
Appeal Decision

Site visit made on 14 January 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/D1780/W/19/3236033

21 John Street, Southampton SO14 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 Paul Vincent against the decision of Southampton City Council.
 - The application Ref 19/00898/FUL, dated 14 May 2019, was refused by notice dated 4 July 2019.
 - The development proposed is the change of use from C3 dwelling house to C4 house in multiple occupation.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The change of use has taken place and I am therefore assessing this appeal retrospectively.

Main issues

3. The main issues are:
 - i) the effect of the proposal on the mix and balance of the households in the local community;
 - ii) whether the proposal provides adequate vehicular parking, and if not the effect on the living conditions of neighbouring residents; and
 - iii) whether the proposal provides adequate provision for secure, covered bicycle storage.

Reasons

Mix and balance

4. Policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document adopted January 2010 (CS) seeks to provide a mix of house types and more sustainable and balanced communities through a number of measures including control of Houses in Multiple Occupation (HMOs). Furthermore, 'saved' Policies SDP1 and H4 of the City of Southampton Local Plan Review – Adopted Version 2nd Revision (2015) (LP) seek to improve the quality of life for citizens and avoid undue social affects from the provision of HMOs.

5. The Council's Houses in Multiple Occupation Supplementary Planning Document adopted May 2016 (HMOSPD) provides more detail on how to assess changes of use to HMOs. It sets out that where the proportion of HMOs exceeds 10% of the local properties, within a defined area of the application site, that planning permission will be refused. I note that this document is not part of the development plan. However, given its age, the level of consultation it has been through and its general conformity with the Framework it is a material consideration that I afford significant weight to.
6. At section 4 of the HMOSPD a methodology for determining planning applications is set out. It states at paragraph 4.1.1 that the Council will calculate the number of HMOs in an area and that the applicant should undertake their own estimate and provide supporting data. Applicants are referred to sources of information at paragraph 4.2.2.
7. The appellant details that the planning register only reveals one approved HMO within the defined area. They acknowledge that other sources of information indicate that more properties may be HMOs but, like the appeal site, do not benefit from planning approval and therefore may be subject to enforcement action. Furthermore, they state that given the Council have not enforced against these properties that they cannot have issue with their use. Therefore, they state that the appropriate source of information is the planning register only. However, I do not have sufficient evidence as to why the Council has not enforced against the alleged changes of use so as to reasonably ignore the other sources of information. To do so would be inconsistent with the Council's methodology set out in the adopted HMOSPD.
8. The Council carried out their assessment reviewing planning history, licensing and council tax records in accordance with the HMOSPD. In light of this they concluded that there are ten existing HMOs within the defined area, representing circa 18%. The Council has assessed that the proposal therefore breaches the 10% threshold.
9. Based on the evidence available to me I have no significant doubt that the proposal would breach the 10% threshold set out within the Council's HMOSPD. The HMOSPD also sets out exceptional circumstances that may allow planning permission to be granted where such breaches occur. However, none appear to be applicable in this case.
10. The appeal site is located within a residential street near to a range of services and facilities within the city centre. An HMO in this location would be highly attractive to professionals due to the proximity of those services. The HMOSPD sets out the reasons for the policy position and the main concerns and impacts from HMOs. This includes an overconcentration causing physical changes and conflict with the existing community compared to a typical family unit. Occupiers of HMOs are likely to be more transient, affecting the coherency of the community. Furthermore, I have noted the public objections received raising concern with the ongoing imbalance of households in the local area. Whilst I saw no evidence on my site inspection of any physical issues from the change of use, it is important to avoid assessments based on one existing group and to consider what would be the more likely effect of the development. Special planning controls exist to restrict the proliferation of HMOs within Southampton, including the aforementioned policies and guidance, and a city-wide Article 4 direction to restrict permitted development. The imposition of

these controls has been based on evidence of issues associated with HMOs on the citizens and communities of Southampton.

11. Therefore, I conclude that the proposal has led to a further increase in the concentration of HMOs and in this location that harmfully imbalances the mix of the households in the local community. As such I find conflict with Policy CS16 of the CS; 'saved' Policies SDP1 and H4 of the LP; and the HMOSPD.

Vehicular parking

12. The Council's HMOSPD identifies that the proposal requires the provision of a maximum of two car parking spaces. This takes acknowledgement of the highly accessible location with access to public transport for wider services and employment opportunities. Within the appeal site there is no opportunity for off-street parking. On my site visit I observed a parking space and existing garage to the rear. However, these are sited outside of the appeal site and the appellant has not identified them as being within their control on the plans. Furthermore, I have no information regarding their dimensions and suitability for vehicular parking. As such, based on the evidence before me I cannot be sure that they are both suitable for vehicular parking, and could be secured by condition.
13. The on-street car parking restrictions within the local area and associated charges provide a disincentive to car ownership. This is a matter that potential occupants would be mindful of when considering whether to live at the appeal site. However, I do not consider that this mitigates the likelihood of all occupants owning a car and consider that the development would likely generate a need for parking. I have no evidence to indicate that there is other on-street parking in the area with capacity to absorb up to two additional cars. Failure to make adequate provision would likely have implications on the living conditions of local residents through inconsiderate parking behaviour and placing greater demand on the existing on-street parking provision within the area. I have no evidence to indicate that this is currently occurring. However, as stated previously it is important to avoid assessments based on one existing group and to consider what would be the more likely effect of the development.
14. Therefore, I conclude that the proposal would not provide adequate vehicular parking to meet the needs of the development and would have a harmful effect on the living conditions of local residents. As such, I find conflict with Policy CS19 of the CS; 'saved' Policies SDP1 and SDP5 of the LP; the HMOSPD; and the Council's Parking Standards Supplementary Planning Document – September 2011 (Parking SPD). The aims of these policies and the guidance include securing parking to meet the needs of the development and the protection of local resident's living conditions.

Secure bicycle storage

15. The appellant sets out that the enclosed rear garden provides sufficient room for cycle storage. Whilst I note that the area could be secured, it is small and uncovered. The provision of cycle storage would reduce the space for occupiers to relax outside whilst at home. Furthermore, I have no evidence as to how the cycle storage would be provided and how much space this is likely to take up. Additionally, the rear garden is uncovered and therefore does not meet the requirements set out within section 5 of the Parking SPD.

16. On my site visit I observed that the existing garage appeared to be a potential secure and covered cycle store. However, as set out above this space is outside of the application site and not identified as being within the applicant's control. Furthermore, I have no information regarding the dimensions and suitability of the garage for secure bicycle storage. As such, based on the evidence before me I cannot be sure that the garage would be both suitable for cycle storage, or could be secured by condition.
17. Therefore, I conclude that the proposal would not provide adequate provision for secure, covered bicycle storage to meet the needs of the development. As such I find conflict with Policy CS19 of the CS; 'saved' Policies SDP1 and SDP5 of the LP; the HMOSPD; and the Parking SPD. The aims of these policies and the guidance include securing cycle storage facilities to meet the needs of the development.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR