

**PLANNING APPLICATION FOR A RETROSPECTIVE
CHANGE OF USE FROM SMALL HMO (USE CLASS
C4) TO LARGE HMO (SUI GENERIS USE)**

PLANNING STATEMENT

276 KINGS ROAD, READING, RG1 4HP

ON BEHALF OF RK PROPERTY AND MANAGEMENT LTD

PREPARED BY: MICHAEL RUDDOCK

Pegasus Group

Columbia | Station Road | Bracknell | Berkshire | RG12 1LP

T 01344 203265 | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

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

CONTENTS:

Page No:

1.	INTRODUCTION	2
2.	RELEVANT PLANNING HISTORY	3
3.	PROPOSAL	3
4.	ASSESSMENT AGAINST RELEVANT LEGISLATION	5
5.	CONCLUSION	10

1. Introduction and Background

- 1.1 The planning application concerns the change of use of No.276 Kings Road from its lawful use as a Small House in Multiple Occupation (HMO) (Use Class C4) to a Large HMO (Sui Generis Use). The property was first issued with an HMO license for six persons in 2006 and its use as a small HMO commenced lawfully in that year as Permitted Development. In 2011 the license to operate as an HMO for up to six persons was renewed.
- 1.2 In 2014 a license was granted to use the property as an HMO for up for nine persons, which constituted a change of use. The use commenced that year without planning permission and has continued until this day. No.276 Kings Road consists of two bedrooms (one with en suite) at basement level, an entrance hall, two bedrooms (both with en suite) and a communal kitchen at ground floor level, two bedrooms (one with en suite) and two communal bathrooms at first floor level and three bedrooms (one with en suite) at second floor level.
- 1.3 The site is located to the east of Reading Town Centre, close to the junction between Kings Road and Fatherson Road. It is one of a terrace of thirteen dwellings located between Montague Street and Fatherson Road (No. 258 - No. 284 Kings Road) and consists of residential accommodation across four storeys including a basement, and a garden to the rear. A characteristic of these properties is that parking to the front is limited, with the majority of properties not having a dropped kerb access to the front and using the front hardstanding areas for refuse storage. No. 276 Kings Road does not have a dropped kerb access or any parking to the front.
- 1.4 The site is located within the settlement boundary and is part of the Reading Central Area. It is located close to but not within the Eldon Square Conservation Area and is also located outside the Reading Central Area. It is also noted that parts of Reading are covered by an Article 4 Direction which restricts the conversion of dwellinghouses (Use Class C3) to a small HMO (Class C4) without planning permission, however the application site is not within the area.

2. Relevant Planning History

- 2.1 The site itself does not have any planning history, however two of the nearby properties have planning history that is relevant to the current proposals.
- 2.2 The adjacent unit at No.274 Kings Road is used as four self-contained flats, one located on each floor. This use was accepted as lawful by Reading Borough Council in granting a certificate of lawfulness in October 2007 under application reference **07/00888/CLE**. As with the application site, this property has no dropped kerb access or on street parking at the front.

A planning application at the nearby unit of No.268 Kings Road was submitted and approved in 2005 under reference **051083** for the erection of a rear extension and the conversion of the unit to student accommodation. Six bedrooms were provided as part of this development together with communal facilities such as a kitchen and bathrooms.

3. Proposal

- 3.1 The application seeks retrospective planning permission for a change of use to form a Large HMO (Sui Generis Use). The lawful use of the property is as a Small HMO, a use which commenced in 2006. When the use commenced a Small HMO was Use Class C3(b) and such a use was given a separate use class in 2010, Class C4.
- 3.2 No.276 Kings Road operated lawfully under Use Class C4 until 2014, when a license was granted to use the property for up to nine persons. Since that year, the property has been occupied by up to nine persons as a Large HMO but whilst it has been fully licensed by Reading Borough Council since that date, planning permission was never sought for this use. It is noted that the property is included on Reading Borough Council's HMO Register, licensed for nine occupants until July 2021.
- 3.3 The applicant purchased the property in 2016, two years after the use as a Large HMO commenced, and has continued the use to this day, unaware that it did not have planning permission for use as a large HMO. The issue has only come to light recently due to the applicant wishing to re-mortgage. As such the issue has not arisen due to

planning enforcement action or as a result of any complaints from neighbouring properties and the use has occurred without any such issues for five years.

- 3.4 Although the property has operated as a large HMO for some time without any concerns, the use is not lawful as it has not occurred for a period in excess of ten years. As such, retrospective planning permission is applied for to regularise the existing use of No.276 Kings Road.
- 3.5 Since the license was granted in 2014, the property has operated as a nine bedroom HMO however due to new legislation with regard to the sizes of bedrooms, two of the existing bedrooms fall short of these size standards. As such, two changes to the internal layout are proposed; an existing cupboard to the side of one of the first floor bedrooms will be incorporated as part of the bedroom space, and the internal wall between the two second floor bedrooms will be removed so that this would form one bedroom only. As a result, the total number of bedrooms would be reduced from nine to eight.
- 3.6 The changes to the internal layout do not require planning permission and the application therefore concerns the change of use only. However as these alterations are required to be made for the property to comply with relevant legislation and for the property to continue to be licensed as a large HMO, it is considered that the application should be considered as such. A proposed floor plan is therefore submitted for consideration in support of the application to demonstrate the alterations that will take place.

4. Assessment Against Relevant Planning Policy

- 4.1 The Development Plan for Reading Borough Council relevant to the proposals currently comprises the Core Strategy (Adopted January 2008, altered January 2015) and the Sites and Detailed Policies Document (adopted October 2012, altered January 2015).
- 4.2 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving proposals that accord with an up-to-date development plan without delay.
- 4.3 The site is located in the settlement boundary and is not subject to any other planning designation.

Principle of the Development

- 4.4 Core Strategy Policy CS6 sets out that no development will be permitted outside the settlement boundary, and Policy CS17 protects the existing housing stock. Core Strategy Policy CS18 (Residential Conversions) sets out:

'Proposals to convert properties 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'

- 4.5 The supporting text to the policy sets out that part of the Borough's housing supply is provided through residential conversions which benefits the housing supply and mix of dwellings in the Borough. The policy also sets out that in certain areas of the Borough, large numbers of houses have been converted to flats which can have a significant effect on the character of the area. It is set out that a future LDF document will include a more detailed policy that seeks to facilitate the conversion of appropriate properties, where such conversion will not add to the damaging effects on the character of the area.

4.6 Sites and Detailed Policies Document Policy DM8 (Residential Conversions) is presumed to be the policy referred to above, and states:

'Proposals to convert properties into self-contained flats or for multiple occupation under Core Strategy Policy CS18 will only be acceptable where:

- The proposal respects the physical character of the area and additionally 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 other residential properties arising from noise and disturbance in terms of the number and layout of units proposed and the proximity to other properties;*
- There is appropriate sound insulation between proposed and neighbouring units and layouts avoid 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.*

Additionally, in the case of sui generis houses in multiple occupation (HMOs):

- The property to be converted has four or more bedrooms and measures more than 120 square metres gross;*
- There is an appropriate balance between communal and private areas for sui generis HMOs.'*

4.7 As previously set out, the property was originally converted to a Small HMO (Use Class C4) in 2006, which remains the lawful use of the property. As such, approval of this application would not result in the loss of single family housing. It is also considered relevant that the site lies outside the area of the Article 4 Direction which restricts the conversion of dwellinghouses (Use Class C3) to a Small HMO (Class C4) without planning permission, as any of the thirteen properties in this terrace fronting Kings Road could be converted to a C4 unit without planning permission. As the site lies outside of the Article 4 area, which came into force in May 2012, it appears that the

Council are not concerned about the impact of the conversion of properties to self-contained flats or HMOs in this location.

- 4.8 The property has more than four bedrooms and measures more than 120 square metres gross (at approximately 150 square metres), and it is considered that there is an appropriate balance between communal and private areas, with a communal kitchen, two bathrooms and outdoor amenity area all provided. This is further demonstrated by the property holding a current license for an HMO of up to nine persons as existing, and the balance will be enhanced by the proposed reduction to eight persons.
- 4.9 As such it is considered that the proposed conversion of the property to a Large HMO (Sui Generis Use) is acceptable in principle, subject to the relevant development management considerations which are assessed below.

Impact on the Character and Appearance of the Area

- 4.10 As set out above, Core Strategy Policy CS6 and Sites and Detailed Policies Document Policy DM8 require proposals for residential conversions to be assessed against their impact on the character of the area.
- 4.11 Externally No.276 Kings Road is no different in appearance to when it was used as a single dwellinghouse, and subsequently as a Small HMO. The change of use to a Large HMO has therefore not had any impact on the visual amenities of the area.
- 4.12 The part of Kings Road where the site is located is characterised by a mix of property styles and uses. The terrace of thirteen dwellings of which this site is a part includes a mix of flats, student accommodation (a Small HMO) and single family dwellinghouses together with an A2 unit in use as an accountants. To the west and east of the site are larger flatted developments and opposite the site is Reading College. In this context it is not considered that the conversion of one property to a Large HMO has resulted in a significant impact on the character and appearance of the area.
- 4.13 Although a Large HMO has the potential to be a more intense use than a Small HMO, the accommodation as proposed would have eight bedrooms and the existing lawful use is for six bedrooms. It is not considered that an additional two occupants would result in an unacceptable intensification to the detriment of the character and

appearance of the area, and it should be taken into account that the property has operated as a nine bedroom HMO for five years without any issue.

- 4.14 As such it is not considered that the retention of the property as a Large HMO for eight occupants would result in an adverse impact on the character and appearance of the area. The development is therefore not contrary to Core Strategy Policy CS6 or Sites and Detailed Policies Document Policy DM8.

Residential Amenity

- 4.15 As set out above, Core Strategy Policy CS6 and Sites and Detailed Policies Document Policy DM8 require proposals for residential conversions to be assessed in terms of their impact on neighbouring residential properties and also that an acceptable level of amenity is provided for occupants of the property.
- 4.16 The property has operated as a large HMO for five years and in that time period there have not been any noise complaints relating to the use of No.276 Kings Road. In any case it is not considered that, in comparison to the existing lawful use of the property as a Small HMO, that an additional two persons at the property would result in a significant impact on noise and disturbance.
- 4.17 The layout of the unit has been accepted for licensing purposes and the unit has operated successfully as a nine person HMO since 2014. As such, sound insulation is considered acceptable and the layout does not result in any amenity issues on neighbouring properties or occupants of the property itself. An outdoor amenity area is provided to the rear, as was the case when the unit was occupied as a single family dwelling. The use of the property as a Large HMO has not resulted in any additional impact on the privacy of the neighbouring properties.
- 4.18 As such it is not considered that the development has had an unacceptable impact on residential amenity. The development is therefore not contrary to Core Strategy Policy CS6 or Sites and Detailed Policies Document Policy DM8.

Parking Provision and Highway Safety

- 4.19 As set out above, Core Strategy Policy CS6 and Sites and Detailed Policies Document Policy DM8 require proposals for residential conversions to be assessed in terms of their provision of vehicular and cycle parking as well as bin storage. In addition, Core Strategy Policy CS24 sets out that maximum car parking standards and cycle parking requirements will be applied in relation to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport.
- 4.20 Paragraph 109 of the NPPF states '*Development should only be prevented and refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'
- 4.21 Historically No.276 Kings Road has never had any on-site parking; there is no dropped kerb access at the front of the site, and a pedestrian crossing is located opposite the site which means that it is not possible to provide any on-site parking. This is not uncommon along this part of Kings Road with a number of properties not having any parking.
- 4.22 The accommodation is of a type where occupants would not expect their own individual parking space, and the rooms are marketed for letting as such. The site has operated as a Small HMO since 2006, and a Large HMO since 2014 with no issues regarding parking. Furthermore, as existing the property could operate lawfully as a six person HMO without the requirement for planning permission, and as proposed the property would have eight occupants. It is not considered that the additional two occupants in comparison to the lawful use would result in a significant impact on parking provision or highway safety.
- 4.23 Additionally, the site is in a highly sustainable location within walking distance of Reading Town Centre and numerous bus routes passing the site on Kings Road. Given the accessibility of the site from these facilities it is not considered necessary for the occupants of the unit to own a car. It is noted that Reading Borough Council's Parking Standards are a maximum standard, applied in relation to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport. It is also noted that the parking requirement for an eight bedroom residential unit is no

different to that of a six bedroom residential unit, as such there would be no additional shortfall in parking provision as a result of the development.

- 4.24 As is common along Kings Road, bin storage is to the front of the site where there is a hard standing yard. There is space for cycle parking within the outdoor amenity area to the rear. Arrangements for such facilities would remain as existing.
- 4.25 Given the existing lawful use of the site and its accessible location, it is not considered that the development would result in an adverse impact on highway safety due to the site having no parking provision. Historically this has always been the case at No.276 Kings Road and a number of neighbouring sites, and no significant highway safety concerns have arisen as a result. It is therefore not considered that the development would result in an unacceptable impact on highway safety, and the development would therefore not be contrary to Core Strategy Policies CS6 and CS24, Detailed Policies Document Policy DM8 and the NPPF.

5. Conclusion

- 5.1 The site has lawful use as a Small HMO (Class C4) which can be occupied by up to six persons. The conversion of such a property to a Large HMO is acceptable in principle, and it is not considered that occupation by an additional two persons as a Large HMO has resulted in a significant additional impact on the character and appearance of the area, residential amenity or highway safety. Furthermore, the site is not in an area where the Council has restricted Permitted Development rights for conversions of single dwellings to Small HMOs.
- 5.2 The site has been occupied as a Large HMO for five years with no issues. Although the development has operated for this time without planning permission, the fact that there have been no complaints to the Council's Planning Enforcement Team suggests that its impact has been acceptable. Additionally, the property has been compliant with licensing regulations for that time and remains on the Council's HMO Register.
- 5.3 The development is in accordance with Development Plan Policy and the NPPF. As such, Reading Borough Council are respectfully requested to approve the application for retrospective planning permission.