

Application	F/21/94920
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Jessica Werrett
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

22nd November 2023

Dear Ms Werrett

**Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Appeal By:	Mr Lewis Bowers
Appeal No:	APP/W1715/23/3327259
Application No:	F/23/94920
Description:	Change of use from C4 HMO to Sui Generis HMO for more than 6 No unrelated persons (Resubmission F/23/94574)
Site:	29 TWYFORD ROAD, EASTLEIGH, HAMPSHIRE, SO50 4HD

With reference to the above planning appeal, the Local Planning Authority (LPA) would like the following comments to be considered in response to the Appellant's Statement of Case.

Reason for refusal 1: Lack of usable communal amenity space

Quality Places Supplementary Planning Document (SPD) provides amenity space guidance for flats and dwellings, which are the most common types of residential properties within the borough. While HMOs are not specifically mentioned within Quality Places, they are a form of living accommodation and therefore would be expected to provide residents with good quality outdoor amenity space.

The appeal development provides a communal garden behind the building. The garden size is very small, at just 33m², and so would not provide sufficient space for

the ten residents of the HMO to carry out their normal domestic activities such as sitting outside or drying clothes.

The garden size falls well below the outdoor amenity space guidance within Quality Places SPD. The document looks for flatted developments to provide a minimum of 25m² per flat of outdoor amenity space (which if the bedrooms were treated as separate flats would equate to 250m² for the appeal proposal). However, if the HMO is treated as a single dwelling then an outdoor amenity space equivalent to 60% of the dwellings floor space is required (which for the appeal proposal would be 110m²). The appeal proposal provides only 33m² of the necessary outdoor amenity space.

For this reason, the LPA considers that the appeal development of a 10 bed HMO would result in inadequate living accommodation and would be an overdevelopment of the site.

The LPA would also like to respond to a couple of points raised by the Appellant within their statement of case.

Firstly, the LPA does not consider that the area in front of the building should be counted as amenity space. This narrow strip of land acts as a buffer separating the building from the junction of two main roads and therefore would not function as a usable or desirable outdoor amenity space. Even if the extra 16m² of land was included the total amount of outdoor amenity space provided for the HMO would still fall well short of the guidance.

Secondly, the Appellant's statement of case incorrectly interprets the Council's residential amenity guidelines, quoting 3m² of outdoor amenity space being required per flat (30m² for the HMO). This is the standard for private amenity spaces (such as balcony and terraces), which are not being provided as part of the appeal proposal. The guidance then states that the amount of private amenity space can be subtracted from the minimum amount of communal outdoor space provided (i.e. 25m² per flat). Therefore, the provision of private amenity space does not replace the need to provide the required amount of communal outdoor amenity space.

Reason for refusal 2: The impact of noise and disturbance from the HMO on the amenity of future occupants and neighbouring residents

The LPA has two concerns in this regard.

Firstly, the appeal HMO is laid out with bedrooms directly adjacent to, and above, the kitchen/ family room. This room is the only communal living space for the HMO and so is likely to be well used by the ten residents. As such there is the potential for long periods of significant noise and disturbance from residents using the space, which would be detrimental to the occupiers of the adjacent bedrooms. While the Appellant intends to install additional sound proofing at the property, no details have been

submitted, with the planning application or as part of the appeal, and it is unclear whether the noise impact can be satisfactorily addressed.

Secondly, the appeal development represents an intensification of the residential use, from a dwelling/ six bed HMO to a 10 bed HMO. The increased number of residents would result in additional noise and disturbance such as increased comings and goings from the property. The LPA considered that the level of disturbance would go beyond what is reasonably expected in an established residential area and therefore would be detrimental to the amenity of the adjoining neighbours. A point which is not directly addressed within the Appellant's statement of case.

The LPA would also like to respond to a couple of points raised by the Appellant:

The LPA has been proactively working with the Appellant to negotiate an acceptable scheme and has recently approved a change of use to an eight bed HMO (reference F/23/95786). While the Appellant questions the additional noise impact of a ten bed HMO compared to the approved scheme, the level of noise and disturbance would inevitably increase as more bedrooms are provided allowing more people to reside at the property. It is the LPA's view that the acceptable balance tips at an eight single bedroom HMO, above which size the intensity of the residential use would be significantly detrimental to the amenity of both the occupiers of the property and neighbouring residents.

The Appellant also notes that no extra conditions were imposed on either the previous planning permission to convert the property back to a dwelling (F/22/93842) or the certificate of lawfulness for a six bed HMO (LDC/22/94252). However, the appeal development for a 10 bed HMO would be a more intensive residential use (then a standard dwelling) and as such a higher level of sound proofing would be required, particularly as the residents would not have a family connection.

In terms of the certificate of lawfulness, this document is a legal decision confirming that the six bed HMO can be completed under permitted development rights and as such conditions cannot be imposed on the decision. It should, however, be noted that the LPA has imposed a noise mitigation condition on the planning permission for the eight bed HMO.

Conclusion

For the reasons outlined above, the LPA respectfully requests that the Inspector upholds the reasons for refusal and dismisses the appeal. However, should the

Inspector be minded to grant permission, the LPA would ask that the conditions attached in Appendix A are included as part of any approval.

Yours faithfully

A handwritten signature in black ink, appearing to read "N Parker", with a horizontal line underneath the name.

Nicholas Parker
Planning Manager