

COMMITTEE REPORT

Item Number:

Application Number: S/19/1505

Ward: Eastcott

Parish: Central Swindon South

Proposal: Erection of a first floor rear extension to an existing 6 person House in Multiple Occupation (use class C4) to create an 8 person HMO (sui generis).

Location: 27 Prospect Hill, Old Town, Swindon

Agent:

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Applicant:

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Officers Report

Background:

- i) This application has been called to the Planning Committee by the Central Swindon South Parish Council due to its proposed house in multiple occupation (HMO) usage.
- ii) S/HOU/19/1176 - Permission granted for first floor rear extension to an existing House in Multiple Occupation (HMO) kitchen. Granted 4th October 2019.
- iii) S/15/0092 – Permission was granted for the change of use from single dwellinghouse to house in multiple occupation and associated works. Granted 20th March 2015

Summary of Recommendation:

That planning permission be GRANTED with Conditions

The Proposal:

1. Planning Permission is sought for the erection of a first floor rear extension to an existing 6 person House in Multiple Occupation (HMO) to create an 8 persons HMO (sui generis). The number of bedrooms will remain at six and to accommodate the additional two people, the existing rear ground floor and the rear first floor to be extended (currently kitchen) will be converted from single

occupancy to 2-persons bedrooms. Existing bedroom 2 at ground floor will be converted to a communal kitchen.

2. The property consists of 2 floor levels. At ground floor will be the communal living room and kitchen, single bedroom and 2- persons bedroom. There is direct access to the front and rear of the property from the communal dining/kitchen area. The first floor consists of 3 single bedrooms and 1no. two persons bedroom. The submitted plans indicate that each bedroom would be en-suite.
3. It should be noted the proposed first floor rear extension was considered acceptable as part of granted permission S/HOU/19/1176 and remains extant.
4. Refuse bin storage is at the front of the property – consistent with nearby properties and cycle storage is provided in the rear garden of the property.

The Site and Surroundings:

5. The application site comprise an end of terrace two-storey house, currently in use as a dwelling in multiple occupation for occupants) on a residential street, Prospect Hill. The property has a flank to rear relationship with properties on North Street.

Representations:

6. Neighbours:
Nine letters objecting to the proposals were received highlighting the following:
 - Inadequate parking as there are already parking problems on this part of Prospect Hill.
 - Overprovision of HMOs in the area
 - Waste collection problems
 - Lack of sewage capacity to cater for the additional number of bedrooms
 - Absentee landlords
 - Antisocial behaviour from HMO occupants
 - Noise and disturbance
 - Loss of light from proposed rear extension
 - Retrospective applications set a bad precedent
 - Fire risk to neighbouring properties
 - Loss of property values
7. Central Swindon South Parish Council: Objects for the following reasons:
 - HMO standards 1) forbid the carrying of food upstairs, and 2) require a Communal Living Room suitable for occupants of rooms beneath a certain size threshold. The development therefore requires both a Communal Living Room large enough for occupants of rooms 1, 4, 5 & 6 (four occupants), and a Dining Room large enough for occupants of 3, 4, 5 & 6 (5 occupants). The single shared Living Room / Dining Room/ Kitchen provided is not suitable; if configured as a dining room with a dining table suitable for 5 occupants there will be no room for Living Room furnishings such as sofas or a TV, and vice versa.

- It is inappropriate that Bedroom 1 opens directly onto the kitchen/communal area (open plan/combined space) and will provide a poor standard of living (noise and other disturbance from other residents using the space in the normal fashion).
 - Also support the objection raised by neighbours (Western Street) re: extension blocking light to garden.
 - Too many HMOs have a detrimental effect on services, space and quality in the area
8. Local Highway Authority: No objection subject to a condition prohibiting the occupants from obtaining parking permits.
9. Healthy Neighbourhoods – Environmental Health : Advise that the premises are a licenced HMO and that they raise No objection

Relevant Policy:

10. The Development Plan
Swindon Borough Local Plan 2026 (2015)
- Policy SD1: Sustainable Development Principles
 - Policy SD2: The Sustainable Development Strategy
 - Policy DE1: High Quality Design
 - Policy HA4: Subdivision of Housing / Houses in Multiple Occupation
 - Policy TR2: Transport and Development
 - Swindon Central Area Action Plan (2009): No relevant policies
11. Material Planning Considerations
- National Planning Policy Framework (2012)
 - Technical Guidance on Parking Standards Development Control Guidance Note (2009)
 - Adopted SPD Residential Extensions and Alterations (2011)

Planning Considerations:

Principle of the development

12. Local Plan policy SD1 expects development proposals amongst other criteria to be of high quality design, to promote health, safe and inclusive communities and be accessible by walking, cycling and public transport. Policy SD2 expects to realise development opportunities within Swindon's urban area. Whereas concerns have been raised regarding the increase in the number of HMOs in the locality, the property is already in use as an HMO (permission S/15/0092) and the proposals would only intensify the use in terms of an increase in the number of occupants from 6 to 8 persons. As a result of the host property being located within Swindon's urban area in an area already characterised by residential usage (including houses, flats and HMOs) and within walking distance of the town centre and old town, it is therefore in a highly sustainable location in terms of its proximity to such services and public transport. It is considered that the principle of the development is acceptable.

Character, Appearance and Amenity

13. The property is already in lawful use as an HMO and is therefore not considered to have an adverse effect onto the character of the area or lead to an unacceptable concentration of houses in multiple occupation. Whilst concerns have been raised by the Parish Council and residents regarding too many HMOs in the locality, the proposal is not adding to the existing stock. However, the change from 6 to 8 persons HMO will still need to comply with aspects of policy HA4 of the Local Plan that is key in assessing appropriateness of HMOs in planning terms.
14. It is not considered that the proposed change from a 6 persons to an 8 persons HMO, without an overall increase to the number of bedrooms, would have a significant impact on the existing levels of amenity enjoyed by neighbouring properties. Concerns have been raised by residents regarding antisocial behaviour, noise and disturbance from occupants of the HMO. However, antisocial behaviour is dealt with under separate legislation and there is no evidence to demonstrate that the additional 2 persons would cause such intensive use of the site that would result in harmful impact upon the living conditions of the occupiers of neighbouring dwellings.

Room Sizes and Internal Arrangements

15. In accordance with Policy HA4, room sizes must meet with the internal arrangements to meet the Council's current standards. The additional two people will be sharing 2 bedrooms of appropriate size (*bedrooms 2 that is 16sqm and 3 that is 14sqm*) and would therefore not result in an increase on the overall number of bedrooms for the property. All single person bedroom sizes meet the minimum 7.5sqm (not including en-suite floorspace) where there is shared living room. It is evident that each of the bedrooms would provide acceptable amenity levels for its occupiers in terms of access to daylight and appropriate privacy levels. The communal facilities in terms of the kitchen and living room as well as the sizes of all the bedrooms meets the required HMO criterion and there will be no need for occupants to carry food to their bedrooms. The communal rooms and bedrooms will provide acceptable amenity levels for the occupants. The Parish Council has also raised concerns regarding direct access from bedroom 1 to the communal living room. However, this is an existing situation as the property is already in lawful use as an HMO. In the interest of securing safe and habitable living conditions, and particularly ensuring that the development complies with fire safety requirements and regulations, the change of use will still be subject to mandatory HMO licencing. Adequate garden amenity space accessible to all occupants will be retained to the rear.
16. The application has demonstrated that there is sufficient capacity to accommodate refuse bins to the front of the property and the applicant confirms that waste will be brought out on scheduled waste collection days only. Adequate bicycle storage will be provided within the rear garden.

The impact on parking and highway safety

17. The site is considered to have good levels of accessibility to public transport links. Whilst concerns have been raised by residents regarding parking, the site is located within Sector 1 as defined by the adopted Parking Standards where

Houses in Multiple Occupation can be considered to be “car free” developments with no specific requirement for parking. A planning condition will be added to ensure future occupants are prohibited from receiving car parking permits. It is therefore considered that the proposal will not impede the safety and efficiency of the adjoining highway network and is therefore in conformity with Policy TR2 of the Swindon Borough Local Plan.

First Floor rear extension consideration

18. The principle for the rear first floor extension has already been considered acceptable in terms of granted planning permission S/HOU/19/1176 that allowed identical extensions in terms of size, scale and design. The fact that the permitted rear extension is capable of being implemented is a material consideration that should be accorded considerable weight. Whilst the previous proposals were to create an additional kitchen, the current submission is to create an additional 2-persons bedroom. Concerns have been raised by a neighbour regarding the size of the rear extension and potential loss of light. However, as previously assessed, the extension that is 3.5m deep and 2.8m wide with a mono pitched roof is not considered to result in harm to the amenities of the neighbours.
19. To prevent loss of privacy to the rear garden of adjoining properties on North Street, the secondary side facing window to the first floor would be conditioned to be obscure glazed and non-opening to parts below 1.7m measured from the first floor level. The first floor extension maximum 2.2m from the rear boundary with properties on North Street is therefore not considered to result in harm to the neighbours in terms of being overbearing, loss of light/outlook and privacy.

Visual Impact:

20. Whilst it is acknowledged the proposal would create a large property when viewed from the rear gardens of properties on North Street, this part of Prospect Hill is characterised by similar sized extensions notably at nearby number 29 Prospect Hill. The proposed first floor extension would not be visible from the street scene. Finished with matching materials with a mono-pitched roof, the proposal is on balance not considered to result in harm to the appearance of the host dwelling and character of the area. Overall it is on balance considered to be in line with the guidance set out in the Residential Extensions and Alterations SPD (2011)

Community Infrastructure Levy

21. The Community Infrastructure Levy Charging Schedule came into effect in April 2015 whereby a mandatory charge is levied for certain types of new floorspace for qualifying development. The proposed rear extension would result additional floor space is less than 100sqm and therefore is not liable to CIL.

Other Matters

22. Most of the issues raised have been addressed in the above report. Issues regarding applicants not living on the property and loss of property values are not planning matters. The application is not retrospective and would therefore not set ‘bad precedent’. Fire safety issues are covered by other legislation and appropriate informatives will be added to that effect.

Concluding Comments:

23. The proposal would provide choice of accommodation for young professionals and key workers in Swindon. The proposal would not be detrimental to the amenities of nearby residents, will not give rise to any unacceptable living conditions, will not harm the character of the area, will have adequate refuse storage, subject to conditions will not generate any highway safety issues and will not adversely lead to a concentration of HMO properties in the vicinity. The proposal is therefore compliant with the above policies with specific regard to HA4. The proposed rear first floor extension is deemed to be acceptable in line with policy DE1 and the Adopted SPD Residential Extensions and Alterations. The proposal is therefore compliant with local plan policies and the National Planning Policy Framework. Finally, the development will also be subject to mandatory licencing under separate legislation.

Recommendation

24. That planning permission be **GRANTED** with Conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.
2. This approval shall be in respect of drawings: Drawing No. 460/001 Location Plan; Drawing No. 468/050 Proposed Site Plan; Drawing No.s 468/200 Proposed Elevations received 10 October 2019; Drawing No. 468/100 Rev A Revised Proposed Floor Plans received 29 November 2019
Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the first floor window on the side elevation shall be fitted with obscure glass and shall be fixed shut below a height of 1.7 metres as measured from the corresponding internal finished floor level. The window shall be permanently retained and maintained in this form for as long as the development remains on site.
Reason: In the interests of local amenity.
4. Prior to use as an 8 persons HMO, a waste/ refuse storage area shall be provided in accordance with the approved site plan, Drawing No. 468/050, and shall be retained and maintained thereafter for the duration of the use.
Reason: In the interests of providing suitable waste facilities.
5. Prior to use as an 8 persons HMO, secure cycle parking facilities conforming to Swindon Borough Councils Parking Standards shall be provided within the rear garden and shall be retained and maintained thereafter for the duration of use.
Reason: In the interest of cycle user safety and transport sustainability

6. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the rooms hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential flats for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential flats.
Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area

Informatives

1. CIL-Reg.42 Exemption for Minor development: Whilst the development generates a net gain in floor space and is Community Infrastructure Levy (CIL) liable, it is exempt from CIL liability under CIL Regulation 42, as it constitutes minor development for the purposes of calculating CIL liability because the proposed extensions floorspace is below 100sqm GIA.
2. Fire Safety
In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting www.wfb.org.uk
3. The approved development is still subject to mandatory Swindon Borough Council Houses in Multiple Occupation licencing requirements.