

DELEGATED OFFICER REPORT

Application Ref: F/25/99811

Site Address: 291 MARKET STREET, EASTLEIGH, SO50 5QE

Case Officer: Gregg Chapman

Description: Change of use of dwellinghouse (Use Class C3) to a seven bedroom nine person House in Multiple Occupation (Sui Generis Use Class), first floor rear extension above existing flat roof ground floor extension, and erection of L shape rear dormer.

Particular Site Constraints?	Yes ☒	No ☐
Within Urban Edge Air Quality Management Area Airport Safeguarding Zone		

Planning History?	Yes ☐	No ☒
None relevant		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	42 letters, Objection, from 32 persons; - The proposed HMO is of a scale and intensity out of keeping with the character of this tightly knit terraced street, contrary to Local Plan policies. It would be harmful to the established residential character and cohesion of the area and would cause overcrowding. - Approval could set a precedent for similar large HMOs, leading to loss of much-needed family housing within the town centre and risk of uncontrolled intensification in neighbouring streets. - No other HMO in Eastleigh town centre accommodates nine tenants; this would be unprecedented. - Overdevelopment concerns: nine residents in a property not designed for this capacity, with inadequate bedroom space, internal communal space, insufficient kitchen/bathroom provision, insufficient storage, and significant reduction of garden space to bin and cycle storage. Reliance on proximity to Lakeside is not a justification. - The size and form of the rear extension would be out of character with surrounding properties and the rear building line. - Loss of privacy from dormer and upper-storey extension windows overlooking neighbouring gardens, kitchens, and habitable rooms; significant loss of natural light to adjacent dining rooms and kitchens. - Noise and disturbance from increased occupancy, including the comings and goings of nine residents (and guests) at all hours, multiple TVs, music, and door-slamming. Outdoor smoking and socialising — likely due to no indoor communal area — would cause further disruption and littering. - Loss of natural foliage/trees as a result of the development will increase noise. - Risk of antisocial behaviour beyond general noise/disturbance. - Terraced houses are inherently unsuitable for large HMOs; if allowed, such uses should be restricted to detached properties.		

	- Existing parking stress in Market Street would be exacerbated; one on-site space is far below the Council's standard (minimum four for this size of HMO). Residents and visitors would add pressure to already congested on-street parking, affecting access, emergency vehicle manoeuvring, and highway safety. - Risk that vehicles, including those of visitors, will block the narrow rear alley, which has previously hindered emergency vehicle access. - Waste generation from nine occupants would exceed bin provision; concerns over overflowing bins, rubbish in gardens, littering of the street, and pest attraction. - Past experience with local HMOs suggests a risk of poor maintenance and waste management, harming visual amenity at the front and rear. - Prolonged and intensive building works likely to cause noise, dust, obstruction of parking and rear access, and possible structural impacts to adjoining properties. - Concerns over insufficient soundproofing between properties, impacting neighbours' amenity. - Fire safety concern: Bedroom 7 has only one rear-facing window and no alternative means of escape. - Lack of clarity on pet ownership; fears this could result in unsuitable living conditions for animals and hygiene issues. - Potential negative effect on mental health of neighbouring residents due to prolonged disruption during construction and the intensified use thereafter. - Likely devaluation of surrounding owner-occupied homes, undermining long-term investment by residents in the area. - The proposal resembles a hostel rather than a dwellinghouse.
Town Council:	The Council objects to the application due to the lack of communal indoor space, which is likely to negatively affect residents' quality of life. Although outdoor amenity space is provided, much of it would be taken up by bike and bin storage, reducing its practicality.
Housing	No objection.

Site Visit:	Yes ☒	No ☐
Details: 6 th August 2025		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u>, of which the most relevant policies are: <u>Strategic policies</u> - S1 (sustainable development) & S2 (approach to development) and S3 (location of new housing); <u>Development Management Policies:</u> - DM1 (general development), DM3 (climate change), DM8 (pollution), DM11 (nature conservation), DM13 (access), DM14 (parking), DM29 (Dwellings with higher access standards) & DM30 (internal space standards) <u>Area Policies:</u>

- E9 (Southampton airport)

Supplementary Planning Documents:

Quality Places; Residential Parking Standards & Character Area Appraisals.

Assessment:**Principle**

The site is within the urban edge where the principle of development is acceptable, subject to the detailed matters according with the relevant planning policies.

It is material to the assessment that the property can be used as a six person HMO without planning permission, under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Character and Appearance

Policy DM1 of the Eastleigh Borough Local Plan 2016 – 2036 requires all new development to take full and proper account of the context of the site including the character and appearance of the locality, and be compatible in terms of mass, scale, layout, design, and siting.

The application site is within a terraced run. There are no changes to the front of the building. Extensions are proposed to the rear. These include a first floor extension above an existing single storey flat roof outcrop, and an L shape dormer.

The first floor extension is relatively modest, and whilst it would be apparent from the rear service alleyway, this would be read in the context of the two storey rear (shared) gable projections that already form part of the character of the area.

The rear L shape flat roof dormer would extend from the ridge of the dwelling, and would project above the ridge of the rear half of the gable that is within the application site. The dormer would be clearly visible from the rear service road. Whilst this is not the principle elevation of the property, or the run of properties, it is, nonetheless an attractive run of terraced homes, where the roof forms and gable projections have a large degree of uniformity. The roof forms are predominantly undeveloped, save one small dormer.

In contrast the proposal would add a significant flat roof form, that would dominate the roof of the dwelling and the run of the terrace, and would appear at odds with the established character of the area.

While the first-floor rear extension would sit comfortably within the established pattern of rear gable projections, the proposed L-shaped dormer would introduce a large, flat-roofed addition that would dominate the host dwelling, disrupt the uniform roofline of the terrace, and appear visually intrusive from the rear service road. The resulting harm to the character and appearance of the area would conflict with the aims of Policy DM1 of the Eastleigh Borough Local Plan 2016–2036.

Separately from the proposed operational development, objectors raise a concern with regard to the character of the area from the proposed change of use. There is no adopted policy which sets the level beyond which a concentration becomes unacceptable in planning terms. In any event the property could be used as a small (C4) HMO for up to six persons without planning permission. As such, the existing level of HMO presence is not considered to result in a harmful character change, and this does not, in itself, form a reasonable basis for refusing the application.

Living Conditions

Internally, bedroom sizes range from between 7.8 m² and 15.0m², which meets the national space standards of 7.5m² for a single room and 11.5m² for a double. No objection has been raised by the Housing Officer on floor space or amenity grounds.

All bedrooms would have one or more windows, albeit receiving varying, but acceptable, degrees of natural light.

Externally main amenity space comprises a small front garden, and a large rear garden space. The size and layout of the outdoor area provides sufficient space for the residents to be able to sit outside, dry washing etc.

In conclusion, the proposed development would provide adequate internal and external living conditions for future occupants, with bedroom sizes meeting the relevant national space standards, acceptable levels of natural light, and sufficient outdoor amenity space to support day-to-day activities.

Highways and Parking

Policy DM13 requires all new development to have a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of on-site car parking be provided in accordance with the Council's adopted standards.

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 Market Street and neighbouring streets.

Whilst some properties in the locality benefit from off-street parking to their rear, via rear alleyways/service roads, 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 which have no ability to provide off-street parking. The application property has a shallow frontage and only one parking space to the rear. As such any additional vehicle parking associated with the property (with nine persons in occupation) would need to be on-street, as is the case for the majority of Market Street, as well as neighbouring streets. Consequently, there is considerable local pressure for on-street parking spaces, despite the area being subject to parking restrictions and a residents permit scheme.

No parking survey is submitted with the application so as to demonstrate the degree of parking stress in the vicinity.

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 as there are suitable and sustainable alternatives to travel to local facilities, services and public transport hubs.

Although there is no way of controlling whether future occupiers of the development will own cars, the area is still subject to parking restrictions, and future tenants should be aware of parking limitations of the site before moving in.

It also needs to be taken into consideration that use of the property as a six person HMO would be 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. That said, the existing dwelling is a three bedroom home, and the proposal will create a seven bed nine person dwelling, which is a significant uplift.

Whilst the site is in a sustainable location, the uplift from a three-bedroom family dwelling to a seven-bedroom, nine-person HMO represents a significant intensification of use. In the absence of any parking survey to demonstrate that the additional parking demand could be accommodated without detriment, it is considered that the proposal would

exacerbate existing parking stress in Market Street and neighbouring streets, leading to indiscriminate parking and inconvenience to local residents. The development is contrary to Policies DM1, DM13 and DM14 of the Eastleigh Borough Local Plan 2016–2036.

Residential Amenity

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon amenities of existing residents, by way of a loss of light, outlook, or privacy. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

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 overlooking of neighbouring gardens and properties from a greater height than the existing rear facing windows. However, this does replicate existing views, albeit at a higher level, where views are at an oblique angle. This is not considered to be of sufficient harm so as to warrant refusal of the application.

Concerns in relation to disturbance from future occupiers are noted. It must be taken into account that the property can be used as a six person HMO without the need for planning approval. The existing use of the property as a three bedroom family home is also a material consideration. The proposal would change the use from a C3 family home to a large scale Sui Generis HMO for nine persons. The nine persons would reside in seven bedrooms. The pattern of comings and goings from nine persons in seven rooms, as opposed to a family would be significantly different. Neighbours within the terrace would be clearly aware of the intensification of the occupation. In addition, there is no internal communal space for HMO occupants to socialise, other than in bedrooms. Bedrooms are next to bedrooms of the terrace homes, increasing opportunity for disturbance. Where there is no internal space, if social gatherings were to occur, these would likely be outside, with up to nine residents and guests.

The proposed change from a three-bedroom dwelling to a large-scale HMO for nine occupants would represent a significant intensification of use, with a materially different pattern of activity compared to either a family home or a small HMO. The increased number of occupants, the lack of internal communal space, and the proximity of bedrooms to those in neighbouring bedrooms would be likely to give rise to an appreciable and unacceptable level of noise and disturbance, both within the property and through increased outdoor socialising. This would cause material harm to the living conditions of adjoining occupiers, contrary to Policy DM1 of the Eastleigh Borough Local Plan 2016–2036 and the guidance set out in the Council's Quality Places SPD.

Other Matters

Some matters raised by objectors are not material planning considerations and therefore cannot influence the outcome of this application:

- Concern has been raised by objectors that approving the application could set a precedent for similar large HMOs. Precedent is not a material planning consideration as each application is assessed on its own merits against the development plan and other relevant considerations.
- It is raised by third parties that waste generated by nine occupants could lead to overflowing bins, rubbish in gardens, littering, and pest problems. The ongoing management of waste is, however, dealt with under environmental health legislation rather than through planning control. If the application had been recommended for permission, a condition requiring adequate provision for bin storage could have been imposed.
- Objections have been raised about the risk of poor maintenance to the property harming visual amenity. This is a speculative concern, and whilst the desire for the

upkeep of the property is understandable, this is not a matter for the application. Should the property upkeep not be of a suitable standard, this could be considered through the separate s215 (untidy site) enforcement opportunities afforded to the council.

- Concerns have been raised regarding noise, dust, parking obstruction, and possible structural impacts during building works. These temporary issues are regulated under separate legislation such as the Environmental Protection Act 1990, the Party Wall Act 1996, and Building Regulations.
- A third party raises concern that the premises would not be safe in Fire Safety terms. The proposal does not meet any requirement for Fire Safety assessment through the planning process (not being a defined tall building). As such, Fire Safety would be a matter for consideration at the Building Regulations stage.
- A third party has raised a query regarding pet ownership within the property and appropriate care standards and living standards, however, pet ownership is not controlled through planning legislation.
- Third parties raise that the development could negatively affect the mental health of neighbouring residents. While personal well-being is important, such effects cannot be given weight in the planning process. Instead, the level of harm from a proposed development to the reasonable amenities of neighbours (as considered above) is the relevant material consideration.
- Concern has been raised that the proposal could result in anti-social behaviour. Such behaviour cannot be attributed to a use, and in any event, would be controlled through legislation separate to Planning (by the Police) were it to occur for an HMO or a dwelling.
- Concern has been raised that the proposal would reduce surrounding property values; however, this is not a material planning consideration.
- A third party considers that the proposal is tantamount to a hostel use. The proposal is evidently for a HMO use, and not a hostel (a class C1 use).

Impact of SPA:

For planning purposes, the HMO will continue to function as a single dwelling. As such the proposal is not likely to have a detrimental impact on the Special Protection Area, either in terms of recreational disturbance and an increase in nutrients.

Equalities Act:

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

Section 149 (1) 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.

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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

Conclusion:

Recommendation:

PERMIT ☐

REFUSE ☒