



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 19th June 2014

Subject: 14/01673/FU Change of Use of House to a 5 bedroom House in Multiple Occupation at 19 Sholebrooke Mount.

APPLICANT

Mr Doyle

DATE VALID

20 March 2014

TARGET DATE

3rd July 2014 (Extension of Time)

**Electoral Wards Affected:
Chapel Allerton**

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

- 1 Standard time limit for implementation
- 2 Compliance with submitted drawings
- 3 Provision of cycle storage space for occupiers prior to works commencing on site
- 4 Provision of adequate refuse storage space.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of all three Chapel Allerton Ward Councillors (as was at the time of the submission of the application).

2.0 PROPOSAL

- 2.1 The proposal seeks to convert an existing mid terrace property into a 5 bed House in multiple occupation (HMO). The property exists over four floors and as the proposed use of each floor is as follows;
Basement – Storage

Ground Floor – Kitchen to Rear, including an exit door to rear yard area, Room 1 Adjacent to rear, Lounge to front and Access hallway to side, access from existing front door.

First Floor – Room 3 to rear with shared bathroom and shower room adjacent, Room 2 to front with storage room adjacent. A landing is proposed that separates the Storage room and Shared Bath/Shower facilities and also give access to second floor;

Second Floor – Rooms 4 and 5 accessed off a landing, served by roof lights but with no direct outlook from them. A further shared shower room is also proposed on this floor.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in the Article 4 Direction Area which prevents the automatic change of use of C3 Dwelling houses into C4 HMO's. This designation was introduced in order to control the number of dwellings lost to HMO's and thereby undermining the essential character and mix of dwelling types in the area given that a plethora of HMO's concentrated together in a location can drastically change the character of an area from that of a predominantly and relatively permanent population to that of a transient population.
- 3.2 The present layout of the property suggests that it is already or was last used as a four bedroomed house albeit the two rooms in the roofspace at present have no windows in them.
- 3.3 The site is located in a wholly residential area of Potternewton being defined by rows of Victorian terraced houses each row been accessed from a 'main' road to their frontages and a subsidiary 'access' road to their rears. In this instance the property is accessed from Sholebroke Mount to the front and Back Sholebroke Mount to the rear. Typically refuse facilities are accessed in the rear access roads.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice posted near the site on 4th April 2014 and individual letters sent to the occupiers of nearby residential properties on 28th March 2014. Ward Members have also been notified of the development proposal. The expiry time for comments in respect of this proposal expired on 25th April 2014. As a result of this consultation exercise a joint request from the Ward Members for plans panel to decide this application should officers be mindful to recommend approval was received. Reasons for this are:
- This change of use could increase the demand for on-street parking in an area where parking is already at a premium.
 - This would be a further loss of a family size property in an area close to a park that would be ideal for family living.

- We feel that a five bedroom HMO is too much for this size property and would not provide adequate living space for any potential tenants.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Highways have commented on the proposal and given the current lawful use of the property, as a dwelling that could accommodate four (possibly 5) people in a family situation anyway the increase in intensity of use is not sufficient to cause concern from a Highway perspective. In addition, further comment is made that the occupiers of such accommodation are less likely to own private motor vehicles and therefore an objection on highway grounds would be difficult to justify. However a request that cycle storage be provided which can be covered by the imposition of a suitably worded condition.
- 7.2 Neighbourhoods and housing have not responded at the time of writing this report.

8.0 PLANNING POLICIES:

- 8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006), and the Natural Resources and Waste Local Plan 2013 (NRWLP).
- 8.2 Draft Core Strategy (DCS): The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and Spring 2014. The weight to be attached is limited where representations have been made. It is however considered that there are no policies within this document that are material to this case.
- 8.3 UDP Policies:
Of the UDPR the following policies are considered relevant;
GP5 – seeks to deal with matters of detail at the planning application stage
T2 - seeks to ensure that matters of highways are dealt with adequately.
- 8.4 There are no policies in the NRWLP that are relevant to this proposal.

National Planning Policy Framework

- 8.5 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. It is however not considered to contain any policies that have a direct bearing on this particular proposal.

9.0 MAIN ISSUES:

- 9.1 The main issues raised as a result of this proposal are;
The principle of Development
Impact on Highway Safety
Impact on Neighbours Amenity
Suitability of proposed accommodation for intended use

10.0 APPRAISAL

The principle of Development

- 10.1 The occupancy of the property as an HMO would still fall under the definition of 'residential'. The site is located in a wholly residential area with no other land uses in the near vicinity of the application site on this basis it is therefore concluded that the development proposed is acceptable in principle in this location.
- 10.2 The Article 4 Direction, which prevents the exercise of Permitted Development Rights to convert a C3 dwelling into a C4 HMO Unit, was designated to protect the provision of suitable family housing in areas where high demand for HMO accommodation exists. In respect of this application there is little evidence that conversions to HMO's have taken place to other properties on Sholebroke Mount. The site has a limited yard area to the rear which is not considered to be useable garden space and certainly not useable garden space for a families regular use. It is therefore concluded that the cumulative impact of this conversion will not be detrimental to the character of the area or to the loss of family dwellings in this location.

Impact on Highway Safety

- 10.3 A concern with any change of a standard dwelling to some form of variation on that theme will always be the potential impact of any intensification of use of the property. However as an existing 4 bedroomed house the number of residents it could accommodate would equal if not exceed the 5 residents now applied for. It is arguable that a family occupying such a property is likely to have children who are not old enough to drive and own their own vehicle whereas multiplicity of occupiers could potentially own a vehicle each. This however is not something which can be predicted with any certainty and in both scenarios the level of vehicle ownership will vary widely over time.

Impact on Neighbours Amenity

- 10.4 The change in layout internally to the property will result in "living" rooms adjacent to bedrooms in neighbouring properties however it is generally accepted that rooms in houses are occupied by numerous potential sources of sound through the proliferation of TV's, Computers, music systems and that on balance they tend not to cause disturbance sufficient to warrant a refusal of planning permission.
- 10.5 Another potential source of disturbance for occupiers of existing neighbouring properties would be from any increase in vehicular activity brought about by the change of use of the property to a HMO. Advice from the Councils Highway Engineers suggests that there will not be a material increase in activity over and above what might be expected from the occupation of the property as a single dwelling.

Suitability of proposed accommodation for intended use

- 10.6 The property already has two rooms within the loft space and in respect of the suitability of the proposed accommodation these are the rooms that give rise to concerns due to their lack of direct outlook (i.e. no windows), and their size.
- 10.7 However the property as a whole is generously provided for in terms of communal space in that the ground floor front living room will remain as a lounge, there are two shared bathrooms to be provided, the kitchen is also provided as a communal facility and the applicant is proposing to insert roof light windows, on to serve each of the

rooms which will provide a degree of natural illumination to those rooms. In addition, access to the rear yard area where refuse facilities will be provided is accessible to all rooms via the shared spaces and kitchen.

- 10.8 In addition copious amount of storage are shown to be provided predominantly in the basement but also on the first floor where a room is allocated for the purposes of storage also. It is therefore concluded that the accommodation as shown on the submitted drawings is acceptable in terms of the potential impact on occupiers of the proposed HMO.

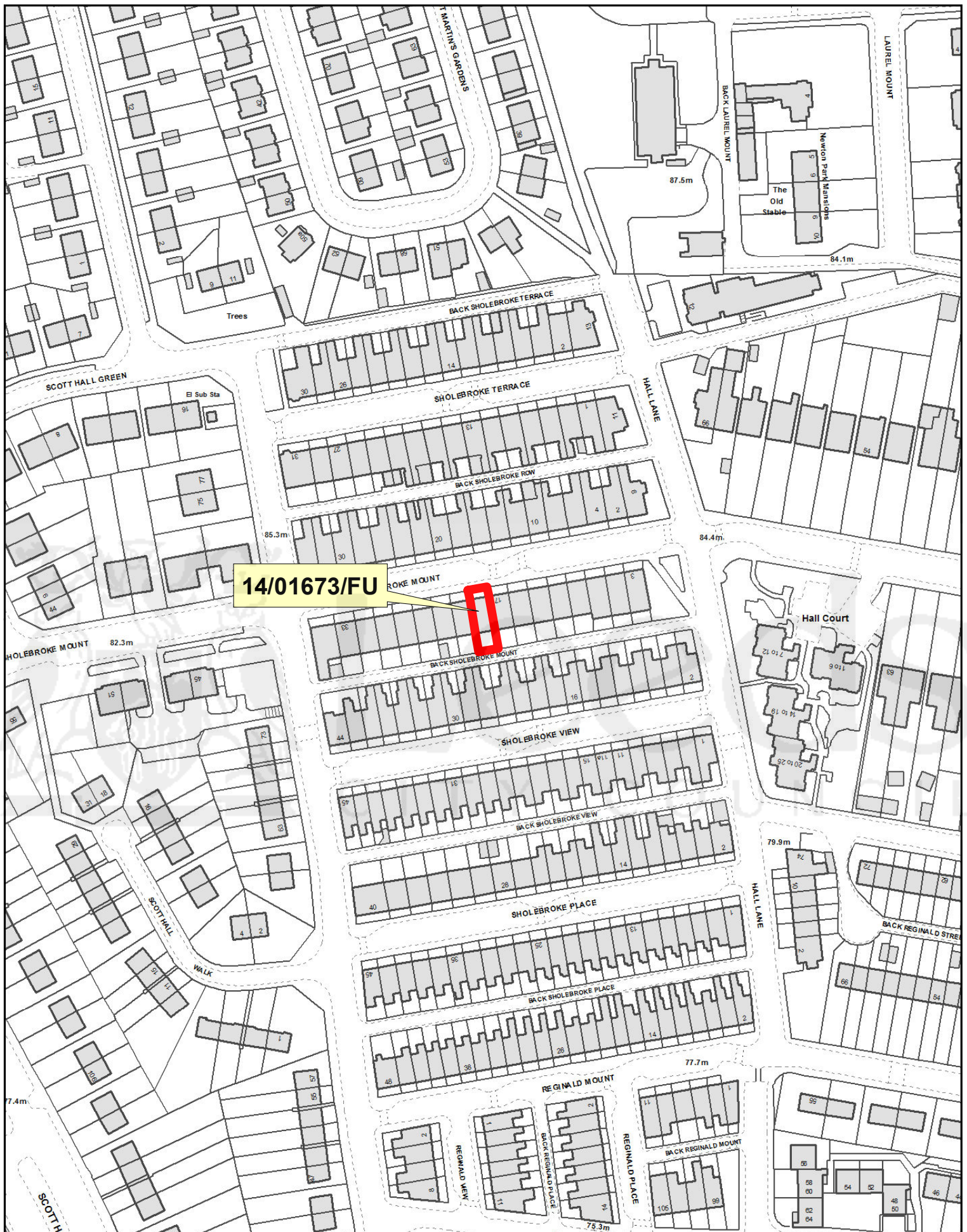
11.0 CONCLUSION

- 11.1 The property is considered acceptable for this conversion from a Dwellinghouse to a C4 House in Multiple Occupation as it is not considered that there will be any detriment to neighbours amenity, matters of highway safety or the amenities of future occupiers of the proposed HMO to warrant a refusal of planning permission. It is considered that the proposal complies with policies GP5 and T2 of the UDP.

Background Papers:

Application files: 14/01673/FU

Certificate of ownership: Applicant signed as sole owner.



NORTH AND EAST PLANS PANEL

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