

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 230788/CLP

Address: 9 Baker Street Reading RG1 7XT

Proposals: Certificate of Lawfulness for proposed change of use from C3 dwellinghouse to C4 small HMO

Case Officer: Matt Burns

Date received (valid from): 8th June 2023 **Target Decision date:** 3 August 2023

Introduction and Proposal

The application site is a two-storey mid-terraced property with basement. The property is not a listed building, but it is located within the Baker Street/Russell Street/Oxford Road Conservation Area.

A lawful development certificate is applied for in relation to the proposed change of use of the property from C3 dwellinghouse to C4 small HMO.

No external alterations to the building are proposed.

Plans Submitted

- Application Form – Application for a Lawful Development Certificate for a Proposed Use or Development dated 7th June 2023
- Proposed Block Plan ref. Projection British National Grid 09 May 2023 10:44
- Proposed First & Second Floor Plan ref. PA-610-202
- Proposed Basement & Ground Floor Plan ref. PA-610-201
- Location Plan ref. Projection: British National Grid 09 May 2023 10:44
- Existing Site Plan ref. PA-610-100
- Existing Basement & Ground Plan ref. PA-610-101
- Existing First & Second Floor Plan ref. PA-610-102
- Existing Roof Plan ref. PA-610-103

Received by the Local Planning Authority on 8th June 2023

Relevant Planning History

None.

Summary of Consultations

No consultations were undertaken as it is not required for an application of this type.

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended)

Assessment

The application site falls outside of the nearby Article 4 areas which remove permitted development rights for changes of use from C3 to C4. The permitted development rights therefore remain for this site as normal.

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The property is currently classed as C3(a) single family dwellinghouse. The applicant wishes to convert the single family dwellinghouse from a C3 to C4 use (small HMO).

The proposed use as a house in multiple occupation (Class C4) must be assessed to ensure that it complies with the conditions of Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to 'small HMOs to dwellinghouses and vice versa'.

C4 small HMO'S are defined as small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Permitted development

L. Development consisting of a change of use of a building-

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use-

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule;

complies

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule. **complies**

The main consideration is that the proposed use would fall into the C4 (small HMO) category. The application form and plans submitted indicate that:

- The property would house 6 occupants.
- The property would contain 6 single person en-suite bedrooms
- 5 of the 6 bedrooms would have a small kitchenette
- The property would have a shared kitchen/living area at ground floor level

There is no restriction under Class L which prevents permitted development rights from being applied within Conservation Areas

Based on the above information, it is considered that the proposed use would fall within use class C4. As such, the proposed change of use is considered to qualify as permitted development under Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation

The proposal has been assessed against Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following drawings/ documents:

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Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed change of use from C3 to C4 small HMO and the proposed new first floor side facing window. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed use and development.

Informatives

1. The Certificate of Lawfulness is granted on the basis the property provides accommodation for no more than 6 occupants.

2. HMO management



The attached plan (not to scale)