

Planning and Rights of Way Panel 25th January 2022
Planning Application Report of the Head of Planning & Economic Development

Application address: 61 Highfield Crescent Southampton			
Proposed development: Roof alterations including installation of side dormer and roof lights to facilitate a loft conversion and change of use from 5-bed HMO (class C4) to large 7-bed HMO (Sui Generis use)			
Application number:	21/01329/FUL	Application type:	FUL
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	22.11.2021	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member and Five or more letters of objection have been received	Ward Councillors:	Cllr L Mitchell Cllr G Cooper Cllr J Savage
Referred to Panel by:	Cllr L Mitchell	Reason:	Impact on balance and mix of the community
Applicant: Dr Andy Evason		Agent: Jem Musselwhite Ltd	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2021).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full
Conditionally approve

1.	<u>The site and its context</u>
1.1	The application site is located on the west side of Highfield Crescent. It contains one half of a pair of symmetrical semi-detached properties. The building has a hipped roof with a projecting bay window on the front elevation. An application for a certificate of lawfulness in 2020 established the lawful use of the property as C4 dwelling for a House in Multiple Occupation for 5 persons.
2.	<u>Proposal</u>
2.1	This application seeks permission for the change of use from a 5-bed house of multiple occupation (HMO, class C4) to a large 7-bed HMO (class sui generis) including installation of two dormers within the existing roofspace. Alongside the 7 bedrooms the building retains a separate living room, a separate kitchen, a shared bathroom/wc and a shared shower room/wc.
2.2	The proposed roof dormers would have a combined cubic content of less than 50m ³ , allowable under Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) Order 2015 (as amended), and therefore could be constructed under permitted development if they did not facilitate the additional bedrooms and change of use from C4 (HMO) to Sui Generis (HMO). As such, the use is the principal consideration in this case as the dormers could be constructed under the building's existing permitted development allowances.
3.	<u>Relevant Planning Policy</u>
3.1	The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at Appendix 1 .
3.2	The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
4.	<u>Relevant Planning History</u>
4.1	A schedule of the relevant planning history for the site is set out in Appendix 2 of this report. Most notably an application for a lawful development certificate for existing use as a house in multiple occupation (HMO, class C4) was granted under application 20/00180/ELDC.

5.	<u>Consultation Responses and Notification Representations</u>
5.1	Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice 08/10/2021. At the time of writing the report 6 representations have been received from surrounding residents, including the Highfield Residents Association and North Southampton Community Forum. The following is a summary of the points raised:
5.2	<p><i>Over proliferation of HMOs. This area is already densely populated with students, which doesn't help to create a balanced community.</i></p> <p>Response The existing C4 use as a HMO has been established through a certificate of lawfulness application. As such the 40m 10% threshold tests do not apply and the principle of an HMO is not up for consideration. Consideration will, instead, be given to the policy context of increasing the number of bedrooms from 5 to 7 and the impact on the community.</p>
5.3	<p><i>Insufficient and extra pressure on parking, leads to more bins on pavements and usually a loss of green space as landlords concrete over large areas of garden to provide outside space for increasing numbers of tenants, bins, bikes etc</i></p> <p>Response Impact on parking demand and associated requirements for bin and cycle storage and amenity space will be considered in the Planning Considerations section below.</p>
5.4	<p><i>Such a concentration of young people inevitably leads to problems with increased noise, litter and late night disturbance.</i></p> <p>Response Whilst this concern generalises about young people occupying the HMO, the impacts associated with the change of use will be assessed below. The Panel will be aware that HMOs can be occupied by people of all ages and backgrounds.</p>
5.5	<p><i>The landlords are maximising profit but it devalues the adjacent family properties HMO licences revoked, particularly for those that are problematic or not appropriately noise insulated.</i></p> <p>Response Concerns relating to the devaluation of properties is not material consideration. The issue of revoking HMO licences is dealt with by the HMO team and is not a material planning consideration.</p>

	<u>Consultation Responses</u>	
5.4	Consultee	Comments
	Environmental Health	Environmental Health has no objection in principle, but recommend standard working hours during which the potential for nuisance is to be minimised, including no fires.
	Highways Officer	<p>Highways DM have no objection to the above change of use. No changes are proposed to pedestrian or vehicle access and on-street parking is controlled by an existing residents parking zone, limiting the property to a set number of parking permits and therefore preventing pressure on existing residents parking supply and any potential for obstructive parking close to junctions. A condition can be attached to ensure the landlord informs all future tenants on the limit to parking permit allocation before the start of their tenancy.</p> <p>Bin storage is proposed to be located in sheltered area to the rear, with access to the front of the property maintained for collection days, as per existing arrangements.</p> <p>Cycle storage should include space for 7 cycles (1 per resident/room).</p> <p>Details of the bin and cycle store should be secured through condition, if the case officer is minded to approve the application.</p>
Highfield RA	<p>Further Comments received 14/12/21 from Max Davies, BEng (Hons) MIOA ,Acoustics and Structural Engineering Specialist & Highfield Crescent Residents Representative</p> <p>As it appears to be the case that the development seeks only to extend the number of occupants by one on the HMO licence application floorplan, I trust the council will make this apparent in any report.</p> <p>On a related matter then, I have been asked to comment in my capacity as an acoustic specialist on the design with respect to noise. It should be noted that these houses have quite inadequate sound insulation and little structural isolation. The very long common party wall has no expansion breaks and with the ageing of the material permits noise transmission from almost every room to pass into every other on both sides of the party</p>	

wall and is a particular problem to isolate without structural decoupling. The situation in which the lounge is located in what was originally the dining room of the building, as is common in these HMOs, causes flanking noise disturbance and is one of the most significant factors in noise issues recorded in properties of this design. Unfortunately, this must really be addressed on both sides to be effective. It is well known that student HMOs in these older houses are a cause of repeated noise disturbance and this formed a common theme of feedback when the HMO licensing scheme was extended. The situation of adding additional people is a material relevance where communal space is concerned and hence my particular enquiry about the accuracy of the plans. The use of the front lounge as proposed does help to limit noise disturbance and therefore the potential impact it has on any neighbouring property and thus on balance represents some small consolation to neighbours in support of the proposal. Additionally, however, it should be noted that the location of the stairs and the addition of a new upper floor structure normally adds to the existing structure borne noise into the party wall and the support detailing and additional sound proofing on the upper storey is really quite critical and often ignored in the course of design and proscribing planning conditions as this impacts both neighbouring bedrooms on the 1st floor front and rear. Amplified music is a particular problem as the porosity of the bricks and deterioration of the lime mortar provide little to no attenuation. It is arguable, that as increasing occupancy and simultaneously changing use class is a material change then adherence as though a new development to the entirety to Part E of the building regulations is required. I would ask therefore, is the council likely to seek to impose appropriate sound insulation measures upon the development if it is allowed and if so, to what extent will testing performance be required?

Original Comments: Highfield Residents Association

The Planning Application and proposals to further extend the semi-detached HMO dwelling at 61, Highfield Crescent is objected to by Highfield Residents Association.

Highfield Crescent is an established residential area that is struggling to meet the different demands of ordinary family housing with high density student accommodation. Late night student disturbances are already a feature of

		<p>the locality, bins clutter front gardens and the place is not attractive.</p> <p>Highfield Residents Association objects to the Planning Application on the grounds of HMO over-density. This dwelling already has a current licence as a 5-bed HMO property. Could that not be enough? The incremental gain in student numbers is spreading through the whole of Highfield and the density of the whole area is not being considered. Should SCC Planners and HMO Departments not work together to limit over-development of HMOs in residential areas?</p> <p>The Planning Application to make roof alterations, side dormer windows and more roof lights is a gross overdevelopment of a semi-detached house. The build is out of scale and will dominate adjoining properties affecting their visual amenity.</p> <p>The Supporting Statement included: "The aim has been to create a well featured addition which whilst meeting my Client's spatial requirements does not detract from the character or setting of the building or interfere with the general amenity of adjoining residences".</p> <p>This statement is meant as a distraction and is not correct as the new building roof line and loft conversion will dominate the street scene in all dimensions.</p> <p>HRA is asking that the application be refused.</p>
	<p>North Southampton Community Association</p>	<p>The NSCF has long been concerned about the increase in occupancy of existing HMOs throughout Portswood Ward and Highfield in particular... The Forum wishes to object on the following grounds...</p> <ul style="list-style-type: none"> - This is simply a way of creating a third floor in an area of largely existing two storey Victorian houses and as a result would be an overdevelopment of the site. - The introduction of Dormer windows would be overbearing and out of character with the prevailing architecture and street scene. - This would therefore damage the amenity of the area and create material harm. - The increased occupancy would create an excessive use and be contrary to the Local Plan by the increased intensification of use in an area where the Threshold of 10% is already far exceeded. - It would create an increase in the demand for Parking, where there are already problems in finding adequate spaces for permanent residents

		For all the above reasons we ask that this application is refused under Delegated Powers, failing which it should be brought to Panel for determination.
	Cllr Lisa Mitchell	<p>I would like to object to this application.</p> <p>Highfield Crescent and the surrounding streets already have a high concentration of HMOS. It is likely that if an application for a new HMO came to us it would be refused on the grounds that more than 10% of houses are HMOs in any given 40m radius.</p> <p>With this in mind I do not think that current HMOs should be able to expand in this area. It is already a densely populated area which comes with its challenges. Many landlords are expanding their current HMOs within current guidance under permitted development by adding extensions and thus rooms. Many have gone from 3-5 bedrooms in recent years. Local residential amenity has been affected with the loss of greenery which has impacted local wildlife and biodiversity.</p> <p>Therefore as has been the case in the past where areas already have a high concentration of HMO dwellings I believe that this application for sui generis use should be refused.</p> <p>I would also request that this come to panel if the requisite amount of objections is not already present.</p>
6.0	<u>Planning Consideration Key Issues</u>	
6.1	<p>The key issues for consideration in the determination of this planning application are:</p> <ul style="list-style-type: none"> - The principle of development; - Design and effect on character; - Residential amenity; - Parking highways and transport 	
6.2	<u>Principle of Development</u>	
6.2.1	<p>Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which respects the character and appearance of the local area. Policy H7 expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks</p>	

	to maintain the character and amenity of the local neighbourhood.
6.2.2	Policy H4 (HMOs) and CS16 (Housing Mix) supports the creation of a mixed and balanced community, whilst the policies requires HMO proposals to be assessed against maintaining the character and amenity of the local area. In this instance the 10% threshold test (carried out over a 40m radius) as set out in the HMO SPD is not relevant as the local concentration of properties occupied as HMOs would remain unchanged as a result of the proposal and, therefore, would not further imbalance of mix of households within a community.
6.2.3	Section 4.6 of the HMO SPD states that cases of intensifying the use from a small to a large HMO will be assessed on their own individual merits on a case by case basis against the council's relevant policies and guidance, including standard of living conditions and parking standards set out in section 5. Other impacts will be assessed as set out in the policy text. Section 4 of the HMO SPD sets out that notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the council's relevant development management policies and guidance.
6.3	<u>Design and effect on character</u>
6.3.1	The change of use from a C4 HMO to a Sui Generis use, requires planning permission but it does not change the status of the existing property as being a 'dwellinghouse'. It has been established in case law that dwellinghouses, including HMOs still benefit from permitted development rights under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposed roof alterations result in additional roof space of approximately 40m ³ , which falls below the maximum allowance of 50m ³ for a semi detached dwelling under Class B of Part 1. The ability to construct roof alterations under permitted development is a material fallback position for the application, therefore the visual impact of the proposed alterations and impact on the character and appearance of the area cannot be substantiated as a reason for refusal. Furthermore, sufficient space remains about the property to ensure that the site is not over-developed and can provide the necessary requirements for bin storage and cycle storage for the existing and future occupiers.
6.3.2	Notwithstanding that the 10% threshold test set out in the HMO SPD is not relevant for considerations, concern has been raised by third parties that the proposed change of use would result in harm to the character and mix of households within the community. The concerns of residents that live amongst high concentrations of HMOs are noted, but the Panel have to consider the impacts of the proposed development (which in this case is the introduction of up to 2 additional residents). A negative impact on character from this change of use and intensification is difficult to substantiate, especially as Highfield Crescent comprises of a mix of properties, including flats, family dwellings and HMOs. Whilst the immediate neighbour properties to the

	<p>application site are family dwellings, there are other HMOs and flatted development that line Highfield Crescent which creates a mixed set of households. The proposals do not alter this mix in any substantive way, except for the issues to be discussed below that include impact on noise and disturbance, parking and waste. Therefore, given that Highfield Crescent already comprises of a mix of households, it is not considered that the proposals can be resisted based on any adverse impact to the character and appearance of the area.</p>
6.4	<p><u>Residential amenity</u></p>
6.4.1	<p>The proposal will provide a 6th and 7th bedroom and shower room within the loftspace facilitated by two dormers. The existing residents would continue to benefit from the large existing ground floor communal living area that includes a separate lounge, dining area and kitchen and a rear amenity area. The floor area of the new bedroom space in the loft will comply with minimum space and license standards, whilst the occupants would benefit from sufficient ventilation, headroom and outlook/light/privacy. On this basis the proposals would provide an adequate living environment for future occupiers. These communal facilities can be secured and retained by condition.</p>
6.4.2	<p>The scale and massing of the extensions combined with the separation to neighbouring properties would ensure that they would not harm the amenities of nearby residential occupiers. The proposed side facing window in the dormer serves a shower room, which would be obscure glazed to protect the privacy of the occupants. The proposed rooflight in the front elevation could be considered to be permitted development under Class C, Part 1 of the GPDO 2015. However, any views from this window would be to the area to the front of the property and therefore already open to view from the public realm. The proposed rear facing windows are not considered to result in any greater level of overlooking that the existing upper floor windows within the property. As such the proposed physical alterations to facilitate the conversion would not result in any significant loss of amenity or privacy to neighbouring residents and the proposals are considered to be acceptable in this regard.</p>
6.4.3	<p>Consideration has been given to the comments submitted by the Acoustic Consultant who has made representation on behalf of the Highfield Residents Association. They recommend that additional soundproofing is installed prior to occupation of the extended property along the party wall of the semi detached properties. Whilst it is noted that the acoustic consultant refers to party wall being of age and therefore inadequate, it should be noted that this is an existing problem between the two properties. The layout of the ground and first floor of the property would not change through the alterations and change of use. Roof alterations would be added and new rooms would be created in the loft. The attached neighbour at No, 59 does not have a converted loft space or roof alterations, therefore there would be no direct impact on neighbouring habitable rooms. In addition the new rooms would have to comply with the floor and sound insulation standards applied under Building Regulations. On the basis that the existing ground and first floor would not change as a result of the proposals, it is not considered that</p>

	<p>additional soundproofing is considered be necessary or reasonable, and the proposed development would not adversely impact on neighbour amenity in terms of noise and disturbance. Therefore it is not considered that neighbouring amenity would be harmed as a consequence of the increase from 5 to 7 bed HMO from the associated comings and goings and internal noise impacts. The planning system can only plan for reasonable behaviour and statutory noise nuisance or anti-social behaviour is controlled under separate legislation enforced by the Council's Environmental Health Team or the Police.</p>
6.5	<p><u>Parking highways and transport</u></p>
6.5.1	<p>This existing site and surrounding properties do not benefit from on or off-road parking. The site is sustainably located near the city centre, and there are parking permit controls on the surrounding streets (residential parking zone 6 with restrictions operating 8:00am to 6:00pm Monday to Friday), which appropriately controls existing parking behaviour. The existing property will be subject to limited number of parking permits and would have to apply on an individual basis for additional permits, which would be issued by the Council's Parking Team. A condition in this respect is not necessary for planning purposes. On this basis the additional residents would not result in any significant or harmful to change to existing parking arrangements.</p>
6.5.2	<p>This proposed change of use would alter and increase existing bin storage requirements. This are indicated to be located in a sheltered area to the rear, with access to the front of the property maintained for collection days, as per existing arrangements. Details of the exact size and location of the bin store has not been submitted with this application, however the garden is of a notable size to be able to accommodate the bin store without any loss of amenity to existing residents. Further details of the enclosure can be secured through a suitably worded planning condition.</p>
	<p>Notwithstanding that the proposed plans indicate that cycle storage for 16 bicycles will be provided in the rear garden, the Highway Officer has confirmed that space for 7 cycles (1 per resident/room) shall be provided for the new development. The indicative location in the rear garden can accommodate the new bike store, however details of the cycle store will be secured through a planning condition. On this basis, subject to compliance with these conditions, the proposals would not result in adverse impacts on highway safety or amenity.</p>
7.	<p><u>Summary</u></p>
7.1	<p>The proposed roof alterations to facilitate the change of use of the property from a 5 bedroom C4 HMO to a 7 bedroom HMO (Sui Generis) would not adversely harm the character and amenity of the area, residential amenity or highway safety. The comings and goings, including traffic and parking demand generated, associated with the HMO use would not be detrimental to the amenity and safety of the residents living in the area or further imbalance the mix of properties within the area and the community.</p>

8.	<u>Conclusion</u>
8.1	It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer **Rob Sims** PROW Panel 25/01/2022

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Materials to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

4. Retention of communal rooms

The communal rooms and spaces shown on the plans hereby approved, namely the kitchen/dining/living room, bathrooms and hallways, shall be retained as communal spaces and not converted to form additional bedrooms.

Reason: To ensure a good quality residential environment is retained and to ensure that the use does not intensify further to protect the amenities of nearby residential occupiers.

5. Amenity Space Access (Performance)

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

6. Refuse and Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason: In the interests of residential and the visual amenity of the area.

7. Cycle Storage (Pre-Occupation)

Before the development hereby approved first comes into occupation, secure and enclosed storage for 7 bicycles shall be provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The storage shall thereafter be retained as approved.

Reason: To promote cycling as a sustainable form of transport.

8. Limit of occupiers (Performance)

The HMO hereby approved shall be occupied by no more than 7 persons.

Reason: In the interests of protecting the character and amenity of the local area.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP16	Noise
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Houses in Multiple Occupation SPD

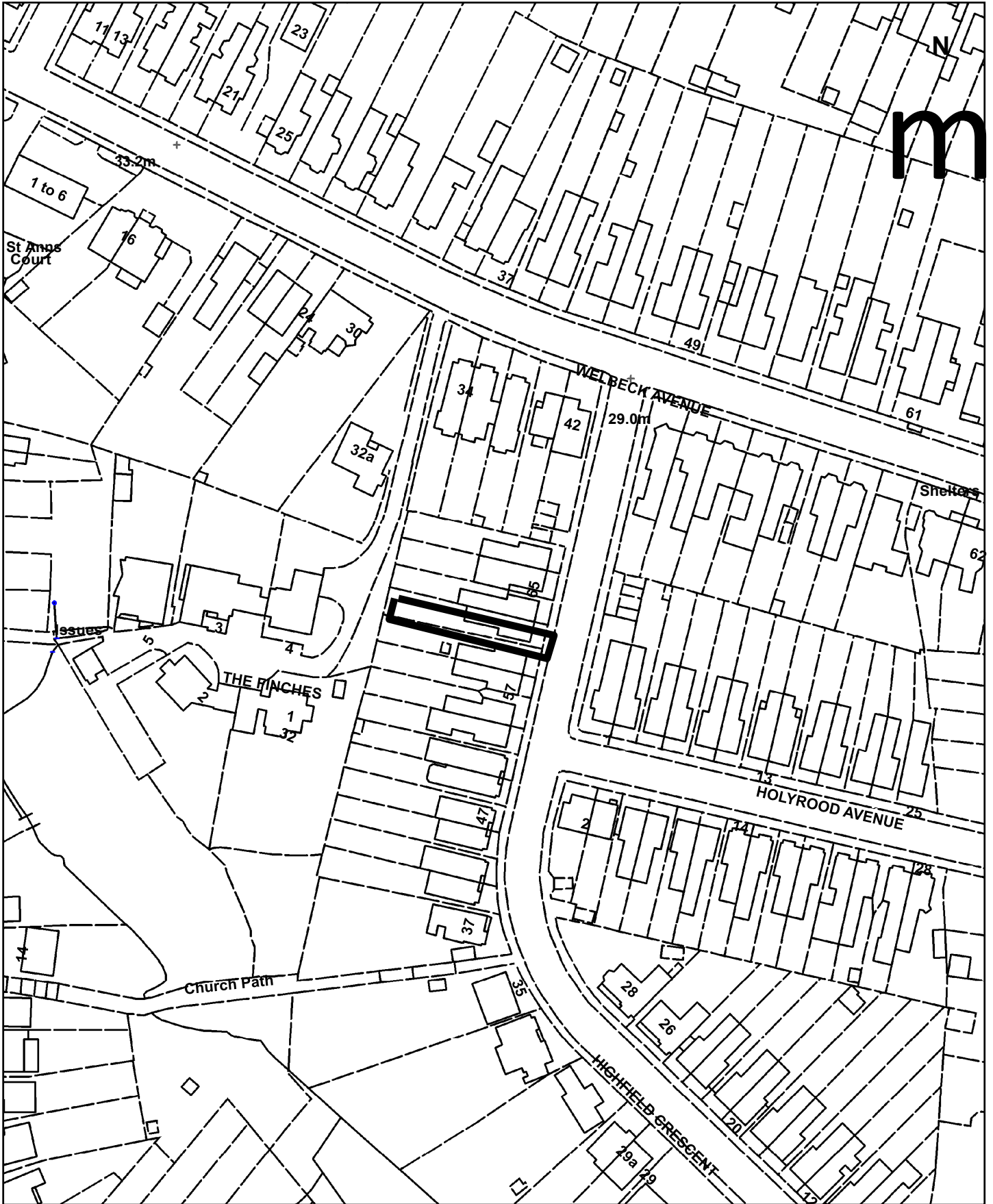
Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref	Proposal	Decision	Date
20/00180/ELDC	Application for a lawful development certificate for existing use as a house in multiple occupation (HMO, class C4)	Granted	15.05.2020

21/01329/FUL



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