



DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Mr Kultar S. Roath
P and P Property Services
PO Box 1752
Southampton
SO15 9FF

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Retrospective application for the use of the property for an eight-person house in multiple occupation (House in Multiple Occupation) (Sui Generis Use).

Site Address: 5 Crofton Close, Southampton SO17 1XB

Application No: 12/01723/FUL

For the following reason(s):

01. The occupation of this property as a sui generis HMO by 8 people represents an overintensive use of the property, which harms the character and amenity of the surrounding area for the following reasons:-

(a) The lack of common reception rooms means that greater communal use is made of the kitchen, conservatory and back garden, occasioning noise and sleep disturbance to occupiers of neighbouring properties, sometimes at unsocial hours, in an area which is predominantly comprised of family housing;

(b) The increased comings and goings to the property from essentially 8 different, independent occupiers, sometimes at unsocial hours, causes general disturbance at the end of a private drive;

(c) Notwithstanding the double garage being available for use, the parking of independently owned vehicles at this property means that the garage is often unused, with cars being parked outside the curtilage, obstructing the private drive and maintenance gate of a landscaped strip between Crofton Close and Oakmount Avenue and sometimes necessitating on-street parking. This is in a development that was designed to minimise the demand for on-street parking so as to retain the open setting of the development within its overall design philosophy. Such overspill parking has already been held to be harmful to the character of the area by two Planning Inspectors;

(d) Having regard to previous Inspectors' observation that occupation by 7 persons at this address was still within Class C3 of the Town and Country Planning (Use Classes) Order 1987, the proposals represent the introduction of a HMO into an established family housing

area. Applying the test from the council's Supplementary Planning Guidance on Houses in Multiple Occupation (2012), the introduction of a further HMO, means that the 10% threshold criteria has been exceeded, resulting in a presumption against this form of development, as being inappropriate for the reasoning set out above. The proposals would also result in the loss of a house still capable of occupation by a large family, for which there is a proven need in the city.

As such, the proposals are contrary to the following Policies of the Development Plan for Southampton:-

Local Plan Review (March 2006) - SDP1 (i), SDP7 (v), H1 (iv) and H4; and

Local Development Framework Core Strategy (January 2010) - CS13 (4)/(11), CS16 and CS19.

C. Lyons

Chris Lyons
Planning & Development Manager

RP

21 December 2012

For any further enquiries please contact:
Stephen Lawrence

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
102	1:500	Location Plan	09.11.2012	Refused
SINGLE A4 SHEET	confirms 8 to reside	Planning Statement	09.11.2012	Refused
EXISTING		Floor Plan	09.11.2012	Refused
EXISTING FIRST FLOOR		Floor Plan	09.11.2012	Refused
GROUND FLOOR PROPOSED		Floor Plan	09.11.2012	Refused
		Block Plan	09.11.2012	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
5. The applicant is recommended to retain this form with the title deeds of the property
6. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012)

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**

