

Recommendation: Conditional approval	
20202410	99 Groby Road
Proposal:	Retrospective application for change of use from house in multiple occupation for up to 6 persons (Class C4) to house in multiple occupation for more than 6 persons (7 bed) (Sui Generis)
Applicant:	Mrs Margaret Brown
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202410
Expiry Date:	8 February 2021
AN	WARD: Fosse



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Summary

- Application at committee at the request of Councillor Waddington on the grounds that committee should consider the issue of distribution of housing types and the impact on the area.
- Councillor Waddington also objects to this application on grounds of the standard of accommodation, the distribution of housing types and the impact on the residential area.
- The main issues are the principle of use, living conditions of current and future occupants as well as residential amenity.

- Recommended for approval.

The Site

The application relates to a two-storey semi-detached house located in a residential area. It has been extended to the side at two storey level and to the rear at single storey level. The property also falls within a critical drainage area

Background

In August 2005 planning permission 20051094 was granted for a two storey extension at the side and a single storey extension at the rear. This appears to have been implemented.

There were two later applications for dormer extensions to the rear. One was approved and the other refused, however no dormer appears to have been built.

A report was received in January 2020 that the 6-bedroom HMO was having an additional bedroom on the ground floor living area, which would require planning permission for a change of use. The application has been submitted as a result of the investigation.

The Proposal

The application seeks retrospective planning permission for a change of use from a 6-bedroom HMO (C4) to a 7-bedroom HMO (Sui Generis).

The 7th bedroom is located on the ground floor and measures 3.9m by 3.6m. The room has been subdivided from the lounge, which now measures 4.2m by 3.6m.

No other additional changes to the interior or exterior of the house are proposed.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied.

Paragraph 2 - Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 44 - 'Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.'

Paragraph 55 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing

conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 11 - A presumption in favour of sustainable development.

Paragraph 58 - Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Paragraph 59 - Places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

Paragraph 61 - Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 92 - Policies and decisions should guard against the unnecessary loss of valued facilities and services.

Paragraph 108 - Development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 118 - Sets out the criteria on land use flexibility. It requires planning policies and decisions to place substantial weight on the use of under-utilised land and buildings whilst also using sites more effectively.

Paragraph 124 – The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities.

Paragraph 127- The criteria for assessing planning applications and requires decision makers to ensure that development proposals:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Development Plan Policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)

Leicester & Leicestershire Housing and Economic Development Needs Assessment (2017) (HEDNA)

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Consultations

Environmental Health - Private Sector Housing:

Has no objection as already has a HMO Licence for 7 persons.

Representations

Councillor Waddington objects for the following reasons.

- Standard of the accommodation,
- The issue of distribution of housing types
- Impact on the area

Consideration

Principle of Use

Core Strategy Policy CS08 outlines the strategy to ensure that neighbourhoods remain sustainable places. As part of this strategy larger houses for family use should be retained and conversion to other types of accommodation resisted. Houses in multiple occupation (HMOs) will not be permitted where they result in local overconcentration.

This application property is believed to have been occupied as a small HMO (class C4 for up to 6 persons) since 2013 and this was a permitted change of use.

The Council seeks to promote balanced communities and HMO uses are an important part of the housing supply, forming part of a range of housing types needed.

The property is outside the Article 4 area which restricts changes of use from Class C3 house to small HMO within Class C4.

The Article 4 area was identified as an area of concentration; however the areas outside have not so far been identified as having a harmful concentration of such uses.

In this case the property is already in HMO use and the change of use is likely to only involve a small increase in the number of persons occupying. The property currently has 6 bedrooms which under the current use are assumed to be single occupancy. The proposal is for one additional bedroom. Furthermore, it would not result in a loss of family housing due to its existing permitted use.

I consider the proposed change to be acceptable in principle.

Residential Amenity

The proposal is for a residential use in a residential part of the city. I do not consider that the change would directly impact on residential amenity.

The footprint of the building and position of existing windows will not be altered and therefore, there would not be an impact on light, outlook or privacy for neighbouring properties.

Level of Accommodation

The communal lounge would be reduced in size from 26 sq. m. to 15 sq. m. m², however I consider that this would provide reasonable living room space for the occupiers.

The communal kitchen and conservatory will remain of a reasonable size, providing cooking facilities and seating for the residents to share.

The additional bedroom proposed would have a large south facing bay window, which originally served the lounge. This is considered to provide adequate light to the bedroom. The bedroom accommodates a double bed and suitable storage for the occupant.

There are two bedrooms with en-suites and 5 bedrooms that would share a bathroom and an additional downstairs toilet. This is in line with guidance provided by Leicester City Council for HMO licencing.

The size of the garden would remain at approximately 50 m², which is accessed through the property. This is similar to the other properties in the area and the available space would be sufficient to meet the reasonable needs of the occupiers.

Overall, the proposal is considered to provide acceptable living standards.

Character and Appearance

The proposed works would be internal and therefore there would be no change to the street scene or the external appearance of the property.

Parking and Highways

The property has space for two off-street parking spaces. The likely increase in occupation is unlikely to have a significant impact on parking demand or highway safety and function. The site is in a sustainable location with access to local shops and public transport.

Conclusion

The property is considered large enough to additional occupation with a reasonable standard of accommodation and the proposed change from small HMO is acceptable.

I recommend **APPROVAL** subject to the following conditions.

CONDITIONS

1. This consent shall relate solely to the submitted plans ref. no. 99GR-0-2 received by the City Council as local planning authority on 30/11/2020, ref. no. 99GR-0-3 received by the City Council as local planning authority on 14/12/2020 and amended plans ref. no. 99GR-A-01 (REV A) received by the City Council as local planning authority on 19/01/2021. (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

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| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. |

The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.

2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.