

DELEGATED OFFICER REPORT

Application Ref: F/24/96785

Site Address: 418 SOUTHAMPTON ROAD, EASTLEIGH, SO50 5QJ

Case Officer: Gary Osmond

Description: Change of use from three bedroom dwelling (C3) to seven bedroom HMO (Sui Generis), including single storey rear extension and conversion of loft to include box dormer

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

Planning History?	Yes ☒	No ☐
LDC/23/95800 - Lawful Development Certificate for a Proposed Use or Development: Change of use from C3 Residential to C4 HMO, Permitted Development works to include 3m rear extension, rear dormer and 2No. front facing roof lights – Certificate Issued Sept 2023		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	Two representations received, both objecting to the application on the following grounds: - Already a large number of HMOs on the area - Reduction in affordable family housing - Insufficient parking provision - Bin storage - Devaluation of neighbouring properties - Works have already begun - Windows of loft conversion overlook neighbouring gardens and windows		
Eastleigh Town Council:	Objection as the councillors felt that 6 HMO is enough and there is a lack of parking amenities.		
HMO Licencing:	No objection. Proposals meets and exceeds Council standards in terms of room sizes and required facilities.		
Environmental Health (Pollution):	Holding objection. Site is within an Air Quality Management Area (AQMA) and is subjected to significant noise levels from Southampton Road. No form of assessment or mitigation has been provided to demonstrate that residents can be protected from these impacts.		

Site Visit:	Yes ☐	No ☒
Details: An in-person site visit was not considered for the following reasons: - The physical changes to the dwelling do not require planning permission. - Up to date photographs taken by planning enforcement officers have been viewed by the case officer. - Recent images are available on-line via Google Street View. - The character of the locality is well known to the case officer having dealt with numerous similar applications in the area.		

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, DM8, DM11, DM14 and DM30

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:**Site Context:**

The application property is a two storey late Victorian mid-terrace three bedroom dwelling fronting Southampton Road to the east, which is the main southern route into Eastleigh Town Centre. To its frontage is a small garden space behind a low brick wall. To the rear is an enclosed garden space with patio and small outbuilding, with a parking area for two cars, accessed via the rear service road/alleyway which also provides access to neighbouring properties which front Southampton Road, as well as Doncaster Road to the west. On the opposite side of Southampton Road is the main railway line between Southampton and Winchester, with the northern portion of Southampton Airport beyond this.

In terms of character, the site lies on the edge of residential development south of the town centre, with railway and airport land to the east, and further terrace housing to the west.

Proposals:

The application seeks approval for the change of use from three bedroom dwelling – Use Class C3 – to seven bedroom House of Multiple Occupation (HMO) – a Sui Generis Use – including construction of a single storey rear extension and conversion of loft to include a rear box dormer. The single storey rear extension is an enlargement of the current kitchen, which would become the main communal kitchen and living space for the HMO residents, with direct access to the shared rear amenity space, on-site parking and the rear service road/alleyway.

Policy & Principle:

The application site lies within the urban edge and within a well-established residential area, where the basic principle of development is considered to be acceptable, with any formal planning approval being dependant on how that proposed is considered to accord with the relevant policies of the adopted Local Plan and supplementary planning documents.

In this instance the most relevant policy is DM1 of the adopted Local Plan. This requires all new development to be of a good quality, to take appropriate account of the site context and that of the surrounding area, as well as ensure that its impact upon neighbouring occupiers and uses is minimised or suitably mitigated. It also requires the retention of natural features and good quality landscaping where relevant.

Also of specific relevance to this application are Policies DM8 and DM14. Policy DM8 relates to pollution and requires all new development to ensure that proposals do not result in unacceptable levels of pollution, including noise and air pollution, upon neighbouring uses. Equally, it requires new development to be protected from existing sources of pollution through appropriate mitigation measures. Policy DM14 relates to parking provision, which is discussed in more detail below.

Whilst the application description makes reference to the construction of a single storey rear extension and rear dormer addition to the roof, these physical elements can be undertaken via permitted development, and are only included within the description for clarity. Equally, conversion of the existing three bedroom dwelling to a House in Multiple Occupation (HMO) does not in itself require planning approval but can also be undertaken via permitted development provided the number of residents does not exceed six. This was confirmed by the issuing of the above Lawful Development Certificate in September 2023.

As such, the only element to be considered as part of this application is the proposed increased to seven residents, and whether the impact of one additional resident would have any noticeable greater impact upon the amenity of neighbouring properties and the wider character of the area, and whether this impact would be unacceptable in planning terms.

Amenity:

Existing Neighbours

Concern has been raised that new windows within the rear dormer have resulted in a greater level of overlooking of neighbouring properties and gardens. Whilst this is acknowledged, as discussed above, the dormer does not require planning approval. As such this cannot be taken into account as part of this planning application.

In terms of other amenity impacts, such as loss of light and outlook, the new physical additions to the dwelling raise no issues in this regard and can be undertaken via permitted development.

The main impact which can be taken into account is the potential increased disturbance as a result of a greater level of activity within the dwelling. This has not been raised within any representations received. Nonetheless, it still must be considered. However, as discussed above, conversion of the dwelling to a six occupier HMO does not in itself require planning approval. As such, this number of occupiers is considered to be an acceptable number, which in planning terms should not result in any undue levels of disturbance upon the amenity of neighbouring occupiers. That being the case, it would be difficult to demonstrate in planning terms how one additional occupier would tip the balance to such an extent as to make that proposed unacceptable and to warrant a refusal. As such, that proposed is considered to accord with the general requirements of Policy DM1 of the adopted Local Plan and the Council's 'Quality Places' SPD.

Future Occupiers

In terms of future occupiers, whilst there are no planning requirements for HMO minimum floor areas, the dwelling more than exceeds the 129 square metre minimum for a seven bedspace three storey dwelling set out in Policy DM30. It is also highlighted in the response from the Council's HMO Licencing Officer that the dwelling exceeds minimum standards for licencing requirements. Equally, the external amenity space is approximately 60% of the total floor area after the area required for off-street parking has been taken into account. Whilst the level of external amenity space may be less important for an HMO property, that proposed will still be useable for everyday requirements.

Concern has been raised by the Council's Environmental Health Team in terms of the impact of noise and air pollution upon future occupiers due to the site's location fronting Southampton Road, which is designated as an AQMA. Whilst these concerns are noted, given that the dwelling could be converted into an HMO under permitted development, it is considered to be unreasonable to condition any additional requirements in terms of mitigation measures. Notwithstanding, the issues will be raised with the applicant and advice provided.

Overall therefore, that proposed is considered to accord with the general requirements of Policy DM1 of the adopted Local Plan and the Council's 'Quality Places' SPD.

Access, Parking & Highways:

Site access to the front and rear will remain unchanged, as will current parking provision, which consists of two on-site spaces to the rear of the property. Concern has been raised in relation to parking provision, in that that currently available will not be sufficient for the proposed use. Whilst these concerns are noted, there are no minimum parking standards for HMOs. As such the only standard which can be applied is that for general residential use, as set out in the Council's 'Residential Parking Standards' SPD and Policy DM14. This states that properties with four or more bedrooms should provide at least three parking spaces, which the application site cannot provide in a practical manner or one which would not result in unacceptable loss of external amenity space.

However, in this instance, the site's relatively close proximity to the town centre means that a slightly lower than usual provision may be acceptable. In addition, there are parking restrictions applied to all surrounding streets with no further parking permits being issued. As such, there will not be an opportunity for any overspill parking to impact existing neighbouring residents. It may also be the case that the existing dwelling already has at least one parking permit. If so, this together with the on-site spaces would mean that the minimum provision required by the SPD and DM14 would be met, albeit a condition to ensure this parking is provided and maintained is recommended.

In relation to highway impact, the small scale of that proposed will have no discernible impact upon the local highway network.

Servicing:

Problems of refuse storage at other known HMO properties has been highlighted as a concern. Whilst noted, no specific details have been provided and there is nothing to suggest that any problems would result due to the conversion of the application site. If problems do occur, these can be better dealt with through other legislation.

It is noted that the submitted drawings do suggest that bins are to be stored at the site frontage. This is presumed to be an error, as refuse collections along this stretch of Southampton Road are via the rear service road/alleyway. Storage of bins in this location would also be unacceptable in terms of the street scene. As such a note is included recommended that refuse storage and collection be from the rear of the property as is currently the case.

Area Character:

From Southampton Road the dwelling will appear little different, other than the inclusion of a pair of rooflight windows to the front roof slope. As such there will be no adverse impact upon the street scene. Whilst changes will be noticeable from the rear, these are not excessive and not out of keeping with the general visual character of the locality.

Comments have been received raising concern at the loss of an affordable family dwelling and the number of HMOs in the area, which it is claimed is altering the character of the locality to its detriment. Whilst these concerns are noted, unless it can be very clearly demonstrated that this is the case, it would not be reasonable to refuse the application on these grounds. This is particularly so given that were it not for the seventh occupier proposed, the conversion would not require planning approval.

Nature Conservation:

Whilst there may be scope to provide ecological enhancements, in this instance it is considered to be unreasonable for these to be provided given that the majority of the works can be undertaken via permitted development.

Water quality impact as a result of increased waste water is also an issue to be taken into consideration. Whilst that proposed may result in a higher number of occupiers than would usually be found in a single dwelling, for the purposes of the habitats regulations, there is no new increase in the number of dwellings. As such there is no requirement for mitigation to be secured or an appropriate assessment to be undertaken.

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 Environment 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.

Whilst no specific details have been provided, there is the ability to include measures such as PV panels, etc should the applicant see fit.

Other Matters:

Devaluation of neighbouring properties has been raised as a concern. Whilst this is a not unreasonable concern, the devaluation or otherwise of property is not a material consideration which can be taken into account when determining a planning application.

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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Whilst the concerns of neighbours are noted, the impact of that proposed would only be very marginally greater than that which is allowed via permitted development. As such, it is considered unreasonable in planning terms to consider refusal of the application without clear evidence to demonstrate unacceptable harm. As such the application is recommended for approval subject to conditions.

