

62 Alma Road HRA Objection

24/00872/PLDC (2 August 2024) Application for a lawful development certificate for proposed use as a 10-person house in multiple occupation (HMO, Sui-generis). 62 Alma Road Southampton SO14 6UX



Relevant Background and previous related applications

- 1. 22/00424/ELDC** (19 March 2022) Application for a Lawful Development Certificate for the existing use of the property as a large HMO (Sui Generis) 62 Alma Road Southampton City of Southampton SO14 6UX

Decision Notice (22 February 2023) REFUSED

01. On the balance of probabilities the property has not been continuously used as a sui generis HMO for between 9 and 10 persons during the relevant 10 year period due to the inconsistencies in the submitted evidence when assessed against the Council's own evidence. Furthermore, the evidence available shows on balance of probability that the use of the property as a sui generis HMO use was materially interrupted by the use as 2 separate flats during the relevant period.

- 2. 23/01130/ELDC** (25 August 2023) Application for a Lawful Development Certificate for the existing use of the property as a large 9 person HMO (Sui Generis) 62 Alma Road Southampton SO14 6UX

Delegated Report (9 May 2024) – relevant key fact

“Planning permission was refused for use of the property as a 10 person HMO in 2000 on parking impact grounds and for failure to make adequate bike storage provision.”

Previous enforcements (since resolved): Feb 2008, Jan 1021, Nov 2021

The previously refused ELDC application (**ref (22/00424/ELDC)**) was a borderline case and was rejected because there was only one affidavit and evidence submitted with it was inconsistent with earlier statements made – mostly over 10 years ago.

Decision Notice –(10 June 2024) APPROVED - However, Note to Applicant: The evidence provided in support of this Lawful Development Certificate demonstrates that 62 Alma Road has, on the balance of probability, been in use as a 9-person HMO for a continuous period of 10 years or more. The Local Planning Authority takes the view that an increase in occupancy of more than 9 persons would represent a material change of use to a larger HMO (Sui Generis)

3. 24/00872/PLDC (2 August 2024) **Current application** for a lawful development certificate for proposed use as a 10-person house in multiple occupation (HMO, Sui-generis). 62 Alma Road Southampton SO14 6UX

HRA Objection to 24/00872/PLDC

From the **Supporting Statement** for Sui- generis 10 Bed HMO:

“The submitted tenancy information shows 9 person tenancies between 2011-2015, with the tenancies then fluctuating between 9 and 10 person tenancies from 2016 onwards.

HMO “The LPA is aware from HMO licensing the building has had 10 bedrooms and been occupied by 10 persons for years, licensed as far back as 19681. From 2005-2010 it was 10 and 2017- 2027 for 10.”

HRA Comment: The property has a current Licence to operate as a Sui-Generis HMO (10 beds, 25/9/27). HRA understands that Planning and Licensing operate under different ‘rules’, however, since Planning Approval is ‘required’ for all HMO applications, including and especially large Sui-Generis applications, it is regrettable that planning checks were not made by HMO, with both departments working for the same Authority.

From the **Supporting Statement** for Sui- generis 10 Bed HMO:

“If the LPA declines to give the certificate sought, an appeal will be unnecessarily caused.”

HRA Comment: HRA considers that it would be appropriate for the application, considering the long history of breach of licensing rules, to be investigated and by such an appeal with the Planning Inspectorate.

From the **Supporting Statement** for Sui- generis 10 Bed HMO:

“As there have never been any complaints from neighbours”

HRA Comment: This statement is simply not true. Residents Associations (OARA and HRA) have documents and submitted objections with robust arguments against the property, 62 Alma Road, intensifying use to house 10 unrelated occupants.

The SCC Planning would be in the best place to decide (as SCC HMO should have been) if the kitchen on the ground floor, which is the only room with any social space, and whether the layout and personal space provided is adequate for 10 individuals.

HRA considers that the factor which constitutes a material change is in fact incremental gain in locality occupation and HMO density at this property. Any increased occupancy would create an excessive use in an area where the HMO density is out of proportion to residents. There are currently 295 HMO occupants in 43 properties in Alma Road (not including 62 Alma Road). One more would make a material change.

To grant ELDC for Sui-Generis 10 occupants would be contrary to the Local Plan by the increased intensification of use in an area where the Threshold of 10% is already far exceeded. (Ref: Houses in Multiple Occupation Supplementary Planning Document, SCC-adopted May 2016). This document recognises that, “a large number of HMOs in one area have the potential to harm the physical character of a residential area and the balance of a local community, and can lead to conflict.”

Also, “large Sui Generis HMOs do not benefit from this permitted development change of use, and whilst this does not automatically preclude such development in principle, such proposals should be assessed on their own individual merits depending on the particular circumstances of each proposal.”

HRA objects to the Planning Application for a Lawful Development Certificate for the existing use of the property as a large HMO (Sui Generis) 62 Alma Road Southampton, SO14 6UX, as the existing use of the property as a 10 bed HMO, although Licensed, is in fact unlawful at this time and would constitute intensification of both the property and the local area.

HRA requests that the application be refused.

Barbara Claridge

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