

DELEGATED OFFICER REPORT

Application Ref: F/22/94330

Site Address: 97 DESBOROUGH ROAD, EASTLEIGH, SO50 5NT

Case Officer: Gary Osmond

Description: Change of Use from C4 House in Multiple Occupation (HMO) to Sui Generis HMO for more than 6 unrelated persons

Particular Site Constraints?	Yes ☐	No ☒
- Within urban edge - Within established residential area		

Planning History?	Yes ☒	No ☐
LDC/22/94008 - Lawful Development Certificate for change of use of C3 dwelling to C4 6-bedroom HMO, including rear extension 3.0m in depth and loft conversion to habitable accommodation under 40 cubic metres – Certificate issued No 2022		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	Two representations received objecting to the application and raising the following issues: - Already a large number of HMOs in the area - Loss of community - Loss of family housing - Additional pressure on parking - Building works have already commenced - No one was consulted in relation to lawful development certificate - Overdevelopment - Poor quality living environment for occupiers - Additional disturbance to neighbours - Concerns relating to fire escape requirements In response to the comments made in relation to issuing of the lawful development certificate: this is not a planning application, rather a confirmation of that submitted for being allowed under permitted development, i.e. not requiring formal planning permission. It is for this reason that there was no public consultation or publicity, as it is not required. This also includes the conversion of the dwelling into an HMO for up to 6 residents, meaning that the physical works to the dwelling could go ahead before this current planning application has been determined, as these works do not require planning consent.		
Eastleigh Town Council:	No comment received.		

Site Visit:	Yes ☒	No ☐
Details: 19/01/2023		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:**Site & Context:**

No.97 is a two storey mid-terrace red brick Victorian dwelling, typical of the locality. It has a shallow 'garden' to the front bounded by a low brick wall. Rear access is via an alleyway/service road which runs the length of the terrace block. There is scope to the rear to provide off-road parking for up to two cars.

The property is already undergoing enlargement works associated with that submitted as part of the recently granted certificate of lawful development and use.

Proposal:

The application proposes an increase in occupants from 6 to 7, changing use of the dwelling from a C4 House in Multiple Occupation (HMO) to a *Sui Generis* HMO, hence the need for planning permission. This change will not require any further physical alterations to the dwelling over that already allowed under permitted development, simply a reallocation of internal room uses – the previously set out lounge becomes an additional bedroom.

Policy & Principle:

The application site lies within the urban edge where the basic principle of development is considered acceptable, with any formal planning approval being based on the exact details of that proposed and whether it accords with the relevant policies of the adopted Local Plan and Supplementary Planning Documents. The most relevant policy in this instance being DM1 which covers various issues relating to design, impact on neighbours and ensuring developments are appropriate in nature and scale to the character and context of the locality. There are no policies which specifically relate to the creation of HMOs or conversion to flats as in the previous local plan.

Highways & Parking:

Increased parking pressure has been highlighted as a concern. Whilst noted, there is scope for at least two spaces to the rear of the dwelling accessed via the rear service road. There are no parking requirements relating specifically to HMOs. As such, the usual residential standards would need to be applied. These require a dwelling of four or more bedrooms to provide a minimum of three parking spaces. Whilst this cannot be provided due to the nature and constraints of the site, this would be no different for any other dwelling in the locality which has been enlarged via permitted development. Given two spaces can be provided – and can be conditioned for this purpose – it would be unreasonable to refuse the application on these grounds.

As for highway related issues, the increase from six to seven residents will have no noticeable impact.

Amenity:

The concerns in relation to disturbance of neighbouring properties is noted. However, these objections seem to be more related to the conversion of the dwelling to an HMO, which does not require planning consent, rather than the addition of one further bedroom. In planning terms, the impact of seven residents compared to six would not be discernible, so could not be used as a reason for refusal on amenity grounds.

In terms of the amenity of future occupiers, there is a good size communal kitchen/dining space to the rear of the dwelling with access to a modest external amenity space. In terms of room sizes, there are minimum standards required in order for an HMO licence to be issued. This is a matter for the applicant to ensure is adhered to.

Area Character:

The concerns in relation to the number of HMOs and flat conversions in the locality are noted. However, when is too many too much? This is something of a subjective issue which will be dependant upon an individual's point of view. Whilst it is acknowledged that there are a number in the immediate locality, as a whole there are far more single-family dwellings in this part of Eastleigh. Were HMOs considered to be a significant concern, there is the ability to apply an Article 4 Direction to the area, preventing further conversions.

Whilst not necessarily seen as being desirable by some, there is a need for this type of accommodation to serve those who can only afford lower rents or do not wish or need to rent something larger. Although the concerns are noted, there is nothing to say that those residing in an HMO do or will cause any issues for neighbours over and above a normal household, or would have any detrimental impact upon the character of the area.

Nature Conservation:

The very modest nature of that proposed and lack of any physical alterations to the building is not considered to result in any issues for nature conservation or ecology.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:	PERMIT ☒	REFUSE ☐
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For the reasons set out above, the application is considered to accord with the requirements of Policies DM1, DM2, DM11 and DM14 of the Local Plan and is recommended for approval.