

Delegated Application Report Target Date: 2/11/2020

Address: 128 Chatham Street

Application No: 201261/FUL

Proposal: Material change of use of dwelling (basement flat at 128 Chatham Street) from Use Class C3 (Dwellinghouse) to C4 (Small - Houses in Multiple Occupation - comprising three bedrooms- 3 persons). Alterations to create lightwell and fenestration. Dropping of kerb to facilitate parking. External changes of existing garage, including removal of garage door to change from garage into cycle store.

Case Officer: Nathalie Weekes

Introduction and Proposal

The application site is a four-storey terraced residential property (including basement), located on the northern side of Chatham Street in an AQMA. 128 Chatham Street is divided up into 3 separate flats, a studio flat on the second floor, a studio flat on the first floor and a maisonette (Basement flat) on the ground floor and basement levels. The studio flats have separate kitchens. All flats are accessed from the existing entrance at the front of the property. The property is currently undergoing refurbishment.

The property has a rear garden area and a double garage which is accessed from Malthouse Lane. Chatham Street is characterised by a mix of uses comprising a mixture of single-family dwelling houses, a number of recent flat conversions and commercial uses.

The proposal comprises a material change of use of dwelling (basement flat at 128 Chatham Street) from Use Class C3 (Dwellinghouse) to C4 (Small - Houses in Multiple Occupation - comprising three bedrooms- 3 persons). Alterations are proposed to enlarge the lightwell to the proposed basement bedroom with alterations to fenestration. The dropping of the kerb to the front of the property is proposed to facilitate parking. External changes are proposed to the existing garage, including removal of garage door to change from garage into cycle store.

Internal works are proposed to amend the existing 2-bedroom maisonette (known as 'Basement Flat 128 Chatham Street') into a 3 person, 3 bedroom en-suite bedroom HMO. The existing garage is to be converted into a cycle store and is not proposed to be used as living accommodation.

Due to extenuating circumstances, the case officer was unable to conduct a site visit, however the agent provided photos and the case officer is familiar with the area.

Plans Submitted

The applicant supplied the following:

Location Plan

CIL form

As received 7 September 2020

Ref: APL-256-128 Chatham Street, Planning and Design and access statement, Arrow Planning Limited, submitted on behalf of Mehek Holdings Ltd, September 2020

As received 9 September

ref: 2798 002 P6 Block and Site Location Plan

ref: 2798 004 P7 Existing Elevations

ref: 2798 003 P11 Existing and Proposed Floor Plans

ref: 2798 006 P10 Proposed Elevations

As received 16 December 2020

Relevant Planning History

200726 Certificate of Lawfulness for a proposed change of use, for the two bedroom maisonette at 128 Chatham Street consisting of the ground floor, basement and garage only, from dwellinghouse C3 to small HMO C4 Refused 12/8/2020

03/00735/Ful Conversion of house into 2 studio flats and 1 bedroom maisonette. Permitted 8 august 2003

76/00784/00 Erection of a garage 76/bp/994 refers. Excepted, permitted 01 October 1976

Consultation Responses

Each neighbouring property was notified and a site notice was displayed on 24 September 2020 for the requisite period. No responses were received.

Internal consultation

RBC Environmental Protection - No objections subject to informatives on construction and demolition.

RBC HMO Team - **Planning Officer note:** The HMO Team provided the following comments based on the originally submitted scheme, which included for habitable accommodation within the garage. This element was subsequently amended to become cycle storage.

The HMO team does not support the proposal to convert the external garage into ancillary accommodation and would require additional information and raised the following comments in addition to their standard advice:

The Private Sector Housing Team has previously issued standing advice in relation to planning applications. In this case, the standing advice does not cover all of our concerns in relation to this application. For this reason, the following additional comments are made.

Food preparation amenities

From the original plans submitted, it appears the intention is for the resident living in the converted garage to make use of the communal kitchen on the ground floor. This would mean this resident would need to go outside and cross an open yard to reach the main building.

The Operating Guidance for the Housing Health and Safety Rating System sets out the amenities that should be present to provide a safe environment for the storage and preparation of food. The concern is that the proposal for the garage conversion gives rise to the following:

Under Part 1 of the Housing Act 2004 we would expect residents to have safe access to food preparation and storage facilities. As part of an HHSRS assessment, we would consider whether the proposed arrangement would give rise to a hazard relating to food contamination/lack of access to food prep facilities bearing in mind the following kinds of factors:-

- How would food be safely transported from the kitchen to the external bedroom in adverse weather?*
- In severe weather where a resident might not be able to leave the bedroom, how would they access food preparation facilities?*

- *On occasions when a resident is ill and really won't want to be going outside, how will they access food preparation facilities?*

I cannot see any good answers to these questions. From an Environmental Health perspective, I would be minded to consider the garage conversion as a separate dwelling that would need its own kitchen amenities. An absence of these would give rise to a significant hazard for which the Council may well have to take enforcement action under Part I of the Housing Act 2004.

RBC Transport Team

Plans have been submitted (site and block plan) illustrating the proposed parking space and visibility splays, cycle and bin storage. This is therefore deemed acceptable subject to conditions and informatives.

It should be noted that the unused/unrequired dropped crossing at the rear of the site will need to be reinstated and realigned with the footway, a license from the Highways Department will be required to undertake any works on the Public Highway.

The Council's residential parking permit scheme operates in the area; therefore, if this application is approved there should be an assumption that any future occupants of the proposed flats will not be issued with resident or visitor parking permits which should be covered by condition and an informative applied. This will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

It is recommended that the Councils Waste Management Team are contacted to ensure the correct capacity of bins are provided for the number of units.

Waste management team - no response at time of the report writing.

Council tax team - Records show the above property has been split into 3 flats and each flat has been separately banded since 01/04/2008. The flats are over ground, 1st & 2nd floors. The new owner has been notified as liable for the Council Tax for all 3 flats since 21.10.2019

Legal department - The legal team recommended refusal to the original application as it does not consider that any use of an outbuilding can be ancillary if the building is use as an HMO.

Communications with agent

Photos of the site were provided by the agent. Additional information was provided in respect of proposed parking, cycle and bin storage. Following feedback and concerns raised regarding the original proposed use of the existing garage, revised plans were submitted, removing the original proposed use as residential accommodation and proposing alternative use as a cycle store. The basement bedroom window was also widened to provide more access to daylight and the development description amended.

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.

Relevant Planning Policy and 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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

The following local and national planning policy and guidance is relevant to these applications:

National Planning Policy Framework

Part 6 - Delivering a wide choice of high quality homes

Reading Borough Local Plan (2019)

CC1 (Presumption in Favour of Sustainable Development)

CC6 (Accessibility and Intensity of Development)

CC7 (Design and the public realm)

CC8 (Safeguarding Amenity)

TR1 (Achieving the Transport Strategy)

TR3 (Cycle Routes and Facilities)

TR5 (Car and Cycle Parking and Electric Vehicle Charging)

H1 (Provision of Housing)

H8 (Residential conversions)

H9 (House Extensions and Ancillary Accommodation).

H10 (Private and Communal Outdoor Space)

Supplementary Planning Documents

Residential Conversions SPD (2013)

Revised Parking Standards and Design SPD (2011)

Appraisal

The main policy for residential conversions is Policy H8 and the extract with respect to conversions to HMOs is included below:

"H8: RESIDENTIAL CONVERSIONS

Proposals to convert buildings into self-contained flats or for multiple occupation will be assessed against the impact on the amenity and character of the surrounding area, particularly in terms of intensification of activity, loss of privacy, loss of external amenity space, the provision and location of adequate on-site car parking and the treatment of bin storage areas and other related servicing.

Proposals to convert properties into self-contained flats or for multiple occupation will only be acceptable where:

- *The proposal respects the physical character of the area in terms of scale, location,*

materials and design, the arrangement of doors, windows and other principal architectural features;

- *The proposal would not, either individually or cumulatively, unduly dilute or harm an existing mixed and sustainable community through the significant loss of single family housing;*
- *There are no unacceptable adverse impacts to residents of the scheme or surrounding properties arising from noise and disturbance in terms of the number and layout of units proposed and the proximity to other properties;*
- *There is no inappropriate stacking and location of rooms between units;*
- *Bin and cycle storage is of an appropriate size and standard for the units proposed and should be located at ground floor level with easy access; and*
- *The resulting property or properties would provide adequate internal floorspace and headroom for residents.....”*

The Residential conversions SPD outline the criteria for a change of use to an HMO. It has been formally adopted and should be considered in addition to the Reading Local Plan 2019.

Section A of the SPD deals with the ‘General Assessment of all Conversions’ (i.e. from C3 dwellinghouses to flats or HMOs (both small C4 use and sui generis HMOs).

In addition Policies CC8, H5, and H10 provide criteria relevant to the assessment.

The main issues are, therefore, considered to be:

- a) Whether the conversion of the property to C4 use has resulted in unduly diluting or harming a mixed and sustainable community;
 - b) Amenity of future residents and those of existing neighbouring properties
 - c) Effect on car/ cycle parking
 - d) Fenestration
- (a) Whether the conversion of the property to C4 use has resulted in unduly diluting or harming a mixed and sustainable community

The Residential Conversions SPD identifies that the ‘tipping point is when the concentration of HMOs becomes over dominant and the community is no longer considered to be mixed and sustainable.’ The SPD defines that “*planning permission will not normally be granted where the proportion of HMOs will result in HMOs representing 25% or more of the residential properties within a circle of 50m radius measured from the application site*” (para. 5.43). There are a number of HMO properties in the vicinity however the application site is not in an Article 4 area, and therefore, the assessment of the proposed change of one two bedroom maisonette to a small C4 HMO needs to be considered in the context of whether the proposal would “either individually or cumulatively, unduly dilute or harm an existing mixed and sustainable community through the significant loss of single family housing”. As the building is already split into 3 units comprising 2 studio flats and a 2-bedroom maisonette there has already been a loss of a single family house. Although, it is accepted that the proposed change of use would further intensify the usage of the building, it is not considered that the change from a 2 bedroom maisonette to a 3 person 3 bedroom HMO would be so significant to warrant refusal on this basis.

(b) Amenity of future residents and those of existing neighbouring properties

The Residential Conversions SPD sets out a number of checklist items which provide further detail related to adopted policies CC8, H5, H8 and H10 of the Reading Borough Local Plan 2019

Room Sizes - The proposed scheme would be limited to three single person bedrooms and the SPD identifies minimum internal floorspace standards (Appendix 1) as 6.5sqm for a single bedroom and 7sqm for a kitchen. The bedrooms and kitchen exceed these dimensions.

Communal Space - The existing lounge is proposed to be converted into an additional bedroom. The amended scheme includes a 9.2m² kitchen and 4.3m² laundry communal spaces, which are considered acceptable for a small 3 person, 3 bedroom HMO and should be retained for future amenity use.

Amenity Space - There is a reasonable sized rear garden in accordance with Policy H10.

External windows - All habitable rooms benefit from external windows.

Access to sunlight/daylight - This is considered acceptable due to revised plans and elevations. The proposed bedroom 2 located in the basement has an enlarged recessed lightwell window proposed to provide a greater access to daylight.

Layout/Stacking of Rooms - The Council's SPD seeks to avoid layouts which locate living rooms, bathrooms and kitchens, next to, above, or below, proposed or neighbouring bedrooms. The layout largely achieves this in the stacking of rooms.

Privacy and Overlooking - Due to the proposed layout, there is no loss of privacy or overlooking.

Noise and disturbance: In terms of noise and disturbance there is no evidence to suggest that an HMO for up to three individuals would create significantly greater levels of noise. However, even if there were a greater level of noise and disturbance caused through residential use, it is not considered to be so significant as to warrant refusal on this basis.

Bin storage: Bins would be stored to the front of the property as is currently the case and consistent with adjacent properties. Although not ideal from an aesthetic point of view as a terraced property with servicing from the front this is the only suitable option.

(c) Effect car/cycle parking provision

The parking standard would require 0.25 spaces per bedroom. The self contained studio flats currently have no parking provision. As the site is located close to the centre of Reading with good access to transport links, in this instance the proposed retention of 1 parking space, albeit below policy standards, has been confirmed by Transport as acceptable.

There is currently no approved on-site parking provision as there is no drop kerb and street parking is controlled through permits. Conditions and informatives have, therefore, been attached to address these matters. Adequate cycle storage will be provided in the cycle store at the rear of the property.

(d) Fenestration

Additional fenestration is proposed for the conversion of the garage into a cycle store. The agent has explained that the percentage of fenestration is relatively the same despite the

changes in design and sizes of the windows to provide adequate light for the cycle store. On consideration, the changes to fenestration are deemed acceptable in this instance.

Conclusion

The proposal for the material change of use of dwelling (basement flat at 128 Chatham Street) from Use Class C3 (Dwellinghouse) to C4 (Small - Houses in Multiple Occupation - comprising three bedrooms- 3 persons), with alterations to create lightwell and fenestration, dropping of kerb to facilitate parking and external changes of existing garage, including removal of garage door to change from garage into cycle store are considered acceptable.

RECOMMENDATION:

Grant