

Committee Report

Application No:	DC/21/00075/COU
Case Officer	Josh Woollard
Date Application Valid	2 February 2021
Applicant	Mr Kheng Chua
Site:	Oakwood St Marys Terrace Heworth Gateshead NE10 0NN
Ward:	Felling
Proposal:	Change of use from dwellinghouse (Use Class C3) to seven bedroom house in multiple occupation (Sui Generis).
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The site is an existing 5-bedroom, mid-terrace dwelling. It has a moderately sized front garden and a smaller, enclosed private yard to the rear.

1.2 The terrace comprises two-storey dwellings with ground and first floor bay windows. As a result of a slight land level changes, the roof line of the properties is staggered with dwellings to the east set on a slightly lower land level than their neighbour to the west.

1.3 The dwelling faces north onto St Mary's Terrace and beyond lies Heworth Metro Station and accompanying car park. The character of the area is predominantly family housing with the exception of a public house, The Swan, to the north-east, and Eastwood assisted living residence and The Drive primary school to the south and south-west, respectively.

1.4 Parking for permit holders is available at the front of the property along St Marys Terrace. Each property can apply for two permits.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of a 5-bedroom dwellinghouse (Use Class C3) to a 7-bedroom HMO (Sui Generis).

1.6 Whilst no external alterations are proposed, internal alterations are proposed to facilitate the change of use.

1.7 In terms of internal changes, the existing dining room and play room at ground floor level will be converted to bedrooms with en-suite bathrooms. Further alterations are proposed to ensure compliance with Building Regulations and fire safety, such as installing smoke alarms.

1.8 RELEVANT PLANNING HISTORY

1.9 There is no relevant planning history for the application site.

2.0 Consultations:

Police Comments provided

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in The Town and Country Planning (Development Management Procedure) Order 2015.

3.2 12 representations have been received of which 9 object to the proposed development. 1 letter of support has been received. 2 representations requested that their objection was acknowledged.

3.3 The objections are summarized as follows:

- Out of character with the area
- Increased noise and disturbance
- Loss of privacy
- Overdevelopment
- Increase in traffic
- Lack of cycle parking
- Road safety
- Increase in refuse
- Impact on drainage
- Internal works already taken place
- Upkeep of the property

3.4 The letter of support is summarized as follows:

- High quality place to live to help with the housing shortage

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

5.0 Assessment of the Proposal:

5.1 The key issues to be considered in the determination of this planning application are considered to be principle of the development, design, residential amenity, and highway safety.

5.2 PRINCIPLE OF THE DEVELOPMENT

Policy CS9(1) seeks to maintain a range of housing types and sizes throughout the plan area.

5.3 Policy CS9(4) seeks to prevent the loss of family homes, through sub-division, change of use or redevelopment and to prevent an over concentration of shared accommodation.

5.4 Policy CS9(5) seeks to prevent an over concentration of shared accommodation.

5.5 In addition, paragraph 10.11 of the CSUCP states that shared accommodation (including houses in multiple occupation) forms a very significant and valuable part of the private rented sector. It provides market housing to meet the needs of a variety of people whom, for one reason or another, either do not wish to or are unable to live in mainstream housing, in either the owner occupied or the social rented sector. However, high concentrations of shared accommodation can create problems in terms of environmental quality and residential amenity.

5.6 Whilst the proposed development would conflict with the aims of policy CS9(4) insofar that a family home would be lost, the change of use would still provide an alternative form of living accommodation and therefore there would be no overall loss of housing stock within the Borough.

5.7 In terms of whether an over concentration of shared accommodation would occur under Policy CS9(5), the Council do not have an explicit figure which is considered a threshold. However, 2011 census data shows that within the

Pelaw and Heworth ward, 11.1% of households within the ward were privately rented which is below the average of 12.5% in Gateshead.

- 5.8 Information provided by the Council's Private Sector Housing team shows that there are no licensed HMOs in the immediate vicinity,
- 5.9 Furthermore, when taken alongside the representations received, the views of local residents supports the conclusion that the predominant type of accommodation in the area is family housing and therefore it is not considered that an overconcentration of shared accommodation would occur as a result of the proposal.
- 5.10 Taking into account the above, it is considered that, whilst the proposed development would result in the loss of a single family home, the application would go some way towards providing a range of housing types in a highly sustainable location within close proximity to Heworth Metro Station. Therefore, on balance, it is considered that the proposed development would be acceptable in principle, provided all other material planning considerations are satisfied.
- 5.11 **VISUAL AMENITY**
The application proposes no external changes.
- 5.12 Internal changes required to convert the ground floor bedrooms and to ensure compliance with Building Regulations and fire safety would not be development and would not require planning permission.
- 5.13 As a result, it is considered that the development would comply with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.14 **RESIDENTIAL AMENITY**
Policy CS14 aims to maintain and improve the health and wellbeing of communities.
- 5.15 Policy MSGP17 states development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:
1. does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
 2. safeguards the enjoyment of light, outlook and privacy; and
 3. ensures a high quality of design and amenity
- 5.16 Existing Occupants

Several objections raise concerns with increased noise, disturbance, odour and refuse along with loss of privacy and overdevelopment.

- 5.17 The proposed development would increase the number of bedrooms within the property by two and these would be located on the ground floor. No works are proposed to the first and second floor rooms which already benefit from their own bathrooms. As a result, the property would have 7 double bedrooms. The HMO could therefore be occupied by up to 14 people.
- 5.18 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.
- 5.19 In this case, officers consider that the movements of a group of up to 14 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.
- 5.20 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.
- 5.21 It is recommended that a condition be attached which restricts the number of residents to a maximum of 7 (condition 3).
- 5.22 The proposal 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 may be intensified by the presence of a single communal kitchen/dining area for up to 7 residents and any additional visitors. The use of this area is also likely to be significantly more intensive than a typical family terraced house. This may result in noise transference between the internal shared walls with the neighbouring properties and increased odour and cooking smells.
- 5.23 No objection to the application has been made by Environmental Health Officers. Further, the submitted Design and Access statement states that the property would be managed in accordance with the Council's HMO licensing policies, including a policy for dealing with anti-social behaviour.
- 5.24 The police have provided comments stating that further information is needed on how the property would be managed, the location and arrangements for

parking, and who the likely occupants would be. In terms of ensuring fire safety and property management including refuse collection, these issues would be covered by the HMO license which the landlord will need to apply for outside of the planning system. The potential occupants of the HMO would not be a material planning consideration. The parking arrangements are assessed in the proceeding section of this report

- 5.25 In terms of ensuring the new bedrooms are updated and enjoy the same isolation from common area noise as other bedrooms do, as well as more appropriate internal acoustics (i.e. appropriate reverberation times, double glazing if necessary) for the occupant to enjoy the use of the amenity space and to sleep, this would be covered by Building Regulations.
- 5.26 In terms of securing further sound-proofing by condition, the applicant could change the use of the dwellinghouse to a HMO for up to 6 residents under Class L, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015. Taking into account this fall-back position and considering the recommended condition restricting the number of occupants to 7, it is considered that, on balance, requiring further details of sound proofing for a single resident would not be reasonable as the level of noise created by one additional occupant would not be significant.
- 5.27 With regards to privacy, no external changes, such as new windows, are proposed and therefore it is not considered that the privacy of neighbouring properties would be impacted upon.
- 5.28 Taking into account the above, it is considered that, subject to a condition restricting the number of residents, the proposal would not result in material harm to neighbouring properties in the form of loss of privacy, increased noise, disturbance, odour or refuse over and above that which would be created by the fall-back position of 6 occupants.
- 5.29 Future Occupants
Moving on to the living standards for future occupants, the kitchen is somewhat restricted in terms of space and storage for 7 people and due to the fact the kitchen dining room is the only internal communal space it would be a rather intensive arrangement. In total, the kitchen/dining area would be approximately 20sqm. On balance, it is considered that the size of the kitchen would be sufficient in size to provide enough in the way of facilities to meet the day-to-day cooking needs of no more than 7 HMO occupiers and exceeds that required under Licence regulations.
- 5.30 With regards to bedrooms, each bedroom would be a double and would benefit from a private en-suite or a separate private bathroom. It is considered that, taking into account a condition limiting the number of residents, each bedroom would be of an acceptable size to accommodate the living and sleeping requirements of one occupant and exceeds that required under Licence regulations.. Each bedroom would benefit from at least one window to provide adequate light and ventilation into the room.

- 5.31 In summary, officers are of the opinion that through the imposition of a condition limiting the number of residents to 7, the intensive use of the property would be addressed thereby mitigating any material harm to the living conditions of both the existing occupants of neighbouring residential properties and future occupants of the HMO. As such, the proposal, on balance, is considered acceptable and would comply with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.32 **HIGHWAY SAFETY**
The existing property has no on-site parking and there are parking restrictions on the adjacent roads including St Marys Terrace to the north. Further, where parking is available at the front of the property along St Marys Terrace, a resident parking permit operation is in place whereby two resident parking permits can be applied for each property.
- 5.33 The applicant has stated that anticipated car ownership among residents of the HMO would be low.
- 5.34 The property is located within a highly accessible location, close to Heworth Metro Station and also benefits from good pedestrian links. The location is therefore very sustainable in transport terms.
- 5.35 In evening parking survey was carried out by officers within the Council's transport team and this confirmed that there is spare capacity, outside of the permit restriction times, to park on-street. The survey also included the surrounding area where further spare capacity was identified.
- 5.36 Final details of secure and weatherproof cycle parking can be secured via condition which can be accommodated within the rear yard area.(conditions 4-5).
- 5.37 Taking into account the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.38 **OTHER MATTERS**
A representation received raises concerns over the impact of the change of use on drainage and utilities. Further objection raises concerns over the upkeep of the property.
- 5.39 Environmental Health officers have housing, public health related, and detrimental to the area related powers which can be used if a detrimental impact on residents occurs in the future. These powers can require work to be undertaken should drainage be found to be insufficient, should refuse be allowed to accumulate or there to be pest infestations, or if the condition of the property is found to be so poor that it is detrimental to the amenity of the area.
- 5.40 With regard to internal works, works which affect only the interior of the building do not constitute development and therefore do not require planning permission.

5.41 In terms of HMO licensing, a license is required for a HMO occupied by 5 or more people. The licensing process allows for control over the number of people that can be safely accommodated within the property, and the provision of amenities e.g. the number of WCs and sizes of rooms. Mandatory conditions of a HMO license also require effective management of issues relating to waste disposal from the property, and the installation and maintenance of fire safety precautions. Building Regulations also covers fire safety.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

17/12/2020/PM/PLAN/01

17/12/2020/PM/PLAN/01

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The premises shall only be used as a house in multiple occupation for a maximum of 7 residents.

Reason

In the interests of protecting residential amenity of existing and future residents and in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

4

None of the rooms shall be occupied until final details of secure and weatherproof cycle storage shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

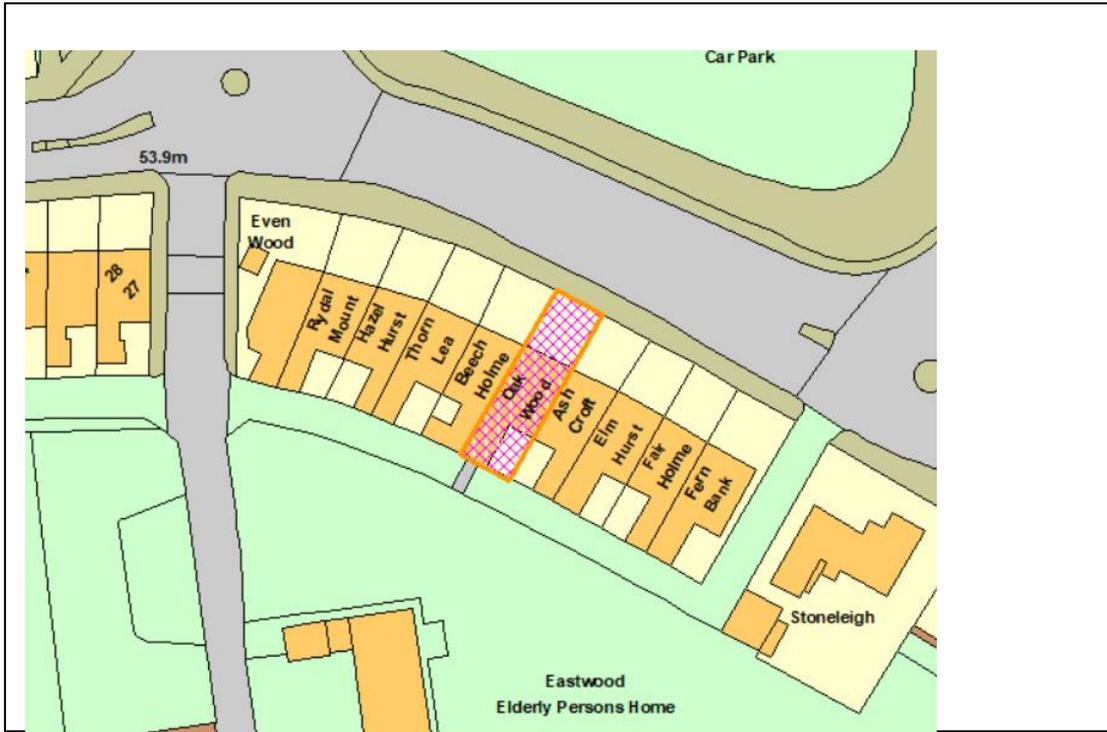
In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan, and the Gateshead Cycling Strategy 2015.

5

None of the rooms shall be occupied until the details approved under condition 4 have been implemented wholly in accordance with the approved details. The cycle parking provision shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan, and the Gateshead Cycling Strategy 2015.



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