

2021/1399

Change of use of dwelling to 4 bed HMO

16 West Avenue, Bolton Upon Dearne, Rotherham, S63 8LG

Site Description

The application relates to a stone fronted, 3 bedroom end-terrace property located within a predominantly residential area. To the rear of the property is an enclosed yard/garden area which backs on to a vehicular access serving the rear of the terrace row. To the side is a footpath which accesses the rear of the terraces. To the front of the dwelling on the opposite side of West Avenue are allotment gardens.





Proposed Development

This retrospective application relates to the change of use from use class C3 dwellinghouse to use class C4 - 4 no. bedroom House of Multiple Occupation. The HMO consists of 4 bedrooms spread over 3 floors. The current living room is to be used as a bedroom.

The floor areas for each room are as follows:-

Bed 1 – GF = 8sqm

Bed 2 – FF = 10sqm

Bed 3 – FF – 12sqm

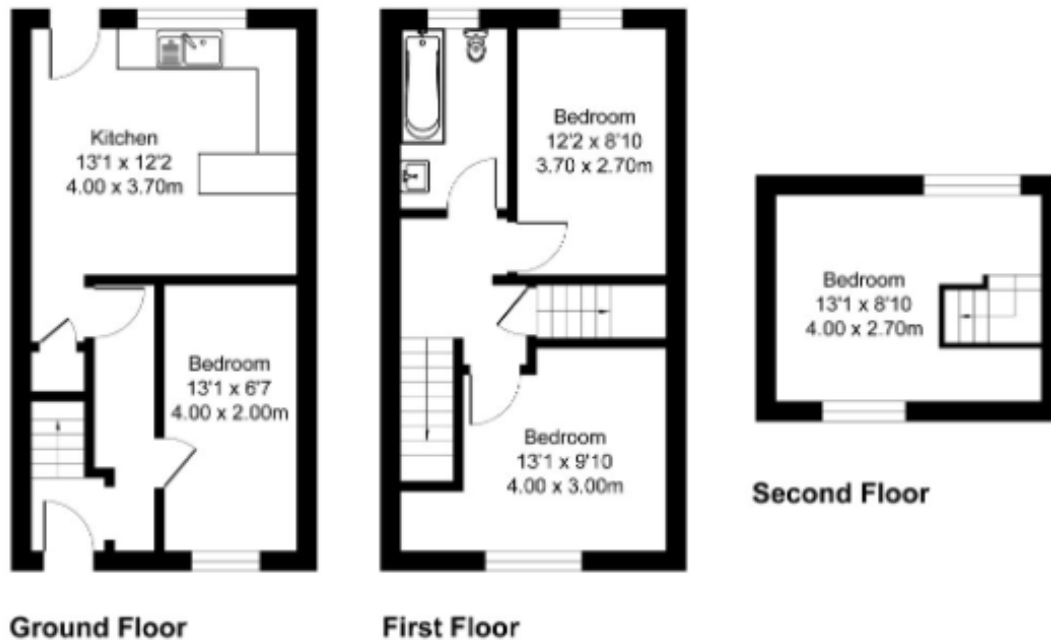
Bed 4 – SF = 10.8sqm

The ground floor accommodates a communal kitchen of approx. 14.8sqm with access onto shared amenity space of approx. 60sqm. The first floor has a shared bathroom.

‘C4 Houses in multiple occupation’ are defined as - small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom’.

There are no external alterations proposed/carried out. The applicant has confirmed that there are no allocated off road parking spaces for the dwelling.

Approximate Gross Internal Area
809 sq ft - 75 sq m



Policy Context

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

SPD's

Those of relevance to this application are as follows:

-Design of Housing Development

-Parking

Other

South Yorkshire Residential Design Guide

NPPF

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

Ward Councillors – 3 objections received from ward members, the main points of concern are;

- Anti social behaviour
- Rubbish/littering
- Off road bikes in area
- HMO's are a great idea in good areas, but not in this locality.
- Car parking could be a problem if the future tenants have cars. Cars can only park on one side of the road, and it is pretty congested now.

Highways – No objection

Pollution Control – No objection

Yorkshire Water – No comments received

Representations

Neighbouring properties were sent notification letters and 2 letters of objection have been received -

- Parking concerns/additional vehicles
- Disruption from building work
- Additional waste/How many recycling bins
- Will the Covid infection rate increase
- How many people will occupy the HMO

Assessment

Principle of development

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 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.

The Supplementary Planning Document 'Design of Housing Development' has specific guidance for the conversion of buildings to dwellings, flats or houses in multiple occupation (HMOs). The guidance states that they will be allowed where the following criteria are satisfied:

'The building and curtilage are of sufficient size to provide suitable facilities for residents. In the case of HMOs, each one should have a shared lounge and shared dining room. For dwellings and HMOs, garden sizes and external separation distances should reflect the requirements set out in the general criteria.

In all cases, internal spacing standards should meet the requirements set out in the general criteria and that there will be no unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed residential unit(s).

Satisfactory provision is made for off-street car parking in accordance with the Council's standards or, exceptionally the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking.

The appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.'

Whilst there is not an issue at present with concentration of HMO's in this particular area, the granting of permission would set a precedence for other dwellings to be used as HMO's along this terrace row which would potentially erode the character and visual amenity of the area.

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.

Residential Amenity

In terms of residential amenity standards, the SPD states that: 'In the case of HMOs, each one should have a shared lounge and shared dining room.' The HMO does have a separate kitchen area for the residents to share which meets the size requirements as a kitchen/diner within the South Yorkshire Residential Design Guide, however there are no other living areas within the property which is unacceptable and would result in an inadequate standard of residential amenity and contrary to the SPD.

The 3 of the bedrooms are shown as single rooms with the exception of 1 bedroom on the first floor which is a double size (12sqm), which would in total allow for potentially up to 5 residents. The property is an end terrace with other residential properties set to the sides and rear. 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, visitors and vehicles. This would not only harm the character of the area, this would be disruptive to the residents within the property itself, but also those within the adjoining and neighbouring properties, contrary to Local Plan policy D1 and GD1.

Highways Safety

No off-road vehicular parking, or cycle parking provision, has been proposed as part of the scheme. The Highways Officer has considered the proposal and states:-

'It would appear that the applicant's previous reference to 6 parking spaces for the property was not an indication that 6 spaces are required for the proposed HMO or that the spaces were under the applicants ownership, rather it was a suggestion of potential vehicle parking space options available to residents of West Avenue other than the regular frontage parking. A number of the areas shown as potential parking spaces are unsuitable though as they would result in vehicles blocking either the turning head or access to the garages.

Previously it appeared as though the proposal was for the dwelling to be used as an out-of-the-ordinary HMO that for some reason required 6 spaces, however, as the intention is for the property to operate as a normal HMO it requires 2 parking spaces in accordance with the

Parking Standards and this level of parking can be accommodated by way of the usual frontage parking as per the existing use of the dwelling.'

Whilst the Highways Officer has not objected to the scheme on the grounds that on street parking could take place, the potential to have up to 5 residents within the dwelling which may each have a vehicle would cause additional strain upon parking provision along West Avenue, which existing residents have raised concerns with. No cycle parking has been provided.

Conclusions

The proposal is contrary to Local Plan Policies GD1 and D1 in that the use of this terraced property as a 4 bed HMO would increase noise and disturbance through increased residential activity and the coming and going of additional residents and visitors, which would harm the character of the area and harm the residential amenity of existing residents. In addition, there is a lack of parking/cycle storage provided which would likely to result in an increase in on-street car parking, on a street where off-street parking is limited, to the detriment of the safe and free flow of traffic on the road and the character of the street.

In the opinion of the Local Planning Authority the living accommodation is substandard with future residents subject to an inadequate standard of residential amenity due to the lack of living/dining room space. 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.

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

Recommendation Refuse