

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager

Application address: 106 Tennyson Road SO17 2HH			
Proposed development: Change Of Use From A Dwelling House (Class C3) To A House In Multiple Occupation For Up To 6 Persons (HMO, Class C4)			
Application number	12/01202/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	02.10.2012	Ward	Portswood
Reason for Panel Referral:	Referred by Planning & Development Manager due to wider interest and support by local Ward Councillor	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Mr Perry Darcy	Agent: N/A
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Recommendation Summary	Refuse
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Reason for Refusal

The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area and will result in an adverse impact on the overall character of the area surrounding the application site in terms of the mix and balance of households in the local community.

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 section 6.5 and 6.6 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

Appendix attached			
1	Development Plan Policies	2	Supporting letter from Estate Agent dated 28 September 2012
3	Supporting email from Estate Agent dated 5 October 2012		

Recommendation in Full

Refuse

1. The site and its context

1.1 This application site is located on the east side of Tennyson Road in close proximity to Portswood Road. The surrounding area is mainly characterised by 2

storey residential properties with a mix of flats and dwellings.

- 1.2 The application site contains a 2 storey terraced dwelling containing a C3 single family dwelling.

2. Proposal

- 2.1 It is proposed to convert the family dwelling into a small C4 HMO for up to 6 occupiers. There will be 4 bedrooms, and communal facilities including a lounge and kitchen on the ground floor, and bathroom on the first floor. The occupiers will have access to approximately 30 square metres of private amenity space. The refuse bins will be stored in the front forecourt as the terraced property has no access to the rear garden.

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 came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in Appendix 1 which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area, and whether the quality of accommodation is suitable.
- 3.4 The Houses in Multiple Occupation SPD (adopted March 2012) provides supplementary planning guidance for aims of policy H4 and policy CS16, and sets out detailed criteria to assess the impact of an additional HMO on the character and amenity, and mix and balance of households of the local area. The SPD sets a maximum threshold which is considered to be the tipping point when the balance and mix of households becomes unbalanced. The threshold limit in the ward of Portswood allows 10% of the total number of residential properties to be HMOs, which is measured within a 40m radius or the 10 nearest residential properties surrounding the application site (section 6.5 refers).
- 3.5 There are certain streets in the city where the vast majority of the existing properties are HMOs and, therefore, the retention of the remaining 1 or 2 family dwellings within the 40m radius will not harm the character of the local area as there no significant difference to the balance and mix of households. Section 6.6 of the SPD states that the threshold limit will not be applied in these exceptional circumstances to help families who are struggling to sell their property to another family as there is no reasonable demand for their property. The applicant must demonstrate there is no reasonable demand by providing evidence from an estate agent there has been no reasonable offers (based on the local property market) to be sold as a family home for at least 6 months.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history for the site.
- 4.2 The planning application 12/00245/FUL at 14 York Terrace Henstead Road has similar circumstances to this site where there were only 3 remaining family homes in the area affected. Although that application applied to a large HMO (7 or more occupiers), the concentration of HMOs is still relevant to this application under consideration. The application was recommended by Officer's for refusal due to the impact on the character of the local area from the high concentration of HMO's. However, in that case Panel overturned the officer recommendation and approved the application at the meeting held on 29th May 2012.

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 (27.08.2012). At the time of writing the report **5** representations have been received from surrounding residents, including representations of **objection** from local Ward Councillor Vinson, and **support** from local Ward Councillor Norris. The comments received have been summarised below:

5.1.1 Comment

There is an overconcentration of HMO's in relation to the balance and mix of households in the local area as the majority of properties are already HMO's and, therefore, exceeds the 10% threshold.

Response

It is noted that the number of HMOs exceeds the 10% threshold. The applicant is seeking exceptional circumstances as there are 3 family homes remaining within the 40m radius and they have been unable to sell their property for the 6 months for a reasonable price. Officer's have recommended refusal on the basis that this does not meet the guidance for allowing exceptional circumstances under section 6.6 of the HMO SPD, which specifies that the retention of 1 or 2 family dwellings would not further harm the character of the area.

5.1.2 Comment

The level of on street parking is over capacity.

Response

The applicant has undertaken a recent on street parking survey in the evening between 1900 and 2100 hours within the streets surrounding the application site. The Highway Officer is satisfied that the capacity of on street parking is sufficient to accommodate the parking demand resulting from the conversion to a small HMO.

5.1.3 Comment

The bins are left on the street causing an obstruction. The HMOs will be occupied by students who cause noise disturbance and nuisance in the late evening.

Response

The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and litter. A condition will be applied to ensure that the bins are only stored on the highway on collection days.

5.2 **SCC Highways** - No objection raised.

5.3 **SCC Private Housing** – No objection raised.

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 the character and amenity of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 In principle, the conversion of the family dwelling into a small HMO is acceptable as there is a need for this type of housing. However, the contribution of this additional HMO should be balanced against the harm to the character and amenity of the local area. In this case, the number of existing HMOs already exceeds the tipping point in the local area in terms of the 10% threshold limit but falls short of the point where the exception rule is triggered i.e. there are only 1 or 2 family homes remaining within the 40m radius.

6.3 Impact on the character of the surrounding area;

6.3.1 Within the 40m radius surrounding the application site, 20 residential properties (including the application site) have been identified from which the concentration of HMOs is calculated. Based on information from the Council's records, in addition to a site visit carried out by the case officer, it is considered that the threshold of 10% has already been exceeded by the number of existing and proposed HMOs.

6.3.2 The survey shows that the majority of the properties in the radius are HMOs. Only 3 family homes remain (not including 106 Tennyson Road). However, this is not sufficient to trigger the exceptional circumstances set out in section 6.6 of the HMO Supplementary Planning Document. An additional HMO will further unbalance the mix of households and the character of the local area.

6.3.3 It is highlighted that in this instance, the percentage of HMOs within the assessment zone is 85%. This is comparable to the planning application at 14 York Terrace Henstead Road where there were only 3 remaining family homes in the area affected (**refer to Section 4**).

6.3.4 The exceptional circumstances can only be applied to properties which have been marketed for continued family use for at least 6 months. An estate agent (**see Appendix 2/3**) has confirmed that the property has been marketed for 6 months with no reasonable offers for continued use as a family dwelling. That is a relevant

factor, although in the current housing market, not considered to be an over-riding argument.

6.4 Impact on residential amenity of neighbouring occupiers

6.4.1 The northern end of Tennyson Road surrounding the application site is mainly characterised by a tight urban grain, and there are existing examples of HMOs in terraced properties. The property has 4 bedrooms and therefore is likely to have maximum of 4 occupiers, though a small C4 HMO permission would allow up to 6 persons to live there.

6.4.2 It is considered that the proposed HMO will not adversely impact on the residential amenity of local residents, as there would not be significant difference in the scale and nature of use in terms of comings and goings of the residents and the amount of refuse they produce.

6.5 Impact on highway safety

6.5.1 The applicant has undertaken an on street parking survey on Wednesday 31 October 2012 in the evening between 1900 and 2100 hours within the streets surrounding the application site. The Highway Officer is satisfied that the capacity of on street parking is sufficient to accommodate the parking demand resulting from the conversion to a small HMO.

6.5.2 The Highway Officer has commented that a secure and covered cycle store should be provided with Sheffield style stands to accommodate a cycle for each occupier/bedroom. A condition will be applied to require these further details.

6.5.3 The refuse bins will be sited to the front forecourt behind an existing low front wall and hedge. Although bins should not normally be visible from the street, this is considered to be acceptable in this case as there is no scope to store the bins to the rear as the property is terraced.

6.6 Standard of living conditions for future residents

6.6.1 The Private Housing team are satisfied with the standard of accommodation for future residents, however, the applicant or any prospective purchaser should be aware that the current level of amenities would only allow occupation by up to 5 persons.

6.6.2 Policy H4 specifies that the private amenity space provided should be adequate, however, does not specify a minimum standard for the quantity of space. Although the size of amenity space is small, this is not uncharacteristic of the garden sizes of the adjacent properties in Tennyson Road, and the usability of the space is considered to be acceptable.

7.0 Summary

7.1 In summary, the existing number of HMO's in the 40m radius exceeds to the 10% threshold for the area but does not trigger the exceptional circumstance of being the last one or two non-HMO's. On this basis a further erosion of the balance of the local community will cause harm to the character of the local area.

8.0 Conclusion

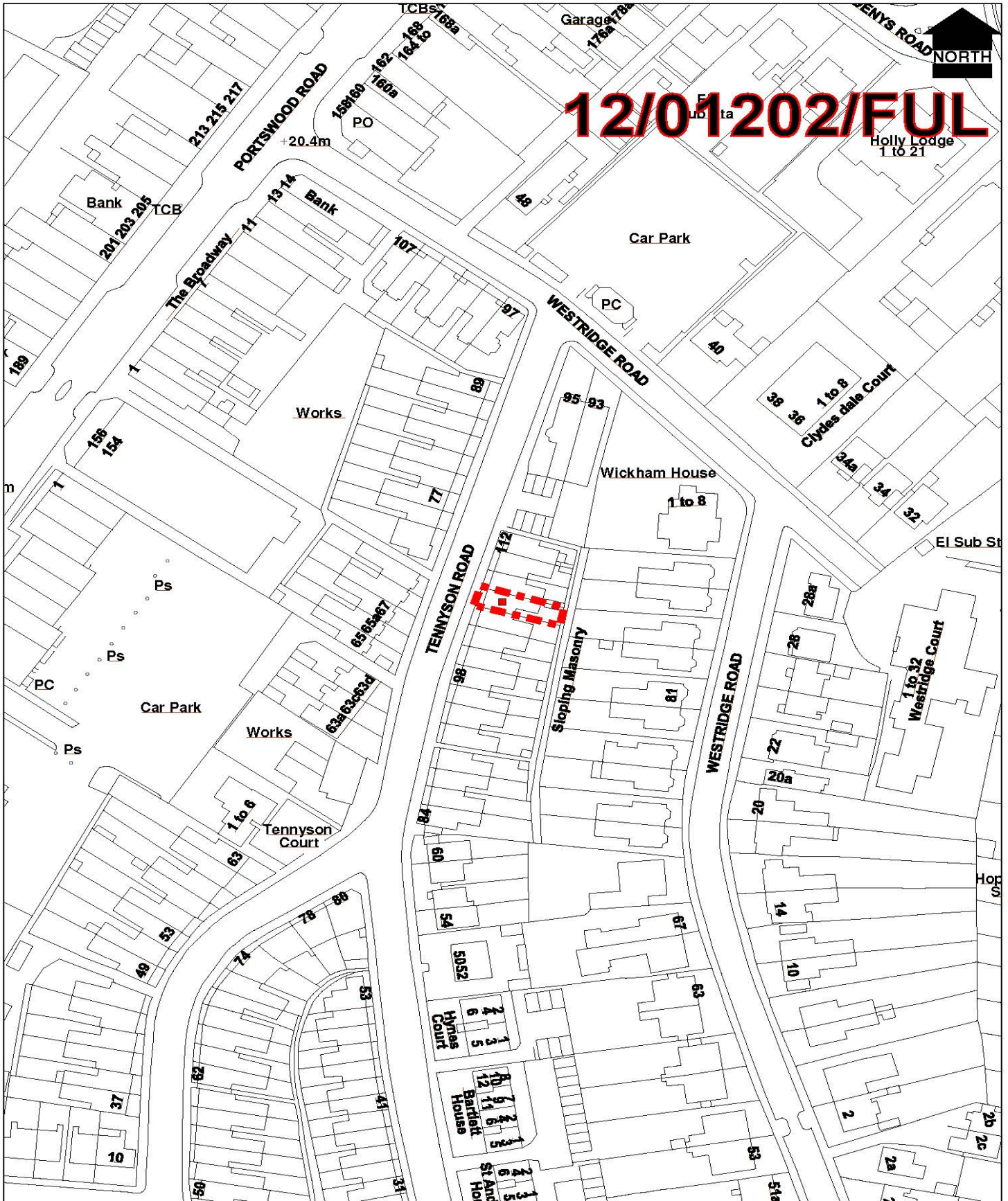
- 8.1 On balance, the impact of the application has been assessed as contrary to policy and therefore is recommended for refusal.

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).

SB for 11/12/12 PROW Panel



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