

DELEGATED APPLICATION REPORT

SITE ADDRESS: 9 West Hill

APPLICATION NUMBER: 181515/FUL

PROPOSAL: Proposed change of use from a C3 dwellinghouse to a 7 person large Sui Generis HMO

Site Description and Surrounding Area

The application relates to a two storey mid terrace dwellings with accommodation in the roof space located on the south side of West Hill. The property has been extended to the rear by way of second floor extension and large rear/side dormer roof extension which together with the conversion of the loft space of the existing dwelling provides the roof space level accommodation. The surrounding area contains a mix of single dwellings, flats and other properties in HMO use.

The site located with an Article 4 Direction Area where permitted development rights for change of use from C3 dwellinghouses to C4 small HMO's have been removed. Notwithstanding the Article 4 direction planning permission is required for the application proposal as this seeks change of use to a large 7 person sui generis HMO and not a small C4 HMO.

The site is also located outside of the Reading Central Area as defined by the Reading Central Area Action Plan (2009) but is located within an air quality management area.

Proposal

The application seeks full planning permission for the proposed change of use the property from C3 dwellinghouse use to a large 7 person sui generis HMO.

The proposed HMO would consist of two double bedrooms, three single bedrooms and two bathrooms over the first and second floors. The ground floor would consist of two social rooms and a kitchen whilst there is large communal amenity space to the rear.

No external alterations to the property are proposed as part of this application.

Plans Considered

Drawings ref:

- Site Location Plan
- 01 - Existing Floor Plans
- 02 - Existing Elevations (unchanged)
- 03 - Proposed Floor Plans
- 04 - Proposed Site Plan

Received by the Local Planning Authority on 28th August 2018

Relevant Planning History

None.

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 this application:

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Reading Borough Local Development Framework Core Strategy (2008)

CS7 (Design and the Public Realm)

CS18 (Residential Conversions)

CS24 (Car/Cycle Parking)

Reading Borough Local Development Framework Sites and Detailed Policies Document (2012)

DM4 (Safeguarding Amenity)

DM8 (Residential Conversions)

DM10 (Private and Communal Outdoor Space)

Supplementary Planning Guidance/ Documents:

Residential Conversions SPD (2013)

Revised Parking Standards and Design SPD (2011)

Supplementary Planning Documents

Revised Parking Standards and Design SPD (adopted October 2011)

Sustainable Design and Construction SPD (adopted July 2011)

Residential Conversions SPD (adopted November 2013)

Consultation Responses

Transport - No objection, subject to conditions to require details of bin and bike storage to be submitted and to remove access to parking permits.

Environmental Protection - No objection, refers to standing advice.

Neighbour Notification

One letter of objection has been received raising concerns regarding lack of parking, noise pollution, bin storage and loss of single family dwelling. These issues are addressed in the Appraisal section of the report below.

Appraisal

Policy CS18 states that *“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.”*

Policy DM8 provides further detail 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 or measures more than 120 square metres gross;*
- *There is an appropriate balance between communal and private areas for sui generis HMOs*

Along with the relevant adopted local planning policies the appraisal of the application has been based on the Adopted Residential Conversions SPD (2013), which provides further detail for the adopted policies. 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). Section B specifically covers the assessment of applications for HMOs within the area covered by the Article 4 Direction. This application has been considered against both sections.

The main issues to be considered are:

- i) Principle of residential development
- ii) The impact on amenity of proposed and existing residents of nearby properties
- iii) Effect upon character of the dwelling and surrounding area
- iv) Transport Impacts

Principle

In terms of whether a property is suitable to be converted to a large HMO Policy DM8 requires a property to have four or more bedrooms (as originally built) or to have a gross floor area of 120m² or more when measured externally. Whilst the property has been extended at roof space level to the rear; based on the form and layout of surrounding properties and historic mapping records officers are satisfied that the dwelling, in its original form, had a floor space of more than 120m². Therefore, conversion of the property to a large HMO would be acceptable in principle.

Further assessment as to whether a property is suitable for conversion is whether such a conversion would result in unduly diluting or harming a mixed and sustainable community. This is assessed using the 'tipping point' calculation.

The 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 or the residential properties within a circle of 50m radius measured from the application site*" (para. 5.43).

The concentration of HMOs in the area surrounding the application site has been calculated as a percentage of the total estimated number of existing HMOs (C4 or sui generis) against the total

number of residential properties, i.e. those falling with C3, C4 or sui generis HMO use. Available data from Environmental Health, Council Tax, extant (unimplemented) permissions for HMOs and data on property websites has been used.

The total number of properties within the 50m radius, including the application site, has been calculated as 62. The total number of properties in HMO use, using the above sources of data, is estimated to be 10 (including the application site) and therefore the overall percentage is calculated as 16.13% which is below the threshold of a maximum of 25%. In this regard the principle of the conversion of the application property to a C4 small HMO or Sui Generis HMO is also considered acceptable.

The amenity of future occupiers of the development and existing residents of nearby properties
The Residential Conversions SPD sets out a number of checklist items which provide further detail related to adopted policies DM4, DM8, DM9 and DM10 of the Sites and Detailed Policies Document.

Room Sizes

The SPD identifies minimum internal floor space standards (Appendix 1) as 6.5sqm for a single bedroom and 7sqm for a kitchen. The kitchen is shown as 18.75sqm and the smallest bedroom (no. 2 first floor) is 9.6sqm, with the majority of bedrooms far larger than this. All the proposed rooms meet the required minimum sizes.

Communal Space

The SPD identifies that the amount of communal space that is considered appropriate in a large HMO would be dependent on the number and size of bedrooms. The standard set out is for one communal room for every 4-6 bedrooms (depending on the size of the bedroom). The proposal includes two communal rooms between the 5 proposed bedrooms (for 7 people) and therefore exceeds the recommended provision. Both communal rooms are of a good size, have acceptable outlook, can be independently accessed and could comfortably accommodate 7 persons. The proposed kitchen area is also of a good size.

Amenity Space

The property is served by a good size rear amenity which is 13m in depth and is considered adequate for seven individuals. The garden can be accessed through the building or from a rear gate onto a footway which connects to West Hill Road.

External windows

All habitable rooms would benefit from existing external windows and are considered to be served by adequate daylighting and outlook.

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 narrow nature of the property makes room stacking difficult but the proposed layout is not considered unreasonable particularly in that it keeps the communal facilities all at ground floor level.

Sound Insulation

Policy DM8 refers to sound insulation between proposed and neighbouring units. This would be a building regulations requirement.

Privacy and Overlooking

The proposal does not seek to introduce any additional windows and would make use of existing openings. The most potential for overlooking would occur from a second floor level side facing bedroom window (to bedroom 5) and first and second floor level rear facing bedrooms windows (bedrooms 2 and 4) towards the adjoining property to the east, no. 7 West Hill. However, these windows all serve bedrooms as part of the existing C3 dwellinghouse use of the property and the proposed change of use to HMO is not considered to result in any material increase in overlooking or loss of privacy above the existing situation. There are two existing first and second floor level side facing windows serving bathrooms which would be retained as bathrooms and as such no material increase overlooking would occur in this respect either.

The proposed change of use is not considered to result in any unacceptable overlooking or loss of privacy above the existing situation at the site.

Noise and Disturbance and Pollution

It would not be expected that the amount of the noise from the property, housing a maximum of seven adults, nor within the garden, would be appreciably different from that generated from a fully occupied large five bedroom family house.

A condition is recommended, as standard on planning permissions for change of use to HMO's, which requires the submission of a management agreement prior to occupation, which would include further measures for the management of noise from tenants both within the property and externally within the garden.

Effect on Character of the host property and surrounding Area

Policy CS7 seeks that development should preserve or enhance the character of the area of Reading in which it is located.

No external alterations to the property are proposed such that externally there would be no discernible differences from the appearance of the property in the existing and proposed uses.

A bin storage area is proposed in the small front garden area of the property. This area consists of hardstanding as is the case for all other properties to either side of West Hill and which also use this area as bin storage. Unlike for self-contained flats, a HMO use of the property would not require individual residents to have their own outside bins with required provision similar to that for a single family dwelling use.

Whilst visible bin storage to the front of properties is generally unwelcome, this is an existing situation for the current dwelling and other surrounding properties in the road and continuation of this situation is not considered to result in any unacceptable impact upon the character of the host dwelling or surrounding area.

The proposal is considered to accord with Policy CS7.

Transport Impacts

Policies DM12 of the Sites and Detailed Policies Document 2012, 2015 and CS20 and CS24 of the Core Strategy seek to address access, traffic, highway and parking relates matters relating to development.

In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide parking provision of 0.25 parking spaces per bedroom, equating to a total of 2 off road parking spaces.

The application does not proposed any on-site parking, which is the same situation as the existing C3 dwellinghouse use of the property. Given the central, sustainable location of the site and that West Hill is located in a Controlled Parking Zone where parking is controlled via a residents parking permit scheme and other on street restrictions in the form of single and double yellow lines, a car free development with no on-site parking would be acceptable in this instance.

The Design and Access Statement submitted as part of the application states that a minimum of 2 parking spaces will be provided through a lease agreement on nearby private land. Any such agreement would be a private arrangement and would not form part of the requirements of the planning permission sought by this application.

There would be an assumption that any future occupants of the proposed HMO will not be issued with a residents parking permit. This would be secured by way of suitably worded conditions and an informative and 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.

In accordance with the Council's Parking Standards and Design SPD, cycle storage for a HMO should be provided at a ratio of 0.5 secure cycle storage spaces for each letting room in the form of a Sheffield type stand within a lockable store. This would equate to a minimum of 4 spaces. Plans submitted do not indicate an area of storage and the Applicant's Design and Access Statement states that bike storage will be provided at the rear of the property for 7 bikes on 2 racks. The garden area would be accessible via a footpath at the rear providing direct access to West Hill from the back of the property. This arrangement is considered acceptable in principle but details of the type of cycle racks proposed have not been provided. This can be secured by way of condition.

As discussed above, bin storage is to be located at the front of the property as per the existing situation.

The proposal is considered to accord with Policies DM12, CS20 and CS24.

Equality Act and Human Rights Act

In determining this application the Local Planning Authority is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.

In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Conclusion

The proposed development for the change of use from a C3 dwellinghouse to a large Sui Generis HMO for 7 persons is considered acceptable in planning terms and for the reasons given above.

RECOMMENDATION

GRANT full planning permission, subject to the following conditions:

Conditions

1. The development hereby permitted shall begin no later than *three* years from the date of this planning permission.

Reason: to prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawings ref:

- Site Location Plan
- 01 - Existing Floor Plans
- 02 - Existing Elevations (unchanged)
- 03 - Proposed Floor Plans
- 04 - Proposed Site Plan

Received by the Local Planning Authority on 28th August 2018

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

3. Prior to first occupation of the HMO hereby permitted, details of secure, covered and lockable bicycle storage spaces shall be submitted to the Local Planning Authority for approval in writing. The approved bicycle storage spaces shall be provided in accordance with the approved details prior to first occupation and shall not be used thereafter for any purpose other than the storage of bicycles.

Reason: To ensure travel by sustainable alternatives to the motor car in accordance with Policies CS23 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

4. Prior to first occupation of the HMO hereby permitted, details of the proposed refuse bin stores and recycling arrangements are to be submitted to the Local Planning Authority for approval in writing. The approved bin storage area shall be provided in accordance with the approved details prior to first occupation and shall not be used thereafter for any purpose other than bin storage.

Reason: To ensure that adequate provision is made for the storage and collection of refuse in accordance with Policy CS2 of the Reading Borough LDF Core Strategy 2008

(Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

5. Prior to first occupation of the HMO hereby permitted the Council shall be notified in writing of the full postal address of the units. Such notification shall be addressed to the Council's Planning Manager quoting the planning application reference specified in this Decision Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document Policy 2012 (Altered 2015).

6. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the HMO accommodation hereby approved the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

Reason: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 and Policy DM12.

7. The communal areas as shown on approved plan ref. 03 - Proposed Floor Plans received by the Local Planning Authority on 28th August 2018 shall be provided before occupation of any room and thereafter shall be retained for communal use at all times.

Reason: to safeguard residential amenity of occupants in accordance with Policy DM4.

8. The HMO use to the ground, first and second floors hereby approved shall be restricted to a maximum occupancy of seven persons.

Reason: to safeguard the residential amenity of occupants in accordance with Policy DM4.

9. The HMO hereby permitted shall not be occupied until an agreement setting out the measures and procedures for the management of all the communal parts of the HMO, both internally and externally, has been submitted to, and approved in writing by, the local planning authority. The agreement shall include but not be limited to the following:

- a) Management of noise from tenants both within the property and externally within the garden.

- b) Management of the disposal of refuse.
- c) General maintenance of the property including all external areas and boundaries.
- d) The carrying out of regular inspections by the landlord/agent.
- e) Dealing with general repairs and maintenance.
- f) Use of the amenity space and bin and cycle storage
- g) Responsibilities of tenants i.e. refuse disposal, accommodation to be kept in an acceptable manner and take reasonable care so as not to damage the property and behave in a reasonable and social manner so as not to cause a nuisance to other tenants and neighbouring properties.

Thereafter tenants shall be made aware of the management agreement and its terms shall be complied with.

Reason: In the interests of the amenities of future occupiers and nearby residents and in accordance with Policy DM4.

10. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents in accordance with Policy CS34.

11. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

Reason: In the interests of air quality, the amenity of neighbours, and to promote more sustainable approaches to waste management in accordance with Policies CS34 (Pollution and Water Resources) and CS2 (Waste Minimisation) of the Reading Borough LDF Core Strategy 2008

Informatives

1. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
2. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.
3. The occupiers of the HMO hereby permitted will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is

located close to local facilities, with frequent public transport services on nearby roads.

4. 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

Applicants should note that information on the collection of rubbish can be found on the Council's website at: <http://www.reading.gov.uk/rubbish>

and information on the collection of bins can be found on the Council's website at: <http://www.reading.gov.uk/binchanges>

5. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.

6. Your 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, fire precautions and facilities. More information about these requirements can be obtained from Reading Borough Council's Private Sector Housing team on 0118 87 and there are details set out within the Council's Housing in Multiple Occupation Management Pack - http://www.reading.gov.uk/media/1412/HMOs-Management-Pack/pdf/Management_Pack_v03_17.pdf
7. The local planning authority has worked positively and proactively with the applicant to allow permission to be granted.

