
Appeal Decision

Site visit made on 18 April 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 9th May 2017

Appeal Ref: APP/Z1775/W/16/3160581

3 Nelson Terrace, Victory Road, Portsmouth PO1 3DR

- 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 Mr Jonathan Parry against the decision of Portsmouth City Council.
 - The application Ref 16/0396/FUL, dated 9 March 2016, was refused by notice dated 18 May 2016.
 - The development proposed is described as *"I wish to change the use of my residential property from C3 usage to C4 (a house in multiple occupation)"*.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development on the application form includes a statement setting out the reasons for the application. The first sentence of the description accurately describes the proposal. I have therefore omitted the remainder of the description from the banner heading in the interests of precision.
3. In November 2011 the Council confirmed a city-wide Article 4 Direction which withdrew permitted development rights for a change of use from a dwelling in Use Class C3 to a House in Multiple Occupation (HMO) in Use Class C4.

Main Issue

4. The main issue in this appeal is whether the proposal would encourage sustainable, inclusive and mixed communities.

Reasons

Whether sustainable, inclusive and mixed communities would be encouraged

5. The appeal site consists of a modest-sized, traditional mid-terrace property. It is in a short row of similar properties which are situated in an area of mixed character. This includes low-rise and high-rise housing erected as part of the comprehensive redevelopment of the Portsea area of the city following World War II. On the opposite side of the street is a substantial high-rise office building now vacant, known as Brunel House.
 6. Policy PCS20 of the adopted Portsmouth Plan Core Strategy (CS) permits the change of use to a HMO where the community is not already imbalanced by a
-

concentration of such uses or where the development would not create an imbalance. This policy is generally consistent with the aims of paragraph 50 of the National Planning Policy Framework (the Framework) which amongst other matters seeks to create sustainable, inclusive and mixed communities based on the needs of different groups in the community.

7. The Council's adopted HMO Supplementary Planning Document (SPD) details how it envisages Policy PCS20 being implemented. Amongst other matters it regards a community as 'imbalanced' where more than 10% of the residential properties in the area surrounding the application property are already in HMO use. In the case of a house, the SPD defines 'the area surrounding the application property' as an area with a radius of 50 metres from the mid-point of the property frontage.
8. There is no dispute between the main parties that the number of residential properties in use as HMOs in the locality is already very high. According to the appellant, there are only two houses and three flats in this street of sixteen residential properties which are not in use as HMOs. I am given to understand that the existing HMOs pre-date the Council's Article 4 Direction. The Council's figures suggest that almost half of the properties within a 50-metre radius of the appeal site are in use as HMOs.
9. Therefore, the number of HMOs in the surrounding area considerably exceeds the 10% threshold in the SPD. It follows that the community is already 'imbalanced' for the purposes of the SPD and CS Policy PCS20. Neither the above policy or the SPD distinguish between different concentrations of HMOs above the 10% threshold. Therefore, to my mind the policy and the SPD are squarely aimed at restricting further HMOs in all situations where the threshold is breached, as it would represent a 'high concentration' of such uses. However, it is still necessary to examine whether planning harm would be caused by the proposal.
10. HMOs can provide accommodation for some sections of the community such as single person households, students and young professionals. However, the proposal would reduce the opportunities that there are for family housing in the surrounding area. It would also increase the other adverse social impacts associated with higher levels of a more transient population typical of HMOs. These impacts can include a reduction in community cohesion, reduced support for community facilities such as schools and increases in anti-social behaviour. The supporting text to CS Policy PCS20 acknowledges that high concentrations of HMOs can have adverse social as well as adverse environmental and economic impacts. Individually the above adverse effects would be modest. However, when taken together the planning harm that would be caused should carry significant weight.
11. The street is already largely characterised by HMOs. This situation is likely to continue if the appeal were to be dismissed. However, the adverse effects of the proposal identified above are likely to be felt by the wider local community. Therefore, the effects of the proposal cannot be assessed solely by reference to the properties in the street. Consequently, it does not follow that the existing concentration of HMOs in the street or its surroundings means that the proposal would not cause planning harm.
12. Accordingly, the proposal would result in a further increase in the concentration of HMOs in the surrounding area and would not encourage sustainable,

inclusive and mixed communities. Therefore, the proposal would fail to accord with CS Policy PCS20, as it would not support mixed and balanced communities and it would not ensure that a range of household needs continue to be accommodated throughout the city. It would also be inconsistent with the SPD aim of avoiding high concentrations of HMOs in the city. Further, for the above reasons the proposal would be inconsistent with paragraph 50 of the Framework.

13. I note that Brunel House has received prior approval from the Council for its change of use to 242 dwellings pursuant to Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015¹. If fully implemented, the approved scheme would substantially increase the percentage of dwellings in the locality and would significantly reduce that of HMOs. However, as far as I am aware, the approved scheme has not been implemented to date. Whilst the approved scheme might be built out in future, that prospect is by no means certain. I have to deal with the appeal on the basis of the current circumstances. Consequently, I have given the approved scheme little weight in my decision.

Other Matters

14. Given the existing concentration of HMOs in the surrounding area, I accept that the proposal would be unlikely to result in existing residents experiencing any significant increase in noise and disturbance from the more intensive use of the appeal property and increased comings and goings. However, the absence of such harm does not, in itself, weigh significantly in favour of the proposal.

Conclusion

15. The proposal would fail to accord with the Development Plan, the SPD and the Framework.
16. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

¹ Council Reference 16/00003/PACOU.