

DELEGATED APPLICATION REPORT

Address: 50 Cressingham Road

Application No: 210635/FUL

Proposal: Change of use from a 9 person HMO (Sui Generis) to a 10 person/ 10 bedroom HMO (Sui Generis) (Retrospective) (amended)

Applicant: Clifford Sinclair Limited

Target Decision date: 25/06/21

Case officer: Connie Davis

1. Site Description and Surrounding Area

The application site is a detached property located on the northern side of Cressingham Road. The property appears like a bungalow from the street but is two storeys at the rear. It has a large rear garden and a good sized front garden for parking. The surrounding area is predominantly residential

The site is not Listed, nor in a conservation area. The site is also not within an Article 4 area placing restrictions on dwellinghouses converting to HMOs.

2. Proposal

The proposal is for the change of use of the building from a 9 person to a 10 person/ bedroom HMO. A certificate of lawfulness was granted for the use of the site as a 9 person HMO, as insufficient evidence had been provided to demonstrate there have continuously been 10 occupiers. This is because 'bedroom 3' on the floor plans had in fact been used as a study. A planning application has therefore been submitted to formally increase the number of occupiers and bedrooms, although it has been acknowledged as part of the application that the use of the property as a 10 person/ bedroom HMO is retrospective.

As such, the continued use of the site by one additional occupier/ use of a bedroom (bedroom 3) above that granted on the certificate is the focus of this application, rather

than it being an application seeking retrospective permission to change the use from a single dwellinghouse (C3 use) to a 10 person/ 10 bedroom HMO (Sui Generis use).

The property already has a HMO license.

3. Public Consultation

The following addresses were formally consulted via letter on 05/05/21:

48 and 52 Cressingham Road

In addition, a site notice was displayed between 7th May 2021 - 28th May 2021.

No responses have been received.

4. Internal Consultations

Transport - No objections subject to additional cycle space being provided on site.

Environmental Health - No response received

5. Plans Considered

The Council, in reaching its recommendation, has taken into consideration the following plans:

Location Plan

Planning Statement dated 16th April 2021

Copies of HMO Licences

Received 28th April 2021

01 - Ground Floor Plan

02 - First Floor Plan

Received 30th April 2021

02 - Ground Floor Plan

02 - First Floor Plan

Received 23rd June 2021

6. Relevant Planning History

201343 - Change of use from a 9 person/ 9 bedroom HMO to a 10 person/ 10 bedroom HMO (Sui Generis) (amended) - Application Closed

200363 - Certificate of Lawfulness for the existing use of the property as a 9 person / 9 bedroom Sui Generis House in Multiple Occupation - Application Permitted

12/00394/OUT (Civica Ref: 120258) - Outline application (access and layout only for consideration) for the development of 7 x 3 bed houses (re-submission of 11/00071/OUT. Non-determination appeal dismissed 4th December 2012.

11/00071/OUT (Civica Ref: 110336) - Outline application for residential redevelopment of 10 two storey houses (access only). Refused 27th May 2011. Dismissed at appeal 9th December 2011.

97/00806/FUL (Civica Ref: 970539) - Ground floor extension of lounge, new garage and garden store, loft conversion and extension. Permitted 17th December 1997.

93/00783/FUL (Civica Ref: 930043) - Single storey rear extension. Garage at side. Permitted 9th November 1993.

91/00374/FUL (Civica Ref: 910761) - Demolition of bungalow and erection of two linked detached houses. Refused 27th June 1991.

91/00926/FUL (Civica Ref: 910879) - Demolition of bungalow. Erection of a pair of semi-detached houses with integral garages. Permitted 13th November 1991.

90/00669/OUT (Civica Ref: 900852) - Erection of two detached dwellings. Permitted 23rd August 1990.

89/01110/FUL (Civica Ref: 890753) - Erection of two detached houses with integral garages. Refused 27th June 1991.

7. Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

8. Relevant Planning Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations

indicate otherwise. The Development Plan for Reading relevant to the application site comprises the Reading Borough Local Plan (2019).

As per the NPPG, the local planning authority should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The 'National Planning Policy framework' ('NPPF') 2019 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Reading Borough Local Plan (2019) according to their degree of consistency with the 'NPPF' (the closer the policies in the plan to the policies in the 'NPPF', the greater the weight that may be given). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

9. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework
National Planning Policy Guidance

Reading Borough Local Plan (2019)

CC5 Waste Minimisation and Storage
CC7 Design and the Public Realm
CC8 Safeguarding Amenity
EN16 Pollution and Water Resources
TR3 Traffic and Highway Related Matters
TR4 Cycle Routes and Facilities
TR5 Car and Cycle Parking and Electric Vehicle Charging
H1 Provision of Housing
H7 Protecting the Existing Housing Stock
H8 Residential Conversions
H10 Private and Communal Outdoor Space

Supplementary Planning Documents

Residential Conversions SPD (2013)
Revised Parking Standards and Design SPD (2011)

10. Appraisal

Principle of the additional occupier

The building has a current lawful status as a 9 person/ 9 bedroom HMO (see planning history). As such, the increase in occupation, in principle, is acceptable as it would be continuing the existing use. The site would remain in residential use and the additional occupier would not alter the site's classification as a 'large HMO'. The threshold for a large HMO (7 people or more) has already been met outside of this planning application to increase occupancy. As such, there would be no change of the site in terms of the use classes order.

In this instance the threshold limit for HMOs will also not be triggered as the HMO has already been established in the street and, therefore, have no further effect on the concentration of HMOs and balance and mix of households in the local community.

However, the impact the additional occupier would have in terms of amenity on neighbouring properties, transport provision, and ensuring the site has sufficient capability (in terms of size) for being used by an additional occupier.

Impact on residential amenity and shared facilities

The amount of communal space in larger HMOs that is considered appropriate will depend on the number of bedrooms and the size of the bedrooms proposed. Communal rooms will be expected to have an acceptable outlook and meet the amenity standards as set out in policy CC8 in particular, in terms of access to sunlight and daylight, noise and disturbance and artificial lighting to ensure the standard of accommodation meets the needs of the occupants using this space.

The Residential Conversions SPD refers to providing for 1 communal room per 4-6 HMO rooms. The proposed scheme includes a large lounge and separate breakfast/ kitchen room. In addition, the site benefits from a large garden and self-contained utility room (which potentially could be used in a similar fashion to a conservatory). As such, the level of communal space is considered acceptable to host one additional occupier. A condition will be attached ensuring the communal area is retained for communal purposes at all times.

In order to ensure that the level of communal space remains acceptable, a condition restricting the HMO to 10 people will be attached. As such, any intensification to the use can (particularly on communal areas) can be assessed by the LPA via subsequent planning applications. This is particularly necessary in this instance given

that the principle of a HMO use on the site has never been fully assessed under planning policy as it was only regularised through a Certificate of Lawfulness.

The applicant is proposing to utilise bedroom 3 for single occupancy. Bedroom 3 benefits from a window providing natural light and outlook. As stated in the Council's Residential Conversions SPD, for rooms with cooking facilities outside of the bedroom, and being used for single occupancy, it should be no less than 6.5 sqm; bedroom 3 exceeds this requirement. As such, the proposed private space for this additional occupier is considered acceptable.

The proposal is therefore considered acceptable in terms of Policy H8 of the Reading Borough Local Plan (2019).

Impact on neighbouring amenity

The property is semi-detached, and situated within a large plot. No external alterations are proposed (ie. no new windows) and therefore there should not be potential for any overlooking or privacy issues to arise. Council records have also been checked to see if any complaints have been received from neighbouring properties regarding noise or related issues; no complaints are on file. In addition to this, no neighbour objections or comments have been received.

Taking the above into account, an additional occupier, is on balance, considered acceptable in relation to Policy CC8 of the Reading Borough Local Plan (2019). As noted above, a condition restricting occupancy levels will be attached which also would be considered beneficial to neighbours.

Impact on the character of the area

The change from 9 to 10 bed HMO is not considered to significantly alter the character of the local area or of the host dwelling itself. No external alterations are proposed.

Given the site is currently in use as a HMO, it is assumed waste facilities are adequately provided on site. Even if additional bins were required over and above current usage it is considered that there is sufficient space within the curtilage to accommodate these and which could be located in an area which would limit their visibility from a public perspective.

As such, the proposal is considered acceptable in terms of Policy CC5 and CC7 of the Reading Borough Local Plan (2019).

Impact on vehicle/ cycle parking

Following the consultation response from the highways officer who raised no objection with the addition of a further occupier in terms of parking provision, it was required that one additional cycle space is provided on site. Revised plans were received showing the existing garden shed to be converted to a cycle store. The cycle store would be covered and lockable, as per the Transport consultation requirement and secured via a condition. As such, Officers consider this requirement having been successfully satisfied without the need for re-consultation with Transport Officers.

As such, the proposal is considered acceptable in relation to Policies TR3, and TR5 of the Reading Borough Local Plan (2019).

Other Matters:

Given the site is in use as a HMO, it is not considered reasonable to include a standard condition requiring a HMO management pack to be provided prior to the use commencing (but a standard informative will be included reminding the applicant of good practice). In addition, as the proposal is retrospective, there is not considered need to include a time limit condition.

Recommendation

GRANT permission subject to conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Received 28th April 2021

02 - Ground Floor Plan

02 - First Floor Plan

Received 23rd June 2021

REASON: because permission is granted in respect of the development as detailed in the approved plans only.

2. The use hereby permitted shall cease within 14 days of the date if failure to meet any the following requirement set out below:

- I. Within 3 months of the date of this decision, a scheme for cycle storage shall be installed in accordance with the approved drawings. Upon implementation, the approved cycle store shall be retained and maintained for cycle storage at all times thereafter to the satisfaction of the local planning authority.

REASON: To ensure that adequate provision is made for the cycle storage requirements of future occupiers and to support travel to and from the site by sustainable alternatives to a motorcar in accordance with Policies TR3 and TR5 of the Reading Borough Local Plan (2019) and SPD Revised Parking Standards and Design (adopted 2011).

3. The HMO use at ground and first floor hereby approved shall be restricted to 10 no. single occupancy bedrooms, with a maximum of 10 tenants at any one time.

REASON: As an increase in the number of occupants could impact on the amenity of existing and future occupiers of the property and neighbouring properties in accordance with Policy CC8 and Policy H8 of the Reading Borough Local Plan (2019).

4. The rooms labelled 'Lounge' and 'Break Fast Room Kitchen', as shown on approved drawing No. 02 - Ground Floor Plan, received 23rd June 2021 shall be retained for communal use for so long as the property remains in use as a HMO.

REASON: To ensure that an adequate standard of amenity and living space is provided for the residents in accordance with Policy H8 of the Reading Borough Local Plan 2019.

INFORMATIVES

1. The local planning authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target for the decision to be issued.

2. The applicant's attention is drawn to the requirements of the Housing Act 2004 (and regulations made under the legislation) with respect to occupancy levels of the property, licensing and management. More information about these requirements can be obtained from the Private Sector Housing Team on 0118 937 2151 or at www.reading.gov.uk.

3. The Council expects all properties in HMO use to be properly managed in accordance with requirements under the Housing Acts and associated regulations. The Council publishes comprehensive information in its Houses in Multiple Occupation Management Pack, <http://www.reading.gov.uk/media/1412/HMOs-Management-Pack/pdf/HMOs-Management-Pack.pdf>

Landlords/ owners are advised to follow the advice in the pack to ensure compliance with the requirements of the Housing Acts.

Landlords/ owners are advised that a property specific management plan should be drawn up. This plan should be given to all occupants/tenants, preferably as part of their tenancy agreement or contract. The operation of the property should be undertaken in accordance with the approved management plan.

A good management plan will include matters related to:

- Responsibilities and standards for the management of internal communal areas including kitchens, dining areas, living rooms and shared bathrooms;

- Responsibilities and standards for the management of common parts, fixtures, fittings and appliances. These must be maintained in good and clean decorative repair, maintained in a safe and working condition and kept reasonably clear from obstruction, e.g. banisters and handrails, stair coverings, windows, lighting, gardens and yards, walls and fences, etc.;

- Responsibilities and standards for the management of external areas in terms of landscaping, maintenance and tidiness, in particular areas visible from the public highway or street. This will include matters relating to the erection of Satellite dishes and television aerials;
- Responsibilities and standards for the use and tidiness of bins, binstores, and rubbish in the use of the property along with appropriate facilities to enable the recycling of waste that meets the Council's current practices;
- Responsibilities and standards for the parking of cycles.
- An undertaking to ensure all occupants/tenants will be provided with a copy of the management plan as part of their tenancy agreement or contract and the importance of complying with its measures emphasised;
- Where a condition is imposed requiring the submission and approval of a management plan (usually for larger "sui generis" HMO uses), the local planning authority will expect all the above matters to be addressed.