

Committee Report

Application No:	DC/17/01110/COU
Case Officer	Owain Curtis
Date Application Valid	8 November 2017
Applicant	Jomast Accommodation Ltd
Site:	321 And 323 Rectory Road Bensham Gateshead NE8 4RS
Ward:	Saltwell
Proposal:	Change of use from dwelling (use class C3) to an eight-bedroom house in multiple occupation (HMO) (sui generis use)
Recommendation:	Refuse Permission
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

This application concerns a dwellinghouse on Rectory Road in the Saltwell ward. The property is a two storey terraced house having been historically converted from two Tyneside flats. The property has a small rear yard and a two storey pitched roof offshoot at the rear. At the front of the property there is a small garden enclosed by a brick wall. Both neighbouring properties either side of the application site are residential as are the surrounding properties. There is no on-site parking associated with the application site.

1.2 DESCRIPTION OF THE APPLICATION

This application seeks planning permission for the change of use of a property from a dwellinghouse (use class C3) to an eight bedroom House in Multiple Occupation (HMO) (sui generis).

1.3 The applicant has confirmed that all lettable rooms would be double bedrooms however it is unclear whether all rooms would be occupied by two people. As the internal layout could accommodate a maximum of 16 people, officers have considered the application on the basis that this number of people would occupy the property.

1.4 The application proposes no extensions or external alterations to the property. Internal alterations to the premises have been completed to convert the property into a HMO however the property has not yet been occupied by the first resident.

1.5 PLANNING HISTORY

There is no planning history for this property.

2.0 Consultation Responses:

Northumbria Police – No response received.

3.0 Representations:

3.1 This application is referred to the Planning and Development Committee for determination as a ward councillor for Saltwell, Councillor John Adams, objects to the proposal and given the level of local opposition to the development. Councillor Adams raises the following concerns:

- The application is over-development and would encourage other developers to seek out opportunities in the area.
- The proposal would result in a loss of an existing family home contrary to policy CS9 of the Core Strategy.
- The comings and goings and number of proposed residents would harm residential amenity.
- Residents already park in neighbouring streets and the area does not have the ability to absorb any new parking.

3.2 A site notice was displayed at the application site and neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015. A total of 9 objections have been received from 8 people.

3.3 The representations received raise the following issues:

- Overdevelopment
- Too many bedsits
- Residential amenity
- Overbearing
- Additional noise
- Disturbance in early mornings / late evenings
- Traffic and highways
- Inadequate car parking
- Increase of traffic
- Fire safety concerns
- Concern over health issues
- Proposal will attract potential vandals
- Community safety

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC1M Recycling

DC2 Residential Amenity

H5 Housing Choice

ENV3 The Built Environment - Character/Design

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are:
- i. The principle of the change of use;
 - ii. The living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance;
 - iii. The proposed standard of accommodation for the future occupiers of the application site;
 - iv. The character and appearance of the application property and surrounding area;
 - v. Highway safety and parking; and
 - vi. Any other material considerations.
- 5.2 **PRINCIPLE OF CHANGE OF USE**
Paragraph 50 of the NPPF states that Local Planning Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 5.3 Within this context, policy CS9 of the Core Strategy sets out the Council's approach to ensure that existing communities are sustainable places of quality and choice. The policy states that this aim will be achieved by various measures including "preventing the loss of family homes, through sub-division, change of use or re-development".
- 5.4 Policy CS11 of the Core Strategy seeks a better range and choice of housing needed to improve the borough's housing offer. This is achieved by, amongst other things, requiring 60% of new private

housing across the plan area being suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.

- 5.5 Policies CS9 and CS11 of the Core Strategy together seek to re-balance Gateshead's housing stock given the substantial evidence of a shortage of 3 or more bedroom properties and the need for mid-market family dwellings to help stem the migration of family-forming households out of the plan area. This problem is particularly applicable to the Saltwell ward where the Bensham and Saltwell Neighbourhood Action Plan concludes the housing market is unbalanced with an over-representation of single person households and a deficiency of family homes - particularly large family homes.
- 5.6 Several objections received raise the loss of family homes as a concern and that the proposed application would not help to improve this issue.
- 5.7 The development proposed in this application would result in the permanent loss of a home which is suitable for families in a ward where Census data shows the majority of existing homes contain fewer than 3 bedrooms. It is therefore considered the proposed development would further erode the provision of family homes in Saltwell and would undermine the overall aims and objectives of the Core Strategy which seek to safeguard and improve the provision of housing for a specific identified need to achieve a mixed and balanced community. The proposed change of use is therefore in conflict with policy CS9(4) of the Core Strategy.
- 5.8 Policy CS9(5) also states that sustainable communities will be achieved by preventing an over-concentration of shared accommodation, such as HMOs, and proffers that high concentrations of HMOs can create problems in terms of environmental quality and residential amenity.
- 5.9 Representations state that existing HMOs in the area are contributing to the over-population of the area and that allowing a further HMO on Rectory Road would cause further harm to this precarious and non-stable community.
- 5.10 Up-to-date data from Private Sector Housing shows over the last 18 months the number of HMOs has increased by 62% on Rectory Road with 10 new conversions taking place in that time, taking the total to 26. This data is incomplete as only certain types of HMO require involvement from the Private Sector Housing team or a HMO licence so the actual number is likely to be higher. Data from the Housing Growth Team has also identified that there are a number of empty properties (including long term empties) within this area.

- 5.11 Furthermore, Census data from 2011 shows that the background to this is that the Saltwell ward has a significantly higher number of households formed of part of a converted or shared house (14% of household spaces) when compared to the surrounding wards (up to 6%) or the borough as a whole (3%).
- 5.12 When taken together, officers consider that the available data supports the viewpoint of local residents, as expressed in their objections, and that the addition of a further HMO into an area with an existing unbalanced housing mix would impact negatively on neighbourhood sustainability, and increase low demand.
- 5.13 Whilst it is acknowledged the Council does not have an explicit figure which it considers as a threshold for an “over-concentration of shared accommodation” it is clear that the level of shared accommodation on Rectory Road and in the ward as a whole is, at its existing level, undermining the long-term sustainability of the area rather than forming an appropriate and valuable part of the overall housing mix in a sustainable, inclusive and mixed community.
- 5.14 To conclude on the principle of the development, it is officers’ opinion that the proposal would result in the loss of a family home contrary to the overall aims and objectives of the Core Strategy and policy CS9(4). The proposal would also cause further harm to the sustainability of the area exacerbating the existing unbalanced housing market and failing to support an inclusive and mixed community. This is in conflict with paragraph 50 of the NPPF and policy CS9(5) of the Core Strategy.
- 5.15 **LIVING CONDITIONS**
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.16 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.17 The representations received raise concerns over the potential for a deterioration in the living conditions of existing residents of the street were this application to be approved.
- 5.18 The existing internal works have converted the property into 8 bedrooms as per the submitted floor plans. The applicant has confirmed that all lettable rooms would be double rooms, therefore the HMO could be occupied by up to 16 people.
- 5.19 The lawful use of the application property is a C3 dwellinghouse. The use of a property as a HMO is often markedly different from occupation as a family home. Although some tenants may be more considerate

than others, the general level of activity associated to a HMO and transient nature of HMO occupants, who are likely to lead separate, individual lives, is significantly greater than a typical family house and therefore increases the potential for noise and disturbance.

- 5.20 In this case, officers consider that the movements of a group of up to 16 people with independent lifestyles would cause a material increase in comings and goings to the property over and above a C3 dwelling - and that the associated noise and disturbance would cause undue harm to the living conditions of the residents of surrounding properties. It is considered this harm would be compounded by the additional comings and goings of non-tenants including a greater increase in visitors to the house.
- 5.21 National Planning Practice Guidance advises that conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 5.22 With regard to noise and disturbance, officers are of the view that a condition attempting to limit the number of occupants to a reduced number, to lessen the identified harm to residential amenity, would not be practically possible to enforce in terms of detecting a contravention. Nor would it be precise or reasonable when taking into account visitors and guests to the property some of whom may stay overnight or for a longer duration of time. It is therefore concluded that such a condition would fail the tests of precision and enforceability set out in paragraph 206 of the NPPF.
- 5.23 Further, the application does not include any specific proposals to reduce noise transmitted from the HMO to the adjoining properties with shared walls. The potential impact of the development on the occupiers of neighbouring properties would be intensified by the presence of a single communal kitchen and communal lounge for up to 16 occupiers and any additional visitors, as well as the arrangement of the toilet and shower block on the first floor. Officers consider that the number of residents mean the internal communal areas would be used significantly more intensively than a typical family terraced house, as would the toilet and shower block which are consolidated into an area on the first floor along the party wall. This would result in noise and disturbance through the internal walls to the detriment of the living conditions of the immediate neighbouring properties. There is no evidence to suggest that sound proofing works would, assuming it would be a reasonable solution to impose, be affective to reduce the additional noise that would be produced through the increased use of the application property by up to 16 people.
- 5.24 In light of the above and given the terraced nature of the street, it is considered there would be conflict between the proposed use and the

C3 residential uses in the immediate vicinity. Officers therefore consider the change of use would cause material harm to the living conditions to the occupiers of surrounding properties contrary to the aims and objectives of the NPPF, policy CS14 of the Core Strategy and saved policy DC2 of the UDP.

- 5.25 Turning to the living conditions of the future occupiers of the HMO, policy CS11(4) of the Core Strategy requires, amongst other things, that residential development provide adequate space inside the home, including storage, to meet the needs of residents.
- 5.26 The kitchen is somewhat restricted in terms of space and storage for 16 people and due to the fact the kitchen and lounge are the only internal communal space it would be a rather intensive arrangement. The kitchen would contain two cookers, sinks and fridges. It is considered the size and facilities are just about sufficient to provide enough in the way of facilities to meet the day-to-day cooking needs of the HMO occupiers.
- 5.27 Whilst the kitchen may be acceptable on balance, officers consider that living conditions of the occupiers of rooms 7 and 8 in the attic would be poor. It is reasonable to conclude that given the size of the lounge, which cannot accommodate all 16 residents comfortably, and in the pursuit of privacy and solitude, residents of the HMO would spend extended periods of time in their rooms when compared to the living arrangements in family homes. The planning system cannot control types of tenancies so it is more than a possibility the HMO would be occupied by a number of unrelated persons let as individual rooms. As such it is proper for planning to safeguard their living conditions.
- 5.28 Like all lettable rooms, rooms 7 and 8 would be double bedrooms. They are part of a loft conversion and the ceiling forms part of the external roof slope therefore these rooms do not have a full height ceiling for the entire room. It is considered this would create a cramped and claustrophobic living environment for the occupiers of these rooms and the slope of the ceiling would render the room impractical for normal day-to-day living including the ability to sit at a desk and chair or have room for enough storage including a wardrobe. In addition, the outlook the future occupier of bedroom 8 would have in particular is considered to be poor given the size and siting of the rooflights.
- 5.29 The harm to the future occupiers living conditions would be compounded by the fact that these rooms would represent their only personal, private space in the property therefore it is considered the proposed development fails to meet the needs of the future residents of rooms 7 and 8 or provide adequate living space contrary to policy CS11(4) of the Core Strategy.
- 5.30 In summary, the intensive use of the property would cause a significant increase in comings and goings and an unacceptable level of noise

and disturbance thereby causing material harm to the living conditions of the existing occupiers of surrounding properties. Also the proposed residents of rooms 7 and 8 would have unacceptable living conditions due to the cramped nature and lack of adequate space. This is in conflict with the NPPF, policy CS14 of the Core Strategy and saved policy DC2 of the UDP.

5.31 CHARACTER AND APPEARANCE

Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.

5.32 The applicant proposes no external alterations to the property therefore the development would accord with policies CS15 of the Core Strategy and saved policy ENV3 of the UDP as the existing character and appearance of the host property and area would be retained.

5.33 HIGHWAY SAFETY AND PARKING

Paragraph 32 of the NPPF states that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'. Case law has recently clarified that the severity test over residual cumulative transport impacts, referred to in paragraph 32 does not apply to matters of highway safety.

5.34 Several representations raise the issue of parking availability on Rectory Road stating that the area cannot absorb any new demand for car parking and the area is already at capacity with residents unable to park in their own street and instead having to use neighbouring streets.

5.35 Council parking guidance indicates that a maximum provision of three parking spaces should be sought for an HMO consisting of eight bedrooms. For the existing large, single house a provision of between one and two spaces may be expected. Therefore, the net increase as a result of the HMO is estimated to be one to two vehicles.

5.36 The Transport and Highways department conducted two parking surveys during the consideration of this application concluding that parking demand was near capacity. Whilst officers acknowledge car parking is an issue in this area, it is not considered that the proposed development would have a significant negative impact on the existing car parking arrangements. Further, it is considered that the number of free spaces observed on-street would be broadly similar to the increase in parking which would arise from the HMO. As a result, the development would not have a severe impact on highways and parking and would therefore accord with the NPPF and policy CS13 of the Core Strategy.

5.37 OTHER ISSUES

Separate from the material considerations discussed above the objections received state that there are concerns regarding the reputation of the applicant. The granting of planning permission runs with the land therefore the proposal is assessed on its own merits. The reputation of the applicant is not a material consideration.

5.38 It is also stated that there are concerns about fire safety as there is only one internal staircase. Fire safety is dealt with through the Building Control regime and the planning system should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. A Building Regulations application is currently pending consideration.

5.39 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

6.0 CONCLUSION

6.1 Taking all the material planning considerations into account, including the objections raised, it is recommended that planning permission be refused.

7.0 Recommendation:

That permission be REFUSED for the following reason(s):

1

The development would fail to help achieve a mixed and balanced local community by causing the loss of a family home contrary to the National Planning Policy Framework and policy CS9(4) of the Core Strategy and Urban Core Plan.

2

The development would exacerbate the existing unbalanced housing market in the area thereby failing to support an inclusive and mixed community through the further adding to the over-concentration of shared accommodation contrary to the National Planning Policy Framework and policy CS9(5) of the Core Strategy and Urban Core Plan.

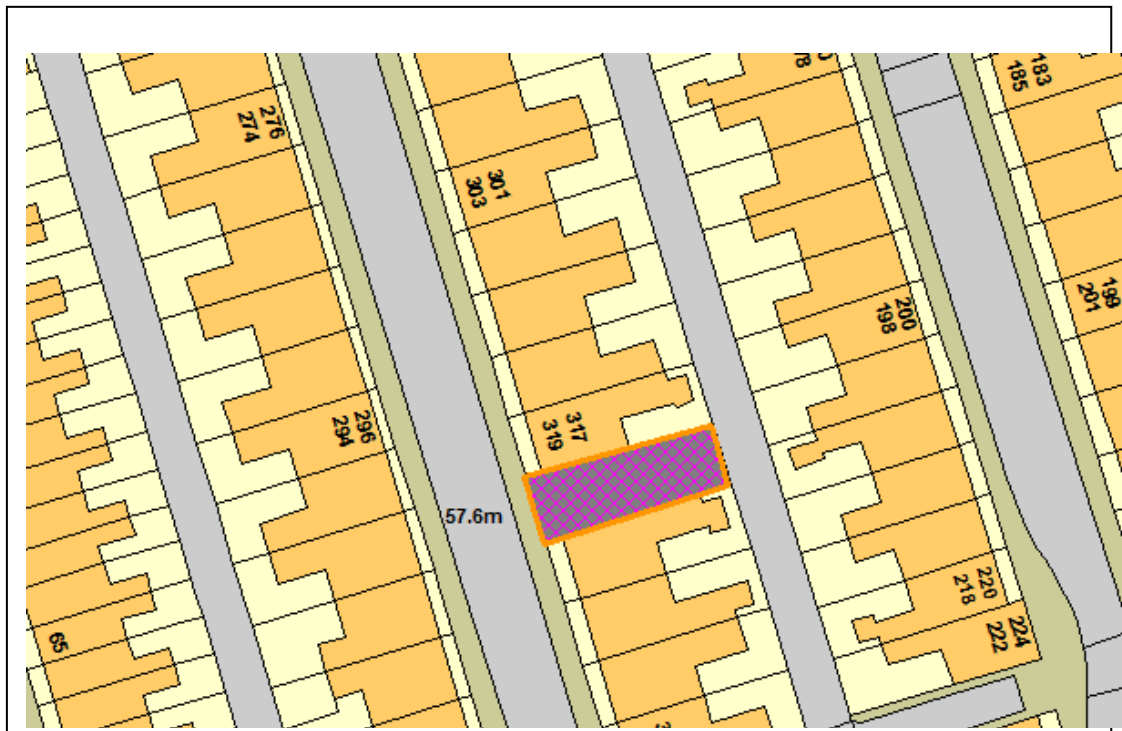
3

The intensive use of the property would cause a significant increase in comings and goings and an unacceptable level of noise and disturbance thereby causing material harm to the

living conditions of the occupiers of surrounding properties. This is contrary to the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

4

Rooms 7 and 8 would fail to provide adequate living and storage space for the future occupiers resulting in a poor, cramped living environment contrary to the National Planning Policy Framework and policy CS11(4) of the Core Strategy and Urban Core Plan.



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