



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: 06 March 2026

Appeal Ref: APP/Z1775/W/25/3373779

45 Tangier Road, Portsmouth PO3 6JQ

- 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 Power on behalf of POWR Homes against the decision of Portsmouth City Council.
 - The application Ref is 25/00662/FUL.
 - The development proposed is the change of use from a dwellinghouse (Class C3) to a 7-bed/7-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 of a dwellinghouse (Class C3) to a 7-bed/7-person House in Multiple Occupation (Sui Generis) at 45 Tangier Road, Portsmouth PO3 6JQ in accordance with the terms of the application, Ref 25/00662/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 Power on behalf of POWR Homes 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; and
 - European sites.

Reasons

Car parking

5. The appeal property comprises a terraced dwelling fronting Tangier Road. The surrounding area includes a mix of commercial and residential uses. The proposal

seeks to convert the existing 5 bedroom dwelling, set across 3 floors, to a 7 person House in Multiple Occupation (HMO), to include 7 en-suite bedrooms and a shared kitchen/dining space.

6. The Council's Parking Standards and Transport Assessments Supplementary Planning Document, adopted July 2014 sets out that the expected parking standard for both the existing 4+ bedroom residential dwelling (Class C3) and the proposed sui generis HMO with 4+ bedrooms is 2 parking spaces¹. The existing property does not benefit from off-street parking, nor would the proposed HMO. Consequently, despite the absence of off-street parking to serve the HMO, the proposal would not trigger an increase in the shortfall of the number of parking spaces required to serve the development, as set out in the SPD, over and above the current situation.
7. While I appreciate it is only a snapshot in time, at the time of my site visit, despite a considerable amount of on-street parking nearby, several unrestricted on-street parking spaces in Folkstone Road, close to the appeal site, were nonetheless available. Moreover, I have not been provided with a kerbside parking survey or any substantiated evidence of parking difficulties in the area which may be made worse by the proposal, should it lead to an increase in parking demand. I am also mindful that the site is within the Tangier Road Local Centre, whereby future occupiers of the property would benefit from access to a range of amenities and services, including public transport links, by means other than the private car, so may choose to use alternative means of transport.
8. The presence of a zebra crossing and zig zags to the front of the site would prevent on-street parking on this stretch of Tangier Road. However, there is no clear evidence to indicate that this existing arrangement is to the detriment of parking provision generally in the area, or that traffic associated with the HMO would impede the safe operation of the crossing. In addition, I note that the Highway Authority are of the view that, by virtue of the size of the development, it would not lead to a material impact upon the function of the highway or result in any unacceptable safety impact.
9. Taking the above factors into account, there is no compelling evidence to demonstrate that the proposal would lead to an increase in demand for parking spaces, or that additional vehicular movements or time spent driving around due to the lack of availability of parking spaces, would cause parking stress or be to the detriment of highway safety.
10. I therefore find that the proposed development would not harm the living conditions of the occupiers of local residents by virtue of parking stress or have an adverse effect on highway safety, with 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.

¹ Figure 5: Portsmouth - Residential Parking Standards

European sites

11. 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 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.
12. 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 input into the water environment, which the development, through the provision of additional residential accommodation without appropriate mitigation, would exacerbate.
13. 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 the appropriate contributions have been paid, as set out in the undertaking pursuant to S111 of the Local Government Act 1972.
14. 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

15. The Council indicate that the proposal would result in only 1.75% of residential properties within a 50m radius of the site in occupation as HMOs. This would fall well below the 10% threshold set out in the Council's Houses in Multiple Occupation (HMOs) Supplementary Planning Document, adopted October 2019 (HMOSPD). Therefore, based on the evidence before me, the proposal would not lead to a harmful level of HMOs in the area, which would unbalance the community or erode social cohesion as a result of a concentration of HMOs or likely transient nature of residency. Nor would the proposal to convert the existing dwelling to an HMO have a significant effect on the mix of housing tenures, to the detriment of the overall mix in the area, including the provision of family sized accommodation.
16. It is suggested that the figures put forward by the Council may not be an accurate representation of the actual number of HMOs in the area. Nonetheless, while I am mindful of concern regarding the number of HMOs in Portsmouth and the density

of the area generally, 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 concentration of HMOs. Moreover, while I appreciate frustration expressed regarding the 10% threshold set out in the HMOSPD, it is not for this appeal to re-examine the merits of the guidance.

17. The existing dwelling comprises 5 bedrooms. The proposed 7 bedroom HMO, for occupation by 7 individuals, in this case, would not result in a significantly higher level of occupation of the property than as a dwelling occupied by a larger family. While I recognise that patterns of activity associated with the proposed HMO use may differ from the occupation of the property by a single family, given the number of HMOs in the immediate area, this would be unlikely to give rise to harm to the living conditions of the occupiers of the neighbouring properties through noise and disturbance or loss of privacy. Moreover, there is no substantive evidence before me that any increase in occurrences of anti-social behaviour would be attributed to occupants of the HMO.
18. The Council has not raised an objection to the room sizes or internal layout of the accommodation, which it indicates would meet the space standards set out in the HMOSPD, the provision of kitchen facilities, or internal noise levels. Nor has the Council objected in relation to the risk of flooding, having regard to the location of the site within Flood Zone 2. Based on the evidence before me, including a Flood Risk Assessment, I have no reason to reach a different conclusion.
19. Subject to the imposition of suitable planning conditions to secure appropriate cycle and refuse storage facilities to serve the development, the proposal would not have an adverse effect on the character and appearance of the area. Furthermore, there is no compelling evidence that the use as an HMO would diminish the architectural integrity or lead to a lack of maintenance of the property, nor that the proposal would lead to unacceptable pressure on the existing utility infrastructure, including water, sewage, waste collection or health services.
20. It is a long-established principle that the planning system does not exist to protect private interests such as the value of property. 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

21. 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.
22. Conditions requiring details of cycle parking and to agree details for the storage of waste are necessary to minimise the reliance on private vehicles and 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.
23. 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

24. 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 and Block Plan TQRQM25160101159309 and Sui Gen Plan 45Tan.25.2.
- 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-5829-16088-45 received on 8 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 *******