



Appeal Decision

Site visit made on 12 August 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/D1780/W/19/3229500

112 Tremona Road, Southampton, Hampshire S016 6HT

- 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 Julian Bevan against the decision of Southampton City Council.
 - The application Ref 19/00239/FUL, dated 19 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is described as change of use to share house as per HMO licence no. 2018/00845/ADDNLA dated 18th April 2018.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4) at 112 Tremona Road, Southampton, Hampshire S016 6HT in accordance with the terms of the application, Ref 19/00239/FUL, dated 19 January 2019, subject to the conditions set out in the schedule to this decision notice.

Procedural Matters

2. The evidence before me indicates that the change of use has already occurred. I have dealt with the appeal on this basis.
3. The description of development in the heading above has been taken from the planning application form. However, Part E of the appeal form includes different wording which reflects the description in the Council's decision notice. I have therefore used this revised description as it better captures the development's scope.

Main Issue

4. The main issue is the effect of the proposed development on the character and amenity of the surrounding area, with particular regard to the mix and balance of households in the local community.

Reasons

5. The appeal site is a semi-detached property located within a row of detached and semi-detached buildings which face Southampton General Hospital on the other side of Tremona Road. There is on-street parking near the site and along the highway. Further along the road and in the wider area, residential properties are generally located on both sides of the highway.
6. The Council's guidance 'Houses in Multiple Occupation, Supplementary Planning Document' (2016) (SPD), sets out amongst other aspects that the main

concerns with HMOs relates to amenity impacts due to the transient nature of the occupiers upsetting the balance and mix of households within the community, disturbance arising from greater comings and goings of occupiers living independently compared to a typical family unit, and the greater demand for parking leading to displacement of street parking available for local residents. It indicates that the Council will refuse planning permission where: the proportion of HMO dwellings will exceed 10% of the residential properties within a 40 metre radius of the site (or where this does not include a minimum of 10 residential properties, the threshold will apply to the nearest 10 residential properties on all frontages of the street); or it would result in any dwelling being 'sandwiched' between two HMOs.

7. Identifying No 110 Tremona Road as an HMO, the Council considers that the development would result in an over concentration of HMOs within the surrounding area because it would result in 20% of the 10 nearest residential properties being in HMO use. However, with the hospital opposite, it seems to me that this section of Tremona Road has a relatively low number and lower density of residential properties compared to surrounding residential areas, including further along the road. I therefore do not find the SPD's blanket 10% threshold to be particularly relevant in this case given the context of the appeal site. I therefore attach limited weight to it in this particular instance. The evidence before me also indicates that there are two HMOs out of approximately 220 properties on Tremona Road. Although Tremona Road is relatively long, this nonetheless indicates that an additional HMO would not result in an excessive concentration of HMOs which would dominate and significantly upset the balance and mix of households within the locality and surrounding area. Given that No 110 is an adjoining property, the appeal proposal would also not lead to a dwelling being sandwiched between HMOs.
8. It is alleged that the proposed development would harm the character and amenity of the area because of how HMOs operate. In this instance, the Council consider that the development would increase parking demand in an area already under pressure and result in disturbance from increased pedestrian movements into and out of the property.
9. However, the evidence before me indicates that it would remain in residential use with the same number of rooms as now. It seems to me that the property could therefore be currently occupied by a family. Consequently, its use as an HMO would not alter the site's residential character nor entail significantly more comings and goings and activity. Being opposite the hospital, the surrounding area is also likely to be busier and involve more pedestrian movements and traffic than a solely residential environment. In this context, it is likely that use of the property as an HMO rather than as a single dwelling house would not necessarily be particularly noticeable in terms of pedestrian movements.
10. I have little substantive evidence that the proposed development would result in a significant increase in demand for on-street parking, and the Council identifies the site as being located in an accessible area with easy access to public transport. Furthermore, I observed on my site visit that the dropped kerb from the highway provides vehicular access to the site, indicating that some parking could be provided off-street which would also reduce demand for on-street parking. Accordingly, the development would not result in a significant change to the character and amenity of the surrounding area.

11. For the above reasons, I conclude that the proposed development would not harm the character and amenity of the surrounding area, with particular regard to the mix and balance of households in the local community. I therefore find that it accords with Policies SDP1 and H4 of the City of Southampton Local Plan Review (2006) and Policy CS16 of the Local Development Framework Core Strategy Development Plan Document (2010). Amongst other aspects, these set out that the Council will provide a mix of housing types and balanced communities and require development to not unacceptably affect character and amenity.

Conditions

12. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance¹. I have made such amendments as necessary to comply with those documents and to ensure that details are submitted to and considered by the Council where relevant.
13. As the development has already commenced, a condition requiring it to begin within 3 years is not necessary. I have however imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition requiring the kitchen to remain as a communal space for residents is necessary in the interests of residents' living conditions. A condition allowing a dual C3/C4 use for a limited period is reasonable in order to provide a defined but flexible residential use of the site. A condition covering details of waste storage is necessary in order to ensure the development does not harm the character and appearance of the area, highway safety and the living conditions of residents. A condition requiring the provision of cycle parking facilities is required to ensure that other forms of transport other than the private car are available to occupants. A condition covering on-site parking is required in the interests of highway safety.

Conclusion

14. For the above reasons, the appeal is allowed.

Tobias Gethin

INSPECTOR

¹ Framework paragraphs 54-55; PPG 'Use of Planning Conditions', revision date: 23 July 2019.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 218772-100 Rev A, 218772-101, 218772-102 and 218772-103.
- 2) The room annotated as the kitchen on plan 218772-103 shall remain as a communal space for the occupiers of the development hereby permitted and shall at no time be used as a bedroom unless otherwise agreed upon in writing by the Local Planning Authority.
- 3) The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). The use that is in operation on the tenth anniversary of this permission shall thereafter remain as the permitted use of the property.
- 4) Within three months of the date of this permission, details of storage for refuse and recycling, together with the access to it, shall be submitted to the Local Planning Authority for their approval in writing. Within three months of the written approval of the Local Planning Authority or some such other time as agreed in writing by the Local Planning Authority, the approved storage and means of access to it shall be provided and thereafter retained as approved. Unless otherwise agreed in writing by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.
- 5) Within three months of the date of this permission, details of secure and covered cycle storage shall be submitted to the Local Planning Authority for their approval in writing. Within three months of the written approval of the Local Planning Authority or some such other time as agreed in writing by the Local Planning Authority, the approved cycle storage shall be provided and thereafter retained as approved.
- 6) Within three months of the date of this permission, details of on-site vehicular parking and access arrangements shall be submitted to the Local Planning Authority for their approval in writing. Within three months of the written approval of the Local Planning Authority or some such other time as agreed in writing by the Local Planning Authority, the approved parking and access arrangements shall be provided and thereafter retained as approved.

END OF SCHEDULE