



Appeal Decision

Site visit made on 28 January 2026

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Appeal Ref: APP/Z1775/W/25/3373778

66 Wadham Road, Portsmouth PO2 9EE

- 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 Mr J Legge against the decision of Portsmouth City Council.
 - The application Ref is 25/00684/FUL.
 - The development proposed is the change of use from a dwellinghouse (Class C3), to 8 bed/8 person House in Multiple Occupation (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwellinghouse (Class C3), to 8 bed/8 person House in Multiple Occupation (sui generis) at 66 Wadham Road, Portsmouth PO2 9EE in accordance with the terms of the application, Ref 25/00684/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr J Legge against Portsmouth City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I have used the Council's description of development as set out on the Decision Notice in the banner heading above. This is more accurate than that used on the planning application form and is not disputed by the appellant. Moreover, I note that the revised description has been used on the appeal form.

Main Issues

4. The main issues are the effect of the proposed development on:
 - parking stress and highway safety, with particular regard to on-street parking provision;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to disturbance; and
 - European sites.

Reasons

Parking

5. The appeal property, 66 Wadham Road (No. 66), is a two-storey mid terrace property situated within a street characterised by high density terraced housing. The surrounding area is predominantly residential in character with commercial, leisure and retail uses nearby. The appeal proposal seeks the change of use of the existing 3 bedroom dwelling to an 8 person House in Multiple Occupation (HMO) comprising 8 single en-suite bedrooms and a shared kitchen/dining space.
6. Figure 5 of the Council's Parking Standards and Transport Assessments Supplementary Parking Document, adopted July 2014 sets out the residential parking standards for the area. The car parking standard for the existing 3 bedroom dwelling (C3- General residential) is 1.5 parking spaces, whereas the proposed sui generis HMO use with 4+ bedrooms would be expected to provide 2 parking spaces. The existing property does not currently benefit from any off-road parking provision, nor would the HMO. The proposal would therefore increase the existing shortfall in parking provision by 0.5 spaces, when compared to the existing situation, and assessed against the Council's parking standards.
7. The officer's report highlights that the existing dwelling could be occupied by a family, which may include a number of adult children who own vehicles. While I acknowledge concern expressed by interested parties regarding existing parking pressures in Wadham Road and the surrounding area, I have not been provided with a kerbside parking survey or any other substantiated evidence of parking congestion in the vicinity which may be made worse by the proposal. I also observed at my site visit, which I appreciate was just a snapshot in time, on a mid-morning weekday, that despite a considerable number of vehicles parked on Wadham Road, there were nonetheless several vacant unrestricted on-street parking spaces. In addition, future occupiers of the HMO would benefit from good accessibility to nearby amenities and services by cycle and on foot, which would be likely to encourage travel by means other than the private car.
8. Taking these factors into account and given the very modest increase in shortfall in parking spaces, having regard to the parking standards, there is no compelling evidence that the proposed HMO would lead to a material increase in demand for on-street parking. As such, it has not been demonstrated that the proposed change of use would give rise to parking stress, or have an adverse impact upon highway safety, as a consequence of additional time and vehicular movements of residents driving around looking for a parking space.
9. For the foregoing reasons I conclude that the proposed development would not lead to undue parking stress or harm highway safety, having particular regard to on-street parking provision. Accordingly, it would not conflict with Policy PCS23 of the Portsmouth Plan, adopted January 2012 (PP), in so far as it requires new development to be well designed, including car parking which is, among other things, convenient to users. The first refusal reason also cites Policy PCS 17 of the PP, which focuses on delivery of a strategy that will reduce the need to travel and provide a sustainable and integrated transport network. However, it has not been demonstrated as to how conflict would arise in that regard.

Living conditions

10. The Council is concerned that the proposed intensification of the occupation of the property would harm the living conditions of the occupiers of the neighbouring residential properties through increased disturbance. The HMO would be likely to be occupied by 8 unrelated adults. While it may be the case that this would give rise to more comings and goings and different patterns of activity than a family occupying the existing 3 bedroom dwelling, there is no substantive evidence to demonstrate there would be any greater effects in terms of general disturbance than if the enlarged dwelling was occupied by a large family, which could comprise a number of adults. Furthermore, there is no particular evidence that the proposal would result in anti-social behaviour or late-night activity due to the number of occupiers or the nature of the proposed residential use so as to have a material impact on levels of disturbance.
11. It has been brought to my attention that occupiers of the neighbouring properties include individuals who, by virtue of their age, disability or being pregnant, have a protected characteristic as set out in Section 149, of the Public Sector Equality Duty (PSED), contained in the Equality Act 2010. In my assessment of the effects of the proposed development, I have therefore had due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I am also mindful that the occupier of the neighbouring property is a survivor of domestic abuse.
12. I recognise the importance of ensuring the well-being of local residents, which is a principal consideration, and any adverse effects on the occupiers of the neighbouring properties would weigh against the proposal in these respects. However, for the reasons set out above, I have found that the proposal would not have unacceptable effects on the living conditions of the occupiers of neighbouring properties, whoever they are, with regard to disturbance arising from the type of or increased occupation of the property, parking stress or highway safety. For these reasons, I have no basis to conclude that granting planning permission would give rise to any negative impacts in relation to the aims of the PSED.
13. I therefore find that the appeal scheme would not cause harm to the living conditions for the occupiers of neighbouring properties, with particular regard to disturbance. It would therefore not conflict with the aims of Policy PCS23 of the PP which among other things, require new development to protect amenity and provide a good standard of living environment for neighbouring and local occupiers.

European sites

14. The site is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA)/Ramsar site, Chichester and Langstone Harbours SPA/ Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation (SAC), Solent Maritime SAC, Solent and Southampton Water SPA and the Solent and Dorset Coast SPA (the European sites). The National and Internationally protected sites are designated under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) which impose a duty on the competent authority to consider, within the framework of an appropriate assessment, whether the development, either alone or in combination with other development, would have a significant effect on the conservation objectives of the sites.

15. The European sites are of international importance due to their bird population, including over-wintering waders and wildfowl such as dark-bellied brent geese. There are also plants, habitats and other animals of national and international importance. The conservation status of the European sites is at risk from increased recreational bird disturbance and eutrophication caused by increased levels of nitrogen and phosphorus in the water environment, which the development, through the provision of additional residential accommodation without appropriate mitigation, would exacerbate.
16. The Council's submissions indicate that, subject to financial contributions towards mitigation measures set out in the Bird Aware Solent (Solent Recreation Mitigation Strategy) August 2024 (SRMS) and a nutrient neutrality contribution, in accordance with the Council's Updated Interim Nutrient Neutral Mitigation Strategy for New Dwellings, June 2022, the integrity of the European sites will be maintained. In addition, the Council has confirmed that appropriate contributions have been paid, as set out in the undertaking pursuant to S111 of the Local Government Act 1972.
17. Having sought the views of Natural England, and following appropriate assessment under the Regulations, I am, therefore, satisfied that adverse effects on the integrity of the European sites will be avoided. Accordingly, the proposal would not conflict with the aims of Policy PCS13 of the PP, which sets out that development which would have an adverse effect on a European site will be refused.

Other Matters

18. The Council indicate that the number of residential properties within a 50m radius of the site in occupation as HMOs, as a consequence of the appeal proposal, would be below the 10% threshold set out in the Council's Houses in Multiple Occupation (HMOs) Supplementary Planning Document, adopted October 2019 (SPD). While I note concern regarding the accuracy of the Council's records, and the way in which the guidance is applied, I have not been presented with any particular evidence to demonstrate that the area in which the appeal site is located is suffering from a significant aggregation of HMOs. Moreover, while I note criticism of the detailed guidance set out in the SPD, it is not for this appeal to re-examine the merits of the SPD.
19. Therefore, based on the evidence before me, the proposal would not lead to a harmful concentration of HMOs in the area. Consequently, it would not have a meaningful effect on the existing mix of dwellings in the area, or substantially diminish the amount of family housing, which would unbalance the existing community or reduce social cohesion as a result of the number of properties in occupancy as HMOs and the likely transient nature of residency.
20. There is no substantive evidence that occurrences of anti-social behaviour or crime, which are ultimately a matter for the relevant authorities in specific instances, would be attributed to future occupiers of the HMO, or that the proposal would reduce the security of neighbouring properties or safety of local residents overall. Nor is there any clear evidence that the increase in occupancy of the property and associated use of the outdoor space at No. 66 would harm the living conditions of the occupiers of the neighbouring properties through loss of privacy.
21. The Council has not raised an objection to the internal layout of the HMO, including the provision of appropriate communal areas and ceiling heights, which the officer's report indicates would accord with the relevant guidance. Based on the evidence

before me, I have no reason to reach a different conclusion. The development would also be required to comply with relevant building regulations in relation to the health and safety of future occupiers. Furthermore, I have not been presented with any compelling reason why the ground floor accommodation could not be designed to be wheelchair accessible, should this be deemed necessary.

22. The existing property is currently a dwelling, the appellant asserts that the proposed alterations, which it is alleged have already begun, would be permitted development and would therefore not require express planning permission. Therefore, any effects of the proposed extensions in terms of the living conditions of the occupiers of neighbouring properties or the character and appearance of the area are beyond the scope of the appeal.
23. There is no compelling evidence that the proposed HMO would give rise to unacceptable pressure on existing infrastructure, including water, sewage, waste collection or health services. Nor is there any substantive evidence that the use as an HMO would give rise to adverse effects on the architectural integrity of the property or future maintenance, which would harm the character and appearance of the area.
24. While the construction process may be disruptive it would be for a temporary period and is not a reason to withhold permission. Concerns regarding the way the planning application was publicised by the Council fall outside the remit of this decision, as would work to a party wall, which is a civil matter between the parties. Furthermore, it is a long-established principle that the planning system does not exist to protect private interests such as the value of property.
25. Interested parties refer to the risk of precedent, if the proposal were to be allowed. However, I have determined the appeal on its own merits, based on the specific context of the case.

Conditions

26. The conditions set out in the accompanying schedule are based on those suggested by the Council in their appeal statement should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance. In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty.
27. Conditions to agree details of cycle and refuse storage facilities, are necessary to promote sustainable methods of travel and in the interests of the character and appearance of the area. To ensure the development does not exceed the scope of the Nitrate Mitigation Credits purchased, a condition is necessary to restrict future water usage so as to protect the European sites.
28. It is not necessary to impose a condition to require the works shown on the approved plans to be carried out before the first use of the building as an HMO, as in order to implement the change of use, the property would have to had been extended.

Conclusion

29. For the reasons set out above, having regard to the development plan as a whole, and all other relevant material considerations, the appeal is allowed, subject to conditions.

E Worley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – Reference Number TQRQM25168104912069, Block Plan – Reference Number TQRQM25168105042984 and Proposed Floor Plans and Elevations - Sui Gen Plan drg. No. PG.1077.25.4.
- 3) The use hereby permitted shall not commence until secure and weatherproof storage facilities for four bicycles have been provided at the site, in accordance with details that have first been submitted to, and approved in writing by, the local planning authority. The approved facilities shall thereafter be retained for the parking of bicycles at all times.
- 4) The use hereby permitted shall not commence until refuse and recyclable waste storage facilities have been provided at the site in accordance with details that have first been submitted to, and approved in writing by, the local planning authority. The approved waste storage facilities shall thereafter be retained for the continued use by the occupants.
- 5) The development hereby permitted shall be carried out in accordance with the water efficiency calculator Ref EWC-5830 received on 4 September 2025 demonstrating that the development has achieved a maximum water use efficiency of 110 litres per occupant per day, as set out in Regulation 36(2)(b) of the Building Regulations 2010 (as amended).

*******end of conditions*******