



Appeal Decision

Site visit made on 26 March 2013

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2013

Appeal Ref: APP/D1780/A/12/2186077

93 Newcombe Road, Southampton, SO15 2FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr Christopher Moore against the decision of Southampton City Council.
- The application Ref 12/00777/FUL, dated 20 May 2012, was refused by notice dated 29 August 2012.
- The development proposed is described as Change of a family home (C3) into a small HMO (C4). The property was previously owned by my father who had lived in the house for more than 50 years. On this death (in 2010) the property was inherited by my sister (Caroline Smith) and I; we are jointly making this application for change of use. It is our intention to sell the property, but it is located in an area where more than 90% of the properties are rented (predominantly by students on a multiple occupancy basis). In discussion with local estate agents (Morris Dibben and Fox and Sons), we have been advised that the vast majority of potential buyers would seek to rent the house out to multiple occupants. We understand that this change of use from a family home (C3) to a small house in multiple occupancy (C4) requires planning permission as described in the Southampton City Council document "Houses in Multiple Occupation – Supplementary Planning Document" adopted March 2012. We believe that this property falls into the exceptional circumstances described in section 6.6 of the document cited above. "6.6.1. There may be certain streets in the City where the vast majority of properties are already in HMOs, with only a small proportion of C3 dwellings remaining. The retention of 1 or 2 of the remaining C3 dwellings will have little impact on the balance and mix of households in a community which is already over dominated by the proportion of existing HMO households. Therefore, the conversion of the remaining C3 dwellings to a HMO would not further harm the character of the area." Clearly having obtained a change of use approval, it should be possible to sell the property and to reach an appropriate market price. However without this change of use in place, it is likely to be very difficult to obtain a reasonable market price and could significantly reduce the ability to sell and/or the value of the property. Under these circumstances we hope that the change of use will be granted.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character of and the living conditions within the area surrounding the Appeal site, with particular regard to the balance and mix of households.

Reasons

3. The Council's supplementary planning document, *Houses in Multiple Occupation – Supplementary Planning Document (SPD)* seeks to control the balance between HMOs and single dwellings throughout the city. This is in recognition that HMOs can undermine or harm the character of an area and/or the living conditions of local residents. In particular it can result in poor property maintenance, poor refuse management, pressure for on-street parking, high property turnover, noise and anti-social behaviour.
4. This is consistent with policy H4 of the Southampton City Council Local Development Framework Core Strategy Development Plan Document (DPD). It states that proposals for the conversion of dwellings into shared houses 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.
5. Policy CS16 of the DPD seeks to provide a mix of housing types and sets a target of 30% of total dwellings as family homes on sites of ten or more dwellings. It states that there should be no net loss of family homes on sites capable of accommodating a mix of residential units unless there are overriding policy considerations justifying such loss. In addition, it seeks to control the provision of HMOs.
6. The Appeal site is located within an area where a 20% threshold for HMOs has been applied. In assessing the existing concentration of HMOs in an area all properties within 40 metres of a site should be taken into account, provided this includes at least 10 properties.
7. There is some disagreement between the Council and Appellant concerning the percentage of dwellings used as HMOs, within 40 metres of the Appeal site, although the figure is well above the 20% threshold. Whilst the Council states that 52% of properties are used as HMOs, the Appellant states that the figure is 89%. The discrepancy is partly due to the fact that the Council has not taken into account seven of the properties, due to lack of data on them. From my own observations during the Appeal site visit at least some of these properties were in multiple occupation. In addition, the evidence submitted by local residents indicates that there are only 6/8 family dwellings in Newcombe Road and other than the Appeal property, none within 40 metres of the Appeal site.
8. Based upon the evidence submitted and my own observations it is clear that the majority of properties within 40 metres of the Appeal site are HMOs and only a small proportion of C3 dwellings remain. This area and the northern part of Newcombe Road are dominated by HMOs.
9. Paragraph 6.6.1 of the SPD advises that where the vast majority of properties in a street are already used as HMOs the retention of 1 or 2 of the remaining

- C3 dwellings would have little impact on the balance and mix of households in a community. This is because these streets are already over dominated by the proportion of existing HMO households. Accordingly the conversion of the remaining C3 dwellings to HMOs would not further harm the character of the area.
10. The SPD does not set an upper limit, where the threshold ceases to have effect. Instead it states that in addition to the vast majority of properties in the defined area being HMOs, applications should be supported by statements which demonstrate that there is no reasonable demand for the property in C3 use. This would be demonstrated by 6 months marketing at a reasonable price, verified by a qualified person such as an estate agent.
 11. In April 2012 the valuations manager for a local estate agent confirmed that they had prepared sales particulars for the property. Subsequently in October 2012 they confirmed that they had known about the property since April 2012 and the only interest expressed had been from investors who would want to use it for a HMO. However, no marketing details are provided, including marketing price and the estate agents have not confirmed whether or not they had actively marketed the property. In addition, it is not stated how many sets of sales particulars have been sent out, where and when the property has been advertised and how many people have viewed the property.
 12. Without such information it is not possible to come to the conclusion that there is no reasonable demand for the property in C3 use, or that it is not capable of remaining a family home.
 13. Although it is noted that the premises have previously been used for a HMO, the property was last used as a single dwelling and hence planning permission is required for its change of use to Class C4. Any application has to be determined on its individual merits and in light of the prevailing planning policies. Policies H4 and CS16 of the DPD highlight the need to retain family houses, both to meet local housing needs and to provide balanced communities. Whilst HMOs provide affordable accommodation little evidence has been submitted to demonstrate that the benefits arising from the proposal would outweigh the benefits of retaining the property as a single family dwelling. At the same time local residents have submitted evidence which demonstrates the negative impact that the occupation of some HMOs can have on the character of the area and their living conditions.
 14. For these reasons I conclude that the proposal would materially harm the character of and living conditions within the area surrounding the Appeal site, with particular regard to the balance and mix of households. The proposal would also conflict with policies H4 and CS16 of the DPD and the SPD, which are given substantial weight because they are consistent with the National Planning Policy Framework in relation to the Appeal proposal.

Elizabeth Lawrence

INSPECTOR

