

2021/1195

Mr Russell

Change of use from use class C3 dwellinghouse to use class C4 - 5 no. bedroom House of Multiple Occupation (Retrospective)

4 Spencer Street, Barnsley, S70 1QX

Site Description

The application relates to a stone fronted, mid-terrace property located within a predominantly residential area. To the front of the property is an enclosed buffer garden with pedestrian access to the front door. 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.

There are attached neighbouring properties to both sides of the dwelling. There are neighbouring dwellings facing the application property on the opposite side of Spencer Street to the South. To the North, beyond the vehicular access, are the rear amenity spaces and rear elevations of properties fronting Park Street.



Site History

2021/0620 - Internal alterations to convert a use class C3 dwellinghouse to a C4 House of Multiple Occupation (Lawful Development Certificate relating to a Proposed Use) – Refused for the following reason;

Barnsley Metropolitan Borough Council made an Article 4 Direction on 14 May 2020, under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Article 4 direction came into force in June 2021.

The Article 4 Direction (Article 4 Direction 1/2020) relates to development set out in the First Schedule below and removes permitted development rights for this type of development from the Land identified in the Second Schedule. Planning permission will therefore be required for development comprised within the First Schedule for the Land identified in Second Schedule.

FIRST SCHEDULE

Development consisting of a change of use of a building from a use falling within Class C3 (Dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (Houses in Multiple Occupation) of that Schedule, and removes permitted development rights for this type of development from 23.5. 2021 being development comprised within Class L(b) of part 3 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015. Planning permission will therefore be required for change of use from Class C3 to Class C4 once the District Wide Article 4 Direction is in force.

SECOND SCHEDULE

All that land known within the administrative boundaries of Barnsley Metropolitan Borough Council.

Given the proposed use was not established prior to the Article 4 Direction coming into force a Lawful Development Certificate relating to a proposed use, under S192 of the Town and Country Planning Act 1990, is not appropriate as permitted development rights for that use have been removed

Proposal

This retrospective application relates to the Change of use from use class C3 dwellinghouse to use class C4 - 5 no. bedroom House of Multiple Occupation. The HMO consists of 5 bedrooms spread over 3 floors. 3 bedrooms have en-suite and 2 bedrooms have a shared bathroom. The lower ground floor accommodates communal facilities including lounge and kitchen/dining areas with access onto shared amenity space.

‘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 significant external alterations proposed/carried out.



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

Policy H9 Protection of Existing Larger Dwellings

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;

- Number of HMO's within the area
- Lack of family homes within the ward
- Lack of parking
- Lack of bin/recycling storage areas
- Rooms too small
- Request to go to PRB if recommended for approval

Representations

9 neighbouring properties were sent notification letters and 16 letters of objection have been received. The main points of concern area;

- Lack of parking
- Increase in on-street parking
- Too many HMO's within the area
- Lack of family homes
- Potential anti-social behaviour
- Work already started on the property
- Increased noise and disturbance

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.

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 a number of 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.

Design / Visual Amenity

As outlined above, there are not any significant external alterations proposed in order to facilitate the use, however, the approval of a HMO within an area which already accommodates a number of HMO's and bedsits/small flats would further erode the character of the area to the detriment of the visual amenity of the streetscene, contrary to Local Plan policy D1.

This is the case in similar areas across Urban Barnsley where there are a number of HMO's resulting in vacant properties, numerous boards advertising rooms to let and a larger amount of refuse containers than associated with family homes, to the detriment of visual amenity.

Residential Amenity

The HMO does have a separate kitchen/dining area and lounge for the residents to share, however, they are located within the basement level. Given the ground levels, the kitchen/diner will have some outlook and access to the rear amenity space, however, the lounge is largely below ground level and is served by 1no. small window, which is also predominantly below ground level. As such, light levels and outlook afforded to that room would be limited, therefore, the room would be oppressive and detrimental to the residential amenity of residents, contrary to Local Plan Policy GD1. It should also be noted that the lounge also fall short of the internal spacing set out within the South Yorkshire Residential Design Guide.

The bedrooms are all shown as doubles, however, only upto 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, some of the rooms fall short of the 12m² internal spacing to be classed as double bedrooms.

The SPD also states that external amenity space should be at least 60m². There is space to the rear of the property, within the redline boundary. However, none of the submitted plans show if the 60m² of amenity space could be accommodated or how it would be developed/adapted in order for it to be suitable/usable for future residents.

The property is a mid-terrace with residential properties adjoining at both sides. 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 at an edge of town centre location with good links to public transport, it is note that parking within this area of Barnsley is at a premium and demand is high. Converting a modest sized building into a 5 bedroomed house of multiple occupation would increase the already high demand for on street parking provision. In addition, with having 6 upto 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. It is noted the applicants have stated not all residents would have cars, however, this could not be guaranteed or conditioned.

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 Policy H9 which seeks the re-establishment of buildings into single family sized houses. In addition, it would make a further negative contribution to the concentration of HMO's and bedsits within the immediate area, further harming the character

of the area, contrary to Local Plan policy D1 and Supplementary Planning Document 'Design of Housing Development'.

The shared facilities for future residents of the property 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