Application	20/00580/FUL
Number:	

Application Type:	Planning FULL

Proposal Description:	Change of use from dwelling house (C3) to house in multiple occupation (C4), and retrospective planning application for a single storey rear extension and single storey rear/side extension.
At:	13 Stanhope Road, Wheatley, Doncaster, DN1 2TZ

**For:** Mr Jamie Knott

Third Party Reps:	None	Parish:	N/A
		Ward:	Town

Author of Report: Jessica Duffield

#### SUMMARY

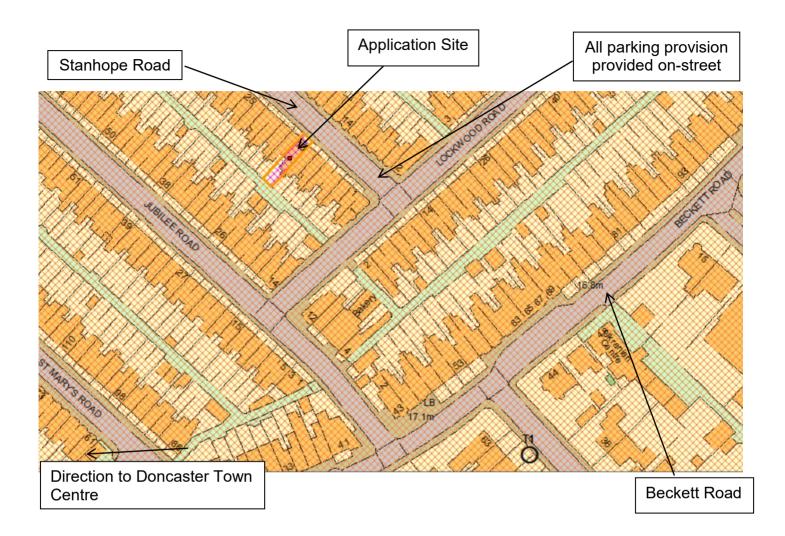
The application relates to a proposed House of Multiple Occupation (HMO) within the Article 4 Direction area. The Article 4 Direction was brought into force on the 14<sup>th</sup> October 2019. The order removes permitted development rights comprising change of use from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation).

The proposed internal changes, to facilitate the HMO have already been completed, including the rear extensions. However the property is yet to be occupied and operational as a HMO Use.

The application proposal has not received any neighbour responses and has been amended to satisfy the previous consultee objections.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties, trees, the highway network or the character of the area.

# **RECCOMENDATION: GRANT planning permission subject to conditions**



### 1.0 Reason for Report

1.1 This application is being presented to planning committee at the request of Councillor Tosh McDonald, due to concerns over the proliferation of HMO's in the area.

# 2.0 Proposal

- 2.1 Planning permission is sought for the change of use of a 2 bedroom dwelling house (Use Class C3) to a 4 bedroom HMO (Use Class C4).
- 2.2 No external alterations are proposed to the front elevation of the property. However, two small single storey extensions have been erected to the rear of the property to facilitate an additional downstairs bathroom and a utility room. All the bedrooms will be provided over the existing two floors.
- 2.3 The applicant he confirmed that he was unaware of the Article 4 Direction which came into force in October 2019. Hence why the works have already been completed and the application is retrospective. The property has not operated as a HMO. Generally the interior works have been provided to a good quality, and provides a high standard of accommodation as shown in the photos at Appendix 3.
- 2.4 All the parking provision on Stanhope Road is provided on street. The proposal does not include dedicated parking spaces for occupiers. The agent has confirmed that the property will clearly be marketed as having no parking spaces and that no parking is provided as part of the accommodation.

#### 3.0 Site Description

- 3.1 Stanhope Road has a uniform character, consisting of two storey, terrace housing. The majority of the properties are red brick, although a small number have rendered the front of the property, adding variety to the appearance of the street. All of the properties have bay-windows to the front, at the ground floor level. A small minority of the dwellings have extended up into the roof space.
- 3.2 All the properties on the western side of Stanhope Road have small courtyard gardens to the front, many of which are used for bin storage. Whereas, the properties on the eastern side are positioned fronting onto the footpath.
- 3.3 Stanhope Road joins onto Church Way (A630) but access to Church Way is restricted for pedestrian access only. Vehicles can only access the street via Cranbrook Road, Lowther Road or Lockwood Road.
- 3.4 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at and is of low risk of flooding.

# 4.0 Relevant Planning History

4.1 The site has no relevant planning history

#### 5.0 Site Allocation

5.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998. The following policies are applicable:

# 5.2 National Planning Policy Framework (NPPF 2019)

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 5.5 Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.6 Paragraph 124 states that 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.

#### 5.7 <u>Core Strategy 2011 – 2028</u>

- 5.8 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.9 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.10 Policy CS1 relates to the quality of accommodation and development within Doncaster. It makes it clear that development must protect local amenity, as well as being well-designed; fit for purpose and capable of achieving the nationally recognised design standards.

5.11 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

### 5.12 Saved Unitary Development Plan Policies (Adopted 1998

5.13 Policy PH11 states that within residential policy areas development for housing will normally permitted subject to the density and form being appropriate to the character of the area, the effects of the development on the amenities of occupiers of neighbouring properties.

# 5.14 Local Plan

- 5.15 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan has been approved at Full Council on the 25th July 2019 and Regulation 19 Publication is now complete.
- 5.16 Paragraph 48 of the NPPF allows LPA's to give weight to relevant policies in emerging plans depending on the stage of preparation, the extent to which there are any unresolved issues and the degree of consistency with the NPPF. The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The Council is aiming to adopt the Local Plan by winter 2020 and it has previously been afforded limited weight and the following policies would be appropriate:
- 5.17 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.18 Policy 10 deals specifically with HMOs and how they will be supported under strict circumstances. However this policy can only be afforded limited weight at this stage, due to the number of objections to the wording of the policy. The criteria of this policy is set out later in the report.
- 5.19 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight.
- 5.20 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy can be applied limited weight due to outstanding objections.
- 5.21 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.

5.22 Policy 48 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime. This policy is afforded substantial weight.

# 5.23 Other Material Planning Considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance
- South Yorkshire Residential Design Guide (SYRDG)

# 6.0 Representations

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice, advertisement in the Doncaster Star and direct neighbour notification letters.
- 6.2 No representations have been received in response to the application publicity.

# 7.0 Parish Council

7.1 No parish council exists for this area.

# 8.0 <u>Relevant Consultations</u>

- 8.1 **Environmental Health** Originally objected to the proposal based on the following reasons:
  - Ground Floor bedroom could only be accessed via the kitchen, which is considered to be a fire risk.
  - Ground Floor bedroom had no external window, which is considered to offer a poor quality of living accommodation.
  - All the bedrooms were below the 10sqm threshold which is recommended in order to obtain a HMO License from Doncaster Council.
  - There was no additional shared living space apart from the kitchen/ utility area which did not provide sufficient dining space.
  - Additional door required to differentiate between the halfway and kitchen, which was required for fire risk reasons.

Following amendments the Environmental Health Officer is now satisfied with the proposal.

- 8.2 Waste and Recycling No objection
- 8.3 Area Manager No response received
- 8.4 **Police Architectural Liaison Officer** No response received
- 8.5 **Local Plan Housing-** The specific UDP HMO policy (PH15) was superseded with the now adopted Core Strategy Policy CS12 (Housing Mix) which does not mention HMO's specifically.

The Local Plan policy as submitted (Policy 10, HMOs) has very specific considerations. However, this currently carries 'limited weight' as there were

objections received at Regulation 19 stage. There are suggested changes to the policy now in the time of Examination. As such the policy wording cannot be applied significant weight at this time and the application cannot be refused on this basis.

# 9.0 Assessment

- 9.1 The principal issues for consideration under this application are as follows:
  - Principle of Development
  - Space Standards
  - Impact upon Neighbouring Properties
  - Location
  - Concentration of HMO's in the area
  - Landscape
  - Heritage
  - Highways
- 9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:
  - Substantial
  - Considerable
  - Significant
  - Moderate
  - Modest
  - Limited
  - Little or no

# Principle of Development

- 9.3 The application site is washed over by Residential Policy Area and as such Doncaster UDP Policy PH 11 supports residential development in principle, providing that it does not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss or privacy.
- 9.4 In light of the policy designation set out above, the principal of the change of use to form a 4 bedroom HMO is considered acceptable. No objections or representations have been raised by local neighbours or Local Ward Councillors in response to the application publicity.
- 9.5 The site is located within the Article 4 Direction area which removes the permitted development right to change the use of C3 dwelling houses to C4 HMO's without the need for planning permission.
- 9.6 The Article 4 Direction does not ultimately result in all C4 HMO's being refused. However, it does mean the design and position of the proposed HMO can be scrutinised by the LPA in further detail.
- 9.7 It is noted that Councillor McDonald has called this application in to committee due to concerns relating to the proliferation of HMO's in the area which is in conflict with the Emerging Local Plan Policy 11. This is discussed further in Paragraph 9.41.

9.8 Emerging Local Plan Policy 10 provides a detailed criteria relating to the position of proposed HMOs. However, at this stage, Policy 10 can only be afforded limited weight due to the number of objections. Therefore, this policy is not the main policy consideration. The application must be assessed under the adopted development plan which then relates to Policy PH11 of the UDP.

# Sustainability

- 9.9 The National Planning Policy Framework (NPPF, 2019) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.10 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

# 9.11 SOCIAL SUSTAINABILITY

# 9.12 Space Standards

- 9.13 As referred to above, the applicant has already undertaken the majority of the works to facilitate the change the use of the property. Through the determination process the applicant has confirmed that he was unaware of the Article 4 Direction which had come into force while he was undertaking the works, and was also unaware of the Licensing Guidance relating to space standards.
- 9.14 Page 27 of the adopted Doncaster Council Development Guidance and Requirements SPD (2015) states: 'In order to protect the living conditions and wellbeing of future occupants, applications for residential development must demonstrate how the proposed accommodation is functionally fit for purpose and has been designed to meet the specific needs of the occupants. It should demonstrate how the accommodation is large enough to provide sufficient space for privacy, socialising, studying, cooking, dining, sleeping, washing and storage of household goods and belongings.'
- 9.15 It follows on to state that the overall internal floor-space must be sufficient and that the size of individual rooms are large enough for the intended purpose. The size of amenity space must also be sufficient for the number of occupiers.
- 9.16 The National Space Standards only outlines the minimum standards for selfcontained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes.
- 9.17 The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain a HMO License, the Council encourages bedroom sizes of at least 10 square metres.
- 9.18 The Council Licensing Team will be lenient on the 10sqm threshold, where there is considered to be suitable additional shared living space proposed within the property, and an overall greater quality of accommodation.

- 9.19 The initial application submission, proposed a change of use to provide 5 en-suite single bedrooms. However, all of these bedrooms were below the 10sqm threshold, and ranged between 8.96 to 9.25sqm (excluding the en-suite bathroom).
- 9.20 In terms of obtaining the relevant license, the Environmental Health Officer and Licensing Team together confirmed that based on the proposed bedroom sizes, the applicant would be unable to qualify for the license. This is also reinforced by the fact that the original design included no shared living space apart from the kitchen/utility area, with limited dining facilities.
- 9.21 In order to overcome the Environmental Health and Licensing objection, the internal layout has been amended. The ground floor bedroom (former bedroom 2) has been revised so that it provides an additional shared living space, for future tenants to socialise and interact.
- 9.22 The Environmental Health Officer has confirmed that based on the revised layout, the applicant would be able to obtain the HMO License and the space standards are satisfactory for the proposed use. Whilst the size of the proposed bedrooms remain on the smaller side, the shared kitchen, dining and living space encourages tenants, to mix and interact, which contributes to social and healthy wellbeing. As such the overall size and layout of the property is considered to be suitable for the proposed use. Thus the proposal weighs positively in terms of the internal space and carries significant weight.

### 9.23 Impact Upon Residential Amenity

- 9.24 Adopted Policy PH11 states that residential development will be permitted in residential policy areas whereby it does not detrimentally affect the amenities of occupiers of nearby properties.
- 9.25 The application site is bordered by existing residential development in all directions. The only external alterations proposed relate to the two retrospective single storey extensions to the rear of the existing property.
- 9.26 The extension to the rear of the property provides a ground floor W/C and an additional means of escape in the event of a fire. The window serving this extension will be a small, obscured glazed window on the rear elevation. Given that this serves a bathroom, and its position on the ground floor, this will not harm adjacent residential amenity.
- 9.27 Similarly, the extension of the side/rear elevations of the property does not include any windows, and is simply an extension to the existing kitchen. This will provide an additional access into the garden to the rear. The extension has already been completed and has been built up to the boundary shared with No. 15 Stanhope Road. However, no representation has been received from the occupiers of this property. Whilst extensions built up to the boundary would not normally be encouraged, given the scale of the extension, measuring 3.28m x 1.48m, it is not considered to cause harmful overshadowing.
- 9.28 The remaining windows to the rear and front of the property, which serve bedrooms 2, 3 and 4 will be positioned as existing. This is not considered to impact residential amenity.

- 9.29 The property provides a small, easy to maintain courtyard to the rear, for the future tenants, which measures to approximately 28.8sqm. Whilst the courtyard garden is small, it does provide tenants with an outdoor space to socialise and interact. The access to outdoor space encourages social and healthy wellbeing and as such the inclusion of the courtyard is welcomed.
- 9.30 The garden has a secure gated access, onto the public footpath to the rear of the Stanhope Road. The refuse bins are to be stored out of view, in the rear garden, rather than on the street.
- 9.31 The applicant has provided a new wooden fencing, on top of the existing brick wall, on the boundary between the application site and No. 15 Stanhope Road. This ensures privacy is maintained while using the rear garden.

### 9.32 Conclusion on Social Impacts.

- 9.33 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.34 In conclusion the property provides adequate internal space standards, and meets the criteria in terms of obtaining the relevant HMO License from Doncaster Council. The shared living space, as well as the access to outdoor area, encourages social interaction and is considered to provide a high quality of accommodation in accordance with Policy CS1.
- 9.35 It is considered that the proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy. There has been no representations made by local neighbours in terms of impact upon residential amenity, or the potential impact of the HMO, which weighs in favour of the application carrying moderate weight.

#### 9.36 ENVIRONMENTAL SUSTAINABILITY

#### 9.37 Location

- 9.38 The application site is positioned in a suitable location. The site is approximately 0.8 miles from Doncaster Town Centre and the Doncaster Transport Interchange, thus within suitable walking distance. In terms of connectivity, the application site is located approximately 160m from Beckett Road which is served by regular bus services to various destinations across the Borough.
- 9.39 Beckett Road also provides a variety of shops and local amenities within walking distance of the application site.
- 9.40 Whilst the application proposal does not provide dedicated off-street parking spaces, considering the above, the application site lies within a sustainable location close to the town centre and sustainable methods of transport. This weighs in favours of the application carrying significant weight.

#### 9.41 Concentration of HMOs

- 9.42 The Wheatley Area is considered to be the most populated area of Doncaster in terms of HMO properties. This is mainly due to its proximity to the hospital for young doctors and nurses. The size and scale of the traditional housing in this area also means that the existing properties can easily be converted to provide multiple bedrooms.
- 9.43 As such, the Article 4 Direction was brought into force to cover this area, along with much of Hexthorpe, Hyde Park, Intake and Belle Vue and parts of other surrounding suburbs.
- 9.44 Policy 10 of the Emerging Local Plan makes it clear that proposed HMO's must not result in an over-concentration of HMOs within a community/locality/street/row, or result in a significant adverse impact to local amenities. The policy states that *'proposals must not create:*

1. more than two HMOs side by side;

2. the sandwiching of a single self-contained house or flat between two HMOs; 3. more than two HMOs within a run of twenty properties on one side of the road; or 4. more than one HMO in a road of fewer than twenty properties on one side of the road.'

- 9.45 Although this policy can only be afforded limited weight, it is important to highlight the housing mix along Stanhope Road, in line with adopted Policy CS12 and to address the concerns raised by Councillor McDonald. Policy CS12 states *'New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities.'*
- 9.46 Using the HMO License data, provided by the Council's licensing department, we can conclude that both the adjacent properties at No. 11 Stanhope Road and No. 15 Stanhope Road are registered HMOs. The change of use of this property would not accord with Point (1) or (3) of Emerging Policy 10, as it would result in 3 HMO properties in a row.
- 9.47 However, the property being retained as a dwelling house is also contrary to Point (2) of Emerging Policy 10 as the property is already 'sandwiched' between two HMO properties. However the two existing HMOs (at No. 11 and No. 15) were converted from dwellings to HMOs, prior to the Article 4 Direction coming into force and prior to the submission of the Emerging Doncaster Local Plan.
- 9.48 In terms of the overall concentration of HMO's on Stanhope Road, excluding the application site, the street has 8 registered HMOs, out of a total of 72 addresses/ properties. This equates to 11% of the registered addresses on the street currently operating as HMOs. One additional HMO on Stanhope Road is not deemed to change the overall character of the area and as such it considered suitable.
- 9.49 At this current time Emerging Policy 10 can only be afforded limited weight given the possibility of wording changes and as such cannot constitute as a single policy reason for refusal.

### 9.50 Landscape

- 9.51 As mentioned in Paragraph 9.27 the applicant has provided a rear courtyard for future tenants. In terms of landscaping, this consists of hard landscaping only, such as paving and gravel. There is no vegetation, as the emphasis on ensuring this is maintained is difficult to enforce on tenants.
- 9.52 The small courtyard to the front of the property, consists of similar materials.

#### 9.53 Heritage

9.54 The proposal has no impact upon any heritage assets or Conservation Areas.

#### 9.55 Highways

9.56 The existing parking provision is provided on-street. As such, the proposal includes no dedicated parking spaces. As explained in Paragraph 9.40 the application site is in a sustainable location with good links to public transport, as well as being within walking distance to local amenities and facilities.

#### 9.57 Conclusion on Environmental Issues

- 9.58 Paragraph 8 (c) of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.59 Given that the application is utilising an existing property, the impact upon Environmental issues is very limited. Only 11% of the properties on Stanhope Road currently operate as HMOs, and the additional proposed HMO is not considered to harmfully impact the character of the area or surrounding environment.
- 9.60 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The application site is located in a sustainable location, which is well connected and has good links to public transport and local amenities. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

#### 9.61 ECONOMIC SUSTAINABILITY

- 9.62 As the majority of the works, to facilitate the change of use, have already been undertaken, the economic impact, in terms of employing tradesmen and construction workers has already concluded.
- 9.63 When fully occupied, the property will be occupied by 4 individual tenants. The residents will most likely work and pay into the local economy. However, given the scale of the development, the benefits in terms of economic activity is limited.

# 9.64 Conclusion on Economy Issues

- 9.65 Paragraph 8 (a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.66 The proposal would result in some economic benefit, by increasing the occupancy of the property from a 2 bedroom property to a 4 bed HMO. Though, the scale of this increase in limited. As such the proposal carried limited weight in favour of the application.

# 10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

### 11.0 RECOMMENDATION

#### 11.1 **GRANT planning permission subject to conditions:**

1. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

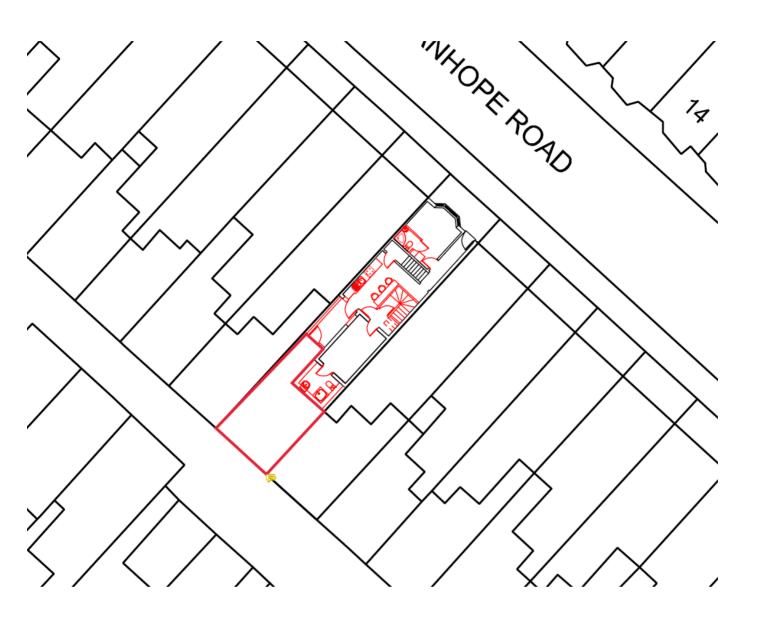
Proposed Floorplans, Plan No: AH0175-5g, Received: 14<sup>th</sup> May 2020 Proposed Elevations, Plan No: AH0175-4c, Received, 6<sup>th</sup> May 2020

#### REASON

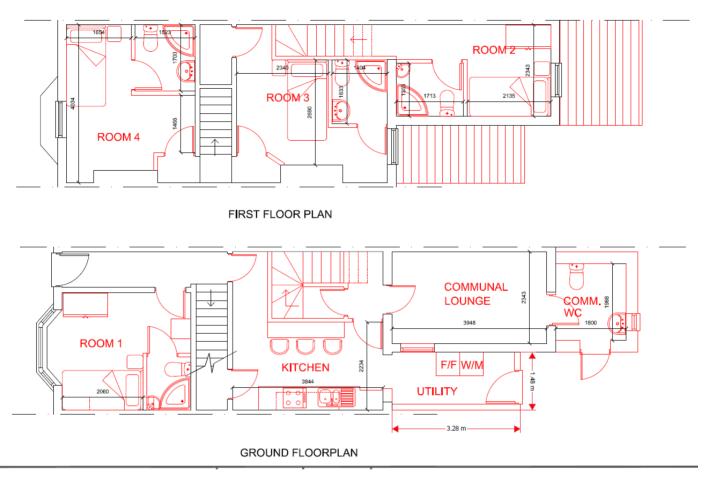
To ensure that the development is carried out in accordance with the application as approved.

#### INFORMATIVE

1. A HMO License must be obtained prior to occupation of the 4<sup>th</sup> tenant. As the application is in an 'Additional Licensing Area' the property will require an Additional HMO Licence. Please contact the licensing department for more information regarding submitted an application. More information can be found at the following website: <u>https://www.doncaster.gov.uk/services/business-investment/additional-licensing</u>



#### PROPOSED WC SHOWN IN RED



# APPENDIX 3- Internal Photo





