
Appeal Decision

Site visit made on 24 June 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/Z1775/W/22/3293659

165 Copnor Road, Portsmouth, Hampshire PO3 5BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Sam Appleton of Applecore against Portsmouth City Council.
 - The application Ref 21/01713/FUL, is dated 23 November 2021.
 - The development proposed is described as 'C3 Residential to C3/C4 Residential/HMO dual use'.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from residential (Use Class C3) to House of Multiple Occupancy (Use Class C4) and residential at 165 Copnor Road, Portsmouth, Hampshire PO3 5BT in accordance with the terms of the application, Ref 21/01713/FUL, dated 23 November 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Save for the alterations to the front door, the development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan at 1.1250 and block plan at 1.500 (produced by ReQuestaPlan) and Drawing Number PG5093.20.1 (Floor Plans)
 - 3) The House of Multiple Occupancy hereby approved shall not at any time be adapted to enable the formation of more than 6 bedrooms and shall not be occupied by more than 6 people at any one time.
 - 4) The hereby approved House of Multiple Occupancy (HMO) shall not be occupied until the extensions, bike store and works shown on Drawing PG5093.20.1 shall have been implemented. They shall thereafter be retained and made available for use by the occupants of the HMO.

Preliminary Matters

2. The proposal before me relates to a change of use of the appeal site. The floor plans before me detail a single storey rear extension, a bike store and roof alterations. However, I have not considered these as they have not been advanced for consideration as part of the proposal before me¹, and because I do not have elevations/full details. The floor plan also appears to indicate that the front door would be blocked in, but this seems to be an error as the drawings show no other way to enter the property.

¹ I understand that some of the works have been approved under Council reference 21/00129/GPDC

Background and Reasons

3. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit the appeal. The Council has not provided a statement or anything to indicate that it is concerned by the proposal or that it would be at odds with the development plan. Alternatively, the appellant has provided a statement which explains that the proposal would adhere to the relevant supplementary planning document² prepared by the Council. This is because it would provide spacious single bedrooms with adequate communal areas in accordance with the relevant space standards. The appellant also submits that the proposed HMO would not imbalance the housing mix in the area or create a concentration of HMOs. There is nothing of substance before me to counter these findings, which seem accurate. In addition, I have not been directed to any policy requirement for parking, which is logical given the proximity of services and facilities. Instead, the proposal refers to a bike store.
4. Concerns have been raised by an interested party that the proposal would result in harmful levels of noise and disturbance and additional comings and goings. However, Copnor Road appears to have high levels of traffic, several commercial uses nearby and a pedestrian crossing outside the appeal site. The appeal property is therefore located in a busy urban area and the impacts need to be considered in this context. Moreover, the HMO would be spacious with occupation limited to six residents. As a result, it would not be intensively occupied, and access could be from the street rather than passing any other properties. I have already explained that there is not an existing concentration of HMOs. As a result, I am satisfied that the proposal would not inherently harm the living conditions of neighbours. Thus, considering all I have seen and read, I concur with the appellant that the impacts of the appeal scheme would be acceptable and that there would be no conflict with Policies PCS17, PCS19, PCS20 and PCS23 of The Portsmouth Plan.

Conditions and Conclusion

5. In allowing the appeal it is necessary to impose planning conditions. In doing so I have considered the advice in the Planning Practice Guide. It is necessary to impose a drawings condition in the interests of certainty. I have however omitted a requirement to fill in the front door as otherwise there would be no access into the building. The floor plans detail six single use bedrooms and it is necessary to secure this level of occupation in the interests of safeguarding the living conditions of neighbours as well as those of future occupants of the HMO. It is necessary to ensure the HMO is not occupied until the single storey rear extension, bike store and roof alterations shown on the drawings, but not forming part of the application, are implemented. This is because they are necessary to adequately facilitate occupation by six residents.
6. In conclusion, the proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is allowed.

Graham Chamberlain
INSPECTOR

² House in Multiple Occupation (HMOs) Ensuring mixed and balanced communities