
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/17/3166600

The Cabman's Rest, 1 Plymouth Street, Southsea PO5 4HW

- 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 Jaspal Ojla against the decision of Portsmouth City Council.
 - The application Ref 16/01601/FUL, dated 29 September 2016, was refused by notice dated 8 December 2016.
 - The development proposed is change of use from a public house to a house in multiple occupation (*sui generis*) with eleven bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a public house to a house in multiple occupation (*sui generis*) with eleven bedrooms at The Cabman's Rest, 1 Plymouth Street, Southsea PO5 4HW in accordance with the terms of the application, Ref 16/01601/FUL, dated 29 September 2016, subject to the conditions in the schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Jaspal Ojla against Portsmouth City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is whether the proposal would provide acceptable living conditions for the future occupiers, having particular regard to the room sizes, access to ablution facilities and waste and recycling storage.

Reasons

4. The Cabman's Rest is a vacant public house occupying a corner plot opposite a secondary school. Dating from the early 20th Century, the building is arranged over two levels, with the bar, kitchen, toilets and storage on the ground floor and a living area over. The building has some architectural and local historic interest; it is an isolated survivor of the comprehensive redevelopment which took place in the surrounding area after World War II.

Living conditions of future occupiers

5. The proposal would provide a house in multiple occupation (HMO) comprising five bedrooms on the ground floor, with six further bedrooms on the first floor. There would be three separate rooms containing WCs on the ground floor. One of these rooms would also contain a shower, whilst another would also contain
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a bath. Similar ablution facilities would be provided in three separate rooms on the first floor. All of the eleven bedrooms vary in size but satisfy the minimum floor areas for single bedrooms¹. Based on an individual occupying each bedroom, this would equate to each WC being shared by around two people, with the shower and bathroom facilities each shared between roughly three people. Therefore, the number of people sharing the ablution facilities would not be unusually large. The level of sharing of such facilities would not be dissimilar to that commonly experienced by occupiers of single family dwellings. The individual floor areas of the WCs/bathrooms/shower rooms would be modest in comparison with the overall floor area of the building. Even so, the rooms would not appear to be so small as to be unable to accommodate the required washing and sanitary appliances.

6. Whilst the proposed kitchen would take up around half the total floor space of the communal kitchen/lounge, the total floorspace of both areas would provide the largest room in the building and it would allow a reasonably spacious area for both functions. Given that individual occupants of HMOs often tend to have different lifestyles or work patterns, they are unlikely to all want or need to use the kitchen and lounge at the same time. Consequently, the kitchen and lounge would not be unusually small, having regard to the general characteristics of HMO occupation.
7. The submitted plan shows the existing internal door between the bedroom in room no.3 and the bin store in room no.5 as being blocked up. The bin store would therefore only be accessible externally. Provided there is proper internal insulation and adequate future management of the bin store, there is no good reason why there should be unacceptable odours experienced by future occupiers of adjacent bedrooms or other rooms in the building, or significant problems experienced from vermin. Aside from the above matters, all of the habitable rooms would have direct access to natural daylight and ventilation and there would be an outdoor amenity area at the rear of the building.
8. For all of the above reasons, I find that the proposal would not result in an over-intensive use of the building, as it would not provide unusually cramped or restricted living accommodation. Therefore, it would provide a good standard of living environment for the future occupiers. Consequently, the proposal would accord with the final bullet point of Policy PCS23 of the adopted Portsmouth Plan Core Strategy. The securing of a good standard of amenity for the future occupiers would also accord with one of the core planning principles set out in paragraph 17 of the National Planning Policy Framework (the Framework).

Other Matters

9. The appellant has made a financial contribution accompanied by a legal agreement under Section 111 of the Local Government Act 1972 towards habitat mitigation within the Solent Special Protection Areas (SPA), as required by the Council's adopted SPA Supplementary Planning Document. I am satisfied that the habitat mitigation contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly related to it in scale and kind. The contribution would therefore comply with the tests in Section 122 (2) of the CIL Regulations

¹ Technical housing standards-nationally described space standard DCLG March 2015.

and the Framework at paragraph 204. Consequently, I have taken the contribution into account in my decision.

10. I have had regard to the matters raised by local residents at application stage and in response to the appeal. There is no firm evidence to suggest that the proposal would be incompatible with the adjacent family and elderly person's accommodation. In my view, the proposal would be consistent with paragraph 50 of the Framework, which seeks to create sustainable, inclusive and mixed communities by, amongst other matters, contributing to a mix of housing based on the needs of different groups in the community.
11. Having regard to the previous use as a public house, the proposal would not result in any significant increase in noise and disturbance being experienced by local residents from comings and goings to the building or from its use. There is no firm evidence that the proposal would lead to an increase in anti-social behaviour and fear of crime. Further, the proposal would not be at odds with the inner urban character of the surrounding area. Concerns were also expressed by local residents about increased parking and congestion occurring as result of the proposal. However, given the accessible location of the appeal site in relation to public transport and city centre services and facilities and the nature of the proposed accommodation, the future occupiers are much less likely to require access to a car.
12. The Council did not raise any objection to the proposal in respect of the above matters and I have found no reason to disagree with them. Consequently, whilst I appreciate that the proposal has been the subject of considerable local concern, I have afforded these matters limited weight. I also note that concern has been expressed regarding the possible identity of the future occupiers. However, that is not a planning matter and I cannot take it into account.

Conditions

13. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. To ensure that adequate provision is made for cycling and to promote sustainable modes of transport, I have imposed a condition requiring the submission, implementation and retention of a scheme of secure cycle parking facilities. To ensure that adequate facilities for the storage of refuse and recycling are provided, I have imposed a condition requiring the submission, implementation and retention of a scheme of refuse and recycling facilities. Where necessary, I have amended the conditions suggested by the Council in order to ensure that they comply with the tests at paragraph 206 of the Framework.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 16/540/01, Location Plan.
- 3) No part of the building shall be occupied in conjunction with the permitted use until facilities for the secure and weatherproof parking of bicycles have been provided within the site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle parking facilities shall be retained and kept available for such use in accordance with the approved details.
- 4) No part of the building shall be occupied in conjunction with the permitted use until facilities for the storage of refuse and recycling have been provided on site in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved refuse storage and recycling facilities shall be retained and kept available for such use in accordance with the approved details.