



Appeal Decision

Site Visit made on 2 August 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/D1780/W/21/3274867

20 Lilac Road, Southampton SO16 3DB

- 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 S Ye against the decision of Southampton City Council.
 - The application Ref 20/01796/FUL, dated 22 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is the change of use of the dwelling to a House in Multiple Occupation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded by the July 2021 version. Both parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version.
3. It is common ground between the parties that the appeal site is already occupied as a House in Multiple Occupation (HMO). References to the development therefore relate to a change of use which has already been carried out.

Main Issue

4. The main issue is the effect of the proposal on the mix and balance of households in the local community with specific regard to the character of the area and the living conditions of neighbouring occupiers.

Reasons

5. The appeal property is a 2-storey semi-detached dwelling, situated on a residential cul-de-sac. The cul-de-sac is made up of other similar semi-detached dwellings, some of which are also occupied as HMOs.
6. Due to the concentration of HMOs in certain pockets of the city, the Council's HMO SPD¹ (SPD) was introduced to help regulate HMO development, in an effort to ensure an appropriate mix and balance of households is retained across the city. Its evidence base demonstrated that a large concentration of HMOs in one area can fundamentally change the character of a residential area,

¹ Houses in Multiple Occupation Supplementary Planning Document, Adopted May 2016

by altering the balance of housing types which can lead to conflict within the community. Given its degree of examination, public scrutiny and level of consultation carried out prior to adoption of the SPD, I attribute it considerable weight in the determination of this application.

7. The SPD establishes a threshold test that should be adopted when assessing applications for HMO development. Subject to exceptional circumstances, the test says planning permission for a new HMO should not be granted if approval would result in the proportion of HMOs exceeding 10% of the total number of residential properties within a 40-meter radius of the application site. Any higher percentage risks imbalance to the local housing mix, which could cause harm to the character and amenity of the area. Exceptional circumstances may apply where the proportion of HMOs is greater than 80%, as the addition of a further HMO wouldn't necessarily alter the predominant character of an area in such circumstances.
8. In this instance, the Council has said that the concentration of existing HMOs in the vicinity of the appeal site equates to 15%, which the appellant does not dispute. If the proposal were approved, this proportion would increase to 20%. As per the SPD, these figures demonstrate that the concentration of HMOs within the area is already too high, and any additional HMOs would exacerbate the imbalance between house types arising from this high concentration. Given no exceptional circumstances are applicable in this instance, the SPD is clear that planning permission should therefore be refused.
9. In terms of the harm that can arise from such an imbalance, the SPD attributes this to the transient nature of HMO occupiers, who generally live independently from one another. This can result in greater levels of noise and disturbance due to more comings and goings at the property, which can be harmful to the living conditions of neighbouring occupiers. In terms of physical effects on local character, a high concentration of HMOs can typically lead to a proliferation of "to let" signs and greater levels of on-street refuse storage, to the detriment of the street scene. Property frontages can also become neglected, as occupiers may be less invested in the property's upkeep when compared to owner/occupiers.
10. Whilst I acknowledge the appeal site has been operating as an HMO for some time without complaint nor any known instances of noise, disturbance or anti-social behaviour, this does not mean that approval would not risk such amenity impacts in future. Indeed, the evidence base for the SPD established the 10% threshold as the tipping point where such issues can become more prevalent, thereby causing harm to the living conditions of neighbouring occupiers. In terms of the physical effects on the character of the area, whilst the road was generally tidy and in a good state of upkeep, the photographs of the appeal site do demonstrate some minor deterioration of the property's frontage since it has operated as an HMO, particularly in terms of overgrown plants and weeds. Whilst this factor is not determinative in itself, this is indicative of the sorts of visual harm that can arise from a proliferation of HMOs, which is exactly what the threshold test in the SPD seeks to avoid.
11. For these reasons, I consider that the development does risk further imbalance to the local housing mix, which in turn has the potential to harm both the character of the area and the living conditions of neighbouring occupiers. The development therefore conflicts with Policies SDP1(i) and H4(ii) of the City of

Southampton Local Plan Review (Amended March 2015), which are clear that HMOs will not be approved if they would harm the overall character and amenity of the surrounding area. The development would conflict with Policy CS16 of the Local Development Framework Core Strategy Development Plan Document (Amended March 2015), which says the mix of housing types will be provided with appropriate control over HMO properties. The development would also conflict with the aims of the SPD, for the reasons I have outlined above. Finally, the development would conflict with the overarching character and amenity objectives of the Framework (2021).

Other Matters

12. Whilst there may be certain similarities between the appeal decisions highlighted by the appellant and the present case, I do not have the relevant Council policies before me to draw any direct comparisons between the cases, nor do I have any first-hand knowledge of the surrounding context of the HMO properties in those instances. Nonetheless, I note that the concentration of HMOs was lower in both examples, and the threshold test areas in both Bournemouth and Brighton were also larger, meaning the HMO concentration would have been more diluted when compared to the present case. As such, I afford these decisions only limited weight in the determination of this appeal.

Conclusion

13. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework and all relevant material considerations, the appeal is dismissed.

James Blackwell

INSPECTOR