

**ITEM NO.**

7

**COMMITTEE DATE:**

21/05/2012

**APPLICATION NO:**

12/0176/03

FULL PLANNING PERMISSION

**APPLICANT:**

Rev'd D & Mrs J Webber

**PROPOSAL:**

Change of use from dwelling to house in multiple occupation (C4 use)

**LOCATION:**

Bungalow B, 16 Pennsylvania Road, Exeter, EX4 6BH

**REGISTRATION DATE:**

08/03/2012

**EXPIRY DATE:**

03/05/2012



Scale 1:1250

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## **DESCRIPTION OF SITE/PROPOSAL**

Bungalow B, Pennsylvania Road is a semi-detached property located in St James. The property is not a Listed Building but does fall within the Longbrook Conservation Area. The property also falls within the recently implemented Article 4 Direction Area relating to houses in multiple occupancy. The property is in a tucked away location behind a terrace of large converted Victorian town houses. In close proximity to the south a railway sits at a lower level whilst to the north sit a number of rear gardens of properties fronting Hillsborough Avenue. Planning Permission is sought for a change of use from a single family dwelling (Use Class C3) to a house in multiple occupancy (Use Class C4).

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application is accompanied by a total of 15 supporting documents. The documents submitted include plans, application forms, land registry documents, deed of release of covenant, continued correspondence between the applicant and their estate agent, sale particulars, a letter from the Assistant Director of City Development and a planning statement.

## **REPRESENTATIONS**

One letter of objection has been received. Planning issues identified include highway safety implications, additional accumulation of litter and rubbish and further in balance in the community.

## **CONSULTATIONS**

The Projects and Business Manager recommends a single condition is incorporated with regard to the provision of on-site cycle storage.

Network Rail raise no objection to the proposal.

The Executive Director of Environment, Economy and Culture has raised no objection to the proposed change of use.

Environmental Health recommend the incorporation of a single informative.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP4 - Density

CP17 - Design and Local Distinctiveness

Devon County Structure Plan 2001-2016

CO6 - Quality of New Development

CO7 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

H5 - Diversity of Housing

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

C1 - Conservation Areas

Exeter City Council Supplementary Planning Document

Supplementary Planning Document 'Houses in Multiple Occupation (including Class C4 Uses)'

## **OBSERVATIONS**

Supplementary Planning Document (SPD) 'Houses in Multiple Occupation (including Class C4 Uses)' was agreed by the Council's Executive on the 5 July 2011. The guidance applies to all planning applications for change of use from homes (Class C3 of the Use Classes Order) to C4 (houses in multiple occupation by three to six people) and to 'sui generis' houses in multiple occupation of seven or more occupants, within the areas shown stippled on Plan 1 (see attached).

The purpose of the guidance document is to clarify the implementation of Policy H5 (b) of the Exeter Local Plan. Policy H5 states; 'the conversion of dwellings to flats, self-contained bedsitters or houses in multiple occupation and the development of special needs or student housing will be permitted provided that; the proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community'.

The basis of the policy is that the Council will resist any further changes of use to houses in multiple occupation within an area shown stippled on Plan 1, where the proportion of homes exempt from Council Tax already exceeds 20%. In other words the Council will regard a proportion greater than 20% as an over-concentration of HMO use for the purposes of Policy H5 (b).

The property subject to this application falls within a wider area where an over-concentration of HMO's already exists (exemption as of May 2011 was 21.4% excluding nine streets

excluded from the Article 4 Direction and/or 29.1% including the nine excluded streets) and is subject to immediate restriction. The proposed development is therefore contrary to Policy H5(b) and the LPA's SPD 'Houses in Multiple Occupation (including Class C4 Uses)' because the use would contribute further to an existing over concentration of HMO's identified by the Council to the detriment of the character of the area.

Despite the aforementioned there may be some cases where very localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. In these cases owners of Class C3 dwellings may find difficulty in finding a purchaser for continued Class C3 use and may therefore wish to change to Class C4/HMO use. In considering whether to make an exception in such cases to the policy the SPD cites a number of circumstances in which an exception may be justified. These are;

- a) local representations in support or objection from those directly affected by the proposal,
- b) the proximity of existing Class C4 uses, larger HMOs or Council Tax exempt properties where they might be likely to affect the amenities of normal family life (eg if there were such uses on both adjoining sides),
- c) any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling, and
- d) any other circumstances indicating the policy restriction is causing severe personal hardship.

With regard to point a) 46 letters were sent to neighbouring units as well as the posting of a site notice at the vehicular entrance point on Pennsylvania Road. Only one representation has been received. As indicated above the key objections to the proposal relate to the disproportionate concentration of HMOs throughout the immediate vicinity, the additional littering and rubbish accumulation that would result from the change of use, and the additional parking pressure that would be felt throughout Pennsylvania.

In response to these points the Local Planning Authority maintain the view that the use of a building as a HMO is not always self evident from appearance alone. Further, even if occupied by a family there is no guarantee the family would wish to engage in community activities. The refuse generated by a HMO can become an issue and it is unfortunate the submitted details fail to show where a bin store would be positioned. However, the curtilage of the property is obviously large enough to satisfactorily deal with this issue and a condition could be attached to any approval requiring details to be approved and implemented. In respect of the parking issue the Executive Director of Environment, Economy and Culture has raised no objection to the proposed change of use. The Highway Engineer has confirmed the property will not be entitled to on-street parking permits consequently no additional pressure will be placed on existing parking sensitive areas.

Point b) of the exception test requires the proximity of existing Class C4 uses to be examined. 16B shares a common boundary with four other properties; 16A Pennsylvania Road, 4, 5 and 6 Hillsborough Avenue. All four units at the time of this application are exempt from Council Tax (May 2011) being occupied by students. As well as the aforementioned it is important to note that the whole of Hillsborough Avenue to the north has been excluded from the Article 4 Direction Area due to the number of HMOs already present (72% of properties along Hillsborough Avenue are Council Tax exempt). In addition No's. 16, 18, 20, 22 and 24 Pennsylvania Road have been converted into flats meaning the number of single family households in the immediate vicinity is very low.

Point c) relates to any difficulty encountered in trying to achieve a satisfactory sale of a property as a Class C3 dwelling. The applicant has provided the council with a number of documents that cover the last twelve months. The documents submitted clearly show that over the last calendar year three reductions in price have been agreed, with an overall reduction of approximately £35,000. In addition the documents also demonstrate that three sales have fallen through, most recently in April 2012, mainly due to the difficulty prospective buyers would have when selling the property in the future. The property has been advertised

at £235,000 since October 2011. For sake of comparison the website Rightmove (accessed 1/5/2012) has calculated the average sold price for semi-detached houses in the same post-code over the last seven years is £235,400. Further the same website shows that in excess of 70,000 people have viewed the property online since marketing commenced. Given the evidence submitted the LPA are therefore satisfied that a thorough and extensive marketing programme has been undertaken albeit without success.

The final point relates to any personal hardship being encountered as a result of the policy being implemented. The applicant has provided a list of 'other circumstances' which includes details of past employment as well as family matters. Whilst little weight can be attached to the former, the latter is of relevance. The applicant has confirmed that their return to Sussex is primarily to assist with child care support for their grandchild and to assist with the care of their elderly parents. At present a 500 mile round trip is undertaken every six weeks to provide support, however, such a demand is considered unsustainable in the long term. Modification of the property subject to this application has been explored, however, such an approach is considered unviable in context.

Taking all of the abovementioned into consideration the change of use is considered to be acceptable. The applicant's property is surrounded by existing HMOs and based on the evidence submitted with the application this is a material factor in previous offers being withdrawn. The change of use will not have a detrimental on the amenity of neighbouring properties, given their multi-occupational use, and by virtue of its positioning and lack of prominence within the streetscene its conversion will not have a detrimental impact on the character and/or appearance of the conservation area.

### **NORTHERN AREA WORKING PARTY**

The application was presented to Members on the 30/4/2012. Members were advised that the property fell within the designated Article 4 Direction area and that the applicant was appealing for an exception. Members were advised the application would be presented at full committee.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 8 March 2012, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 4) Notwithstanding condition No.1, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details: siting and design of refuse storage provision.

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

**Local Government (Access to Information) 1985 (as amended).**

**Background papers used in compiling the report:**

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223