

Applicant: Mr Oliver Scott

Description: Change of use from an 8 bedroom house of multiple occupation (sui generis use) to 6 self-contained flats (use class C3) - Retrospective

Site Address: 109 Dodworth Road, Barnsley, S70 6HL

Site Location and Description

The application relates to a 2 storey mid terraced dwelling which fronts onto Dodworth Road. According to the applicant the dwelling was previously an 8 bedroom HMO but there is no planning history for that use. To the front of the dwelling is a buffer garden and a hedge separating the dwelling from the highway. To the rear of the property. To the rear of the dwelling is a 2 storey mono pitched extension which occupies approximately half of the width of the rear elevation. The dwelling backs onto an open unsurfaced yard area which is currently used as a parking area by the application property and the neighbouring dwellings. Access to the garden/yard area is from Springfield Street.

The site is on the edge of Barnsley Town Centre but the immediate area is predominantly residential in nature with adjoining dwellings to both sides, and to the rear fronting Springfield Street. Directly opposite the property to the South is a restaurant and associated car park.

Proposed Development

The applicant states that the application is retrospective and the building currently contains 6no self-contained flats following on from a change from a 8 bedroom HMO. The purpose of the application is to regularise the current use.

The ground floor plans show 3 clear units, 2no. are en-suite studios and 1no. is a 1 bedroom unit. The first floor is less clear cut with 2no. bedrooms and a show room. The extension is accessed via a rear staircase and 3no. bedrooms, 1no. en-suite are in the original first floor of the house.

8 bed HMO plans



6 self contained flat Plans



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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). 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.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

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

-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.

Para 130 – sets out the requirements for development in terms of layout and design.

Consultations

Housing Case Management Officer – The property was issued with a HMO licence in June 2018 but it was established in June 2022 the property was no longer subject to the licencing requirements as there were 6 self-contained flats.

Ward Councillors – No 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. Support will be given to the re-establishment of Houses in Multiple Occupation into single family sized houses.

Supplementary Planning Document 'Design of Housing Development' considers larger dwellings to be those that have four or five bedrooms, or are **capable** of accommodating four or five bedrooms without significant adaption, such as the application property.

In recent years dwelling conversions 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 including along Dodworth Road.

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 6no self-contained flats, as proposed, within a larger dwelling would be contrary to policy H9. It is noted that the conversion took place from an 8 bedroom HMO rather than a single dwelling, however, there is no planning record of permission being granted for the HMO use and Council licencing records only date the licence of a HMO to 2018, as such, it would still sit inside the 10 year enforcement period for a change of use. Furthermore, there is no permitted change from a C3 use to an 8 Bed HMO as that use is Sui Generis. Also, since the introduction of the article 4 direction there is no permitted change from C3 to a C4 'houses in multiple occupation' for up to and including 6 residents. As such, the current use of the building is still classed as a C3 dwelling.

Design / Visual Amenity

As the application is retrospective, no external alterations are proposed. Also comparing the previous plans with the current plans no external alterations occurred between the HMO and self-contained units.

However, the subdivision of the property into 6no. self-contained units would make a further negative contribution to the concentration of flats and bedsits within the immediate area, as a result of additional letting board, additional waste containers and no one taking ownership of shared spaces, further harming the character of the area, contrary to Local Plan policy D1 and Supplementary Planning Document 'Design of Housing Development'.

Residential Amenity

The layout of the ground floor is clear, there is a 1 bedroom unit in the extension and 2no. ensuite studios within the original dwelling.

In terms of the 1 bedroom unit the South Yorkshire Residential Design Guide requires a 1 bedroom unit to have a floor space of 47m². However, the proposed unit has a total of 17m² which is only 36% of what is required.

In terms of the units labelled room 1 and room 2 on the ground floor they are considered studios as they do not have a separate bedroom and the South Yorkshire Residential Design Guide requires them to have an internal floor area of 33m². The actual size of the units is 20m² and 17m² respectively, again significantly below what is required and as such leading to substandard levels of amenity for the occupants of those units, contrary to Local Plan Policy GD1 and SPD 'Design of Housing Development'.

In terms of light and outlook, room 1 is served by a bay window, however, rooms 2 and 3 have small North and West facing windows with limited outlook towards neighbouring properties and the shared parking area, again providing poor levels of amenity for the residents.

In terms of the first floor, from the layout proposed it is difficult to demarcate the 3no. units. The two bedrooms in the extension part are accessed via a separate staircase, however, they only share a toilet, there is no bath or shower so these cannot form a self-contained unit and there is very limited space for a kitchen or lounge area.

Bedroom 4 is en-suite and shows a seating area in the room but this only measures circa 16m² and is half the size required for a studio. Bedrooms 3 and 5 have access to a shower room but

cannot be considered 'self-contained' nor do they provide anywhere near the space required by the South Yorkshire Residential Design guide. Again, the occupants of those room/units would have sub standard levels of amenity, contrary to Local Plan Policy GD1.

Rooms 4 and 5 at first floor would have windows out onto the front garden area and Dodworth road. The rooms to the rear would be north/west facing and again have a poor outlook onto the neighbouring dwellings/rear shared parking area.

Even if the first floor of the property operated as a HMO rather than self-contained units, it would not be acceptable as there would be no shared kitchen or lounge facilities for the occupants, contrary to SPD 'Design of Housing Development'.

Regarding external amenity space, there is no garden currently for the residents and none proposed as part of this application. This is contrary to the SPD which states 'shared private flats must be a minimum of 50m² plus an additional 10m² per unit as balcony space or added to shared private space. Where private space cannot be provided, balconies must be provided.

In terms of the neighbouring residents, it is noted there are a number of HMO's and bedsits within the area but there are also family homes. The application property, despite previously being an unauthorised HMO, is still classed as a C3 dwelling. As such, the change of use from a C3 dwelling to 6no. self-contained flats, especially in a mid-terraced property, would inevitably result in additional noise and disturbance through residential and vehicular activity. Therefore, it would be detrimental to the amenities of the neighbouring residents, contrary to policy GD1.

Highways considerations

In accordance with SPD 'Parking', the C3 dwelling would have a parking requirement of 2no. parking spaces and the unauthorised 8 bed HMO would have a parking requirement of 3 spaces. However, the 6no. self-contained units would have a requirement of 6no. spaces, 1 space per unit. No site plan or parking layout has been provided to demonstrate that this is achievable. Furthermore, there has been no information submitted regarding cycle parking or cycle storage at the property, again, contrary to the SPD.

It is noted that there is an existing parking area to the rear of the dwelling, however, this is shared with neighbouring residents and contains land outside of the red line boundary. If the neighbouring properties claimed their garden/parking areas back the application site could not accommodate the number of parking spaces required. Furthermore, a large part of that parking space to the rear was subject to an approved planning application for flats which has since expired. There was a recent application on the site which was refused (2022/1201) but further future applications are likely.

The site is located close to Barnsley town centre and public transport is available along Dodworth Road, however, this does not negate the need for the required in curtilage parking spaces.

Conclusions

The proposal is contrary to the aims of Local Plan policy H9 which seeks the re-establishment of Houses in Multiple Occupation into single family sized houses or, given the HMO use was unauthorised, the retention of existing larger homes within the housing stock. In addition, the 6no. self-contained units would make a further negative contribution to the concentration of flats 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 majority of the units/rooms fall significantly short of the requirements set out in the South Yorkshire Residential Design Guide and the outlook and light levels to some of the rooms is not adequate. Furthermore, the intensification of a single family home to 6no. self-contained units would increase noise and disturbance to the detriment of the amenity of the neighbouring residents. As such, the proposal would be contrary to the Council's 'Design of Housing Development' and Local Plan Policy GD1 'General Development' as it would have an adverse effect on the living conditions of future residents and existing neighbouring residents.

There is also a lack of information supplied with the application as the applicant cannot demonstrate that adequate in curtilage parking or shared amenity space could be accommodated.

Recommendation: Refuse

In the opinion of the Local Planning Authority the proposed flats/self-contained units would make a further negative contribution to the concentration of HMO's, bedsits and subdivided properties within the immediate area to the detriment of the areas character. Furthermore, given the substandard living accommodation and external amenity space the future residents would be subject to an inadequate standard of residential amenity. In addition, the intensification of the use of the dwelling associated with 6no. self-contained units would increase noise and disturbance to the detriment of the neighbouring residents. 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 proposal to sub-divide the property is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single family sized houses. The application property has previously been a larger home, is within a predominantly residential area and is capable of becoming a larger home again without significant adaption.

The proposed development fails to provide sufficient and suitable car parking and cycle provision within the site. Consequently, the proposal would be likely to result in on-street car parking within the vicinity to the detriment of the safe and free flow of traffic on the highway and contrary to Local Plan Policy T4, SPD 'Design of Housing Development' and SPD 'Parking'.