
Appeal Decision

Site visit made on 18 May 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/D1780/W/21/3268033

186 Mayfield Road, Southampton SO17 3SZ

- 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 M Czustka against the decision of Southampton City Council.
 - The application Ref 20/01352/FUL, dated 5 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is change of use of 2 bedroom dwelling to a 3 bedroom HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the application was submitted retrospectively, and I have dealt with the appeal accordingly. I have omitted reference to 'retrospective' from the description of development, since this is not descriptive of the actual development proposed.

Main Issue

3. The main issue is the effect of the development on the mix and balance of households in the local community and the resulting effect on the character of the surrounding area.

Reasons

4. The appeal property is a semi-detached two storey building located within an established residential part of the city. Most of the front garden is given over to hardsurfaced parking, accessed from Mayfield Road, and there is a generously sized rear garden to the rear of the building.
5. Mayfield Road is a long, straight road, which is characterised by two storey, predominantly semi-detached, residential properties on both sides, including dwelling houses and Houses in Multiple Occupation (HMOs). The appeal scheme is for the use of the premises as a 3 bedroom HMO. The appellant has confirmed that this use has been in operation since September 2016, and that prior to that, the property comprised a 2 bedroom single dwelling house.
6. Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) provides for the use of a dwelling house as a HMO by not more than 6 residents; that is, up to 6 unrelated individuals who share basic amenities.

7. The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) grants planning permission, under Part 3 Class L, for a change of use from Use Class C3 (use as a dwelling house for up to 6 people living as a single household) to Use Class C4. However, the Council has, from March 2012, and prior to the commencement of the HMO use of the appeal site, put in force a city-wide Direction under Article 4 of the Town and Country Planning Act 1990 (as amended) (TCPA), that removes this permitted development right.
8. At the same time, the Council also adopted a Supplementary Planning Document titled '*Houses in Multiple Occupation*' (HMO SPD), which has since been updated in 2016. This was done to establish a tool which would assist the Council in addressing high concentrations of HMOs across the city. The HMO SPD sets out a clear and robust system for considering proposals for new HMOs, and was adopted following detailed public consultation. I therefore give it significant weight.
9. The HMO SPD states that a large number of HMOs in one area can change the physical character of a residential area and the balance of a local community, and can lead to conflict within the existing community as a result of the intensification of use of a home by the greater number of comings and goings associated with the occupiers living independently of each other and increased pressure on parking provision.
10. Therefore, notwithstanding that the HMO SPD recognises that HMOs provide much-needed housing accommodation, it seeks to prevent excessive concentrations of HMOs, and encourages a more even distribution across the city. To do this, it provides a definitive threshold, stating that planning permission will not be granted for new HMOs where the proportion of HMOs would exceed 10% of the residential properties within a 40 metre radius of the site, unless exceptional circumstances apply (where 80% of existing properties surrounding the site within the 40 metre radius are HMOs, and the applicant has demonstrated that there is no reasonable demand for the residential property as a continued Class C3 dwelling house).
11. In this instance, the Council states that, within the defined radius, the appeal scheme would increase the percentage of HMOs from 21% to 26%, comprising 5 of the 19 identified residential properties. This figure is not disputed by the appellant.
12. Notwithstanding that the appeal scheme relates to a small HMO, the conversion of the appeal building to such a use nonetheless results in an intensification of activity at the site. This is because the occupation of the building as a single household is materially different from 3, probably unrelated, households typical of the HMO accommodation use of the site. The HMO is therefore very likely to result in a notably greater level of comings and goings, including vehicles, visitors and deliveries associated with each separate household, which would potentially be evident to nearby residents, particularly given the semi-detached nature of the appeal property.
13. An additional HMO within the immediate residential area adds to the built-up residential environment in which the appeal site is located, and has the effect of causing further imbalance to the existing community in the manner which the HMO SPD seeks to restrict. The HMO SPD applies to small and large HMOs, both of which can alter the mix and balance of households in an area.

14. For the above reasons, notwithstanding the existing percentage of properties within HMO use over the road as a whole, and the peripheral location of existing HMOs within the threshold area, on the basis of the evidence before me, and having regard to the methodology in the HMO SPD, I therefore conclude that the appeal scheme has a harmful effect on the mix and balance of households in the local community, which causes subsequent harm to the character of the surrounding area. The appeal scheme is therefore contrary to Saved Policies SDP1 and H4 of the *City of Southampton Local Plan Review (2015)*, Policy CS16 of the *Local Development Framework Core Strategy (2015)*, and the HMO SPD, which taken together, seek to restrict the concentration of HMOs, so as not to be detrimental to the overall character and amenity of surrounding areas and to achieve more sustainable and balanced communities.
15. This is generally consistent with advice in Chapter 5 of the *National Planning Policy Framework 2019* (the Framework), which encourages the provision of a mix of housing types to satisfy the needs of various community groups.

Other Matters

16. I have noted that no third party objections were received in response to the planning application, and that there is no evidence before me of any complaints having been made to the Council in respect of the existing use of the property. However, this does not justify or outweigh the harm I have identified in respect of the main issue.
17. I acknowledge that the property is in an accessible location in respect of local community facilities and services and the university, and that its location means it is suitable for the provision of accommodation for university students. However, these matters do not alter my conclusions on the main issue.
18. I note the appellant's comments that the appeal scheme does not result in harm to parking, highway safety, and the living conditions of the occupants of the property and neighbouring occupiers, and that the scheme can make appropriate provision for cycle and bin storage. However, these are requirements of the development plan in any case, and do not outweigh my conclusion on the main issue.

Conclusion

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

S Leonard

INSPECTOR