
Appeal Decision

Site visit made on 2 April 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/Z1775/W/24/3357512

33 Tottenham Road, Portsmouth PO1 1QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Rebecca Payne against the decision of Portsmouth City Council.
 - The application Ref is 24/00267/FUL.
 - The development proposed is described as 'Residential property in a residential street to be used as a HMO for 4 students. C4 application.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. I have considered these revisions against the parties' appeal evidence. However, I have not gone back to the parties for comment, as I do not consider the changes to be substantive or determinative to the outcome of this appeal.

Main Issues

5. The main issues are:
 - the effect of the development on the mix and balance of housing in the area; and,
 - whether the development provides adequate living conditions, with particular regard to internal communal space.

Reasons

Mix and balance

6. The development relates to a mid-terraced property located off Tottenham Road. The appeal site is located within a densely developed residential area of terraced properties and blocks of flats.
7. Policy PCS20 of The Portsmouth Plan Portsmouth Core Strategy 2012 (PP) permits changes of use to a house in multiple occupation (HMO) where the community in which it

is situated is not already imbalanced by a concentration of such uses or where the development would not create such an imbalance.

8. While recognising the benefits of HMOs as a source of accommodation for certain groups, including for people on low incomes, young professionals, students and one-person households, the policy recognises that there are potential negative impacts if there is an overconcentration of HMOs in one place creating an unbalanced community and causing harm to living conditions of nearby occupiers. This is particularly the case in densely built terraced housing areas where problems for a community's cohesion and sustainability can result. There is also a need for family housing (of three or more bedrooms) in the city, the supply of which is reduced by conversion to HMOs. The policy seeks to balance these competing needs by limiting the proportion of HMOs in any one area.
9. The 'Houses in multiple occupation (HMOs) – Ensuring mixed and balanced communities' Supplementary Planning Document 2019 (SPD) provides guidance on the interpretation of PP Policy PCS20. It states that a community is considered to be imbalanced where more than 10% of residential properties within a 50m radius of the area surrounding the application property are already in HMO use. Appendix 5 to the SPD outlines the evidence of harm caused from the correlation between HMO's and the harm caused to the living conditions of residents in their proximity.
10. In this case, the evidence indicates that the development increases the number of HMOs from 6 to 7 out of the 64 residential properties within a 50m radius of the appeal site. This would result in more than 10% of the properties being in HMO use and suggests that the development would lead to an imbalance in the housing mix.
11. While I have had regard to the availability of on-street parking, the development only taking the percentage to 10.9% and to the development not resulting in 3 adjacent HMOs, the evidence in the SPD indicates that this is enough to create an imbalance in the community. Furthermore, the SPD provides a consistent and objective approach seeking to strike a balance between the competing needs of providing HMOs and protecting the supply of family accommodation. As such, I give it significant weight as an adopted document of the Council.
12. The Council have stated that it has checked the status of the existing properties in HMO use against their database and in the absence of any clear evidence to the contrary, I accept the list of 6 properties known to be in HMO use¹. As a result, the development would take the percentage of HMOs in the area surrounding the appeal property to over 10% with the evidence indicating that this would unbalance the community and be likely to harm the living conditions of local residents. Furthermore, the appeal property is within a densely built terraced area and could provide a family home of 3 bedrooms or more for which a shortage has been identified.
13. It follows from the above that I conclude that having regard to the supplementary planning guidance on HMOs, the development results in a harmful effect on the mix and balance of housing in the area. As such, it is contrary to PP Policy PCS20 and the SPD, the aims of which I have outlined above.

Living conditions

14. The appeal property is arranged over two floors comprising four bedrooms, living area, kitchen, bathroom, utility and lean-to.
15. The SPD establishes that in order to secure a good standard of living accommodation within HMOs, and in accordance with PP Policy PCS23, the Council 'will ensure applications for HMO development will protect the amenity of, and the provision of a good standard of living environment for future occupiers'.

¹ No's 14, 16, 25, 32, 39 and 41 Tottenham Road

16. The SPD provides two ways of assessing internal communal living space. The first is where the living room, dining room and kitchen are assessed individually and the second is where they are assessed as a combined living space. In this case the communal living space amounts to two distinct living and kitchen areas separated by doors and a staircase.
17. All habitable rooms are served by windows and there are adequate bathroom facilities. Furthermore, at the time of my site visit, there was adequate bin storage to the front of the property and a shed in the rear garden available for the storage of bicycles. Nonetheless, the Council identify a lack of sufficient communal living space due to the lack of a separate dining room and given that the SPD details the need to provide a separate dining area of 11m² for 3 to 5 persons.
18. In this regard it is relevant to note that the size of the bedrooms in the property all exceed the minimum standard set out in the SPD. In fact, for individual occupancy, with the exception of Bedroom 4, the bedrooms are reasonably generous, considerably exceeding 10m² minimum size.
19. Although the SPD, in conjunction with Houses in Multiple Occupation Guidance (September 2018) only allows for a reduction in the communal areas where all the single bedrooms are of 10m² or more, with bedroom 4 below this, I noted the provision of a table with chairs in the living area at the time of my site visit. Furthermore, I note the availability of further space within the lean-to. In light of this, given that both the living room and well-equipped kitchen exceed the SPD minimum sizes of 11m² and 7m², and given that the property has been granted a HMO licence, the space provided does not, in my judgement, lead to an inadequate standard of accommodation for 4 persons within the context of the Council's stated aim in the SPD to secure a good standard of living accommodation.
20. For the above reasons, notwithstanding the lack of provision of a separate Dining Room, I conclude that the development provides adequate living conditions, with particular regard to internal communal space. Consequently, the proposed development would not conflict with PP Policy PCS23 and the SPD, which taken together, and amongst other things, seek to ensure that new development provides a good standard of living environment for future residents and users of the development.

Other Considerations

21. I have had regard to the appellant stating that they were previously advised verbally by the Council that planning permission was not required as the property would not have more than four tenants. However, I have to consider the development on its merits and in light of current planning policies and guidance.
22. Even if the Council cannot demonstrate a five year supply of deliverable housing sites and paragraph 11d) ii. of the Framework is engaged, and taking into account that the HMO provides benefits by adding to the supply of housing and adding to local spend from occupiers, given the small scale of the development and the harm identified to mixed and balanced communities, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to policies in the Framework for creating mixed and balanced communities. This is because paragraphs 129 and 135 of the Framework require that developments consider the need for different types of housing, maintain an area's prevailing character, sustain an appropriate mix of development and as I have found above that the proposal would not achieve this resulting in significant harm in this regard.
23. The proposal does not therefore benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Conclusion

24. Although I have found no harm with regard to the provision of internal communal space, I have found that the development would harm the mix and balance of housing in the area. In my view, this is the prevailing consideration, and the development should be regarded as being in conflict with the development plan, when read as a whole.
25. Material considerations, including the Framework, do not indicate that the development should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR