

**APPLICATION FOR A CERTIFICATE OF
LAWFULNESS FOR THE PROPOSED CHANGE OF USE
OF PART OF THE BUILDING FROM
DWELLINGHOUSE (USE CLASS C3) TO A SMALL
HMO (USE CLASS C4)**

SUPPORTING STATEMENT

128 CHATHAM STREET, READING, RG1 7HT

ON BEHALF OF MEHEK HOLDINGS

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PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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1. Introduction

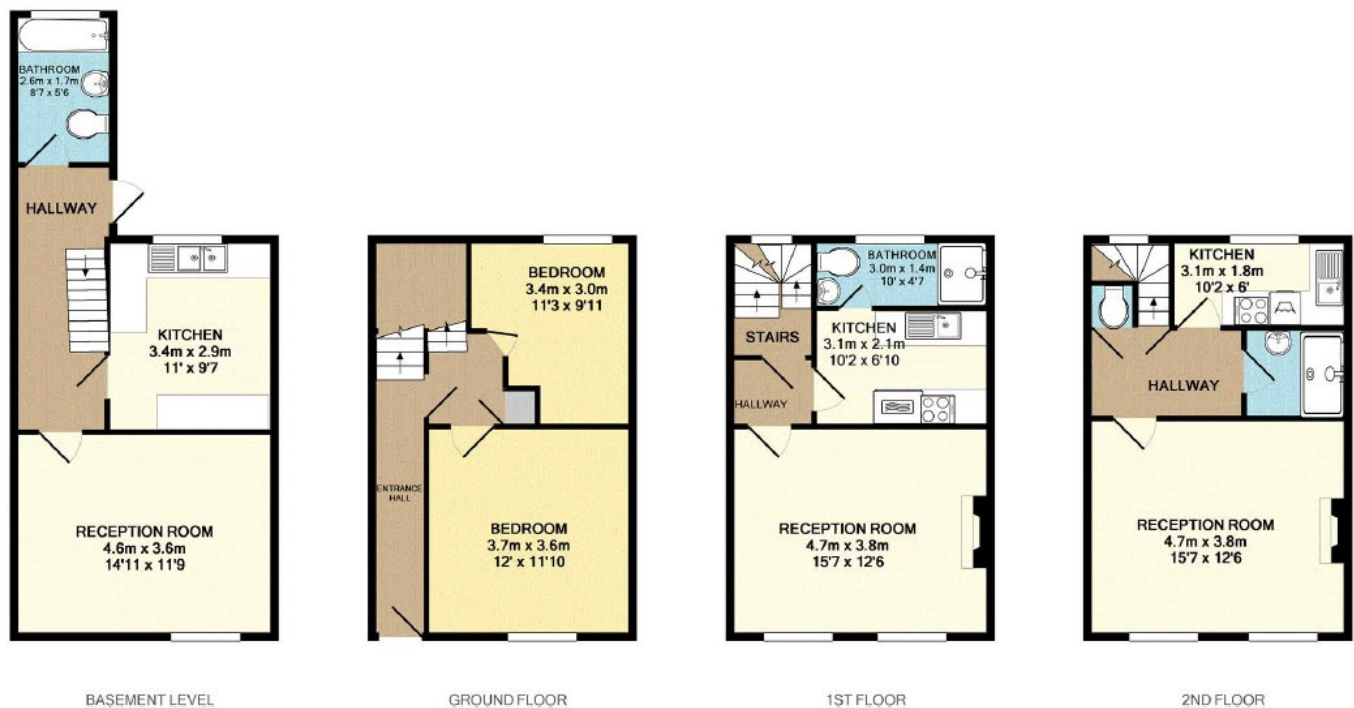
- 1.1 The proposed development concerns 128 Chatham Street, a mid-terrace three storey townhouse with a basement located on the northern side of Chatham Street, to the west of Reading town centre. Whilst the primary access is from the front, the site is also accessible via an alleyway to the rear which is accessed from Malthouse Lane with a detached garage located to the rear of the dwelling.
- 1.2 Chatham Street is located close to Reading town centre, and whilst the site adjoins other residential properties there are a mix of uses nearby, in particular to the east. These include a surgery, gym, public house and nightclub. It is also noted that the neighbouring sites of No.140, No.142 and No.144-146 Chatham Street are all on the Council's House in Multiple Occupation register. Consequently, the site is located in a busy, densely populated area with an urban character.
- 1.3 The lawful use of No.128 Chatham Street is for three self-contained flats, as detailed below. It is not proposed to make any alterations to the first floor and second floor flats; consequently, the application concerns the ground floor, basement and detached garage only.



Photograph of front elevation of the property

2. Relevant Planning History

- 2.1 As constructed, No.128 Chatham Street was a three storey townhouse with a basement. However, planning permission was granted in August 2003 under application **030679** for the conversion of the house into two studio flats and one two-bedroom maisonette. The two studio flats are the first floor and second floor plans with the maisonette located at ground floor and basement level.
- 2.2 This permission was implemented and although the unit is currently vacant, this remains the lawful use of the property. The existing layout of the property is detailed on the plans below.



3. Proposal

- 3.1 The application seeks a Certificate of Lawfulness for the part-conversion of the building to a Small House in Multiple Occupation (HMO). This concerns the ground floor, basement and garage only; the first and second floor would remain as two self-contained studio flats as is existing.
- 3.2 The HMO would have four bedrooms, thereby meeting the definition within the Town and Country Planning (Use Classes) Order 1987 (as amended) of *'Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basis amenities such as a kitchen or bathroom.'*
- 3.3 No significant building works are required to facilitate the proposed change of use, with the internal layout remaining as set out above. In respect of the layout of the HMO, the two ground floor bedrooms would remain, and the basement reception room would also be converted to a bedroom. Finally, the detached garage at the rear would be converted to form a fourth bedroom with en suite. The kitchen and bathroom at basement level would remain as existing, serving as communal facilities for the HMO, and access to the rear of the property including the outdoor amenity area would remain from the basement.
- 3.4 A communal hall to serve the whole building would remain as existing; this provides access to the staircase to serve the flats above and, as with the existing maisonette, the HMO would have a separate lockable door to make the distinction to the private areas from the communal hallway.

4. Assessment Against Relevant Legislation

- 4.1 As set out above, it is proposed to change the lawful use of the ground floor and basement to Class C4 (Small HMO) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The existing lawful use of the property is Class C3 (dwellinghouses).
- 4.2 Class L of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the change of use of a dwellinghouse to a Small HMO without requiring planning permission. As such, the application seeks the Councils confirmation that the proposed change of use is lawful development through the issue of a Certificate of Lawfulness.
- 4.3 It is noted that in certain areas, Reading Borough Council have removed permitted development rights for the change of use of dwellinghouses to Small HMO's using an Article 4 Direction. However the Direction applies to parts of Park, Redlands and Katesgrove Wards only, and 128 Chatham Street is located within Abbey Ward. As such, the change of use of the property to a Small HMO will not be contrary to any Article 4 Directions.
- 4.4 Use of a property as a Small HMO is defined by the Use Class Order 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.*' As has been set out within this statement, the HMO would comprise four bedrooms and they would be occupied by four unrelated individuals. As such, the proposed HMO meets the definition within the Use Class Order of a 'Small HMO'.
- 4.5 No changes are proposed to the upper floor flats, which, following the previous separation of the property, are no longer part of the same planning unit as the existing maisonette at ground floor and basement level. As is set out within Section 55(3) of the Town and Country Planning Act 1990, the use as two or more dwellinghouses of any building previously used as a single dwellinghouse involves a material change of use of the building or other land; this change of use has already lawfully taken place and as such the upper floor flats are no longer part of the same planning unit as the existing maisonette.

- 4.6 The outdoor amenity and garage are, as existing, part of the maisonette and are not accessible from the upper floor flats. The change of use to a Small HMO would also include these areas, and as they are not parts of the same planning unit as either of the upper floor flats this will not affect the existing use of the flats.
- 4.7 Whilst the garage accommodation would include an en suite, the occupant would be reliant on the accommodation within the main dwellinghouse for other facilities such as the kitchen. It has been established through a previous Certificate of Lawfulness at 27 Brunswick Hill, Reading (LPA reference 191689) that an outbuilding can be occupied on this basis as part of a Small HMO which includes accommodation in both the main dwelling and the outbuilding, and the garage accommodation would be similar to this previous approval.
- 4.8 No other alterations are proposed to the property; access and parking arrangements at the front would remain as existing.
- 4.9 As such, it has been found that the existing lawful use of the ground floor maisonette, including the rear outdoor amenity area and garage, is C3 (dwellinghouses). This is a separate C3 use to the upper floor flats, which are different planning units that were established via a previous planning permission. As such the change of use of the ground floor and basement to C4 can occur separately, with the upper floor flats unaffected, and remaining in C3 use.

5. Conclusion

- 5.1 The change of use of the ground floor and basement areas, together with the outdoor amenity area and garage, from Use Class C3 (dwellinghouses) to Use Class C4 (Small HMO) is therefore in accordance with Class L of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). As such, it is respectfully requested that Reading Borough Council approve the application and issue a Certificate of Lawfulness is issued for the proposed development.