

20<sup>th</sup> June 2013

OUR REM:33100jdCE

## GROUND OFS OF APPEAL

### APPEAL BY MR KULTAR SINGH ROATH

**PLANNING REF: 12/01723/FUL - Retrospective Application For The Use Of The Property For An Eight-Person House In Multiple Occupation (House In Multiple Occupation)(Sui Generis Use).**

### HOUSE AT 5 CROFTON CLOSE, SOUTHAMPTON, SO17 1XB

1. There has been a history of applications and appeals on this site in respect to the use of the garage for residential purposes. There was previous local objection to the use of the garage and the insertion of windows. The applicant has re-instated the garage and inserted windows as per the original planning approval.
2. The property has a Lawful Use for a 7 person HMO dwelling, to meet local needs, has a large rear garden and has no external changes to the property, hence the property retains the character of the area.
3. Mature Students occupy the property and are selected to be suitable for this location, are not likely to cause any local unsociable behaviour and less likely to have their own cars. The University is a short walk from this property, as is Portswood neighbourhood shopping centre and The Common recreational area.

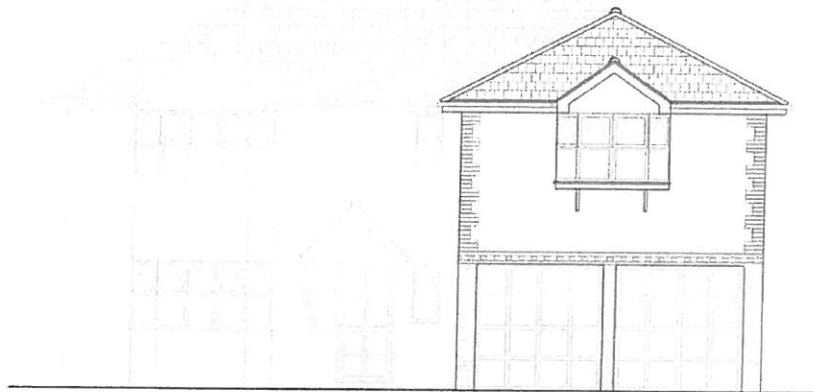
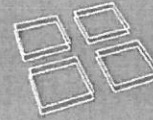


OS Location



Google Map

4. The documents used in this Appeal are
  - Southampton City Council Core Strategy (adopted January 2010)
  - Southampton City Council Local Plan Review March 2006 (retained Policies)
  - Southampton Local Development Framework – Houses in Multiple Occupation, Supplementary Planning Document (March 2012)
  - Southampton City Council Parking Standards Supplementary Planning Document (SPD).
  
5. The Appeal is based on the following points of Refusal
  - a. Is the use unsociable and causing harm to the neighbourhood and does the use comply to Policy in this respect.
  - b. Is the additional room over intensive use and does it house more people that could be expected from a family home.
  - c. Are there parking issues and does it comply with Policy.
  - d. Does the development conflict with Southampton Local Development Framework 'Housing in Multiple Occupation' (HMO) Article 4 and use class order C4.
  
5. The house has been accepted by the previous Inspector as a dwelling house for 7 persons within Class C3 of the Town & Country Planning (Use Classes) Order 1987.
  
6. **a) SDP1 (i) Quality of Development**
  - i. This proposal is only one additional occupant on what is an established and accepted use. An additional person could not conceivably change any relationship with adjoining houses or cause harm, loss of amenity or issues of safety
  - ii. The outside of the dwelling will remain unchanged.
  - iii. The applicant is convinced that there is no local disturbance issues and has confirmed that neighbours are not continuously reporting any problems with his property.
  - iv. Objections during applications and Appeals reflect a common desire to object to any planning applications and to prevent particular uses in an area.
  - v. This is contrary to Planning Policy CS16 which encourages mixed use development.



Existing West Elevation

The Policy talks of dependence on percentage of family housing but does not exclude a particular use (CS16, 1 and 3).

7. **b) Over intensive Use**

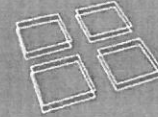
The plan layouts of the house indicate a large 2,670 sqft house (258 sqm) with

- **First Floor** – 5 bedrooms on the first floor, 1 en-suite, 1 bathroom and one shower room, all with toilets (112 sqm – 1,464 sqft)
- **Ground Floor** – A kitchen and lounge garden conservatory (heated)(24sqm – 258 sqft) 3 bedrooms formerly study, dining room and lounge, cupboard and annex to garden (used as a bike store) and a toilet with wash basin (136sqm – 1464sqft).

The ground floor successfully divides the self contained rooms into bedrooms, with adequate size.

The property now contains specifically 8 mature students, who enjoy the benefit of living in a local quality residential area, rather than the mass of student lets in less desirable, but less expensive areas.

The house could easily house a large family, and in some cases in some communities, extended families. This could produce, with children, a similar number of people. Some people can object to children and teenagers playing locally in this area, which can be more disturbing than alleged



student occupation. There should be no moral or Policy reasons to reject an application on type of occupant.

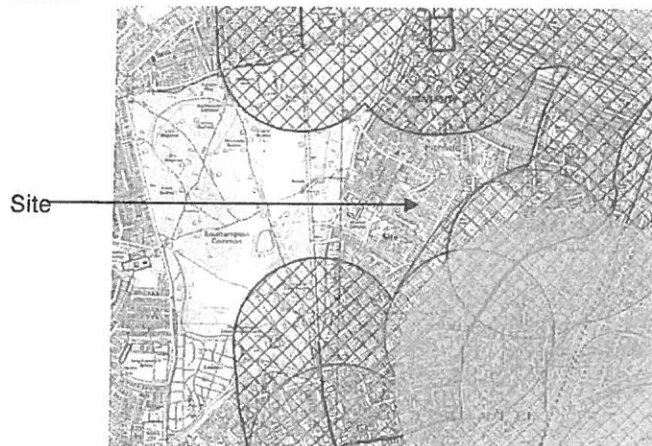
### 8. c) Parking Issues

The question is whether the parking complies with Policy.

The property has a double garage and two car parking spaces, on a front forecourt, and two spaces at the end of the local private drive.

There is some distance from Crofton Close, beyond houses 6 and 7, and it is less convenient to leave vehicles in the main road. I have been to site and seen no vehicles parked in Crofton Close.

The site is just outside a high accessibility area for public transport, literally within 50m.

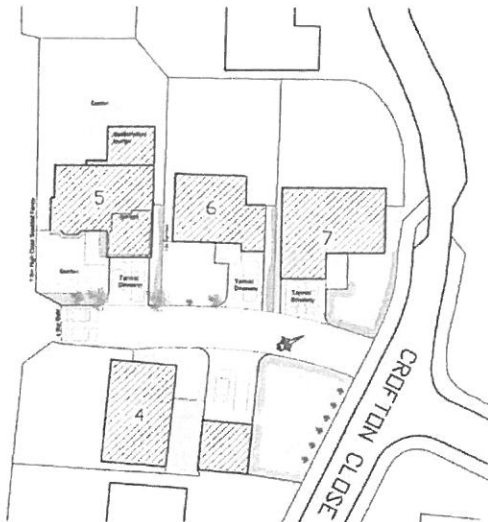
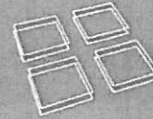


#### Transport Accessibility Zones

It is  $\frac{1}{4}$  mile from Portswood neighbourhood shopping centre,  $\frac{1}{2}$  mile from the main Southampton University, one of the UK's principle Universities, and within  $\frac{1}{4}$  mile of Southampton Common. The student residents therefore have no need to use a car for their University occupation.

Parking standards outside the high accessibility zone are maximum provision; 4 beds = 3 spaces. The 5 bedroom house is established use. If you take one extra accommodation room and apply the bedsit rule, one additional space could be requested. The total would be 4 spaces.

This can be accommodated on the site with two additional spaces available at the end of the small private lane, in addition.



Site Plan and Parking



Private Drive & Parking

The parking therefore complies with Policy.

Again the applicant believes that there are no problems in respect to vehicular Parking.

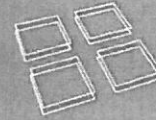
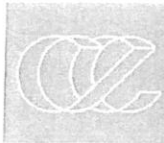
**C. Houses in Multiple Occupation (HMO)  
Supplementary Planning Document (Article 4 Directive)  
(Supplement to Core Strategy CS16)(See also H4 mentioned next)**

The Policy sets out restrictions for areas with high concentrations of HMO's, in a 2 tier system (6.2.2 and 6.5.1) with a 10% threshold for northern Southampton areas including Portswood (the local area, also known as Highfield)

The 10% is worked as an inclusion of existing HMO's (excluding self contained flats) within an area of 40m radii



40m Distance from Property



There are no existing HMO's within the 40m radii and hence the occupation is less than 10% and hence complies with Policy

9. The final points concern SDP7(i).H1(iv) and specifically H4

**SDP7**

The property remains externally unchanged

**H1(iv)**

This is the occupation without conversion of an existing dwelling house and provides a mix of occupation needs, specifically near to the University.

**H4**

House in Multiple Occupation

*Policy Extract*

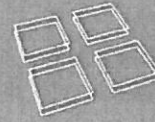
*'Proposals for the conversion of dwellings or other buildings into houses in multiple occupation will be assessed on the balance between the contribution the development could make to meeting housing demand, against the harm to the character and amenity of the area which might occur... permission will only granted for conversions to houses in multiple occupation where:*

- i. It would not be detrimental to the amenities of the residents of adjacent or nearby properties;*
- ii. Would not be detrimental to the overall character and amenity of the surrounding area;*
- iii. Adequate amenity space is provided which;*
  - a. Provides safe and convenient access from all units*
  - b. Is not overshadowed or overlooked especially from public areas; and*
  - c. Enables sitting out, waste storage and clothes drying'*

The main point is that the applicant is looking to increase occupation of an existing house, presently a lawful use as a private house for 7 HMO occupants, by one additional occupant.

The additional occupant is a facility to meet local demand and the residents desire to occupy this house in this location. This is all within the curtilage of the existing dwelling without any conversion.

Hence there will be no conceivable change to the external appearance of the building and no change which could cause 'harm' to the area. The 'balance', outlined in the Policy document, 'as a contribution to meet housing need', must therefore outweigh any perceived harm to the area (which the applicant believes that there is no harm to the neighbourhood).



- i. The addition of one person will have no effect on the local community either visually or by movement of persons.
  - ii. Has no effect on the visual character of the area.
  - iii. Adequate amenity space existing, with no overlooking of neighbouring gardens.
10. In conclusion the property is in lawful use by 7 HMO mature students, who choose to pay higher rent to live in a quality residential area, which is close to Southampton University.

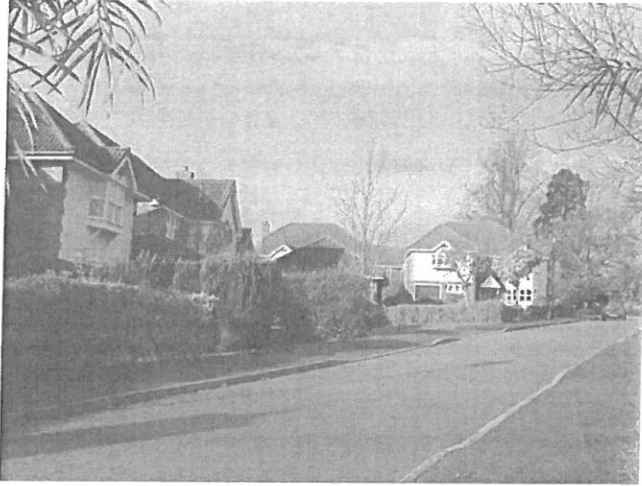
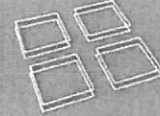
There is adequate space in the dwelling to accommodate the additional resident, the heated conservatory lounge is 24sqm, and continued occupation and demand proves the suitability of the premises.

Policy outlines that areas should have mixed use, that the HMO complies to local restrictive HMO Policy of 10% within a specific area, and car parking complies to Policy.

The applicant is convinced that the mature students act in a correct manner, for its location, and that there have been no complaints of unsocial behaviour.

I respectfully ask the Inspector to grant Planning Approval for 8 person house in Multiple Occupation.

## Site Photographs



Adopted Access Road

Site



Appeal site from Access Road

Site



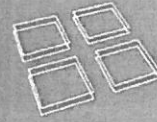
Free Houses Adjacent to Appeal site



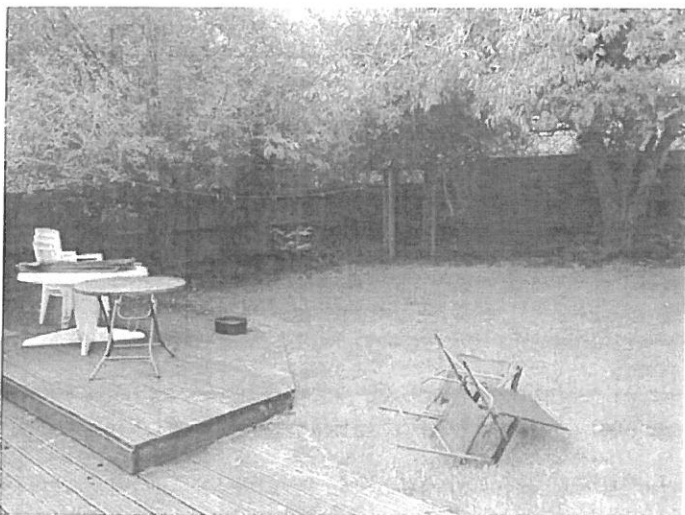




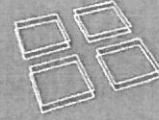
chris edmond associates  
architects & interior designers  
a division of studio four architects ltd



Detail Conservatory Lounge



Rear Garden



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## Letter From Tenants

5 Crofton Close  
Southampton  
Hampshire  
SO17 1XB

Southampton City Council  
Housing  
Civic Centre  
Southampton  
SO14 7LY

18-05-2013

To whom it may concern,

We as the tenants of 5 Crofton Close Southampton (for the previous two years at the close of June) have had an amiable relationship with our neighbours throughout our tenancy. We have not had any problems with our neighbours and have been welcomed and involved as active members of the community.

As a student dwelling, at which 5 Crofton Close is currently let, the space is generous for the eight people it currently houses compared to others in the Highfield and Portswood area and we see no reason why this number should be reduced as we look back on our tenancy with fond memories.

Yours Sincerely,

The Tenants

01/07/2011 – 30/06/2013