

2024/0424

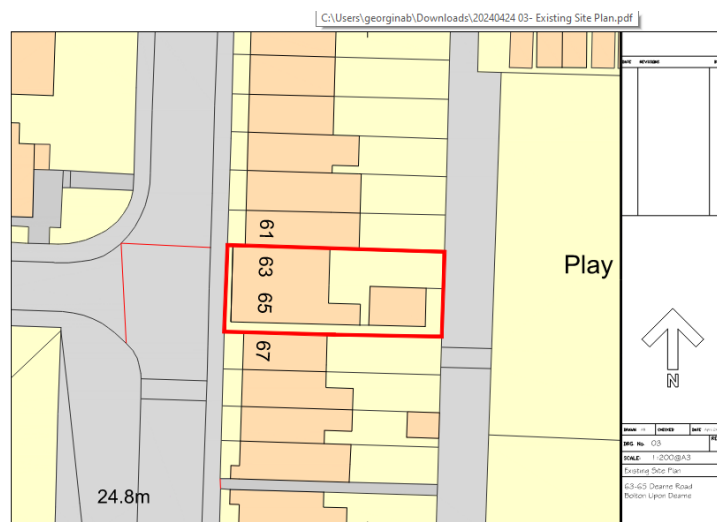
Mr Shane Kelly

Change of use of dwelling to House in multiple Occupation (HMO)

63 Dearne Road, Bolton Upon Dearne, Rotherham, S63 8JR

Site Description

The application relates to a large 2 storey mid terraced dwelling located on Dearne Road in Bolton Upon Dearne with rooms in the roof space. The property is brick built; stone fronted with a pitched roof design. The last previous use the Council has on file for this property is for a shop. The site has been changed into a 4 bedroomed dwelling however planning permission for this has not be sought. The property fronts onto Dearne Road with a narrow access road located at the rear. There is an existing single storey rear extension and a large double garage to the rear. A play area is located to the rear beyond the access road. The property is located within a densely populated residential area.





Existing GF Plan
1:20



Existing FF Plan
1:20



Existing BF Plan
1:20

Relevant Site History

B/75/1840/DE - Private garage

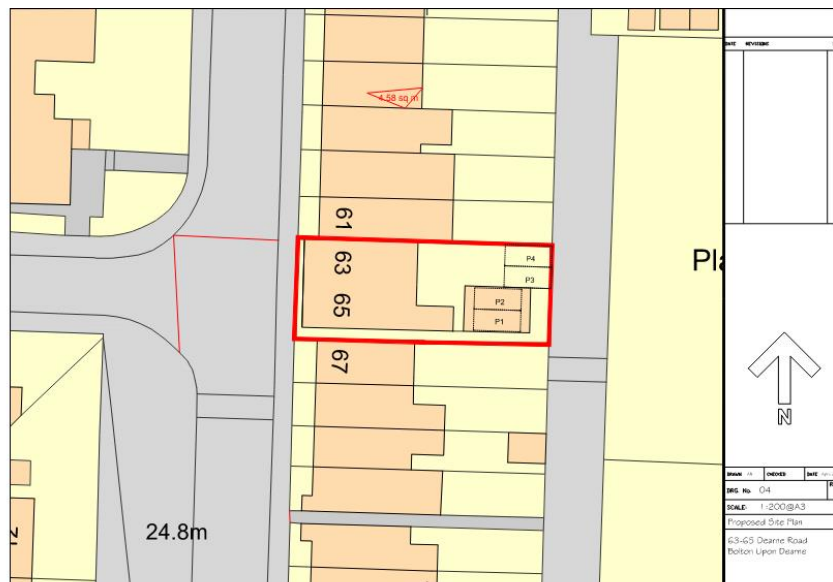
B/90/1954/DE - For the installation of new shop front.

B/91/0073/DE/AD - Illuminated projecting sign.

B/91/1663/DE - Erection of extension to front elevation of shop.

Proposal

The applicant is seeking approval to change the use of the existing dwelling into a 6 bedroomed house in multiple occupation (HMO). Up to 6 residents will live in the property, living separate with a communal living room and kitchen/ dining room. There are 6 bedrooms proposed over 3 floors, 1 bathroom and a small en-suite. 6 off street parking spaces will be provided at the rear of the property, 2 within the double garage. A small area of outdoor amenity space is provided.



Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 139 - Development that is not well designed should be refused.

Consultations

- Highways DC – Objections to the rear parking arrangements
- Pollution Control – No objections subject to condition.
- Drainage – No objections.
- Ward Councillors – No objections
- Case Management Officer – Supports the proposal.
- Yorkshire Water – No comments
- South Yorkshire Police - Comments

Representations

None

Assessment

Principle of development

Local Plan policy H9 'Protection of Existing Larger Dwellings' states the loss of existing larger dwellings will be resisted. SPD 'Design of Housing Development' states that larger dwellings are those that have four or five bedrooms or are capable of accommodating four or five bedrooms without significant adaption. It is acknowledged that the property is capable of accommodating 5 bedrooms and as such Policy H9 applies.

In recent years subdivisions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes (or buildings capable of accommodating larger homes) and an increase in the number of smaller units contributing to an imbalance. Such is the problem within the borough that Barnsley now has an article 4 direction to remove PD rights for HMOs across the borough.

In order to further protect larger homes, we will resist the conversion of larger homes into flats and other non-self-contained housing such as Houses in Multiple Occupation and support their re-introduction into family-sized homes. As such, the creation of a HMO, as proposed, within a property which is capable of accommodating a 4 bedroom plus 'larger home' without significant alteration would be contrary to policy H9.

Section 26 of the SPD relates to the conversion of buildings to residential accommodation and outlines acceptable concentration levels of HMO's and Bedsits. In terms of concentration the property is within a row of dwellings and within a densely populated residential area with no other HMOs within this area, so the proposal will not result in an over

concentration of HMOs at this location. The SPD also sets out criteria that has to be met in order for such application to be supported. In any case, all new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land. The proposed is assessed against these criteria below:

Need for the proposed use:

The Case Management Officer was consulted with regards to this application and has stated that Barnsley MBC do not currently have any licensed HMOs in the Bolton-Upon-Deerne area and neither are we aware of any HMOs on Dearne Road, Bolton-Upon-Deerne. Considering the lack of licensed HMOs in this area, the case management team would support this application.

Nevertheless, it is demonstrated in the Council's Housing Market Assessment (SHMA) that demand for 5 bedroomed dwellings is higher than supply within the borough and demand for HOM accommodation is very low.

I would therefore conclude that the need to retain larger dwellings is far outweighed than the need for HMO accommodation within the brough and as a consequence this reinforces the need to stand firm with regards to Local Plan policy H9 'Protection of Existing Larger Dwellings'.

Visual Amenity

The proposed development would see the conversion of the existing property with no other external changes proposed. As such the proposal would remain residential in appearance and in keeping with the local character of the area. Therefore, the proposal would be considered acceptable in terms of visual amenity in accordance with policy D1 of the Local Plan.

Residential Amenity

Although Policy GD1 of the Local Plan does not include reference to any specific space standards, it states that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents amongst other matters. Policy D1 of the Local Plan expects development to be of a high quality, including through its layout and design, so that it contributes to a healthy, safe and sustainable environment.

The 2023 Design of Housing Development Supplementary Planning Document (SPD) advises that all developments should achieve the internal spacing standards set out in the South Yorkshire Residential Design Guide (SYRDG).

It also advises that rear gardens of proposed dwellings should be at least 50 square metres in the case of two-bedroom houses/bungalows and 60 square metres for houses/bungalows with three or more bedrooms. Smaller gardens may be acceptable in corner plots if privacy and daylighting can be maintained.

The proposal is a 6-bedroom dwelling. The SYRDG sets out acceptable internal spatial standards. The South Yorkshire Residential Design Guide states that the minimum size should 12sqm for a double. All bedrooms would meet the minimum standards with 6 double bedrooms proposed. The South Yorkshire Design Guide also states that the minimum bathroom size should be 3.5sqm, the en-suite falls short of this requirement however the proposed communal bathroom exceeds this requirement.

The proposed HMO has not provided a lounge area, though a communal study area is provided on the top floor directly adjacent to bedroom 4. The South Yorkshire Residential

Design Guide states that a lounge area should be 15sqm for a 3 bed, four person and above (the design guide does not stipulate a minimum area for any larger dwellings) and as such, the proposed communal study area would meet the standard at 20sqm. It should be noted that the kitchen/ dining area also meets expectations at 20.88sqm.

The SPD also goes on to state that the external amenity space should be at least 60m². The proposed site plan shows a substandard private rear amenity space to the rear at approximately 43sqm.

In conclusion, the proposal meets the internal spatial standards however fails to meet the external spatial requirement in that the rear amenity space is substandard.

Consequently, as the proposal does not meet all the space standards in the SYRDG and the SPD, it would be contrary to the requirements of Policies GD1 and D1 of the Local Plan.

Highways Safety

The application has been amended during the planning process resulting in the applicant reducing the number of rear off street parking spaces from 6 to 4. The application now proposes to retain the 2 parking spaces with the existing double garage and to provide 2 additional spaces at the side of the garage within the curtilage of the property. The Highways department have raised concerns with regards to the rear parking spaces in addition to the double garage. The proposed parking will be accessed from the narrow access lane to the rear of the property, and the location of the additional spaces would be unacceptable in terms of highway safety.

It is noted however that the dwelling presently consists of four bedrooms and would therefore require two off-street parking places to be considered acceptable to modern standards. For an HMO of 6 bedrooms the parking requirement is no more onerous than the existing. However, the rear access lane is narrow, with existing residents parking along the lane, and manoeuvrability would be restricted. Highways have raised concerns with the intensification of use over the rear access for the demands of additional parking spaces.

The highways department is of the opinion that the proposal is over intensive. The proposed parking arrangements to the rear of the site are unsuitable and whilst the highways officer is mindful that public transport links in the area are plentiful, the demands on HMO's have changed over recent years with residents now likely to have a vehicle.

The Highways department have therefore objected to the proposal in that the parking is unacceptable and would result in the likely intensification of use of the rear access.

As such the proposal is in conflict with Policy T3 and T4 of the Local Plan and both SPD: Parking and SPD: Design of New Housing Development in terms of the unacceptable intensification of the rear access.

Pollution Control

Colleagues in Pollution Control were consulted and it is considered that this type of development has the potential to have an adverse impact on health and the quality of life of those living and/or working in the locality; approval with a condition restricting the hours of construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials is therefore recommended.

Conclusions

Although it is noted that the proposal does meet some of the requirements set within the SYRDG and SPD: Designing New Housing Development it still falls short in terms of external private amenity space and also in terms of highway safety and the proposed intensification of the rear access. Furthermore, the proposal will also see the loss of a larger family house, which is the principle aim of the Council's H9 Policy.

The proposal is therefore contrary to the aims of Local Plan Policy H9 which seeks to resist the loss of larger family sized dwellings, contrary to Local Plan policy D1 and Supplementary

Planning Document 'Design of Housing Development'. For this reason, the application is recommended for refusal.

Recommendation: Refuse

In the opinion of the Local Planning Authority the proposal to change the use of the building to a House of Multiple Occupation is contrary to the aims of Local Plan Policy H9, which seeks to protect larger homes and to enable the re-establishment of single-family sized houses. The application property is within a predominantly residential area and is capable of becoming a larger home without significant adaption.

In the opinion of the Local Planning Authority, the external amenity space is substandard with future residents subject to an inadequate standard of residential amenity. Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making', the 'Supplementary Planning document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide.

In the opinion of the Local Planning Authority the proposed parking at the rear of the property is unacceptable and would result in the likely intensification of the rear access contrary to Supplementary Planning Document 'Parking' and Local Plan Policy T4 'New Development and Transport Safety'.