

Appeal Decision

Site visit made on 4 October 2016

by Rory Cridland LLB (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2016

Appeal Ref: APP/D1780/W/16/3151046

103 Westridge Road, Southampton SO17 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Kirsten Killander against the decision of Southampton City Council.
 - The application Ref 16/00136/FUL, dated 28 January 2016, was refused by notice dated 7 April 2016.
 - The development proposed is for a change of use from C3 (dwelling house) to C4 (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwelling house (C3) to House in Multiple Occupation (C4) at 103 Westridge Road, Southampton SO17 2HJ in accordance with the terms of the application, Ref 16/00136/FUL, dated 28 January 2016, subject to the following condition:

Within three months of the date of the permission, details of secure storage for bicycles shall be submitted to and approved in writing by the local planning authority. The secure storage shall thereafter be provided in accordance with the details so approved.

Preliminary Matters

2. I have adopted the description of the proposal from the Council's decision notice instead of the description given in the application form as it more precisely describes the proposed development.
3. The site currently operates as a 4 bedroom House in Multiple Occupation (HMO). Accordingly, I have dealt with the application on a retrospective basis.

Background

4. On 23 March 2012, an Article 4(1) direction to remove the permitted development rights to convert a single dwelling house into a HMO came into effect in Southampton.
 5. The proposal is for a change of use from a dwelling house to a HMO. At the time of determination, the Council considered the proposal to be contrary to the adopted HMO Supplementary Planning Document (2012) ("the 2012 SPD") which sought to restrict the overconcentration of HMO's other than in exceptional circumstances.
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6. Since the determination, the 2012 SPD has been superseded by the HMO Supplementary Planning Document (2016) ("the 2016 SPD") which alters the definition of exceptional circumstances. As a result of this altered definition, the Council has confirmed within its written evidence that it wishes to withdraw its objection to the proposal. I have taken this into account in reaching my decision.

Main Issue

7. The main issue is whether the proposal would result in an unacceptable concentration of HMO's in the immediate vicinity of the application site.

Reasons

8. Policy CS16 of the Southampton Core Strategy (2010)¹ seeks to ensure the provision of a mix of housing types and more sustainable and balanced communities through, amongst other things, the control of HMO's. Similarly, Policy H4 of the Southampton Local Plan Review (2006)² restricts new development which would result in the conversion to a HMO where it would be detrimental to the overall character and amenity of the area.
9. The 2016 SPD³ provides further guidance and introduces an 80% threshold, above which it is considered that the concentration of HMO's is at such a point that the introduction of a new HMO would not change the character of the surrounding area.
10. The Council accepts that the concentration of HMO's is at or above the requisite level and that the appellant has demonstrated that there is no reasonable market interest in letting the property as a C3 dwelling. I see no reason to conclude otherwise and am satisfied, on the evidence before me that the proposal would fall within the exceptional circumstances set out in paragraph 4.5 of the 2016 SPD.
11. Consequently, I am satisfied that it would not be detrimental to the overall character of the area and would not conflict with Policies CS16 or H4.

Conditions

12. I have had regard to the conditions suggested by the Council and noted on site that the rear outside area was adjacent to a lane which provided access to the back of the property. Despite the enclosed nature of this outside space, there were obvious security risks relating to the storage of cycles in this area. I therefore consider a condition requiring the provision of secure storage to be appropriate in the circumstances.
13. However, as the works have already been carried out, I do not consider a condition specifying the plans to be necessary. Likewise, I do not consider a condition limiting the number of occupiers to be reasonable as no detailed reasons have been provided as to why any increase would be detrimental to neighbouring occupiers. Similarly, while I note the suggested condition requiring the retention of communal areas, I have been provided with no firm

¹ Local Development Framework Core Strategy Development Plan Document (amended version incorporating the Core Strategy Partial Review March 2015)

² City of Southampton Local Plan Review (2006)

³ At paragraph 4.5

policy basis for such a restriction and accordingly cannot be certain that such a condition would be necessary in the circumstances.

14. The Council has also proposed a condition restricting the storage of refuse to the front of the building. However, in view of the lack of any side access, this would be likely to result in refuse being wheeled through the house on collection days which would be both unacceptable and unhygienic. Furthermore, I noted that the vast majority of the surrounding properties stored refuse to the front. I do not therefore consider such a restriction to be appropriate in this instance.

Other Matters

15. While I note the objections of the Portswood Central Residents Association and nearby residents, those which relate to the overconcentration of HMO's in the area I have already considered in my reasoning above. In relation to concerns regarding on-street parking, I have seen no evidence which would suggest that the proposal would have any material impact on the availability of parking. I do not therefore consider this to provide sufficient grounds to withhold permission.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR