

Application Number: F/25/99184
Case Officer: Gary Osmond
Received Date: Friday 4th April 2025
Site Address: 11 Barton Road, Eastleigh, SO50 6RN
Applicant: Mr R Wincott
Proposal: Change of use from dwelling (C3) to 7 Bedroom / 7 Person House of Multiple Occupation (sui generis).

Recommendation: PERMIT

CONDITIONS & REASONS:

- 1) The development hereby permitted shall be implemented in accordance with the following plans numbered: location, block, PG.9158.24.01, PG.9158.24.02 Rev H & 0.0.01.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The development hereby permitted shall start no later than three years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3) The development hereby approved shall not be occupied until adequate bin & secure covered cycle storage for at least seven bicycles has been provided to the rear of the dwelling and thereafter retained and kept available.
Reason: To ensure the adequate provision of on-site facilities.

Note to Applicant: In accordance with paragraph 39 of the National Planning Policy Framework (December 2024), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: This development is located within a residents parking scheme and it is Council policy that residents of all new developments will not be eligible for parking permits. The term development means the construction of new or replacement buildings or alterations to existing buildings that result in an increased demand for parking not catered for within the development.

Note to Applicant: It is requested that the building works are carried out considerately to minimise disruption to the occupiers of the neighbouring properties. The council operates a code of best practice, which is available on the council's website www.eastleigh.gov.uk by following the links to Planning, Guidance on the process, scroll down to Guidance on Aspects of the Planning & Construction Process and select considerate builders' advice note.

Report:

This application has been referred to committee due to the level of local interest.

Description of Application

1. The application seeks consent for the change of use of the existing dwelling (Use Class C3) to a 7 bedroom/person House of Multiple Occupation or HMO (Use Class sui generis). Some physical works to the property, including a rear dormer projection to the roof and single storey rear extension have already been undertaken but these are allowed under permitted development and do not require separate planning consent.
2. The application is accompanied by the following reports and technical assessments which can be viewed on the Council's website [here](#) together with the proposed plans and drawings:
 - Planning Statement
 - Biodiversity Checklist

Site Characteristics and Character of the Locality

3. The application dwelling is a two storey red brick mid-terrace Edwardian dwelling, typical of the type found around Eastleigh. To the front is a small shallow garden, bounded by a low brick wall. To the rear is a small private yard bounded by 1.8 metre high timber fencing. Work has begun on a single storey extension to the rear, which was granted approval under the prior notification procedure in April this year, as well as work to convert the roof and construct a box dormer to the rear, which will provide new second floor accommodation. This dormer is permitted development.
4. Barton Road is a linear dead-end street consisting of continuous terrace of redbrick two storey dwellings identical to the application property along the western side of the street, together with a small terrace to the eastern side at the southern end. No properties have any formal off-street parking but can be accessed from the rear via a shared alleyway.
5. Barton Road is surrounded by industrial sheds to the east, south and west, some forming part of Eastleigh's original railway works, and others being more recent in age. At the northern end of the road is a petrol station fronting Bishopstoke Road, which is the main route between Eastleigh Town Centre to the west, and Bishopstoke and Fair Oak to the east. Eastleigh Town Centre, as well as Eastleigh Railway Station and Bus Station are a few minutes' walk across the railway bridge.

Relevant Planning History

6. Other than the prior notification application for the single storey rear extension approved in April this year (PN/24/98648), which can be viewed [here](#), the site has no previous planning history on record.

Representations Received

7. A total of 5 representations have been received, in addition to a petition signed by 26 local residents, all objecting to the application for the reasons set out below:
- Loss of a family dwelling
 - HMOs out of keeping with character of the locality
 - Too many HMOs in the area already
 - Noise & disturbance
 - Antisocial behaviour
 - Will add to existing parking issues
 - Will add to refuse collection issues
 - Rental properties in the street are not looked after
 - Works have already commenced
 - Overlooking of neighbouring properties
 - Devaluation of neighbouring properties
 - No prior consultation with neighbouring residents

Consultation Responses:

8. **Housing Standards** – No objection. The property meets all necessary amenity standards in terms of room sizes and kitchen.
9. **Hampshire Highways** – No objection from a highway perspective. No car parking is proposed, although Barton Road is within a resident permit area and new residents would not be entitled to permits. EBC will need to assess if the proximity to the town centre could allow for lower standards to be accepted. Secure cycle storage provision is to the rear.
10. **Eastleigh Town Council** – No objection.

Policy Context:

Designations Applicable to Site

- Within the Urban Edge

Eastleigh Borough Local Plan 2016-2036

Strategic Policies:

- S1 (Delivering sustainable development);
- S2 (Approach to new development);

Development Management Policies:

- DM1 (General criteria for new development);

- DM2 (Environmentally sustainable development);
- DM11 (Nature conservation);
- DM14 (Parking);
- DM23 (Residential development in urban areas); and
- DM30 (Internal spaces standards for new residential development).

Hampshire Minerals and Waste Plan

- Policy 15 – Safeguarding of Mineral Resources.

Supplementary Planning Documents

- Quality Places (November 2011);
- Residential Parking Standards (January 2009); and
- Character Area Appraisals – Eastleigh (January 2008)

National Planning Policy Framework

11. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise. A deliverable five-year supply of housing within each local authority area is required, and if this is not demonstrated a tilted balance in favour of the development applies.
12. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.

National Planning Practice Guidance

13. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal:

Development Plan and / or Legislative Background

14. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The

Development Plan comprises the policies of the Eastleigh Borough Local Plan 2016-2036 and the Hampshire Minerals and Waste Plan 2013. The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Policy & Principle

15. The application site lies within the urban edge where the basic principle of development is acceptable. However, any application must be considered against the adopted Local Plan and Supplementary Planning Documents (SPDs). The most relevant policies in this instance are DM1 and DM14.
16. Policy DM1 requires new development to have no unacceptable impact upon the “amenities of new and existing residents; the character and appearance of urban areas, the countryside and the coast”, make efficient use of the site, as well as “take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.” It goes on to state that “Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area”.
17. Policy DM14 relates to parking and requires new residential development to provide off-street parking in accordance with the Council’s ‘Residential Parking Standards’ SPD. It goes on to state that “Applications with parking levels which deviate away from the expected standard should be substantiated by robust evidence”.
18. Also of relevance is that conversion of the dwelling into an HMO in itself does not require planning consent. Under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Class L, a dwellinghouse in Use Class C3, i.e. a ‘normal’ dwellinghouse can be converted into a small HMO in Use Class C4 without the need for formal planning consent, provided it is for no more than six occupiers. If the number of occupiers is greater than six, then the HMO is considered to be a *sui generis* use which requires a formal change of use application to be submitted.
19. In principle therefore, conversion to a seven person HMO is acceptable. However, planning approval will be dependent upon what additional impact the proposed seven person HMO, over and above a six person HMO which is allowed under permitted development, would have upon the amenity of future occupiers, existing neighbours, and the wider area.

Proposals

20. The application seeks consent for the change of use of the existing dwelling to a seven person House of Multiple Occupation. Some physical works to the dwelling to allow this conversion has already begun, including a single storey

flat roof rear extension and rear dormer projection to the roof. However, as is set out above, these works in themselves do not require formal planning approval as they are allowed under permitted development or have already been approved under the prior notification procedure, which allows extensions greater in size than standard permitted development rights.

Parking & Highways

21. One of the main concerns raised by objectors is how the proposed change of use and increased number of occupiers may impact the existing parking situation in Barton Road.
22. Policy DM14 requires new residential development to provide off-street parking in accordance with the Council's 'Residential Parking Standards' SPD, which for properties of four or more bedrooms requires a minimum of three off-street parking spaces to be provided. However, the policy does allow for a lower standard to be used when "substantiated by robust evidence".
23. Whilst no properties along the street benefit from off-street parking, this part of Eastleigh was built at a time when car ownership was not an issue for the majority of people. As such, there are many properties around the town which have no ability to provide off-street parking. This is the case for the application property, which has a shallow frontage and only pedestrian/cycle access to the rear. As such any vehicle parking associated with the property will need to be on-street, as is the case for all other properties along Barton Road. However, Barton Road has the advantage of more room for on-street parking, with parking being available along both sides of the street, although the majority of the street is only built along one side. As such, the street effectively has twice the level of parking available as similar streets elsewhere in the Victorian/Edwardian terraces of the town centre.
24. Whilst the objections raised in relation to parking and concerns regarding local pressure for on-street parking spaces are noted, the street and neighbouring roads are subject to parking restrictions and a residents permit scheme. Although restrictions only apply during daytime hours, being unrestricted between 8pm and 8am and not at all on Sundays, the location of Barton Road means that it is unlikely that parking by a significant number of non-residents takes place in the same way as within the main part of the town centre.
25. It is understood that No.11 does not currently have any parking permits allocated to it and the applicant is not intending to apply for any given the close proximity of the site to the town centre and the cycle storage to be provided. It is also current policy that no new permits will be issued to a property if there is insufficient capacity within the street. Without a permit, it will not be possible for any new occupiers to park in the street. As such, there should be no increase in parking demand to add to any existing problems.

26. In addition to this, no objection has been raised by Hampshire Highways, citing that the application site is close enough to the town centre to allow a car free development. Whilst others may take a differing view, the site is only a five minute walk from Eastleigh Town Centre and the shops and facilities it provides, including bus and train stations. The application site is therefore in a very sustainable location where it is not necessary to own a car.
27. Although there is no way of controlling whether future occupiers of the development will own cars, the area is still subject to parking restrictions, with no permits being available to the dwelling, and future tenants should be aware of parking limitations of the site before moving in. Whilst concerns are acknowledged, the reasonable likelihood of multiple new vehicles needing to find parking in the area as a result of converting the dwelling to an HMO is minimal.
28. It also needs to be taken into consideration that use of the property as a six person HMO is effectively already approved under permitted development, with the Local Planning Authority having no ability to control or limit parking associated with that use other than the restrictions which are already in place. The question for this planning application therefore is whether one additional occupier will alter the parking situation to such an extent that a noticeable and detrimental impact upon parking in the locality over and above that which would take place for the permitted six person HMO would occur. If this cannot be demonstrated, then there are no reasonable grounds in planning terms to justify a refusal of the planning application on the basis of parking.
29. To conclude, in relation to parking and highway matters; the site is in a very sustainable location where there is no need to have a car; the street is subject to permit restrictions and the property has no existing parking permits, meaning that there should be no increase in parking demand; and no objection has been raised by the local Highway Authority. In addition, the impact of one extra bed space on top of that allowed under permitted development is unlikely to have any noticeable impact. As such, it is considered that a refusal of the application on the grounds of parking and highway impact would be unreasonable in planning terms.

Amenity

Existing Neighbours:

30. Noise and disturbance, as well as overlooking and loss of privacy have been raised as concerns by a number of objectors to the application. In relation to overlooking, it is acknowledged that the construction of the dormer projection to the rear of the dwelling does allow additional overlooking of neighbouring gardens and properties. However, the dormer does not require planning approval and conforms to all necessary permitted

development restrictions. This cannot therefore be used as a potential reason for refusal.

31. With regards to noise and disturbance, it is acknowledged that the works undertaken to the property may have caused disturbance to neighbouring occupiers. However, as has been highlighted above, the physical works to the dwelling do not require planning approval.
32. Concerns in relation to disturbance from future occupiers are noted. However, there is nothing to suggest that the future occupiers of the HMO will cause additional disturbance to neighbouring properties over and above that of a busy family property. Equally, it again must be taken into account that the property can be used as a six person HMO without the need for planning approval. For the purposes of the planning application therefore, will one additional tenant result in a noticeable increased level of disturbance over that of six tenants, and would this be to such a level so as to make the impact unacceptable in planning terms. Without clear evidence to demonstrate this, it would be very difficult to substantiate a reason for refusal on the grounds of adverse impact upon the amenity of existing neighbours. As such, the application conforms to the requirements of Policy DM1.

Future Occupiers:

33. In terms of the amenity of future occupiers, Housing Standards has confirmed that all rooms meet the necessary internal space standards, with all bedrooms each having an ensuite shower room, and reasonable size communal kitchen/living space to the rear at ground floor level. To the rear is a small yard space with room for bin and cycle storage. Whilst not large enough to really use for relaxation and amenity purposes, the site is in close proximity to the Bishopstoke Road Recreation Ground and the Itchen Navigation, as well as Eastleigh Town Centre which can all provide usable external amenity space, albeit not private. Overall, that proposed is considered to meet the necessary amenity requirements of Policy DM1 and the 'Quality Places' SPD.

Area Character

34. Externally the dwelling will still appear as a single dwelling and would not be visually different to any other dwelling in the street or the wider locality. As such there would be no impact upon the street scene or visual character of the area.
35. However, the concern raised by the majority of objectors relates to what is viewed as a change in character of the locality. It is claimed that examples of other HMO conversions are having a detrimental impact upon the street through the loss of affordable family dwellings and the introduction of new occupiers who have brought with them issues of antisocial behaviour. Whilst the conversion of suitable dwellings to HMOs may alter the demographic of the locality, there is no evidence at this point in time to

clearly demonstrated that this is the case, or that it is having any definitive adverse impact. To consider refusal of the application on these grounds would not be reasonable in planning terms, particularly given were it not for the seventh occupier proposed, the conversion would not require planning approval.

36. Whilst the concerns raised are noted, it cannot be clearly demonstrated that one additional occupier over that which is otherwise permitted development would result in any measurable impact upon the character of the locality. Equally, without evidence to demonstrate any detrimental cumulative impact of HMO conversions, there are no reasonable planning grounds on which to consider refusal of the application.

Nature Conservation

37. It is not envisaged that the proposed seven person HMO will have any additional impact upon local habitat or biodiversity. Neither would there be any wider impacts to protected sites through increased recreational disturbance or water quality. Whilst the proposed HMO may have more occupiers than an 'average' dwelling, in policy terms it remains as a single dwelling unit. As such, there is no mechanism for securing any mitigation measures, as would be the case for the creation of an additional dwelling unit.

Sustainability Measures and Climate Change

38. 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.
39. 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.
40. 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.

41. When considering the impact of climate change, the proposed development would be 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.

Other Material Considerations:

Equalities Implications

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

A public authority must, in the exercise of its functions, have due regard to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

43. 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 specific equality implications.

Conclusion:

44. 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 the conditions set out above.