



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/25/3373781

Auckland House, 55 St Ronans Road, Southsea, Portsmouth PO4 0PP

- 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 M Taylor against the decision of Portsmouth City Council.
 - The application Ref is 25/00133/FUL.
 - The development proposed is for the change of use from a care home (Class C2) to a 12 bed/12 person house in multiple occupation (Sui Generis), external alterations to include excavation of lightwell to basement at front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a care home (Class C2) to a 12 bed/12 person house in multiple occupation (Sui Generis), external alterations to include excavation of lightwell to basement at front elevation at Auckland House, 55 St Ronans Road, Southsea, Portsmouth PO4 0PP in accordance with the terms of the application, Ref 25/00133/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 M Taylor 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. It reflects changes made to the proposal during the application process and is not disputed by the appellant.

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;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the communal space at basement level and bedroom 12; and
 - the effect of the proposed development on European sites.

Reasons

Car parking

5. The appeal property is a substantial Victorian terraced property set over 4 floors. It was previously used as a care home, but at the time of my site visit was vacant. The proposal would see the conversion of the building to a 12 bedroom House in Multiple Occupation (HMO).
6. The Council's Parking Standards and Transport Assessments Supplementary Parking Document, adopted July 2014 sets out the expected parking standard for a sui generis HMO use with 4+ bedrooms is 2 spaces¹. It highlights that the parking standards for residential developments are formed from the 2011 Census information on average number of cars available to different sizes of dwellings, which indicates the average number of vehicles for a 4+ bedroom residential property is 1.58. The property does not benefit from any off-road parking provision and therefore falls short of this requirement.
7. Nevertheless, the existing use of the property, albeit currently vacant, is a care home. Notwithstanding the care home was last occupied by 8 residents, the appeal submissions indicate that at full capacity it could accommodate 10 residents, with the existing floor plans showing a total of 12 bedrooms. The appellant suggests that, at full capacity, the care home would trigger a minimum requirement of a total of 6 parking spaces, which is not disputed by the Council. Notwithstanding the current absence of off-street parking provision, the proposed HMO use would thus require fewer parking spaces than the care home use, when assessed against the Council's parking standards.
8. Even if the controlled parking zone (CPZ) in which the site is located is currently operating at 106% capacity, it has not been demonstrated that the proposed HMO use would generate a material increase in demand for on-street parking, over and above that of the care home. Indeed, the Council's submissions confirm that a maximum of two permits would be available for occupants of the HMO, which is the same number as the existing care home. I am also mindful of the proximity of the property to shops, services, leisure and public transport, which would be accessible to future occupiers on foot or bicycle, which would be likely to increase the use of alternative modes of transport other than the private car. Consequently, based on the evidence before me, it has not been shown that the proposal would give rise to an increase in parking demand that would have an adverse effect in terms of parking stress for local residents having to spend time searching for a parking space.
9. I also note that the Highway Authority is satisfied that the proposal would not have a material impact upon the function of the local highway network. In the absence of any clear evidence that the proposal would introduce a level of vehicular movements that would be to the detriment of highway or pedestrian safety, I am not drawn to reach a different conclusion.
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. Consequently, it would not conflict with Policy PCS23 of the Portsmouth Plan,

¹ Figure 5: Portsmouth - Residential Parking Standards

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 of future occupiers

11. In addition to the shared kitchen/dining space on the ground floor of the building, future occupiers of the HMO would benefit from additional communal space at basement level. The basement would include a lounge with a tea and coffee station, a gym and laundry room. Despite the presence of retaining walls, the proposed windows at ground floor level to the front and rear elevations of the building, in addition to the generous new rooflight, would provide a reasonable amount of natural light to the lounge and gym areas at basement level, having regard to the size and layout of the rooms. While the outlook from the windows would be somewhat restricted, this arrangement is not unusual for basement rooms.
12. Subject to the basement walls and floors being tanked with waterproof membranes, as shown on the submitted floor plans, there is no substantive evidence that the rooms within the basement would suffer from damp. In addition, given the scale and nature of the waste facilities, which would be used by occupiers of the HMO, there is no compelling evidence that the storage of refuse and recycling bins in the position shown, would be the cause of unusual or offensive odours so as to cause detriment to the living conditions of the future occupiers of the HMO, including users of the gym. Therefore, having regard to the level of occupation of the HMO, together with the size and layout of the shared areas at the property overall, the communal space at basement level would be suitable in this case.
13. Bedroom 12 would be served by an existing ground floor window in the side wall of the property. The window is set back from the side boundary of the site and the flank elevation of the neighbouring property beyond and extends above the height of the boundary wall between the properties. Due to the size and position of the window, it would therefore allow a reasonable outlook from bedroom 12. The room includes a small flight of steps up to the en-suite. Given the position of the steps, in the corner of the room, immediately in front of the door to the en-suite, the presence of the steps would not unduly restrict the use of this part of the room or tangibly affect the overall internal space available for everyday use. Moreover, the Council's submissions indicate that the floor area of the room, excluding the area which would accommodate steps, would exceed the minimum Gross Internal Floor area of 6.51m² for a single room as set out in the Council's Houses in Multiple Occupation (HMOs) Supplementary Planning Document, October 2019 (HMOSPD), having regard to the provision of communal space.
14. Concerns have been raised regarding general overcrowding of the proposed accommodation and potential health and safety risks. However, the consultation response from the Council's Housing Regulation Officer, indicates that they have no objection to the proposal based on the submitted plans. As such, and in light of my findings above, I have no reason to disagree.

15. For the reasons given, the proposal would therefore provide acceptable living conditions for future occupiers of the HMO with regard to the communal space at basement level and bedroom 12. In that regard, it would not conflict with the aims of Policy PCS23 of the PP which seek the provision of a good standard of living environment for future residents.

European sites

16. 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.
17. 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.
18. 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.
19. 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

20. The Council indicate that the proposal would result in 6.7% of residential properties within a 50m radius of the site in occupation as HMOs. This would fall below the 10% threshold set out in the HMOSPD. While I note the contention that the HMO register in Portsmouth is incomplete, which would undermine the Council's findings set out above, 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. Therefore, while I am mindful of concern expressed by interested parties regarding the effects of the

development on the local community, based on the evidence before me, the proposal would not lead to a harmful concentration of HMOs in the area.

21. As such, it has not been demonstrated that the proposal would have a harmful effect on the existing mix of dwellings in the area, which would significantly unbalance the community or reduce social cohesion as a result of the number of properties in occupancy as HMOs and the likely transient nature of residency. While I note criticism of the detailed guidance set out in the HMOSPD, it is not for this appeal to re-examine the merits of the guidance.
22. Given the existing number of HMOs in the immediate area, there is no compelling evidence that the proposal would have a significant effect on the provision of family sized accommodation overall. Furthermore, my attention has not been drawn to any particular policy requirements relating to the protection of the existing care home use, or that a need for such accommodation could not be met elsewhere. Nor is there any clear evidence that there is not a need for this type of housing.
23. The proposed 12-bedroom HMO would not lead to a significant increase in the intensification of the occupation of the property, when assessed against the number of bedrooms in the care home when occupied at full capacity. The occupation of the property as an HMO may generate levels and types of activity, and at times, which would differ from that of the operation of the care home. However, there is no substantive evidence that the effects of such would be materially different to that of the general activity associated with the use of the property as a care home, occupied by separate individuals, including the access to the rear garden, so as to give rise to an increase in noise and disturbance overall. Nor is there any substantive evidence before me to suggest any increase in occurrences of anti-social behaviour or crime would be attributed to occupants of the HMO.
24. Moreover, given that the number of windows in the property and use of the rooms would be broadly unchanged, the proposal would not harm the living conditions of the occupiers of the adjoining residential properties through loss of privacy. In addition, there is no particular evidence that the proposal would give rise to a greater degree of light pollution, either from windows or security lighting than the use of the building as a care home.
25. It has been brought to my attention that, as well as the nearby primary school, several properties in the area are occupied by residents who share protected characteristics, including age or disability, as set out in Section 149, of the Public Sector Equality Duty, contained in the Equality Act 2010. Given that elderly residents and those occupying the surrounding care homes are increasingly likely to spend more time at home, than those who do not share that protected characteristics, these occupiers may be more perceptible to the effects of changes to their environment, including additional activity close to their property.
26. I have had due regard to the demographic profile of the residents of the area, including those attending the school, in particular the need to foster equality of opportunity and avoid discrimination between those who share a protected characteristic and those who do not. Nevertheless, for the foregoing reasons, while the proposal may give rise to changes in the levels and types of general activity, there is no substantive evidence that the activity generated by the proposed HMO,

when compared to the care home use, would give rise to a level or types of activity which would be harmful to the character of the area or the living conditions of the occupiers of the neighbouring properties, whoever they are, or those attending the school, through noise and disturbance, or that the proposal would increase anti-social behaviour or crime.

27. There is no compelling evidence that the use as an HMO would give rise to unacceptable pressure on existing infrastructure, including water, sewage, waste collection or health services.
28. Neither the Council nor the Highway Authority object to the proposed cycle parking provision to the rear of the property, including access thereto. While the existing pedestrian route to the rear garden of the property, although not excessive in length, may be unlit, narrow and somewhat contrived, there is nothing to suggest this would deter future occupiers of the HMO from using the access, in the same way existing occupiers of the nearby properties currently do, to reach the rear of the property, or discourage the use of the cycle storage.
29. I have not been presented with any reason why the ground floor accommodation could not be wheelchair accessible, should this be deemed necessary.
30. While the submitted block plan shows the retention of 2 trees to the rear garden, there is nothing before me to suggest the trees are protected or that their removal would be unauthorised. Furthermore, the Council has not objected to the proposal with regards to the effect on wildlife, should existing trees and shrubs at the site be removed. Given the limited extent of existing landscaping at the site, it is unlikely that any removal would have an adverse effect on biodiversity interests.
31. The arrangements for the storage of refuse on the frontage of the site reflect those of the previous care home and other properties in the street. There is no substantive evidence that waste generated by the proposed HMO will not be properly managed so as to avoid and adverse effects upon the character and appearance of the area and vermin, or that the proposed use would diminish the architectural merits of the building.
32. While the construction process may be disruptive it would be for a temporary period and is not a reason to withhold permission. Security issues and damage which may be caused to the alleyway during construction would be a private matter between the parties involved. Furthermore, it is a long-established principle that the planning system does not exist to protect private interests such as the value of property.
33. I appreciate a previous application for a similar proposal was refused by the Council; however, I have determined the appeal on its own merits, based on the evidence before me.

Conditions

34. 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.

35. Conditions requiring the provision of cycle parking and refuse and recyclable materials storage facilities, as shown on the submitted plans, 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. To reduce the risk of flooding a condition is necessary to ensure the implementation of the proposed flood resistance and resilience measures.

Conclusion

36. 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 drawing nos:

Plan Reference Number - TQRQM24334120030203 - Location Plan
Plan Reference Number - TQRQM24334120146897 - Block Plan
Drg. No. PG.9156 · 24 · 03 Rev S - Proposed Floor Plans
Drg. No. PG.9156 · 24 · 04 Rev F - Proposed Elevations and Section
Drg. No. 1 - 4 Cycle Storage Shed
- 3) Prior to first occupation of the property as House in Multiple Occupation, the cycle storage shown on the approved block plan shall be provided and retained permanently thereafter.
- 4) Prior to the first occupation of the property as a House in Multiple Occupation; refuse and recyclable materials storage facilities shall be provided at the site, as shown on the approved plans, and shall thereafter be retained for the continued use by the occupants.
- 5) Prior to the first occupation of the property as a House in Multiple Occupation, written documentary evidence, in the form of a post construction water efficiency calculator, shall be submitted to and approved in writing by the local planning

authority to demonstrate that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)b of the Building Regulations (2010) (as amended).

- 6) Prior to first occupation as a House in Multiple Occupation, the scheme of measures on drawing no. PG.9156 · 24 · 03 Rev S to address how the property would be resistant to flood and resilient to flood damage shall be fully implemented. The measures therein shall be retained and maintained thereafter for the lifetime of the development.

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