

The Officer's Report is clear in that the proposed development is acceptable, legal and with applicable conditions applied, in his professional opinion, would satisfy any material considerations. However, there are some confusing arguments to a layperson.

One of these is sound insulation of the loft space (Ref: 6.4.4). It is disappointing that this condition has not been applied to the whole party wall on all floors.

6.4.3 highlights that the proposal does not change the use class or the number of occupants that can occupy the property. The proposal does not change the Class (C4) or 'materially change the use within Class 4 (Ref: 6.2.2), but does actually change the number of occupants from 4 to 6. This is an increase of 33%. Thus, the impact on amenity, on-street (permit) parking, comings, goings and noise will all also be 33% increased.

6.4.3 States: 'As the proposal does not change the use class or the number of occupants that can occupy the property the impact on amenity of neighbouring occupiers, in terms of comings and goings, is not considered to be significant.' This is not accurate as it does increase the number of occupants. How is a 33% increase not considered significant? Is there a percentage threshold where insignificant becomes significant? These are important questions for the Planning Panel to consider.

The Argument that a Class 4 can cover between 4 to 6 occupants (Ref: 6.2.2) confusingly lays the Council open to continued breaches of its own policy approved in 2016 to limit HMO bed numbers in any particular area. Ref: SCC Supplementary Planning Document, Local Plan Review Policy, H4 (2016), 'Planning and Houses in Multiple Occupation', updated in 2016.

Upper Shaftesbury Avenue is already overdeveloped with HMO rooms, as can be confirmed from the Southampton Register of HMO Licensed properties in Upper Shaftesbury Avenue (04/07/2023), there were 20 listed properties with a total of 114 HMO-beds. Even one more HMO room would breach this policy.

HRA again asks the Planning Panel to look at the significance of its own policy in this consideration.

Paragraph 5.3 of the Officer's Report highlights that if the loft bedroom were to be divided or used for double occupancy it would be a breach of Planning Control. HRA asks the Panel if Planning actually has any control? There has been a pattern in the locality, and in particular in Upper Shaftesbury Avenue, for landlords to increase the size of their properties and HMO occupancy to 7 beds but without appropriate planning from C4 to Sui generis and being granted a larger HMO Licence, and nothing has been enforced.

It should be made a condition of this Planning Application that the occupancy of the property can be no more than 6 HMO spaces, if 6 beds becomes the 'fallback position' (Ref: 7.1). HRA asks the Panel to consider this limitation to 6-beds as an additional condition if planning approval is granted. Additional architect drawings / plans have already been sent to neighbours who are HRA members and subsequently shared with HRA, showing 7 bedrooms. What if HMO then licensed the 7 HMO occupancy because there were 7 suitable rooms? There would then be an overall 57% increase in occupancy. Would this be significant?

Finally, as the loft extension is likely to go ahead even if planning approval for the first floor extension is refused (Ref: 6.3.2) making an acknowledged, 'impact on the balance of the pair of semi-detached ... 114 Upper Shaftesbury Avenue and ... the wider character of the area'. HRA asks the panel to confirm that there would be no breach of permitted development area (sq. m) as there has been a previous ground floor extension built under permitted development rights.

HRA asks that the application be refused.

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