
Appeal Decision

Site visit made on 13 March 2018

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2018

Appeal Ref: APP/Z1775/W/17/3187443
103 Manners Road, Southsea PO4 0BD

- 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 Paul Lonsborough against the decision of Portsmouth City Council.
 - The application Ref 17/00178/FUL, dated 3 March 2017, was refused by notice dated 16 September 2017.
 - The development proposed is the change of use from purposes within a C3 (dwelling house) or C4 (house in multiple occupation) to a seven bedroom seven person Sui Generis house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from purposes within a C4 (house in multiple occupation) to a seven bedroom seven person Sui Generis house in multiple occupation at 103 Manners Road, Southsea PO4 0BD in accordance with the terms of the application, Ref 17/00178/FUL, dated 3 March 2017, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and 8056.15.3
 3. The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Procedural Matters

2. Since the refusal of the planning application, the Council's revised Houses in Multiple Occupation Ensuring Mixed and Balanced Communities Supplementary Planning Document (SPD) 2017 has been adopted and has been considered in my reasoning.
 3. The description of the application refers to use in either Class C3 (dwelling house) or Class C4 (house in multiple occupation (HMO)). Based on the appeal documentation, it has not been disputed that the property is in use as Class C4 (HMO) and the appeal has been considered on this basis.
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Application for costs

4. An application for costs was made by Mr Paul Lonsborough against Portsmouth City Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are (a) the effect of the proposal on the living conditions of future residents of the HMO, having regard to communal internal space provision and (b) whether there would be an imbalance of HMOs in the surrounding community.

Reasons

Living conditions

6. The appeal property consists of a two storey mid-terraced property located on Manners Road. The property is currently in use as Class C4 (HMO for up to 6 persons) and planning permission is sought for a Sui Generis 7 bedroom HMO.
7. The submitted plans show the property having a lounge and kitchen on the ground floor, a bathroom/shower room at first floor and an ensuite for a bedroom on the second floor. In comparison with the existing layout, the main change has been the subdivision of the existing larger second floor bedroom 6 into two smaller rooms. The lounge, kitchen and sanitary facilities would serve up to 7 occupants.
8. The SPD requires a good standard of living accommodation for future occupiers and the communal facilities would be undersized in relation to the required SPD amenity standards. The Council has also indicated that lounge, kitchen and sanitary facilities appear cramped based on photographic images, citing a lack of storage and useable worktop space. Nevertheless, the SPD provides guidance only and the lounge, kitchen and sanitary rooms and facilities already serve six residents under the current HMO. Having assessed the plans and images myself, an additional person would not significantly reduce the quality of space available for the existing occupiers or result in adverse living conditions for just one additional new resident.
9. For these reasons, the development would not harm the living conditions of future residents of the HMO for the reasons indicated and would comply with policy PCS23 of the Portsmouth Plan 2012, which amongst other matters, requires the protection of amenity and the provision of a good standard of living environment for residents of development.

Imbalance

10. Under the revised SPD, a change the use of Class C4 or mixed C4/C4 use to a HMO in Sui Generis use, will be refused where the concentration of HMOs already exceed the 10% threshold. The City Council's HMO database suggests that about 40.7% of properties within in a 50m radius of the application site are in use as HMO's and other roads have a higher concentration. It is indicated that previous decisions on similar proposals have failed to acknowledge the cumulative impact of incremental increases in occupation within HMOs and the impact intensification on adjoining residents and local communities. In this regard, there have been neighbour objections commenting on noise and disturbance, and inadequate vehicle parking.

11. Within the area, there would be an adverse impact on the community in terms of being unneighbourly if a significant number of the existing HMO's were to increase their number of residents. However, it has not been demonstrated that cumulative increases in numbers of residents within HMOs have occurred or could occur in the area surrounding the appeal site. Consequently, it is not possible to assess whether incremental changes are having a noticeable and harmful effect on the living conditions of the community's residents. Every proposal has to be considered on its planning merits based on the particular circumstances and for all these reasons, a broad concern of this nature does not justify withholding permission in this case.
12. One neighbour response specifically comments on noisy parties and disturbances from this property but there is no evidence that a further resident would increase the possibility of noisy parties and disturbances. Such unneighbourly activities are also not confined to just HMOs.
13. The appeal site does not benefit from any off-street vehicle parking and none can be provided. Nevertheless the property is already in use as HMO for up to six persons and lies in close proximity to local shops, services and transport facilities. Given this, increased demand for parking space would not be significant especially as only one additional HMO bedroom is proposed. It has not been demonstrated that the surrounding area is at full parking capacity and the Council's highway officer has confirmed no objection on vehicle parking grounds. I appreciate that parking distant from a property can be inconvenient for residents but there is no detailed evidence of how common this problem is. For all these reasons, the proposal would be acceptable in highway terms.
14. In summary, the proposal would not result in an imbalance in housing stock and harm to the local community for all these reasons. Accordingly, it would comply with policy PCS20 of the Portsmouth Plan, which states that applications for changes of use to a HMO will only be permitted where the development would not create an imbalance.

Conditions

15. A condition is necessary ensuring that the development is carried out in accordance with the approved plans in the interest of certainty. To protect the living conditions of residents and for certainty, to reflect what is being applied for, the number of residents is limited to no more than seven.

Conclusion

16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR