

<b><u>APPLICATION NO</u></b>	20/0013/FUL
<b><u>APPLICANT</u></b>	Mr Michael O'Sullivan
<b><u>LOCATION</u></b>	37 Argyll Road, Exeter, EX4 4RX
<b><u>PROPOSAL</u></b>	Change of use from 6 person HMO (C4) to 7 person HMO (Sui Generis) and single storey rear extension
<b><u>REGISTRATION DATE</u></b>	6 January 2020
<b><u>RELATED DOCUMENTS</u></b>	<a href="http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=Q3QQIRHB01A00">http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=Q3QQIRHB01A00</a>

### **HISTORY OF SITE**

The application address has no, relevant planning history.

### **DESCRIPTION OF SITE/PROPOSAL**

The application address is a detached dwelling located on Argyll Road, north west of Pennsylvania Road and within the Duryard and St James ward. The property's existing use is as a 6-person HMO (Use Class C4) with student tenants.

The proposal comprises of two key elements including a change of use from a 6-person HMO (Use Class C4) to a 7 person HMO (Use Class Sui Generis) and a single-storey rear extension. The change of use would require internal alterations in providing an additional bedroom, which would be achieved through the sub-division of an existing bedroom into 2 bedrooms (bedrooms 3 and 4). The proposed bedrooms would be located on the first floor of the property, and have total floor spaces of 9.8m<sup>2</sup> (bedroom 3) and 7.4m<sup>2</sup> (bedroom 4). The proposed rear extension would be 5m in depth and 6.55m in width, with an external finish of render to match and is to increase the living space for occupants.

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

Supporting Statement  
Management Statement

### **REPRESENTATIONS**

2 objections were received. Principal issues raised as follows:-

1. The application would result in a disproportionate number of multi-occupancy dwellings.
2. An additional occupant would negatively impact the amenity of the area, both visually and through noise/anti-social behaviour.
3. The septic tank/drainage at the address is designed for a 4 person household.
4. Additional occupants may result in more on-street parking causing further issues to movement for residents, deliveries and emergency services.
5. Parking issues with refuse lorry already unable to reach no.37 due to congestion on the road.
6. The proposal will have a negative impact on the Duryard valley park including to wildlife through noise, lighting and waste.

## **CONSULTATIONS**

Environmental Health raise no objection:

*The address has no record of noise or anti-social behaviour complaints.*

Environmental Health (Licensing) raise no objection:

*The proposed layout was agreed by licensing who are happy with the internal arrangement. Confirmed that the additional bedroom/occupant would be acceptable by keeping the existing, ground floor layout and sub-dividing the upstairs bedroom without the inclusion of the extension.*

South West Water:

*Made no comments on the application in regard to drainage.*

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance - National Planning Policy Framework (February 2019)**

- 2. Achieving sustainable development
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

### **Technical housing standards - nationally described minimum space standard (2015)**

### **Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)**

- CP4 Housing density
- CP5 Meeting housing needs
- CP17 Design and local distinctiveness

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

- H5 Diversity of housing
- T1 Hierarchy of modes of transport
- T3 Encouraging use of sustainable modes of transport
- LS1 Landscape setting
- DG1 Objectives of urban design
- DG4 Residential layout and amenity

### **Development Delivery Development Plan Document (Publication Version 2015)**

- DD1 Sustainable Development
- DD10 Loss of Residential Accommodation
- DD11 Residential Conversions and HMOs
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD29 Landscape Setting Areas

## **Exeter City Council Supplementary Planning Documents**

Houses in Multiple Occupation (Including Class C4 Uses) – 2014  
Householders Guide to Extension Design (2008)

### **OBSERVATIONS**

The application address is located within the Duryard and St James ward of Exeter, which has a higher proportion of student accommodation to other areas of the City. The proposal site is not within the area of this ward which is subject to an article 4 direction and therefore, the law requires planning decisions for a change of use to be made in accordance with development plan policies (HMO SPD).

The relevant policies for consideration in regard to a change of use from a 6 person HMO (Use Class C4) to a 7 person HMO (Use Class Sui Generis) are CP4 and CP5 of the Core Strategy, H5 of the Local Plan and DD10 and DD11 of the Development Plan Document. In summary, these policies state that conversion to HMOs will be permitted providing the change of use would not result in an over concentration of the use in any one area and the proposal would not result in unacceptable harm to the amenity of neighbouring residents.

Both objections from neighbours raised concern that the proposal would result in an overconcentration of HMOs on Argyll Road with one objector stating that, including no.37, there are 6 HMO properties on the street. With approximately 74 properties on Argyll Road, 6 HMOs would total around 8% of overall housing on the street. As no.37 is already under a C4 use, the overall balance between residential properties and HMOs on Argyll Road would remain unchanged as a result of the proposal. Argyll Road has also not been included in the area under Article 4 direction as it is not considered a road that is at risk from an imbalance of HMOs.

The two objections also raised issues of neighbour amenity including being disturbed by noise at night. Whilst individual instances are unfortunate, there is no record of anti-social behaviour or noise complaints at the address (to either Planning or Environmental Health) and neither adjoining neighbour has commented on the proposal. Weight should also be given to the fact the property currently has 6 occupants and that an additional occupant is unlikely to increase the scale or intensity of the existing usage to a degree which would lead to an unacceptable reduction in neighbouring amenity. Neighbouring amenity is also protected under a clause in the tenancy agreement which is set out in the Management Statement and requires tenants to 'not do anything to or on the property that: causes a nuisance or annoyance to occupiers of adjoining or neighbouring properties'.

Neighbour objections also raised concern over on-street parking. The property currently has sufficient parking space for 4 cars and as the tenants are students and the property is within relatively close proximity of the campus with reasonable sustainable transport links, not each occupant is reported to have a car. To support this, the applicant has submitted a revised block plan which demonstrates parking at the property. To ensure that issues regarding on-street parking do not arise as a result of an additional occupant, the applicant has specified in the Management Statement that only 3 occupants will be allowed to bring a car as part of their tenancy agreement. This will come into place as a result of the change of use as currently, the tenants have no such restriction. Details of secure cycle storage (a lockable garage), with space for approximately 8 bikes, has also been included on the revised Block Plan.

In terms of amenity for occupants, Environmental Health (Licensing) were consulted over the proposed layout and were happy with the arrangement. The property, without the proposed

extension, exceeds nationally described minimum space standards for the proposed number of occupants and therefore, the extension is of additional benefit to tenants and not being constructed out of necessity for space. To ensure future occupants benefit from this extension, its construction will be ensured through condition and will be required to be built prior to implementing the change of use.

The extension itself does exceed the recommended depth set out in the Householder guide SPD but largely complies with the rest of the guidance. Considering the size of the plot, the original dwelling and the garden space that would be retained, an extension of this size is considered acceptable. Whilst a flat roof design is considered to be uninspired, it would unlikely cause harm to the appearance of the dwelling or the character of the townscape and therefore would not warrant refusal. The external finish of the proposal would be render to match which is supported.

The proposed rear extension would have an overall height of 4m as a result of the sloping garden. However, as it will be built on a brick plinth, its height from ground level will be closer to 2.8m. The extension sits closest to the adjoining boundary shared with no.39 but would be set away by over 2m and screened by an established, dividing hedge. As well as this separation, the elevation which faces onto the neighbouring boundary would only have high level windows to reduce privacy issues. As a result, the proposal is considered to comply with policy which makes reference to design, amenity and layout, specifically policies DG1 and DG4.

One objection makes reference to the dwelling being located in relatively close proximity to the valley park and note concern that development may have a negative impact on wildlife. As the proposal is for a householder extension and is a significant distance from the local designation, it is considered to be of minimal risk of causing harm and therefore compliant with policies LS1 and DD29.

An objection also noted that proposal address has a septic tank designed for a 4 person home and that there is concern the drains are not sufficient for this increase in occupants. South West Water made no comment on the application in regard to drainage and if the septic tank is of inadequate size/function and creates problems, this is better addressed through legislation outside the remit of planning control.

Reference was made to other, purpose-built student accommodation in the ward and surrounding area. Whilst noted, this is not of direct relevance to this application and can only be afforded minimal weight in determining whether a change of use at the property is acceptable.

In summary, it is considered the proposal would not create an imbalanced community outweighed by HMOs or that the addition of 1 occupant would be of significant harm to neighbouring properties either through noise, parking or any other factor. The internal layout and quality of life for occupants is considered acceptable by licensing standards and the extension is deemed acceptable when assessed against design policy. Accordingly it is recommended the planning application is approved subject to the conditions set out below.

## **DELEGATION BRIEFING**

07 April 2020 – Members raised concern over the concentration of student accommodation in the area and referred to a comment from the University of Exeter Student Liaison Officer who stated that larger HMOs tended to be more problematic to manage since they were more likely to attract occupants from multiple groups rather than a single friendship group and would fail to take responsibility for refuse collection. Other Members had also commented by email objecting to the application referring to evidence from the University, which stated there was a relationship between anti-social behaviour and the size of HMO's. Also, with ordinary houses increasing in size to fit extra students, the chance of properties ever being changed back into use by ordinary families was reduced with the number of students in Duryard & St James already being excessive.

## **RECOMMENDATION**

**APPROVE** with the following conditions:

Planning application 20/0013/FUL

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 and 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 approved details received by the Local Planning Authority on 14 April 2020 (including dwgs. *REVISED Block Plan, REVISED Ground Floor Layout and REVISED First Floor Layout*) and 15 April 2020 (*Management Statement*).

Reason: In order to ensure compliance with the approved drawings and in adherence with policies CP4, CP5, DG1, DG4 and H5.

3) Prior to occupation of the House in Multiple Occupation hereby approved, the extension shall be constructed and completed in accordance with the approved details.

Reason: To ensure the future occupiers have an appropriately sized living space and a good quality of residential amenity in compliance with policies with CP4, H5 and DG4.

4) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.