Ref: 2021/1305

Applicant: Miss Denise Powell

Description: Change of use of dwelling from C3 dwellinghouse to C4 HMO including rear single storey extension (Retrospective)

9 Clifton Road, Grimethorpe, Barnsley, S72 7EP

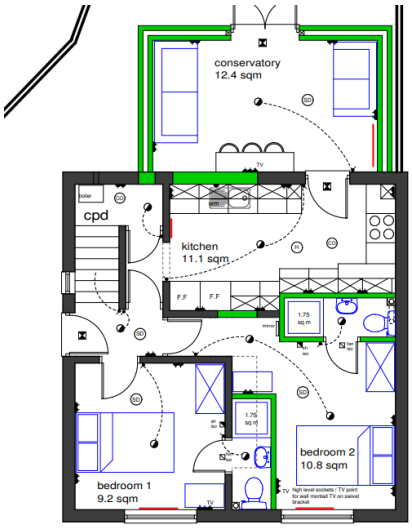
Site Description

The house is a 3 bed semi detached property constructed of red brick with render at first floor and a hipped roof. There is a garden to the front and rear.

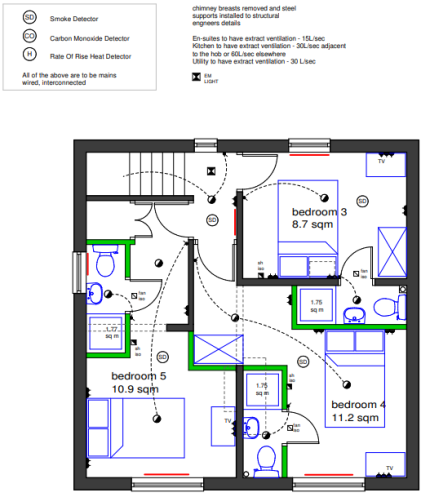
Proposed Development

This application is retrospective and submitted to change the use of the property to a Home in Multiple Occupation (HMO).

Plans provided include a rear extension to create a shared living room accessed from kitchen. Internally there are two en-suite bedrooms at the ground floor and 3 more en-suite rooms at first floor level.



Ground Floor Plan



First Floor Plan

The rear extension is a lean-to conservatory extension which extends out 3m and is circa 2.6m in height at the highest point and 2.2m to the eaves.



History

2021/0533 – Lawful Development Certificate for proposed change of use of Dwelling (C3) to HMO (C4) consisting of 5 bedrooms with internal alterations – Refused

2021/0947 - Lawful development certificate for existing use as a HMO (Use Class C4) – Refused

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3rd January 2019. In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision making process.

SD1 'Presumption in Favour of Sustainable Development'.
GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.
LG2 'The Location of Growth'
H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546
H2 'Distribution of New Homes' states 14% of new homes to be built in the Dearne.
H9 'Protection of Existing Larger Dwellings'
T3 'New Development and Sustainable Travel'. The site is located in the Dearne
T4 'New Development and Transport Safety'
D1 'High Quality Design and Place Making'
Poll1 'Pollution Control and Protection'

<u>SPD's</u>

-Design of Housing Development
-Parking

<u>Other</u>

South Yorkshire Residential Design Guide

<u>NPPF</u>

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

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 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - 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 126 - 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.

Consultations

Highways - The proposed use of the dwelling as a 5 bedroom HMO results in a requirement for 2 off-street parking spaces to be in accordance with the Barnsley Supplementary Planning Document for Parking. No off-street parking provision is proposed as part of this application. There does appear to be a purpose-built parking space within the site but there is no dropped kerb to allow access.

The proposals are currently unacceptable from a highways point of view due to the lack of any off-street parking provision which will likely lead to the parking of vehicles around the Clifton Road/Willow Dene Road junction to the detriment of the safe and efficient use of the highway.

Pollution – No objections or concerns.

Drainage – No objections, can be signed off by building control.

Representations

The application was publicised by neighbour notification letters. One objection has been received raising the following concerns:

- This is family area;
- Someone out of area has decided to take matters into the own hands and convert the house into HMO before getting permission and have work teams currently renting it and living in the property when it's not been passed for this use;
- Other people are now saying that if this property passes they will be converting other properties in the area;
- The work carried out on this property hasn't undergone any building control and been done to poor standard;
- This is just an investor from out of the area looking to make money and this will have a negative impact on the local community and local families

Assessment

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.

In recent years conversions to HMO's/bedsits 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 accommodation larger homes) and an increase in the number of smaller homes contributing to the

imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre. So much so that an article 4 direction came into force in June 2021 (Article 4 Direction 1/2020) so that C3 dwelling houses cannot be converted to C4 properties without planning permission, hence this planning application.

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 former dwelling 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. 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:

Design / Visual Amenity

The proposed includes a rear extension which extends out 3m and is shown on the floor plans as providing a shared living space, accessed from the kitchen. The extension is a lean to, conservatory, located at the rear of the property. It is not highly visible and will have limited impact on the property as viewed from the road or the wider street scene. Therefore, there are no objections in terms of visual amenity and the proposed will accord with Local Plan Policy D1.

Residential Amenity

The HMO has a small kitchen at 11m^2 and the only living space is in the conservatory extension, both rooms are undersized for a 5 bed property and do not comply with internal space standards in the South Yorkshire Residential Design Guide. Furthermore, no dining room is provided as required under Section 26 of the Design of New Housing SPD.

The bedrooms are all shown as doubles, however, only up to 6 residents could reside in the property under use class C4, as such, at least 4 of the rooms would need to be single occupancy, furthermore, all of the rooms fall short of the 12m^2 internal spacing to be classed as double bedrooms.

Therefore, the internal living space does not comply with the SPD or design guidance and would be detrimental to the residential amenity of residents, contrary to Local Plan Policy GD1.

The SPD also states that external amenity space should be at least 60m2. There is space to the rear of the property which, allowing for the recent extension, will just meet the minimum requirement. However, it is an awkward shape limiting the usability of the space substantially. Further there is very little screening between adjacent boundaries. The proposed conservatory extension creates a habitable room with windows in the side elevation, directly overlooking the neighbouring garden. As this is the only shared living space provided it is anticipated that it will be heavily utilised. No details of any additional screening have been proposed, and the extension does not include any screening or obscure glazing. Therefore, the proposed garden is unsuitable for a HMO of this size and, along with the rear extension, will contribute to a loss of privacy for both existing residents and those residing in the HMO. This is contrary to Local Plan Policy GD1, D1 and the Design of Housing Development SPD.

The number of adults in the property would be an increase over and above what is likely to be accommodated if the property was a family home, those residents would also have independent lives and enter and exit the property at different times. As such, the proposal would increase noise and disturbance through residential activity and the coming and going of residents and visitors. This would not only be disruptive to the residents within the property itself, but also those within the adjoining and neighbouring properties, contrary to Local Plan policy GD1.

Highways Safety

No off-road vehicular parking, or cycle parking provision, has been proposed as part of the scheme. Whilst this property is in a sustainable location, it is not close to the Local Centre or any employment areas. Converting a modest sized building into a 5 bedroomed house of multiple occupation would increase demand for parking provision. In addition, having up to 6 adults of driving age in a modest property is likely to be over and above what would normally be expected in a family home. The Highway Officer has also noted that the house is close to the junction of Clifton Road and Willow Dene Road with on street parking here likely to cause some increased highway safety risk.

This is contrary to the SPD ‘Design of New housing Development’ which states ‘satisfactory provision is made for off-street car parking in accordance with the Councils standards’. It is also contrary to SPD ‘Parking’ which requires 1 parking space per 3 rooms within a HMO.

Conclusions

The proposal is contrary to the aims of Local Plan Policy H9 which seeks the re-establishment of buildings into single family sized houses. In addition, the proposed extension will increase overlooking causing a loss of privacy for both existing and new residents.

The shared facilities for future residents of the property (internal and external) would not meet the requirements set out in SPD 'Design of Housing Development' and would be contrary to Local Plan policy GD1.

In addition, there is a lack of parking/cycle storage provided and there would be an increased demand of parking in an area where parking is already at a premium.

Given the comments above, the application is recommended for refusal.

Recommendation: Refuse