DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0737-22**	**Applicant:**	**Mr D Bowden**
Proposal:	Change of use of a residential property (C3) to a HMO (C4 or Sui Generis)		
Location:	5 Stonegate Spalding		
Terminal Date:	16th September 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
01	Spatial Strategy
03	Design of New Development
04	Approach to Flood Risk
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	1	0	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking permission for the change of use of a residential property (C3) to a HMO (C4 or Sui Generis) at 5 Stonegate, Spalding.

Site Description

The property is detached dwelling situated within the defined settlement limits of Spalding, according to the South East Lincolnshire Local Plan, 2019. The property is located just outside of the Spalding Conservation Area. Stonegate is characterised by frontage development, with dwellings of a variety of ages and design. The dwelling is set forward and does not have a driveway, but has a very small gravelled front garden with a 1m iron fence as the front boundary treatment. There is access to the rear garden via the north western side.

History

H16-0053-07- Approved on 05-03-07- Proposed single-storey rear extension.

Consultation Responses

Private Sector Housing

Support- The applicant will need to make an application for an HMO Licence.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

Public objections(2)

- Stonegate consists of mainly family homes
- Already busy on-street parking
- No off-street available and the dwellings typically do not have off street parking.
- Stonegate is not entirely a wide street and there are narrow sections on a slight bend.
- Stonegate is usually very busy, with two schools nearby, with parked cars and school buses.
- Potential noise concerns
- Generation of high levels of general waste
- Difficult to sell surrounding properties

Planning Considerations

Principle of development

This proposal is assessed against SELLP Policy 21 which is titled HMOs and the Sub-Division of Dwellings. This Policy states:

"Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case:
1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;
3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;
4. adequate provision is made for the storage and disposal of refuse and recycling;
5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;
6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;
7. an adequate standard of residential accommodation and residential amenity is provided for future

occupiers; and
8. adequate provision is made for the communal gardens and amenity areas.
Where all of the above criteria are satisfied, the Nationally Described Space Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space."

When assessed against the above criteria the following can be observed:

1. The property, whilst the size of a family dwelling, is not in a high density street of terraced / semi-detached properties.

2. The supporting Design Statement indicates that permission is sought for use of the dwelling by 9 persons across 7 bedrooms. This is an increase of 3 bedrooms on existing. It is considered that increasing the number of occupants in the property will lead to a rise in noise and general disturbance by virtue of an increase in the number of persons residing in the property and associated vehicle movements, coupled with limited internal amenity space. Consequently, the proposal is not considered to satisfactorily accord with this criterion.

3. The proposal would not materially alter the historic or natural environment or general character of the area.

4. Given the volume of refuse likely to be generated from the property, it is considered that the amount of bin bags outside the property would be unsightly and may generate odour. The proposal is not considered to accord with this criterion.

5. An objection has been received about limited on-street parking being available. Whilst the Highway Authority have not objected and there are no defined parking standards relating to HMOs in the Local Plan, clearly no off-street parking for 9 occupants is not an ideal situation. It is accepted that possibly not all occupants will have vehicles but the property only has a small frontage and vehicles do already park on-street on this part of Stonegate. As a result, it is considered that there would likely be an adverse cumulative impact on the on-street parking situation in the area.

6. The site has good access - by walking and cycling - to community facilities, services, public transport and local employment. There is also the provision of a 9 bike cycle shed to the read garden of the property. The proposal is considered to accord with this criterion.

7. The majority of bedroom sizes are considered acceptable, however it would appear that bedrooms 1, 3 and 6 would not accord with the Nationally Described Standard Space Standards. Furthermore, there is only one living room and kitchen for 9 occupants, and no dining space at all. This will not be conducive to well-being and will likely lead to outdoor gathering, which could have a consequent amenity impact on neighbouring properties. Therefore, the proposal is not considered to accord with this criterion.

8. As shown on the submitted floor plans, there is an adequately sized communal garden and amenity area to the rear of the property. As such, this criterion is considered to be satisfied.

In conclusion, the proposal does not satisfactorily accord with Policy 21 of the SELLP.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The dwelling is a modest detached two storey dwelling, with a two storey flat roof rear extension, with a hipped roof over the original dwelling. Currently, the dwelling accommodates 4 large bedrooms and an en-suite and family bathroom to the first floor. The ground floor includes a modest living room, family room and kitchen with an ample rear garden.

Minimal alterations are proposed, comprising of the removal of rear elevation windows to the ground

floor, as well as moving the side elevation door to the rear elevation of where the new kitchen is proposed. The alterations to the ground floor layout will include the removal of the existing family room.

As such the proposed external changes are considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area. Taking the above into account, the proposed change of use is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There have been neighbouring objection regarding concerns over noise. It is considered that the use of the dwelling as a HMO is an over-intensification of the use of the site in a predominantly residential area, giving rise to noise and disturbance that is uncharacteristic for an area of modest housing in single family occupancy.

With regards to loss of privacy, the scheme does not propose any new window openings directly facing any neighbours therefore there are no loss of privacy concerns.

The proposal would result in the addition of two further bedrooms to the ground floor and one additional bedroom to the first floor. Whilst not adopted by the Council, the Nationally Described Space Standards are still a useful guide in terms of what can be considered adequate floorspace in amenity terms. The minimum internal dwelling area for 1 bed spaces and is at least 7.5m2 (at least 2.15m wide) and a double room is a minimum of 11.5m2. It would appear that bedrooms 1, 3 and 6 would not ccord with the Standard Space Standards. The proposal therefore falls well short of the standards set out in the Nationally Described Space Standards (March 2015).

In light of the above, it is considered there are adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is not considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Additional Considerations

A public comment has been raised in regards to the devaluation of surrounding properties. This is not considered to be a material planning matter and therefore its only carries very limited weight in the determination of this planning application.

Conclusion

The recommendation is therefore for a delegated refusal.

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.