

**Planning and Rights of Way Panel 27<sup>th</sup> June 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 25 Northolt Gardens, Southampton			
<b>Proposed development:</b> Change of use from dwelling house (C3 use) to a 4 bedroom house of multiple occupation (HMO, C4 use) (retrospective)			
<b>Application number:</b>	23/00505/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Sam Kushner	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	15.06.2023 ETA: 30.06.2023	<b>Ward:</b>	Coxford
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	TBC post election
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Dr Nagarajan Elumalai		<b>Agent:</b> N/A	

<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	40m Radius map		

**Recommendation in Full**

**Conditionally Approve**

<b>1.</b>	<b><u>The site and its context</u></b>																															
1.1	The application site is a mid terrace property, in an area with primarily other two storey terraced properties and a suburban character. The application site is in close proximity to Lordshill District Centre.																															
1.2	The application form states that C4 use has been operational since 01/03/2023. Beyond the change of use, no physical changes have been made to exterior of the application site. An additional bedroom has been created by dividing the lounge area.																															
<b>2.</b>	<b><u>Proposal</u></b>																															
2.1	This application seeks to regularise the currently unauthorised change of use from a C3 dwellinghouse to a 4 bed HMO (class C4). The only physical change is the formation of the downstairs bedroom by subdivision of the lounge area.																															
2.2	<table border="1"> <thead> <tr> <th>Room</th> <th>Location</th> <th>Size</th> <th>Minimum Standard</th> </tr> </thead> <tbody> <tr> <td>Bedroom 1</td> <td>First floor rear</td> <td>10.9sqm</td> <td rowspan="4">Minimum 6.51sqm</td> </tr> <tr> <td>Bedroom 2</td> <td>First floor front right</td> <td>11.1sqm</td> </tr> <tr> <td>Bedroom 3</td> <td>First floor front left</td> <td>8.9sqm</td> </tr> <tr> <td>Bedroom 4</td> <td>Ground floor front</td> <td>6.9sqm</td> </tr> <tr> <td>WC</td> <td>Ground floor</td> <td>---</td> <td rowspan="2">At least 1 shared bathroom for up to 5 persons</td> </tr> <tr> <td>Bathroom</td> <td>First floor</td> <td>---</td> </tr> <tr> <td>Kitchen</td> <td>Ground floor</td> <td>10.7sqm</td> <td rowspan="2">Minimum total combined kitchen / living area of 11.5sqm for up to 5 persons</td> </tr> <tr> <td>Lounge</td> <td>Ground floor</td> <td>15.5</td> </tr> </tbody> </table>	Room	Location	Size	Minimum Standard	Bedroom 1	First floor rear	10.9sqm	Minimum 6.51sqm	Bedroom 2	First floor front right	11.1sqm	Bedroom 3	First floor front left	8.9sqm	Bedroom 4	Ground floor front	6.9sqm	WC	Ground floor	---	At least 1 shared bathroom for up to 5 persons	Bathroom	First floor	---	Kitchen	Ground floor	10.7sqm	Minimum total combined kitchen / living area of 11.5sqm for up to 5 persons	Lounge	Ground floor	15.5
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<b>3.</b>	<b><u>Relevant Planning Policy</u></b>																															
3.1	The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at <b>Appendix 1</b> .																															
3.2	The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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	<p>The Council's Houses in Multiple Occupation Supplementary Planning Document (SPD HMO) indicates:</p> <p><i>“1.1 Houses in Multiple Occupation (HMOs) provide much-needed housing accommodation. However, a large number of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing community.</i></p> <p><i>1.2 The planning system can assist in achieving a mix of households within the city's neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses. This can best be delivered by preventing the development of excessive concentrations of HMOs and thus encouraging a more even distribution across the city.”</i></p>
3.4	Policies H4 (Houses in Multiple Occupation) and CS16 (Housing Mix and Type) support the creation of mixed and balanced communities and require an assessment of how the introduction of HMOs affect the character and amenity of the local area. The Council's Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets a maximum HMO concentration threshold of 10% (surveyed over a 40m radius from the front door of the property), in order to avoid over-concentrations of HMOs leading to an imbalance in the mix of households within a local neighbourhood.
3.5	Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allow development which respects the character and appearance of the local area. Policy H7 (The Residential Environment) expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.
3.6	Saved policy SDP5 (Parking) of the Local Plan Review and policy CS19 (Car and Cycle Parking) of the Core Strategy both seek to discourage reliance on cars and encourage alternative, more sustainable modes of transport by setting maximum standards for car parking and minimum standards for secure cycle storage, which are detailed in the Parking Standards SPD.
<b>4.</b>	<b><u>Relevant Planning History</u></b>
4.1	A schedule of the relevant planning history for the site is set out in <b>Appendix 2</b> of this report.

5.	<b><u>Consultation Responses and Notification Representations</u></b>
5.1	<p>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 on 27<sup>th</sup> April 2023. At the time of writing the report <b><u>7 objections (5 from within the ward)</u></b> have been received from surrounding residents. An objection has also been received from Cllr Margetts.</p> <p>The following is a summary of the points raised:</p>
5.2	<p><b><i>The change of use to an HMO has led to antisocial behaviour from residents</i></b>  <b><u>Response</u></b>  The Council's Environmental Health team have enforcement powers available outside of the Planning system to enforce against statutory noise nuisance. These issues are discussed in the Planning Considerations further below.</p>
5.3	<p><b><i>There are constraints on parking in the area and more residents would exasperate the issue</i></b>  <b><u>Response</u></b>  The impact of parking will be discussed below; however no objection has been received from the council's highways department on highway safety grounds or to the lack of parking on offer.</p>
5.4	<p><b><i>The area is characterised by family dwellings and an HMO would disturb this</i></b>  <b><u>Response</u></b>  The application site is compliant with the 10% density rule, and previous appeal decisions including 10 Lumsden Avenue APP/D1780/W/15/3005204 have determined that where this is the case, the character of the area will not be negatively impacted by an HMO. The Planning system seeks to secure a mix of accommodation to serve the whole community, and the Council's threshold tests ensure a balance.</p>
5.5	<p><b><i>Property prices will be negatively impacted</i></b>  <b><u>Response</u></b>  This is not a material planning considerations</p>
5.6	<p><b><i>Access for emergency services may be affected, greater risk of a fire with more residents</i></b>  <b><u>Response</u></b>  No objection has been received from the council's highways department. It is not considered that the fire risk from an HMO is materially greater than a family dwelling.</p>

	<b><u>Consultation Responses</u></b>	
5.7	<b>Consultee</b>	<b>Comments</b>
	Highways Development Management	<p>No objection</p> <p>The proposal does not appear to have any external changes including any parking or accesses. The local streets are unrestricted but the proposed change of use is not considered to generate any significant difference in car trips or ownership levels.</p> <p>It is however requested that cycle parking spaces are provided for each bedroom. This is due to that living style and nature of occupants could be akin to individual flats. One long stay space (as defined by the Parking SPD, 2011) to be provided per bedroom/occupant.</p>
	Environmental Health	<p>No objection</p> <p>I have looked at the application form and associated documents. I have also looked at our records and I can confirm that the Environmental Health Neighbourhoods Team have no objections to this application.</p>
	Cllr Barrie Margetts	I am opposed to the conversion of this property to an HMO, I do not think it compatible to the area.
<b>6.0</b>	<b><u>Planning Consideration Key Issues</u></b>	
6.1	<p>The key issues for consideration in the determination of this planning application are:</p> <ul style="list-style-type: none"> <li>- The principle of development;</li> <li>- Design and effect on character;</li> <li>- Residential amenity;</li> <li>- Parking highways and transport</li> </ul>	
6.2	<b><u>Principle of Development</u></b>	
6.2.1	<p>The permitted development right to change the use of a property from a C3 single dwelling to a C4 small HMO for up to 6 persons was removed by Southampton City Council on 23<sup>rd</sup> March 2012; when the Council enacted a citywide Article 4 Direction to control the problems associated with high</p>	

	concentrations of HMOs in local communities. Any new HMO uses that have begun since this date require planning permission.
6.2.2	<p>Policy H4 acknowledges there is a need to maintain the supply of housing whilst balancing this against maintaining a sustainable mix of households within the community. <i>Planning permission will only be granted for conversions to houses in multiple occupation where:</i></p> <ul style="list-style-type: none"> <li><i>(i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties;</i></li> <li><i>(ii) would not be detrimental to the overall character and amenity of the surrounding area;</i></li> <li><i>(iii) adequate amenity space is provided which:</i> <ul style="list-style-type: none"> <li><i>a) provides safe and convenient access from all units;</i></li> <li><i>b) is not overshadowed or overlooked especially from public areas; and</i></li> <li><i>c) enables sitting out, waste storage and clothes drying.</i></li> </ul> </li> </ul>
6.2.3	<p>The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. As this proposed HMO use is the first in the road, the HMO concentration as a result of this application would be only <b>3.7% (1 HMO out of 27 eligible residential properties)</b>, which is within the 10% maximum limit for the 40m radius survey area. This survey has reviewed the Electoral Register, Planning Register, Licensing Register, and Council Tax records available. Although the Council does not have a complete database on the location of all HMOs in the city, these sources provide the Council's best-known evidence. A copy of the 40m radius map is attached as <b>Appendix 3</b>.</p>
6.2.4	<p>Given the above, the principle of development to convert the property into a C4 HMO can be supported subject to an assessment of the planning merits in relation to Policy H4 and supporting guidance.</p>
6.3	<u>Design and effect on character</u>
6.3.1	<p>The internal works to facilitate the change of use do not visually impact on the appearance of the streetscene.</p>
6.3.2	<p>In terms of impact on the housing mix and community, it is not considered that the conversion would significantly change the character of the area. The 10% threshold in the HMO SPD seeks to ensure a balanced community and housing mix is maintained. In this instance the application would add to the mix of properties without significant harm to the area.</p>
6.4	<u>Residential amenity</u>
6.4.1	<p>There are no new side-facing windows proposed, nor any external alterations to the existing building, so the proposal does not raise concerns</p>

	for creating overbearing, overshadowing or overlooking impacts for neighbouring residents.
6.4.2	It is noted that there are objections from neighbouring residents regarding the existing HMO use, and in particular the activities of the current occupiers. Whilst this planning application can assess the general impact of a proposed HMO use, including the impact on residential amenity, the specific current issues of noise and antisocial behaviour are outside the scope of this application, as they are enforced by other agencies, such as Licencing, Environmental Health and the Police. Whilst officers do not condone the retrospective nature of this application the Council has a duty to determine it on its individual Planning merits.
6.4.3	In this instance it is not considered that the change of use of the property to a four bedroom HMO property would result in a significant increase in comings and goings that would disturb neighbouring properties and their amenity. However, as the application results in the conversion of a mid terrace property, internal activity from the HMO use may give rise to additional noise levels. Therefore a condition will be imposed to secure additional internal sound insulation. Subject to compliance with this condition, the application would not result in harmful impacts to neighbouring properties in terms of noise and disturbance.
6.4.4	The table at paragraph 2.2 demonstrates compliance with the nationally described space standards. The HMO property provides a good quality living environment for current and future occupiers of the property. All habitable rooms have good access to light and outlook. There are communal spaces available with a good-sized kitchen and separate living room, which exceed minimum standards. There is a modest sized garden at 25 sqm with space for sitting out, hanging washing, and for secure cycle storage. A condition will be imposed to ensure adequate internal communal spaces are maintained.
6.5	<u>Parking highways and transport</u>
6.5.1	The Council's parking standards within the HMO SPD limit parking to a maximum of 3 parking spaces for a 4 bedroom HMO. Parking can be provided by way of either on-street or off-street parking spaces. Two parking spaces are provided on the front drive and parking is not restricted on street. Both policies SDP5 and CS19 seek to encourage residents to use alternative, more sustainable modes of transport and discourage reliance on cars.
6.5.2	No objections on the level of car parking provided have been received from the highways officer, who noted that secure cycle storage should also be provided. This is discussed in paragraph 6.5.3

6.5.3	There is space to accommodate secure and covered cycle storage within the rear garden, of sufficient size to provide 4 cycles spaces, 1 per bedroom, meeting the design guidance given in the Parking Standards SPD. Further details of the size, layout and appearance of this structure can be secured by condition.
6.5.4	No details of bin storage have been proposed however details of a covered bin storage structure can be secured via a condition.
<b>7.</b>	<b><u>Summary</u></b>
7.1	In summary, the retention of the existing HMO use, with the conditions proposed, is not considered to significantly harm the character and amenity of the area, or highway safety. The comings and goings associated with an HMO use, including traffic and parking demand generated, are not considered to be detrimental to the amenity and safety of the residents living in the area. Furthermore, retention of the existing HMO use would not imbalance the mix of households locally, as 96.3% of properties within the 40m radius would remain as non HMO properties. An HMO use would contribute positively towards the availability of smaller lower cost and flexible accommodation.
<b>8.</b>	<b><u>Conclusion</u></b>
8.1	It is recommended that planning permission be granted subject to the conditions set out below.

**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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Sam Kushner** 27.06.2023 PROW Panel

**PLANNING CONDITIONS**

**01. Retention of communal spaces (Performance)**

The rooms labelled Kitchen, Conservatory, and Living Room shown on the plans hereby approved shall be retained for communal purposes only and shall be made available to all occupiers at all times for the duration of the approved C4 HMO use.

Reason: To ensure that suitable communal facilities are provided for the residents.

**02. Limit of occupiers (Performance)**

The HMO hereby approved shall be occupied by no more than 4 persons.

Reason: In the interests of protecting the character and amenity of the local area.

**03. Cycle storage facilities**

Unless within 2 months of the date of this decision a scheme for cycle storage is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's



approval, the use of the site as a house of multiple occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the lifetime of the development.

*Note:*

*In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.*

Reason: To encourage non-car based modes of transport in accordance with Policy CS18 of the City of Southampton Core Strategy (2015).

#### **04. Refuse & Recycling**

Unless within 2 months of the date of this decision details of an enclosure for the storage of refuse and recycling shall be submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site as a house of multiple occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained in perpetuity.

*Note:*

*In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.*

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

#### **05. 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.

#### **05. Noise Insulation**

Unless within 3 months of the date of this decision a scheme for the insulation from floor to ceiling height of Party walls for the Sitting Room and all 4 bedrooms shown on the approved floorplans, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site as a house of multiple

occupation shall cease until such time as a scheme is approved and implemented. If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a house of multiple occupation shall cease until such time as a scheme approved by the local planning authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

*Note:*

*In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.*

Reason: to protect the amenities of neighbouring properties in accordance with saved Policy SDP16 of the City of Southampton Local Plan Review (2015).

#### **06. PD Restriction (Residential)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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);

Class B (roof alteration);

Class C (other alteration to the roof); and

Class E (curtilage structures), including a garage, shed and greenhouse;

**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 in line with Local Plan Policy SDP1

**POLICY CONTEXT**

Core Strategy – (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Houses in Multiple Occupation SPD (Adopted - May 2016)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (Revised 2021)

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**Relevant Planning History**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
1426/P25/25	THE ERECTION OF 263 TWO STOREY HOUSES WITH ACCESS ROADS.		23.11.1971
1467/25/25-1	THE ERECTION OF 147 HOUSES AT LORDS HILL SECTOR 4 SOUTH.		27.11.1973
07/01754/FUL	Conservatory	Conditionally Approved	27.12.2007

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Properties included within search:

4-11, 14-27 Northolt Gardens

20-23 Pembrey Close

1-14 Kinloss Court excluded from assessment as per HMO SPD methodology as properties are 1 and 2 bed roomed flats