to seek to intervene and regulate the intensity of occupation of the site in this instance.

- 5.1.4 The quantum of bins to be placed on the forecourt would be unsightly and liable to be left in that position after being emptied and not returned to any storage location.

**Response** – The applicant has proposed a refuse storage area separate from the front forecourt. It is agreed that a large quantum of bins just left on the forecourt would be unsightly and probably also conflict with available car parking there. If Members are minded to grant permission, this is matter which could be controlled by planning condition.

- 5.1.5 'Thin end of the wedge'/precedent - One writer who has lived in Shaftesbury Road for many years (backing onto the application site) and has seen the decline in the character of that street, with families moving away, which in turn has taken children out of Portswood School. Another writer talks of those retired people in the street who may be down-sizing with private landlords being able to bid more for such properties coming onto the market, such that more family homes could be lost and the family, well-integrated character of the street eroded yet further.

**Response** – Given the evidence of what properties might come onto the market, the local planning authority accepts in this case that if permission were to be granted, further applications for HMO sui generis use would probably result, having an increased deleterious impact on the character of the area and integrity of an existing settled, family-based community.

- 5.1.6 Loss of a family house – the agent's assertion that the property has not and is not capable of occupation by a single family is not accepted. The next door neighbour in Shaftesbury Road confirms occupation at one time by a couple and their child.

**Response** – The proposals would result in the loss of a property whose authorised use is as a single house. This would be contrary to Policy CS16 of the adopted Core strategy.

- 5.1.7 Light disturbance is asserted to neighbours – especially those adjoining at No.11 and No15.

**Response** – Whilst lights may be left on later into the evening compared to family occupation, this is not considered so significant to be used in the reasoning to refuse such a proposal.

- 5.1.8 Overlooking is asserted to neighbours from additional windows, adversely affecting their privacy, especially from the now glazed rear fire escape door to the roof level accommodation and fears that the flat roof to the rear addition would be

used as a sun terrace, causing clear overlooking.

**Response** – Windows inserted to the side of No.13, where two new bedrooms have been created internally, only look at the blank flank wall of No.11. They do not harm that property's privacy. The glazed door to the rooftop fire escape serves a corridor and would ordinarily only be used in the event of a fire. It is not considered to constitute a level of overlooking so severe to be used in any reasoning to reject the proposed use. The flat roofed area is not controlled by any planning condition, with regard to the site's planning history. However, access to it is limited and so the potential for overlooking from that area is not considered great.

- 5.1.9 An allegation that an outbuilding was erected without planning permission when the property was used as a rest home.

**Response** – This cannot be confirmed or denied. The timber structure is over 4 years old (thereby immune from planning enforcement action) and the more recent brick built structure was constructed at a time when the owner was asserting permitted development rights from use of No.13 as a dwellinghouse.

- 5.1.10 Some statements in the application form/design and access statement are not accepted, relating to (a) the authorised planning use of the property, (b) whether a 13a Grosvenor Road ever existed, (c) predominant character of the street/area and how that might change if this application were permitted, (d) trees existing on the site, (e) that the property did not originally have 15 bedrooms, (f) that external elevational changes have been made, (g) that use of the property would not become intensified and (h) property not having been used as a single house (for latter, see above).

**Response** – The planning authority do not consider the information set out by the applicant to be wholly accurate and have determined this application based upon the site as inspected and referring to its planning history.

- 5.1.11 Current use is unauthorised, which gives neighbours no confidence in the owner managing or maintaining the site. The owner has only applied for planning permission when forced to do so, with no respect for regulatory procedures. Reference is also made to the lack of care shown to neighbours by heaps of building waste having been left on the forecourt for months during the recent lengthy refurbishment. Concern is expressed for the 'hapless students' who have been duped by the property owner, resulting in the recent interim injunction being obtained at the High Court. The validity and purpose of the planning system is being circumvented.

**Response** – PPG18 advises that people quickly lose faith in the planning system if it is not seen to be followed and upheld. The owner has been advised in January of this year that planning permission would be required for alternative residential use to a single house and has chosen not to apply, misleading those he has arranged to sign tenancy agreements, placing their certainty of being accommodated in grave doubt, purely for financial gain and with no regard to the statutory planning system. Recommendation 2 to this report is to institute enforcement proceedings, should Members decide to refuse the application.

5.1.12 Devaluation of nearby properties.

**Response** – This is not a material planning consideration. Issues of amenity and highways safety are and are considered elsewhere in this report.

5.1.13 That the use would reduce CO<sub>2</sub> emissions is not accepted. Greater intensity of occupation above occupation by 6 persons under a Class C4 HMO is bound to increase use of energy and water resources.

**Response** – The logic of this argument is accepted. The sustainable credentials of this conversion are not set out in the design and access statement in terms of whether any water or energy saving measures have been incorporated into the recent refurbishment of the property.

5.1.14 Concerns for health and safety of the students. The kitchen is right by the sole means of access/escape to the rear tenancy agreement, querying whether the property enjoys a Licence as a Registered HMO and general concerns as to the quality of workmanship undertaken. Internal amenities to serve the occupiers are considered insufficient.

**Response** – These are separate considerations under HMO Licencing under the Housing Act, addressed elsewhere in this report.

5.1.15 Insufficient garden space.

**Response** – The large rear garden is considered sufficient to provide for the 15 residents proposed.

5.2 **SCC Highways** – No objections. Parking within this area of Portswood is unrestricted, and therefore on street parking is available for use by all. There may be overspill parking as a result of this use, but there is no evidence that increased kerbside pressure would lead to a highway safety issue. The only recorded injury accidents were at nearby junctions where double yellow lines are already in place and are likely to involve turning traffic. The following conditions are recommended, should Panel be minded to grant planning permission:-

5.2.1 1. A refuse management plans will be required to ensure that bins are moved on collection day to a suitable point within the curtilage of the property no further than 10m from the highway, and shall be returned to the bin store after collection. The bin store shall be constructed of brick under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide. Internal lighting to operate when doors are open, and a tap and wash down gully to be provided, with suitable falls to the floor. The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard fob lock detail. The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10. All details to be agreed and implemented prior to occupation.

2. A suitable brick built building under a weatherproof roof with adequate security, lighting and ventilation shall be provided for the storage of cycles, with a space for a cycle per bedroom. Each space shall have the ability for the cycle to be locked



to a secure hoop or eye. Details to be agreed and implemented prior to occupation.

3. Parking for 2 cars shall be provided at the front of the premises, and be formally laid out in a manner to be agreed prior to occupation, and be maintained for that purpose. A front boundary wall shall be reinstated no higher than 600mm with a suitably agreed access point to ensure the correct use of this area, and to safeguard the bin storage area and access to the cycle store at the rear of the property. Any areas of unused dropped kerb crossing shall be reinstated to full kerb height. Please contact the Highways Network Management Team to gain approval for this work.

5.3 **SCC Private Housing** – The applicant has applied for an HMO licence and the Council is minded to grant a licence with conditions for the use of the property by 15 people/households. The licence has not been issued pending receipt of electrical test certificates.

5.3.1 The Team has visited the property with one of the officers from Hampshire Fire and Rescue, and would offer opinion as follows:

1. The property currently has sufficient kitchen and bathroom amenities for use by 15 people either in separate units or as the whole house. There are pipeworks to bedrooms for the provision of wash hand basins that had not been installed but will be required as a condition of the HMO licence.
2. The use of the property as a 15 bedroom HMO is likely to lead to more problems for neighbours than the use of the property as 2 separate flats. Therefore we would support the application for 2 separate flats over the application for a 15 bedroom HMO.
3. The interconnecting door is not required and could lead to more problems if left in situ, for example being propped open or blocked. The rear flat has escape routes either through their main door to the property (which is via the kitchen) or via the side exit. This leads to an ultimate place of safety at the rear of the garden or access can be obtained to the front of the house round the building. This is also the view of the fire officer in attendance that this escape is satisfactory, once garden clearance has taken place and external lighting is provided. We have requested the removal or emptying of the conservatory at the ground floor right rear to allow a secondary means of escape from that bedroom.
4. The owner has submitted an application to licence the HMO. We will be requiring an additional partition wall in the front entrance of the main house (labelled as lounge on the plans) to create a 30 minute protected route from the upper levels to the front door.
5. The owner has applied to Southern Electric to split the electricity supply for the units. They will also be required to split the fire alarm system that is currently covering both units if given permission to create 2 units of accommodation and 60 minute fire separation would be required.

The improvements to the fire precautions can be required under Housing Act 2004 powers.

5.4 **SCC Sustainability Team** – As no additional dwellings are being created, there are no quantitative requirements under policy CS20. However the applicant should endeavour to maximise sustainability and condition K001 - Sustainable Measures could be applied if Members are minded to grant planning permission.

5.5 **SCC Environmental Health (Pollution & Safety)** – No objections.

5.6 **Hampshire Constabulary** – No objections.

## **6.0 Planning Consideration Key Issues**

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

### 6.2 The acceptability of this intensity of occupation of the building

6.2.1 Disturbance to neighbouring occupiers from comings and goings to and from the site by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), would not be compatible with the surrounding family housing.

### 6.3 The potential to adversely impact highway safety

6.3.1 Notwithstanding the views of the Highways DM Team, it is considered that overspill street car parking would be likely, which would harm amenity and potentially interfere with highway safety, especially where people would park tight to private driveways and restrict driver visibility of other highway users – especially pedestrians – leading to increased highway hazards. The fact that the council has also balloted residents on a residents' only parking scheme is also indicative of the existing pressures on on-street parking in the area. Whilst pressures may increase naturally over time, it is considered appropriate for the local planning authority to seek to intervene and regulate the intensity of occupation of the site in this instance.

### 6.4 Precedent and harm to the character of the area

6.4.1 On the basis of evidence given by those who have objected and a detailed officer survey of most of the street, confirming a pre-dominance of occupation of single houses by families, granting planning permission would be likely to have an adverse effect on the character of the area and make it more difficult to resist similar proposals were they to come forward.

### 6.5 The adequacy of the facilities being provided to serve 15 residents

This is considered acceptable by colleagues in the Private Housing Team, who are in receipt of an application for a Licence, which they are minded to approve. The size of the garden is considered more than adequate to meet the private recreational needs of 15 residents.

### 6.6 The standard of outlook and natural light to habitable room spaces

Concern was initially expressed about outlook and daylighting received by two bedrooms formed internally, whose sole outlook is the blank flank wall of No.11,

some 1.8-2.0m away. However, having inspected those rooms, they do benefit from reasonable light and ventilation and occupiers would have the use of communal spaces, which enjoy good outlook. All other habitable rooms are considered acceptable and the Private Housing Team have not raised any objections to the 2 rooms identified above, which will be pointed out during the Panel presentation.

## 6.7 Sustainability issues

6.7.1 Whereas CS20 is not applicable in cases of conversion, the applicant has made no great efforts to sell the sustainable credentials of the use and sympathy is held with those who have objected that such a use would not promote or support the government's aspirations for sustainable communities.

## 7.0 Summary

7.1 The authorised use of the property is within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)(UCO). This allows occupation by a single family all related to one another and in 2007-2008 the building was occupied by 10 people. Alternatively, under amendments to the UCO, it is currently permitted to change to Class C4, whereby the property may be occupied by up to 6 unrelated people without planning permission being necessary. On 4 July 2011, 5 unrelated students were residentially occupying the building. As such, no breach of planning control was occurring at that time.

7.2 The applicant now proposes that 15 people occupy the property and has carried out alterations to create 15 separate bedrooms, served by 4 sets of sanitary facilities and by two kitchen/diner areas and one lounge space. The applicant proposes that this accommodation be split between two separate dwellings, one to be occupied by 8 persons, the other by 7 persons, giving the same material planning considerations as to intensity of occupation as those proposals under application 11/01025/FUL. The property is in a very good internal decorative state, just having been renovated. Most bedrooms have good outlook and natural light, with only two having very restricted outlook to the side flank wall of No.11 Grosvenor Road.

7.3 Whereas planning concerns itself with the use of land, rather than who uses it, it is legitimate to consider whether the pattern and character of proposed residential occupation compared to that of the authorised or previous residential occupation of the site. The likely associated amenity or highway safety impacts typically flowing from these different forms of residential occupation also need to be considered.

7.4 In terms of the authorised use under Class C3 of the UCO, a family unit occupying the property – even a large extended family – would be a fairly settled form of occupation, under parental control, with reasonably predictable comings and goings from the property, usually at sociable hours. One pair of bins would serve a family and depending on who was of an age to hold a driving licence and income levels, the level of car ownership could be fairly low and more likely to be accommodated on the property forecourt

7.5 In terms of Class C4 use under the UCO (occupation by up to 6 unrelated persons), the pattern of use of the site could be very similar to occupation by a large family, albeit persons would be likely to live more independently and come

and go at varying times, perhaps at less social hours compared to members of a family unit. Depending upon income and ability to hold a driving licence, the potential for the level of car ownership to be greater than a family unit is likely, albeit the quantum of refuse storage not necessarily more than for a family.

- 7.6 In terms of use as a rest home for the elderly, the character and pattern of use would again be different to Class C3 and Class C4 use. Residents would be likely to lead more sedate lifestyles and unlikely to come and go from the property at unsocial hours. Even coupled with owner's family accommodation, the pattern of activity would be rather low. It should be remembered that when in this use, the property was combined with No.11 Grosvenor Road, where overall occupation was limited to 16 elderly residents. Residents could be likely to receive visitors or visits from health care professionals or occasionally an undertaker. However, no amenity or highway safety issues appear to have resulted from that use of the property, which appears to have ceased, some time in 2002.
- 7.7 Occupation of the site by 15 persons, with active lifestyles, living independently of one another, where the potential for conflict between tenants is greater than that between 6 tenants, is altogether very different in land use planning terms than the forms of occupation identified above. Comings and goings are likely to be a later hours than under family occupation and a high volume of such movements, especially some down the side passageway to No.11 could reverberate and pose a nuisance to occupiers of adjoining properties.

## **8.0 Conclusion**

Such a use would be harmful to the character of the area, for the reasoning set out at the front of the report. Enforcement action should be taken to secure the cessation of such a use. An update on the level of occupation of the building will be given at the Panel meeting.

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

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

1. (a), (b), (c), (d), 2. (b), (c), (d), 4. (f), 5. (e), 6. (c), 7. (a), (b), (e), (p), (v), 9 (a), 10 (a), 10 (b).

**for 6/09/2011 PROW Panel**

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS6	Housing Density
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
H4	Houses in Multiple Occupation
H6	Housing Retention
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)  
PPS3 Housing (November 2006)  
PPG13 Transport (April 2001)  
PPG18 Enforcing Planning Control (December 1991)  
PPG24 Planning and Noise (October 1994)

**Relevant Planning History**

**1365/P4** (REF - 28.01.1969) – Outline application for erection of bungalow on the rear garden of 13 Grosvenor Road refused for the following reason:-

“The proposals constitute a form of backland development without proper road frontage and would be detrimental to the privacy and amenities of the surrounding properties”.

**1368/6** (CAP – 25.3.1969) – Extension to existing house at 13 Grosvenor Road. Condition 1 stated:-

“The proposed extension being used solely in connection with the use of the property as a dwelling house and not for any business or guest house use”.

**1512/M2** – (CAP – 9.9.1976) – Rooms in roof and dormer windows at 13 Grosvenor Road. Condition 2 stated:-

“The three additional bedrooms provided as a result of the loft conversion, the subject of this application, shall only be used by members of the resident family only and not as part of or ancillary to the use of the property as a guest house”.

**N.B.** under a similar but previously refused application in 1973, the applicant had stated that in **Appendix 3** and then in the subsequent application form dated 7.1.1975 stated that the property had been then used as a guest house for 9 years.

**1601/M19** – (CAP – 16.6.1981) – Use of premises as a rest home at No. 13 Grosvenor Road.

**M27/1639** - (CAP – 20.12.83) – Use of 11 Grosvenor Road as rest home and erection of a single storey link between 11 and 13 Grosvenor Road. (Implemented).

**M03/1661** – (CAP - 14.05.1985) – Erection of a single storey rear extension to provide 1 x 1 bed self-contained flat at 13 Grosvenor Road. The application form clearly stated that it related to Grosvenor Rest Home 11-13 Grosvenor Road and following conditions of interest were imposed:-

“(3) The premises shall be used as a rest home for the elderly only and for no other purpose including a nursing home or any other purpose within class XIV of the Schedule to the Town and Country Planning (Use Classes) Order 1972.

Reason: To prevent overintensive use of the premises in the interests of road safety and in order to safeguard the amenities of nearby residential properties”.

“(4) No more than 16 elderly persons shall be accommodated on the premises at any one time.

Reason: To prevent overintensive use of the premises”.

“(5) The extension hereby approved shall only be used as the owners accommodation and not for the accommodation of elderly persons.

Reason: To prevent overintensive use of the premises in the interests of road safety and in order to safeguard the amenities of nearby residential properties”.

**02/00482/FUL** (CAP - 17.05.2002) - 11-13 Grosvenor Road - Change of use to form two dwellings (Implemented – see **Appendix 4**).

WEH/AHJ/01/1

Mr. Jackson  
unsuccessful  
in his  
appeals.13, Grosvenor Road,  
Highfield,  
Southampton.

14.2.73.

City Planning Office  
 Civic Centre.

Correspondence

Alterations and addition - 13, Grosvenor Rd.  
Code No: 10331/1452/49.

Dear Sir,

Mr. Rickman has passed your letter to me so that I can reply to your queries.

I have five children (four in their teens) making us a large family of seven.

My wife and I are teachers and have been approached by the University to provide accommodation for students and foreign students who visit in the Summer and at Easter. The Carriacou Centre (which is at the end of the street) has also asked if we could provide temporary accommodation for teachers taking up posts in Southampton. If the alterations were carried out I feel we could provide more adequate and suitable accommodation and amenities for these people.

The forecourt is already concreted for parking, and there is space for seven cars (we have only one).

The house next door to us and the two houses opposite already provide this sort of accommodation as do several other houses at this end of Grosvenor Road. The two houses opposite have recently had rooms built into their roofs for this purpose.

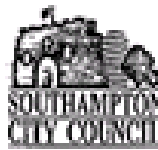
Should you require further information I would be happy to supply it.

Yours faithfully,

Peter Roberts



02/00482/FUL/10955



5014, Soton CC



**DETERMINATION OF APPLICATION  
TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning (General Development Procedure) Order 1995**

Mr & Mrs B D Tate  
c/o M D Tate  
360 Butts Road  
Southampton  
SO19 1BW

Decision



In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the District Planning Authority, hereby gives notice that the application described below has been granted:

**CONDITIONALLY APPROVED**

**Proposal:** Change of use to form two dwellings  
**Site Address:** 11-13 Grosvenor Road Southampton SO17 1RU  
**Application No:** 02/00482/FUL

In accordance with the plans and application submitted with the above FULL Application, subject to the following condition(s):

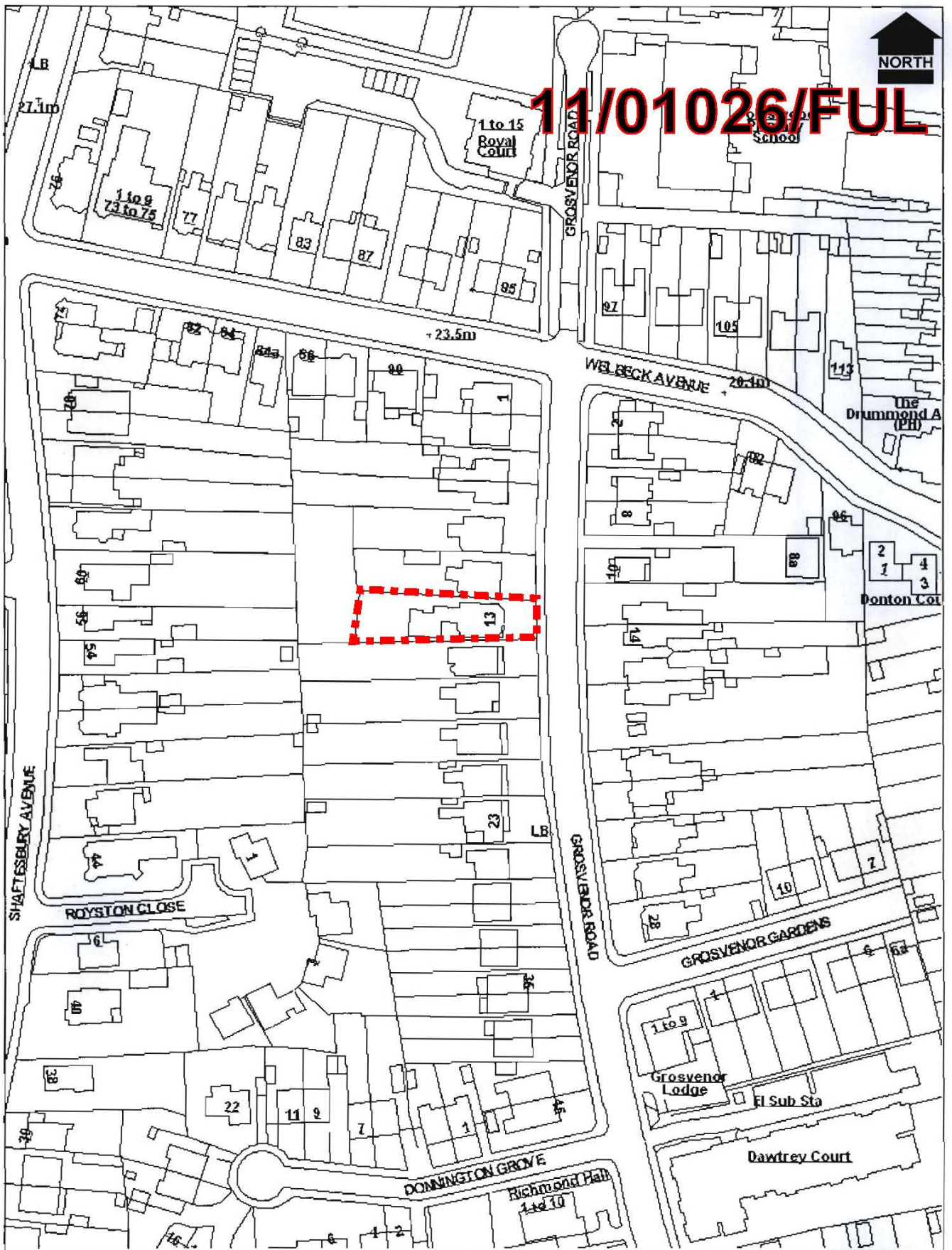
01.  
The development hereby permitted shall begin not later than five years from the date on which this planning permission was granted.

**REASON**  
To comply with S.91 of the Town and Country Planning Act 1990.

02.  
The development to which this consent relates 02/00482/FUL; The building shall not be brought into use/occupied in full or in part until secure/covered space for 2 cycles to be parked and stored have been submitted to and approved in writing by the Local Planning Authority.

**REASON**  
To encourage cycling as an alternative form of transport.

Alan Sayle  
Development Control Manager  
42 May 2002  
CMD



Scale : 1:1250

Date : 24 August 2011

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