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Application Number:	20/03510/COU
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Application Type:	Planning FULL
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Proposal Description:	Change of use from Single dwelling (C3) to 4 bedroom HMO (C4) (retrospective).
At:	35 Rockingham Road, Wheatley, Doncaster, DN2 4BN

For:	Mr Kupahurasa
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Third Party Reps:	2 objections	Parish:	N/A
		Ward:	Town

Author of Report:	Nicola Howarth
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SUMMARY

The application relates to an existing House of Multiple Occupation (HMO) within the Article 4 Direction area. The Article 4 Direction was brought into force on the 14th 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).

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.

RECOMMENDATION: GRANT planning permission subject to conditions

Wheatley Working Men's Club



Application Site

Wentworth Road

1.0 Reason for Report

- 1.1 This application is being presented to planning committee following a request from Councillor McDonald.

2.0 Proposal

- 2.1 Planning permission is sought for the change of use of a 4 bedroom dwelling house (Use Class C3) to a 4 bedroom HMO (Use Class C4).

- 2.2 The existing property is a 4 bedroom mid terrace, arranged over 2 storeys. Rockingham Road is a residential road characterised by traditional terraced housing with on road car parking.

- 2.3 No external alterations or extension are proposed or have been undertaken to the property. It includes:

Ground Floor- 1x bedroom, shared lounge, kitchen and utility
First Floor- 3x bedrooms, and WC/Shower room.

- 2.4 The proposal does not include dedicated parking spaces for occupiers.

3.0 Site Description

- 3.1 Rockingham Road has a uniform character, consisting mainly of 2 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. Most of the properties have bay-windows to the front, at the ground floor level and small front gardens. To the rear of the properties are long and narrow back gardens with vehicle access also provided at the rear via a lane.

- 3.2 Rockingham Road is a relatively wide street and has parking available on both sides of the road. The site is within close proximity to Doncaster Town Centre and is judged to be a sustainable location with good access to public transport and within a short walking distance of shops, services and community facilities.

- 3.3 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
17/00344/3FUL	Installation of 16 alley gates to close alleyways that facilitate antisocial behaviour, criminal damage, burglary and environmental crimes. (Being application under Regulation 3	Application Granted.

	Town & Country Planning (General) Regulations 1992	
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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 Paragraphs 54-56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:

a) Necessary to make the development acceptable in terms;

b) Directly related to the development; and

c) Fairly and reasonably related in scale and kind to the development.

5.6 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.

5.7 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.

5.8 Core Strategy 2011 – 2028

5.9 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).

5.10 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:

5.11 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.

5.12 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.

5.13 Saved Unitary Development Plan Policies (Adopted 1998)

5.14 Policy PH11 states that within residential policy areas development for housing will normally be 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.

5.15 Local Plan

5.16 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 LPA 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). When the Local Plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning

applications. Taking into account the remaining stages of the Local Plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.17 The Council has now advanced to the latter stages of the examination in public (Regulation 24 stage) and the consultation period on the proposed Main Modifications concluded on the 21st March 2021. The local planning authority is looking to adopt the Local Plan by summer/autumn 2021. The following emerging policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

5.18 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 and the Council has, through the examination, proposed the policy is deleted entirely via a Main Modification to the Plan.

5.19 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. This is confirmed in a recent planning appeal decision dated 10th February 2021 in relation to 13 Stanhope Road, Wheatley. The criteria of this policy is set out later in the report.

5.20 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map, new residential development will be supported subject to certain criteria and is afforded substantial weight.

5.21 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard as a minimum. This policy can be applied limited weight due to outstanding objections.

5.22 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.

5.23 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.

5.24 Neighbourhood Plan

5.25 There is no Neighbourhood Plan for this area

5.26 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 the following :

- Site notice
- Direct neighbour notification letters

2 objections have been received and the issues raised are as follows:

- Increased risk of crime and anti-social behaviour.
- Increased noise.
- Burning of rubbish in gardens.
- Lack of car parking for residents.
- Decreasing the value of house prices and problems in selling houses.
- Over proliferation of HMO's.

7.0 Parish Council

7.1 There is no parish council for this area.

8.0 Relevant Consultations

8.1 **Environmental Health** – *'I informed the owner of this property that he needed COU for us to issue his Additional HMO Licence due to it being an Art 4 area, I have already inspected and determined his licence application is valid so I have no concerns over this change of use. It is currently being occupied as a HMO.'*

Police Architectural Liaison Officer – *'The Police Designing out crime officer has no objections or comments to make in relation to the design, layout and security of this property. All work necessary to complete the change of use and therefore no comments in relation to security can be made.'*

Highways – ‘HDC have no objections to this retrospective application, there is on street parking provisions around the development.’

9.0 Assessment

9.1 The principal issues for consideration under this application are as follows:

- Principle of Development
- Space Standards
- Impact upon Residential Amenity
- Location
- Concentration of HMO's in the area
- 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 allocated as 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 of privacy.

9.4 In light of the policy designation set out above, the principle of the change of use to form a 4 bedroom HMO is considered acceptable subject to other policy considerations.

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 allows the LPA to consider the details and design of the HMO to ensure that a satisfactory standard of accommodation is provided as well as ensuring that residential amenity is not unacceptably impacted.

9.7 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

- 9.8 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.
- 9.9 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.

9.10 SOCIAL SUSTAINABILITY

9.11 Space Standards

- 9.12 Page 27 of the adopted Doncaster Council Development Guidance and Requirements SPD (2015) states: *'In order to protect the living conditions and well-being 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.'*
- 9.13 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.
- 9.14 The National Space Standards only outlines the minimum standards for self-contained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes.
- 9.15 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.
- 9.16 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. The bedroom sizes (excluding en-suite) are as follows:
- Bedroom 1- 6.8 sqm
 - Bedroom 2- 10.5 sqm
 - Bedroom 3- 16.5 sqm

- Bedroom 4- 13.2 sqm

9.17 The Environmental Health Officer has confirmed that the applicant would be able to obtain an additional HMO License. Although bedroom 1 is smaller than the 10 sqm the other bedrooms meet and two will exceed the 10 sqm. The property provides a generous shared kitchen as well as a large communal lounge. The shared kitchen, dining and living space encourages tenants, to mix and interact, which contributes to social and healthy wellbeing. Outside space is also available with a long narrow garden area at the rear. As such the overall size and layout of the property is considered to be suitable for the proposed use.

9.18 It must be also be considered in an assessment of the development that this is a family sized house where up to four family members could live and therefore the bedroom sizes are as is. This weighs positively in respect of the change of use and carries significant weight.

9.19 Impact Upon Residential Amenity

9.20 Adopted UDP 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.

9.21 The application site is bordered by existing residential development. There are no external alterations proposed as part of the change of use.

9.22 Given that there are no external alterations proposed to the existing property, there are no issues relating to overlooking or overshadowing.

9.23 The property provides a generous garden to the rear, for the future tenants. This provides tenants with an outdoor space to socialise and interact. The access to outdoor space encourages social and healthy wellbeing and as such the retention of this area as garden is welcomed.

9.24 The garden has a gated access, onto the vehicle access to the rear. The bin area is also provided at the rear.

9.25 Whilst HMO uses generally intensify the use of properties, the application site is considered suitable for the proposed use without significant intensification. The change of use to a HMO property will regulate and limit the number of residents permitted at the property to 4 only.

9.26 The possible noise and disturbance and impact upon residential amenity, is likely no more than if a residential family occupied dwelling on the street.

9.27 Location

9.28 The application site is positioned in a suitable location. The site is approximately 0.9 miles from Doncaster Town Centre and the Doncaster Transport Interchange, thus within suitable walking distance. There is a local shop

opposite the site and a variety of shops and local amenities along Wentworth Road.

- 9.29 Whilst there is no off street car parking dedicated for the residents, considering the above, the application site lies within a sustainable location close to the town centre and sustainable methods of transport. There is also generous on street car parking available on Rockingham Road. This carries significant weight.

9.30 Conclusion on Social Impacts.

- 9.31 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.

- 9.32 In conclusion the property provides adequate internal space standards, and meets the criteria in terms of obtaining the additional 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.

- 9.33 It is considered that the proposal would not adversely affect neighbouring residential properties through additional overlooking or loss of privacy. One of the two representations raised issues relating to noise and disturbance. However given the number of residents that will reside in the property is similar to that of a family and that the number of residents will be regulated. This weighs in favour of the application carrying moderate weight.

9.34 ENVIRONMENTAL SUSTAINABILITY

9.35 Concentration of HMOs

- 9.36 The Article 4 Direction was brought in as a measure to control the quantity and quality of HMO properties operating within the area.

- 9.37 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.'*

- 9.38 Although this policy can only be afforded limited weight, it is important to highlight the housing mix along Rockingham Road, in line with adopted Policy CS12. 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.'*
- 9.39 Using the HMO License data, provided by the Council's licensing department, currently there are only 6 registered HMO properties on the road. These are:
- 12 Rockingham Road – 5 bed*
 - 32 Rockingham Road – 5 bed*
 - 46 Rockingham Road – 5 bed*
 - 48 Rockingham Road – 5 bed*
 - 49 Rockingham Road – 4 bed*
 - 60 Rockingham Road – 5 bed*
- 9.40 All of these registered HMOs are distributed along the road. There are no HMO properties next to the application site. There are approx. 72 properties on Rockingham Road. This equates to approx. 4% of the registered addresses on the street currently operating as HMOs. One additional HMO on the road is not deemed to change the overall character of the area. The change of use of the application is in accordance with the criteria set out in emerging Policy 10 and as such it considered suitable.
- 9.41 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. This has been proven through a recent appeal decision at 13 Stanhope Road, where the Planning Inspector gave the policy limited weight and upheld the appeal granting permission.
- 9.42 Considering the above, the proposed development is in accordance with adopted Policy CS12 as the development will add to the mix of housing types along the street. Therefore the position of the proposed HMO is suitable.
- 9.43 Landscape
- 9.44 The development includes a rear garden for tenants. This provides for outside amenity space, as well as an area to store bins.
- 9.45 Heritage
- 9.46 The proposal has no impact upon any heritage assets or Conservation Areas.

9.47 Highways

9.48 There is on street car parking and also there is rear parking accessed via a Lane. The Highways DC Officer has confirmed no objection to the development. 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 and therefore car parking is not relied upon.

9.49 Conclusion on Environmental Issues

9.50 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.

9.51 Given that the application is utilising an existing property, the impact upon Environmental issues is very limited. Only 4% of the properties on Rockingham Road currently operate as HMOs, and the additional proposed HMO is not considered to harmfully impact the character of the area or surrounding environment.

9.52 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, meaning that private car parking is not to be relied upon. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

9.53 ECONOMIC SUSTAINABILITY

9.54 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.

9.55 Conclusion on Economy Issues

9.56 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.

9.57 The proposal would result in limited economic benefit, by increasing the occupancy of the property from likely a 3 bedroom property to a 4 bed HMO. 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 to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

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

Existing Planning Drawing, Received: 22nd December 2020

REASON

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

1. **INFORMATIVE**
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: <https://www.doncaster.gov.uk/services/business-investment/additional-licensing>
2. **INFORMATIVE**
Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place at the property. The

applicant should contact waste&recycling@doncaster.gov.uk to discuss the provision and siting of suitable bins and setting up a collection service if this is not in place.

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence

APPENDIX 1 - Internal Layout



Existing Ground Floor Plan 1:50

Existing First Floor Plan 1:50