

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 DECEMBER 2023
TITLE OF REPORT:	<p>232895/F - PROPOSED CHANGE OF USE FROM A 6 BEDROOM HMO DWELLINGHOUSE INTO AN 8 BEDROOM HMO DWELLING HOUSE (SUI GENERIS) AND TO ERECT A SINGLE STOREY EXTENSION ONTO THE BACK OF THE HOUSE - 50 BARRS COURT ROAD, HEREFORD, HR1 1EQ</p> <p>For: Mr Mark Clemmings, 50 Barrs Court Road, Hereford, Herefordshire, HR1 1EQ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232895&search-term=232895
Reason Application submitted to Committee – Redirection request	

Date Received: 28 September 2023 Ward: College Grid Ref: 351694, 240501
Expiry Date: 23 November 2023
Local Member: Cllr Ben Proctor

1. Site Description and Proposal

- 1.1 The property subject to this application is located in a residential suburb of Hereford, albeit lying close to the main commercial area and the train station. The existing 6-bed HMO is a two-storey, semi-detached house, with additional living accommodation in the basement and attic.
- 1.2 The houses along Barrs Court Road are characterised by ‘shallow’ garden areas to the front and rear gardens of greater depth. The street is densely developed with period housing in this particular location. As with the terraced housing along Hopton Road, most of the houses lie in close proximity to the road and so there is limited off-street parking provision.
- 1.3 This application proposes to change the use of the property to an eight-bed HMO (sui-generis) and to extend to the rear by way of a single-storey, flat roof addition in a matching brick. This application follows the refusal of application 220720/F, for a similar development proposal; a decision which was upheld on appeal (albeit on limited points). The key difference is that the Applicant is now willing to limit maximum occupancy to 8 people.
- 1.4 The application site lies outside of the Aylestone Hill Conservation Area.
- 1.5 For the purposes of the ensuing report, it is clarified that the existing house is regarded as a “small” HMO (Class C4), which are defined as properties housing between three and six unrelated people who share amenities. Planning permission is sought for a “large” HMO (sui generis), which involves seven or more people sharing.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1 - Presumption in favour of sustainable development
SS4 - Movement and transportation
SS6 - Environmental quality and local distinctiveness
SS7 - Addressing Climate Change
HD1 - Hereford
H3 - Ensuring an appropriate range and mix of housing
MT1 - Traffic management, highway safety and active travel
SD1 - Sustainable design and energy efficiency
LD1 - Landscape and townscape
SD1 - Sustainable design and energy efficiency
SD3 - Sustainable water management and water resources
SD4 - Wastewater treatment and river water quality

The Core Strategy policies, together with any relevant supplementary planning documentation, can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

2.2 National Planning Policy Framework

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

2.3 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Framework require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15 October 2015 and the decision to review it was made on 9 November 2020. The review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding applications. In this case, the most relevant Core Strategy policies – which are those relating to meeting housing needs, highway safety and safeguarding residential amenity (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

3.1 220720/F – Proposed change of use from dwellinghouse (C3) into an 8 bedroom house of multiple occupancy (sui generis) and erection of single storey rear extension (part-retrospective) – Refused 20/05/22 (and dismissed on appeal 12/05/23)

4. Consultation Summary

Statutory Consultations

4.1 Network Rail (No objection)

Network Rail has no objection in principle to the proposal but due to the site being next to Network Rail land and our infrastructure, and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months' notice before works start. Initially, the outside party should contact assetprotectionwales@networkrail.co.uk

Internal Council Consultations

4.2 Environmental Health Officer – Housing (No objection)

Although not a material planning consideration, I would recommend the following to reduce risk to occupants of the proposed development (in compliance with Part 1 of the Housing Act 2004):

It is recommended that the proposed development provides for a fire escape window(s) from the new ground floor rear bedroom, as the internal escape route in the event of fire is through risk rooms, i.e. the utility room/kitchen. Alternatively, the layout could be adapted to avoid the need to go through a risk room to escape from the rear bedroom in the event of fire. A route out of the rear garden is preferable. Fire doors with self-closure will be required for both bedrooms as these will allow the occupants time to escape. A fire alarm is also needed in both rooms.

Please note that fire escape windows should meet Approved Document B (Vol 1) of the Building Regulations. The window must have an unobstructed openable area minimum 0.33m² and be at least 450mm high and 450mm wide. The bottom of the openable area should be no more than 1100mm above the floor level.

4.3 Area Engineer Team Leader (No objection)

The proposals seek to extend an existing 6-bed House of Multiple Occupancy (HMO) to an 8-bed HMO through the provision of a rear extension. The proposals are located in a highly sustainable location adjacent to Hereford Train Station and therefore the local highway authority has no objection to the development.

5. Representations

5.1 Hereford City Council

Objects – Councillors feel this is overdevelopment, providing cramped accommodation.

5.2 Numerous local objections have been expressed, as summarised below:-

- The potential increase in cars is unacceptable in terms of the on-street parking available.
- Adaptation of the large townhouses in this area, that are architecturally indicative of the historic nature of the city, will serve to degrade the character and amenity of the area.
- The density of population and overcrowding cannot be justified in this location.
- Approval of this application would set a dangerous precedent for others to follow.

- The proposed change of use will lead to extra vehicles parked in Hopton Road, which already hosts parking from nearby residential streets.
- The building recently permitted and built at Station Approach is underutilised.
- There is already an oversupply of this type of accommodation, with several HMOs found along Barrs Court Road and Aylestone Hill.
- Existing residents pay for on-street parking and it is already difficult to find a space.
- The property should be appropriately banded for Council tax purposes.
- The VOA has been separately banding HMOs with en-suite rooms, meaning that this could enable future residents to apply for more parking permits.
- There is no guarantee that any maximum occupancy limit would be observed.
- There are fire safety risks associated with the proposed accommodation.
- There would be increased levels of noise and disturbance to neighbours at all times.
- The proposed changes would be detrimental to the traditional community still present.
- Private garden spaces should be regarded as an asset for family homes.
- The proposal would result in an increase in occupancy of 33.3%.
- The proposed extension would erode the garden area and harm a sanctuary for wildlife.

5.3 The consultation responses can be viewed on the Council's website via the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232895&search-term=232895

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and the principle of development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy. The NPPF is also a significant material consideration. The site falls within the area defined for the Hereford Area Plan (HAP), which was intended to set out detailed proposals to ensure the delivery of the targets for the City under the Core Strategy. However, following the decision to update the Core Strategy, work on the HAP has ceased.

6.3 Both the Core Strategy and the NPPF promote sustainable development, which means accommodating growth to house a rising population whilst ensuring that meeting the needs of the present do not compromise the ability of future generations to meet their own needs. The three overarching objectives to this fulfil social, economic and environmental dimensions, which are interdependent and need to be pursued in mutually supportive ways.

6.4 The site is located in an established residential area, with primarily terraced or semi-detached dwellings and some larger, detached properties along Aylestone Hill. Whilst there is no Core Strategy policy relating to proposals for a change of use to a HMO, Policy H3 states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Within the pre-ambles to the policy, there is acknowledgement of the housing affordability issues in the county.

6.5 The site is considered to be sustainably located, with residents having a genuine choice about how they travel, with the train and bus stations nearby, and with excellent access to services,

employment opportunities and leisure facilities. The increased occupancy of the existing HMO would therefore give rise to a more effective use of the existing housing stock in a sustainable location and fulfil an environmental role. This must however be balanced against other effects.

- 6.6 Indeed, whilst the subdivision of dwellings in urban areas can increase the supply of lower-cost housing this should not be at the expense of ensuring an adequate level of residential amenity. Policy SD1 and paragraph 130 of the NPPF require proposals to safeguard and provide a good standard of residential amenity for existing and proposed residents. The following section will therefore consider whether the proposal would lead to increased noise levels, disturbance and demand for car parking. The adverse effects of an overly-intensive use can cause harm both individually and through the cumulative impact of several HMOs in an area.

The character of the area and residential amenity

- 6.7 It is firstly relevant to note that no Officer concerns arise in respect of the proposed rear, single-storey extension. Whilst of ordinary design quality, the proposed flat roof addition would appear subservient and would not adversely affect the amenity enjoyed by neighbouring occupiers. Control over external facing materials could be exerted through a condition. Your Officers advise that when considering the previously refused application the Planning Inspector concluded that there was *“no reason to doubt that the conversion work and extension would be carried out to a high standard”*.
- 6.8 Your Officers had previously considered, as part of the previous application, whether the change of use would lead to pressure on the area through other HMOs situated in the vicinity of the application site. It was concluded that there is a very healthy supply of lower-cost HMO accommodation in the locality. However, in relation to the character of the area, the harm arising from any further proliferation of HMO properties is not demonstrated from the level of activity in this case. Whilst noting the characterful design of the period housing along Barrs Court Road, the change of use would not erode this or establish a harmful precedent, with each case needing to be determined on its own particular merits.
- 6.9 Turning to the issues which specifically led to the appeal being dismissed for the previous application (ref. 220720/F), the Inspector opined that making effective use of the building should not be at the expense of maintaining satisfactory living conditions for neighbouring occupants and achieving suitable living conditions for all future occupants.
- 6.10 The issue for future occupiers' amenity concerned attic bedroom 2 and cramped headroom / floorspace. However, on the basis of limiting occupancy of the proposed “large” HMO to 8 people via condition, the use of this room can be restricted to single-occupancy and thereby accord with the Council's General Amenity and Facilities Standards for HMOs.
- 6.11 In relation to the impact on neighbours' amenity, the Inspector concluded that the intensity of use of the rear garden would unacceptably harm their living conditions with respect to noise and disturbance. This was on the basis of use of the garden by ten or twelve occupants and any visitors would be unacceptably harmful. However, the Inspector also concluded that a limit to eight occupants would not give rise to a materially greater intensity of use than the ‘fallback’ scheme of a “small” HMO containing up to 6 people. It is likely that had the applicant agreed to a condition limiting occupancy, the appeal would have been allowed in this regard.
- 6.12 Based on the foregoing, subject to a condition on maximum occupancy, there are no unresolved issues that could reasonably be cited as grounds for refusal. To ensure that other issues raised within representations are addressed, the following points are clarified.

Other matters

- 6.13 The numerous objections received reinforce that on-street parking is subject to high demand. Nonetheless, the local highway authority has not objected to a car free development and the Council's guidance on resident parking permits confirms that for Zone 4, in which the site is located, there is a permit allowance of two per property (which includes HMOs). Government guidance indicates that HMOs are, for the purposes of Council Tax, considered as one property, and have one Council Tax band, other than in exceptional circumstances. This means that there would be no likely increase in parking stress in the local area.
- 6.14 Policy MT1 states that proposals should not adversely affect the safe and efficient flow of traffic on the network and should encourage active travel behaviour. Regarding highway safety, no concerns have been raised by the local highway authority subject to secure cycle storage being provided. There is a side access path for all occupiers to gain access to a communal cycle shed to be situated in the rear garden, which can be conditioned. Occupiers should be able to secure their individual bicycles within the shed, for example, via internal Sheffield stands, and provision will need to be made at a rate of one space per bedroom. Further guidance is found at pages 33 and 34 of the Council's Highways Design Guide.
- 6.15 In terms of sewer capacity, Welsh Water raised no objections under the previous application. This matter does not give rise to a reason to withhold permission. As regards surface water drainage, a condition could be imposed requiring no additional discharge into the public sewer. There is sufficient space in the remaining rear garden to accommodate a new soakaway.
- 6.16 Whilst noting the proposed increase in occupancy of two people, the proposed change of use does not give rise to significant effects for the purposes of the Habitat Regulations. The impact on the amount of foul water discharged to the main sewer would be modest, and it is treated at the Hereford (Eign) WwTW, which benefits from a phosphate permit. On this basis, the effects arising from this application have been 'screened out' by the Council's Ecologist.
- 6.17 The comments made by the Council's EHO (Housing) Team can be fulfilled through compliance with the Building Regulations, with the new rear bedroom benefitting from an escape window. Regarding making provision for more household waste and recycling, it is understood that the applicant would apply to Herefordshire Council for additional wheelie bin capacity. There is sufficient space to the rear to acceptably accommodate bin storage.

Conclusion

- 6.18 In summary, the change of use to a "large" HMO with 8 bedrooms and limited to a maximum occupancy of 8 people would not give rise to any substantive amenity concerns for existing local residents or future occupiers of the property. The appeal decision pursuant to the previously refused application was a significant material consideration in arriving at this conclusion.
- 6.19 The proposal, in making more efficient use of a building in an edge of centre location, amounts to sustainable development that accords with the development plan when read as a whole.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 - Time limit (3 years)**
2. **C06 - Approved plans (drawings listed below)**
 - **Location plan 1:1250**
 - **Site plan 1:200**

- Proposed rear elevation 1:100
- Proposed side elevation 1:100
- Proposed elevation from opposite side 1:100
- Proposed ground floor 1:100
- Proposed first and second floor plans

3. The external walls of the extension shall be constructed with facing bricks of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. Prior to the occupation of the development hereby permitted, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the house shall be submitted to the local planning authority for its written approval. The cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to occupation as a “large” HMO. Thereafter, these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The maximum occupancy of the House in Multiple Occupation hereby permitted shall be limited to no more than 8 people at any one time.

Reason: In the interests of maintaining the amenity of neighbouring residents and securing a suitable standard of accommodation for future occupiers, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

6. No surface water from the extension hereby permitted and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

7. **CBK – Restriction on hours during construction**

INFORMATIVES:

1. **IP1 – Application approved without amendment**
2. The proposed development site is crossed by public sewers. No operational development is to take place within 3 metres either side of the centreline of the sewers. Prior to commencing any operational development the location of these assets should be determined. If operational development is likely to take place within 3 metres either side of these sewers please stop works and contact Welsh Water. The applicant may be able to progress with a build over sewer agreement or divert these assets under s185 of the Water Industry Act 1991. Under the Water Industry Act 1991 Welsh Water has rights of access to its assets at all times.

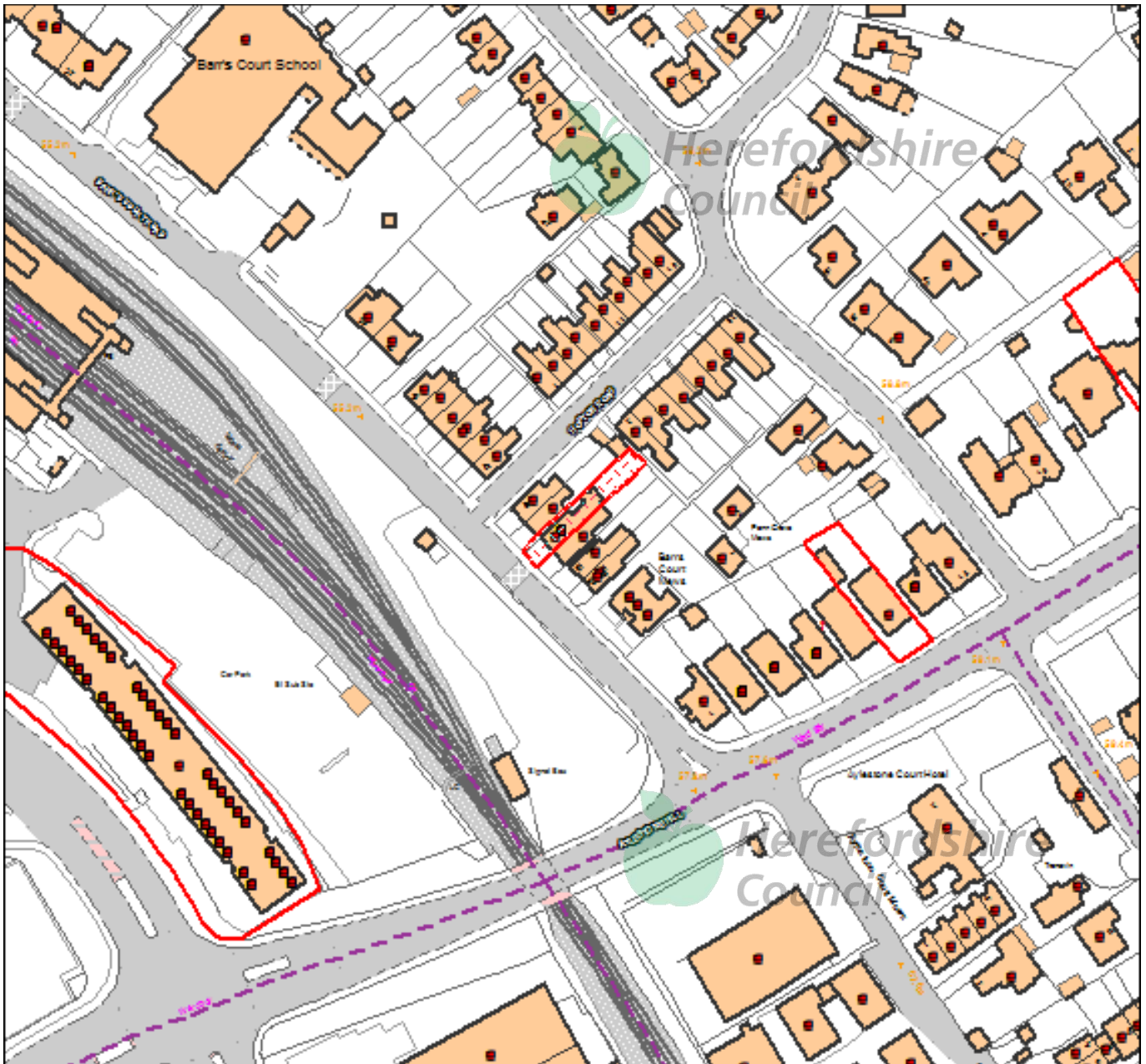
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 232895

SITE ADDRESS : 50 BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EQ

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