



Appeal Decision

Site visit made on 1 May 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/Z1775/W/18/3219118

37a Stanley Road, Portsmouth, PO2 8EL

- 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 Kahonde against the decision of Portsmouth City Council.
 - The application Ref 18/01212/FUL, dated 11 July 2018, was refused by notice dated 24 October 2018.
 - The development proposed is change of use of the house from private residence to a house in multiple occupation (Use Class C4).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of the house from private residence to a house in multiple occupation (Use Class C4) at 37a Stanley Road, Portsmouth, PO2 8EL in accordance with the terms of the application, Ref 18/01212/FUL, dated 11 July 2018, and the plans submitted with it, subject to the following 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: 18080-101/0 and 18080-201/0.
 - 3) Prior to the first use of the property as a house in multiple occupation, secure and weatherproof storage for a minimum of four bicycles shall be provided at the site and it shall be permanently retained thereafter.
 - 4) Prior to the first use of the property as a house in multiple occupation, a handbasin shall be installed within the ground floor WC at the site and it shall be permanently retained thereafter.

Procedural Matters

2. I have amended the description of development as set out on the planning application form to replace the word 'this' with 'the' and to insert reference to the C4 Use Class for which consent is sought, for clarity.

Main Issues

3. The main issue is whether the standard of accommodation for future occupiers would be acceptable.

Reasons

4. The site contains a two-storey end of terrace property. It is proposed that this would be used as a small House in Multiple Occupation (HMO) (Use Class C4). Both of the parties agree that the internal space standards set out in the Houses in Multiple Occupation Supplementary Planning Document 2018 ('the SPD') is the right place to start when making an assessment of the adequacy, or otherwise, of living conditions for future occupiers.
5. These standards provide two different ways of assessing communal living space. The first is on an individual room basis, looking at the living room, dining room and kitchen in isolation. There is no dispute that the living room would be larger than the SPD standard. The dining rooms and kitchen at the property are combined, which would result in an SPD standard of 18m². The appellant says that this is exceeded at 18.5m², whereas the Council says that at 16.6m², the space is undersized.
6. Even if the Council is correct, I am satisfied that when taking into account the usable layout of the kitchen/dining space, the oversized living room and a conservatory, which is accessed directly from the kitchen area and would provide additional communal space, that a fairly modest shortfall in the SPD standard would not have a harmful impact on living conditions for future occupiers.
7. The second means of assessing internal space standards is by measuring the combined living space provided. This is described as a single, typically open plan space, usually containing a kitchen, dining area and living area, laundry and utility space'. Whilst the lounge room is detached from the kitchen/dining room and so would not form part of this space, the conservatory should do, given that it is accessed from the kitchen/diner and that both rooms would likely be used together. The conservatory provides for laundry and utility space. Taking the Council's lower figure of 16.6m² for the kitchen/dining room and the conservatory, which is not specifically disputed as being 9.5m², the total combined space would be in excess of the SPD standard of 24m², at 26.1m².
8. The Council is concerned that the living room could be turned to an additional double bedroom without consent being required, bringing the number of occupiers up to six, and the reduction in the overall amount of communal space. In such a scenario, the assessment of the amount of communal space would fall to the second method, which I have found would be in accordance with the SPD and so would be acceptable.
9. The Council is also concerned that the upstairs bathroom would be 0.4m² smaller than the SPD standard. I viewed that room on my visit and could see that it was of an acceptable size and layout and do not find that such a marginal shortfall against the standard would result in unsatisfactory living conditions. A further concern is the absence of a washbasin from the downstairs toilet. The appellant describes that this will be installed prior to the first use of the property as a small HMO and I have attached a condition to secure that this would be the case.

10. The Council makes reference to an appeal decision¹, but I do not have full details of that case before me. From the extract provided, it appears as though that Inspector found the amount of communal space to be unacceptable, whereas I have found that provided here to be acceptable. As such, that decision does not change my conclusions on this case.
11. Overall, for the reasons that I have described, I am satisfied that the standard of accommodation for future occupiers at the site would be acceptable and consistent with policies PCS20 and PCS23 of the Portsmouth Plan, in so far as they seek to ensure that acceptable quality living arrangements are provided, and the objectives of the Houses in Multiple Occupation Supplementary Planning Document 2018.

Conditions

12. I have attached standard conditions requiring that the development be carried out within three years and in accordance with the approved plans. I have also imposed conditions suggested by the Council that would require the provision of cycle storage and a downstairs washbasin at the property, in the interest of promoting sustainable transport measures and ensuring that adequate facilities are provided for future occupiers.
13. The Council has suggested conditions that would restrict the ground floor of the property to communal living space only and that would limit the number of occupiers at the site to four people. I have assessed the scheme that is before me and have found it to be acceptable for the reasons that I have described. It would not be reasonable to seek to restrict the development to a degree that would be materially different to the proposal for which planning permission has been sought through planning conditions. Nor do I think that either condition would be readily enforceable or, indeed, necessary. Accordingly, I have not imposed those conditions.

Conclusions

14. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR

¹ APP/Z/1775/W/17/3185763