

Recommendation: Conditional approval	
20200115	41 Dulverton Road
Proposal:	Retrospective application for change of use from HMO (3-6 Persons) (Class C4) to HMO for more than six persons (Sui Generis); Dormer to front, alterations.
Applicant:	Kalra Property Services Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200115
Expiry Date:	19 May 2020
GB1	WARD: Westcotes



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Summary

- Reported to committee as more than 5 objection letters have been received.
- There are 13 objections on various grounds
- The main issues relate to the use of the house as HMO, design, highways and the standard of accommodation
- The recommendation is for conditional approval

Introduction

The site is a mid-terraced property located within a predominately residential area.

The property has been recently occupied as a shared house on the basis that change of use from Class C3 (dwellinghouse) to Class C4 is permitted development. The property is outside the area covered by the Article 4 direction restricting such changes without planning permission.

Background

Planning application 20191055 for a similar change to an HMO for more than 6 persons was refused on the grounds of an over-concentration of HMO uses in the area and the standard of living accommodation.

The decision was appealed and dismissed on the grounds of the poor quality accommodation that would be created but not on over-concentration of HMO uses.

The Inspector did not think that there was evidence of this. He also considered it significant that the property was outside the area that the City Council had identified as having such a concentration sufficient to justify the Article 4 direction (restricting changes from houses to Class C4 (small HMO)).

The Inspector's concerns were the lack of outlook and the restricted space for the loft bedroom and the limited outlook and light for the rear ground floor bedroom.

The Proposal

The application is an amended submission for change of use of a house in multiple occupation (3-6 persons) (Class C4) to house in multiple occupation for more than 6 persons (SuiGeneris).

The accommodation comprises:

Ground floor: two bedrooms, dining/living room, kitchen and bathroom

First floor: four bedrooms and bathroom

Loft floor: one bedroom and bathroom

The property is already, at least partly, occupied

The layout has been amended to overcome the appeal Inspector's concerns.

A dormer window to the front is proposed to allow better outlook and space for the occupants of the bedroom proposed in the roof space.

An additional high level window is now proposed for the ground floor bedroom to provide additional light and some additional outlook.

Policy Considerations

The National Planning Policy Framework 2019 paragraphs 10-11 makes it clear that the planning system should be genuinely plan led with a presumption for sustainable development.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 127 states that planning should ensure that developments are visually attractive, with a high standard of amenity for existing and future users.

Representations

13 objections including from Councillor Russell have been received making the following points:

- Overdevelopment of the site
- Impacts on parking and traffic congestion.
- Bin storage and litter.
- Conditions in the proposed HMO would be overcrowded, with inadequate bedroom sizes, and excessive distances to bathrooms.
- Lack of amenity space
- Concerns for the health and safety of future occupants of the house, and of the occupants of neighbouring properties.
- Concerns about fire safety.
- it would alter the demographics of the street, increasing the adult population, and the demand on local services.
- Future occupants might include students, transient workers or transient professionals, and the Council should look to maintain a family-based neighbourhood.
- Harm to residential amenity from increased noise including through party walls
- Concerns about the potential for anti-social behaviour.
- Absentee landlords would not be interested in the welfare and quality of life of the street's more permanent residents, and HMOs tend to be left in a dilapidated state.
- Changes would harm the character of the area.

Consideration

Principle of the development

Core strategy policy CS06 outlines a number of measures that will be taken to ensure that new housing meets the needs of City residents, including giving careful consideration to further subdivisions to ensure there is no impact on the character of the area or the maintenance of mixed communities.

Core strategy policy CS08 states that in inner areas new Houses in Occupation requiring planning permission will not be permitted where they would result in a local over-concentration.

The appeal decision established that there was no case for refusal of an HMO in this location.

Visual amenity/Design

The front pitched roof dormer is well designed and whilst there are not many of these types of roof extensions in the local area, it presents a well-proportioned feature in the street scene and therefore the development accords with policy CS3 of the Core Strategy.

Living accommodation

I consider that the bedrooms in the proposed HMO would be of an adequate size. Most of the bedrooms would receive adequate amounts of natural light and would have an acceptable outlook. The previous proposal was refused as two bedrooms were considered to provide inadequate quality of living accommodation.

The Private Sector housing team had indicated that the previous plans would be able to meet the requirements for an HMO license.

I consider that the dormer window proposed for the loft bedroom would now provide adequate amounts of natural light and outlook as well as providing additional above head height space.

Similarly I consider that providing the additional window now provides reasonable light and outlook for the ground floor rear bedroom.

A small area of outdoor amenity space is available at the rear of the property and I consider that the proposal is also acceptable in this respect. The appeal inspector considered the amenity space adequate for a shared house of this size.

Waste storage and collection

Adequate space for the storage of bins is available at the rear of the property; this is accessible via an alley at the side of the house. I consider this is reasonable provision for a shared house of this size.

Highways and Parking

Although the proposal would result in an increase in the number of people occupying the property, given that rates of car ownership are generally lower in people occupying HMOs, this would not automatically result in an equivalent increase in the number of cars attempting to park on the street. Furthermore, the site is located within cycling and walking distance of the city centre. and public transport is available on Hinckley Road.

I do not consider that the impact on the highway would be severe.

Others matters raised by objectors

- Harmful impacts through excessive noise and anti-social behaviour are dealt with by other controls, including environmental health legislation and police action.
- health and safety and fire safety issues are dealt with by Building Control, and by the Council's housing licensing regime rather than being a planning matter.
- The issue as to whether a property is owner-occupied or rented out to tenants is not directly a planning matter.
- Noise and nuisance resulting from building works is an environmental health matter rather than a planning matter in this case.
- Failure to comply with the requirements of the Party Wall Act is a civil matter.

Conclusion

I consider that the change from Class C4 to a larger House in Multiple Occupation is acceptable and that the accommodation proposed is of an acceptable standard

I therefore recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. The proposed alterations shown on the approved plans shall be implemented within six months of the date of the decision unless approved otherwise in writing by the local planning authority. (In order to ensure the works are carried to a suitable timeframe)
2. This consent shall relate to the amended plans as amended by plan ref. no. 19001-P-003 REV G received by the City Council as local planning authority on 8th April 2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

Policies relating to this recommendation

None