



Appeal Decision

Site visit made on 10 August 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/Z1775/W/22/3294618

71 Margate Road, Southsea PO5 1EY

- 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 George Munson against the decision of Portsmouth City Council.
 - The application Ref 21/00667/FUL, dated 9 February 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the change of use from dwelling house (Class C3) to purposes falling within Class C4 (house in multiple occupation) or Class C3 (dwelling house).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on mixed and balanced housing provision;
 - whether the proposed development would provide a satisfactory standard of accommodation for future occupiers; and
 - the effect of the proposed development on the living conditions of occupants of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Effect on mixed and balanced housing provision

3. Policy PCS20 of the Portsmouth Plan (LP) (2012) sets out that changes of use to a House in Multiple Occupation (HMO) will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance. This is in order to avoid high concentrations of HMOs in the city, and to ensure the future provision of mixed and balanced communities.
4. The Houses in Multiple Occupation Supplementary Planning Document (the SPD) (adopted 2019) defines 'imbalanced communities' as those where more than 10% of residential properties within a 50 metre radius of the area surrounding the application site are already in HMO use.

5. Based in the evidence before me, and my observations on site, several properties within the surrounding area are in HMO use. This includes houses on either side of the appeal site at 69 and 73 Margate Road. The overall number of HMOs within a 50 metre radius of the appeal property is well over 10%, at approximately 67%.
6. I note the appellant's comments that No 71 is essentially 'trapped' due to it being surrounded by established HMO uses in an area with an overconcentration of HMOs, and consequently cannot meet the requirements of LP Policy PCS20. Nevertheless, the objective of that policy is clear. The proposed conversion of No 71 to HMO use would fail to support a mixed and balanced community, further increasing the overall percentage of HMOs within the street.
7. My attention has been drawn to 34 Playfair Road¹, where an appeal was allowed on the basis of the property being sandwiched between two existing HMOs, and consequently deemed to have been devalued and unsellable as a Class C3 dwelling. Whilst I have had regard to that appeal decision, the circumstances at Playfair Road are not directly comparable to the appeal site, with clear evidence provided in that case of attempts to market the property at market rates. Moreover, the overconcentration of HMOs surrounding the Playfair Road site is below that of Margate Road. I have considered the proposed development on the evidence before me and my site observations. That appeal decision has not altered my conclusion.
8. Consequently, the proposed development would fail to support a mixed and balanced community in an area already imbalanced by the level of similar such uses, contrary to the relevant provisions of LP Policy PCS20 and the SPD, which in summary seek to ensure that a range of household needs continue to be accommodated throughout the city.

Standard of Accommodation

9. The SPD sets out bedroom space standards. This requires a single bedroom to have a minimum gross internal floor area (GIA) of 6.51 square metres and a double bedroom to have a minimum GIA of 11 square metres.
10. In addition, 11 square metres of dining space, 7 square metres of kitchen space and a bathroom of 3.74 square metres is required.
11. The submitted documents set out that all but one bedroom meets the minimum requirements, with the kitchen and dining areas falling short. However, the overall size of the property is reasonable, and the shortfalls of those individual rooms are only marginally below the required standards. On that basis, the standard of accommodation would be reasonable.
12. Consequently, I conclude that the property would provide an acceptable standard of accommodation for future occupiers, in accordance with the relevant provisions of LP Policies PCS20 and PCS23 and the SPD, which in summary seek to ensure appropriate standards of accommodation in HMOs.

¹ APP/Z1775/A/14/2220226

Living Conditions

13. The appeal site is understood to be located between two existing HMOs at 69 and 73 Margate Road, amongst others in the street. The likely level of activity produced by the occupiers of the appeal property would be similar whether it was a dwellinghouse or HMO in respect of noise and disturbance.
14. Moreover, there is no evidence before me that concludes that the addition of a further HMO in this location would have a detrimental impact on the living conditions of residents in the wider area.
15. Consequently, I conclude that the proposed development would have an acceptable effect on the living conditions of occupants of neighbouring properties, with particular regard to noise and disturbance, in accordance with the relevant provision of LP Policies PCS20 and PCS23 and the SPD. These policies seek, amongst other things, to protect the living conditions of neighbouring occupiers.

Other Matters

16. I note that no objections have been received from occupiers of neighbouring properties, that the application was determined under delegated powers with procedure delays, that the appeal property has been occupied in part by lodgers and that the adjoining properties have been extended in the past². These are not reasons that weigh in favour of the proposed development.

Conclusion

17. For the reasons given above, having taken account of the development plan as a whole, the approach in the National Planning Policy Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR

² Including under reference 20/00972/CPL