

Case Number	20/04308/FUL
Application Type	Full Planning Application
Proposal	Change of use from dwellinghouse (Use Class C3) to a 4 bedroomed house in multiple occupation (Use Class C4).
Location	51 Carrington Road Sheffield S11 7AT
Date Received	01/12/2020
Team	South
Applicant/Agent	PAR Architectural
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

## **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:
  - Drawing Number 008 rev \* (OS MAPS) published 03 Dec 2020
  - Drawing Number 003 rev 1 (PROPOSED FLOOR PLANS LAYOUT) published 22.06.2021
  - Drawing Number 004 rev 1 (PROPOSED FLOOR PLANS LAYOUT) published 22.06.2021
  - Drawing Number 005 rev 1 (ROOF PLANS LAYOUT) published 22.06.2021
  - Drawing Number 008 rev 1 (PROPOSED ELEVATIONS LAYOUT) published

22.06.2021

- Drawing Number 009 rev 1 (PROPOSED ELEVATIONS LAYOUT) published 22.06.2021

- Drawing Number 1715/02 (OUTSIDE SPACE) published 17.05.2021

Reason: In order to define the permission.

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

**Other Compliance Conditions**

3. The use hereby approved shall incorporate a maximum of four bedrooms.

Reason: In order to define the permission and in the interests of the amenities of the occupiers of the accommodation.

4. The reception room as shown on the 'Proposed Lower Ground Floor Plan' shall not be occupied at any point as a bedroom or a main habitable room.

Reason: In order to define the permission and in the interests of the amenities of the occupiers of the accommodation.

5. The alterations to the existing car port as shown on approved Drawing Number 1715/02 (OUTSIDE SPACE) shall be undertaken before the commencement of the use hereby permitted, and the space shall be permanently available for the intended amenity space and bin storage purposes thereafter.

Reason: In order to define the permission and in the interests of the amenities of the occupiers of the accommodation.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

The application site is located to the south of the junction of Carrington Road and Louth Road. It features an end-of-terrace dwellinghouse, which is currently vacant having been previously occupied as a residential dwelling (Use Class C3). The Adopted Unitary Development Plan designates the property as being within a Housing Area.

The site is within an area covered by an Article 4 direction restricting permitted development changes of use from C3 (dwellinghouse) to C4 (House in Multiple Occupation for between 3 and 6 residents) uses. As a result of this Article 4 direction, planning permission is required to be sought for the proposed change of use to a House in Multiple Occupation to include 4 bedrooms (Use Class C4).

## PLANNING HISTORY

There is no relevant planning history.

## REPRESENTATIONS

Following neighbour notification, a total of 33 representations, all in objection have been received. The comments are summarised below:

### Highways Matters

-Existing parking issues will be worsened. It will be especially difficult for shift

workers. Previous elderly homeowner didn't have a car. Endcliffe Park visitors use streets for parking. Side streets are used as a cut through.

- Extra vehicles will make crossing road at Louth/Carrington Rd junction more dangerous. This corner is often subject to illegal parking.
- Use of the garage would lead to loss of on-street spaces. The garage is too narrow to be used. Use of the car port will lead to refuse storage on street. It will also block a fire escape route. Submitted plans show 2 off street spaces, but there is no pavement alteration/s/'H' road marking to show permissible off-street parking.
- The application form and supporting statements are in conflict regarding formation of additional parking.
- Local bus services mainly only serve City Centre.
- Parking permit scheme should be considered.
- Conflict with UDP Policy H5(c) and H14(d) which requires appropriate off-street parking. NPPF para 105 requires local car ownership levels to be considered. Area is one of high car ownership.

## Design

- The Juliette balcony (to front) is not in keeping with the street.
- Amended drawings show a barrier across the rear dormer Juliette balcony, which is out of keeping.
- Rear dormer is a large overbearing structure. New roof line will appear much higher than the already imposing property / roof line. Visible from public highway.
- Conflict with Core Strategy and UDP policies; CS74, H14a and BE5c, and Guideline 2 of the Designing House Extensions SPG.

## Neighbours Living Conditions

- Impacts on privacy.
- Rear dormer will effectively add another floor with overbearing impacts. Much larger than existing dormer. It will be overpowering when viewed from neighbouring properties and gardens. Impacts made worse by the Juliette balcony. It will cause overlooking and privacy loss. Glazed balustrading won't attenuate these concerns.
- Privacy impacts will be made worse by the proposal to introduce an additional 1<sup>st</sup> floor window.
- Side glazing to the dormer window leads to overlooking and reduces privacy.
- The unobscured side facing window leads to overlooking and privacy loss (would contravene Human Rights Act.)
- Conflicts with UDP policy H14c, BE5a and c & CS74. Also in conflict with Designing House Extensions SPG.

## HMO Issues

- The Area is covered by an Article 4 direction to maintain family based residential community. Lack of family housing in the area, which is popular amongst families due to schools.
- HMOs tend to be occupied by a transient population. Conflict in lifestyles, undermining quiet nature of area. Intrusive noise and anti-social behaviour (tenants and visitors). Would affect shift workers sleep in day.
- Less commitment to maintenance. Concern regarding future management of the

HMO.

- Already too many HMOs within immediate surroundings. The Council's HMO density list prepared in 2014 doesn't give true picture. There are several unregistered HMOs within 200metres of the site, and there is an unacceptable concentration of HMOs in the area. The Agent's argument that Policy CS41 is met is based on inaccurate Council data.
- Many local HMOs are 3/4 bedrooms, so aren't picked up in HMO license list. HMO data is acknowledged by Officers to be an under representation.
- Many student accommodation developments have been built, so the need to convert family accommodation is queried.
- HMO living is detrimental to mental health.

#### Accommodation Quality and Layout

- Contrary to UDP policy H5b) there is no outdoor amenity space. It is likely tenants will socialise at the front of the house and on pavements, leading to increased noise disturbance.
- The proposal includes 3 reception rooms (one with a shower), giving potential for a 5/6 bedroom property. It should be modified to show a 6 bed roomed HMO.
- Increase in refuse storage
- Front attic bedroom is inadequately sized (and below the 6.51m<sup>2</sup> required form HMO rooms). Would contravene H5b of UDP.

#### Other Issues

- Inadequate neighbour notification.
- Applicant doesn't live at site as stated. Property is vacant despite comment in application forms.
- Planning Committee should make a site visit.
- Application motivated by profit.
- Isolating in shared accommodation is hard.
- Inaccurate/wrongly drawn drawings.
- Initially provided drawings include inaccuracies. Don't show attached property's gable and off-shot has been drawn incorrectly, and dormer would more visible than indicated.

#### Neighbour Comments Received Following Amendments

Through the course of the application a number of revisions were made to the drawings to correct some discrepancies and to deal with other matters. In response to these, the following comment has been provided:

- Rear Dormer railings have been replaced by a barrier, which is out of keeping

#### Councillor Objections

Cllr Barbara Masters & Shaffaq Mohammed have submitted a joint representation, which can be summarised as follows:

- Concerns of neighbours relate to; appearance out of keeping, loss of neighbours'

privacy, on-street parking issues and queries regarding the amount of off-street parking.

-The proposed change of use will impact on neighbours in the immediate vicinity. It will change the character of the neighbourhood, dominated by family homes forming a settled community, as opposed to transient occupants without personal investment in community.

-Three large reception rooms gives the potential for two more bedrooms without further permission. Any increase will significantly impact on the locality, especially on parking and medical services.

-The property will be out of scale and out of keeping in the area.

Cllr Masters provided a 2<sup>nd</sup> representation echoing neighbours' concerns, and also asking for a Committee site visit to take place.

### MP Representation

A representation was received from Olivia Blake MP, which summarises concerns of a constituent and neighbour to the application site.

The representation includes a quote from a message sent to Olivia Blake by the neighbour. The points made are summarised as:

-uncertainty of HMO size.

-insufficient outdoor space for HMO and inadequate internal living spaces, contravening UDP policy H5.

-inadequate parking provision, contravening UDP policy H5 and H14.

-impacts of additional parking in neighbourhood.

-highway safety concerns.

-inaccurate plans.

Also it is queried whether an Officer site visit has taken place.

## PLANNING ASSESSMENT

### Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

Paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

The National Planning Policy Framework (NPPF) sets out the Government’s planning priorities for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life. The following assessment will have due regard to these overarching principles. Paragraph 8b details the ‘social objective’ of this as being the support of strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

The Council’s development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. It is considered that the local plan policies being relied on below remain in accordance with the NPPF and can be afforded substantial weight.

#### Principle of Proposed Use

UDP Policy H5 ‘Flats, Bed-Sitters and Shared Housing’ states in (a) such housing will be allowed where a concentration would not cause serious nuisance to existing residents.

UDP Policy H10 ‘Development in Housing Areas’ states that housing (C3) is the preferred use. While HMO uses are not listed, hostels are included in the ‘acceptable’ category. Additionally, the policy states that development proposals for uses not listed will be decided on their individual merits.

Core Strategy Policy CS41 ‘Creating Mixed Communities’ states that mixed communities will be promoted by limiting HMO type uses where the community is already imbalanced by a concentration of such uses. This policy requires that no



more than 20% of properties within 200m of an application site should be in HMO type use.

The National Planning Policy Framework, also aims to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

The above policy (CS41), is a response to the concerns of communities and their representatives that some parts of the city traditionally associated with family housing were becoming dominated by HMO's. The concern is that such changes reduce the availability of family housing, increase demand on local resources/infrastructure, and adversely impact the amenity of local residents.

The Article 4 direction in place in the locality (as well as large parts of the urban areas of the city) prevents change of use from C3 housing to C4 HMO use being carried out as 'permitted development', as would otherwise be the case.

The most recent information shows that the proposed change of use would result in the percentage of 'shared housing' within 200m of the property being 13%. Whilst this figure is acknowledged to be a potential under-estimate (as it relies on landlords registering as part of the Council's responsible landlord's scheme), it is not considered that there would be sufficient number of unregistered HMOs within the 200m radius to result in this figure exceeding the 20% threshold set out under CS41. Consequently, it would therefore not be considered to constitute an inappropriate change to the mix and balance of the area's community, and would not unduly erode or undermine the Council's adopted planning and housing strategy in this regard.

As a result, the proposed change of use is considered to comply with Policy CS41. Similarly, as the 20% threshold is not breached it is considered that serious nuisance to existing residents would not be generated, and therefore H5(a) is also considered to be satisfied.

#### Amenity Considerations

UDP Policy BE5c) 'Building Design and Siting' requires all extensions to respect the scale, form, detail and materials of the original building.

UDP Policy H5 'Flats, Bed-Sitters, and Shared Housing' states that such housing will be allowed where an existing concentration of these uses would not cause serious nuisance to existing residents (part a) and where living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours (part b).

UDP Policy H14 requires, amongst other points, that new extensions should be well designed and be in scale and character with neighbouring buildings, that it shouldn't be over-development of the site and that residents shouldn't be deprived of light, privacy or security, and also that development would not lead to noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

Core Strategy Policy CS74 'Design Principles' requires high-quality development which respects, take advantage of and enhances the city's distinctive features.

The NPPF at paragraph 127 requires developments to add to the area's overall quality, be visually attractive and be sympathetic to local character.

#### -Design & Street Scene Impacts

The proposal description initially included reference to the addition of a rear dormer window. Given the site's elevated location at the Carrington / Louth Road junction the proposed dormer would be visible from the public domain. Additionally, the gradient of Carrington Road leading up to Louth Road acts to heighten the dormer's prominence.

Notwithstanding the visibility of the proposed dormer, it is important to factor into the assessment the property's permitted development entitlements. Its permitted development entitlements apply to the property's current designation as a C3 dwelling house, and would continue to apply were the current proposed change to C4 approved and then implemented.

The proposed dormer has been designed to comply with the criteria set out within the relevant permitted development legislation. The Planning Officer has checked the proposal against these criteria, and it is confirmed that the proposal constitutes permitted development, i.e. does not require planning permission.

On this basis and despite the prominence of views of the dormer, there would be no ability to resist the application due to the design of the rear dormer. Additionally, as planning permission cannot be granted for something that is permitted development it has been removed from the originally stated description.

A number of comments relating to the original drawings' front elevation Juliet Balcony were received. This element has been withdrawn from the more recently provided drawings, and so no further comment is required on this item.

The proposal drawings include a side window at the gable level. Since this includes obscured and fixed glass (up to 1.7metres over internal floor level), it also constitutes permitted development.

In conclusion on this item, it is recommended that there would be no grounds to resist the application due to the appearance of the rear dormer given that it is able to be erected without the need for planning permission.

#### -Living Conditions (Future Occupiers)

The submitted application form states that it's the intention to provide 4 bedrooms, and the drawings show 4 bedrooms. As well as this, the proposed layout plans show a kitchen, 3 reception/sitting rooms (including one at basement level which isn't served by a window) and 3 shower/bathroom spaces.

Three of the four bedroom spaces are of a good area. However, a comment has

been raised regarding the inadequacy of the front, attic bedroom's usable floor space given the sloping roof. In planning terms there isn't a requirement to achieve a minimum floor area within a bedroom such as this, and it is very relevant that the bedroom occupant would also use the three sitting/reception rooms. On this basis, the living conditions afforded to the occupier of this front, attic bedroom would be considered to be acceptable, and not sufficient to support an argument for the application's refusal.

The property's rear area currently features garage and car port space/s. As such, there is not considered to be a private external, amenity area for potential (or previous) occupants. The scheme therefore includes the proposal to carry out alterations to the car port area closest to the dwelling, removing the perspex roofing and screening etc, to provide an external open space facility. This would also be used as a refuse bin store area, which would be served by adjacent gates for use on collection days.

The basement level plan includes a room labelled as a 'Reception Room', which doesn't include any window provision. As a room supplementing the ground floor level sitting rooms it is considered to be acceptable, however, it would not be able to be used as a bedroom given the absence of a window. As a result, it is considered that any approval should include a condition prohibiting use of this space as a bedroom or main habitable room.

On the basis of the above the proposal is considered to give acceptable living conditions for the proposed occupiers, meeting with the relevant part of Policy H5.

#### -Living Conditions (Neighbouring Occupiers)

The property is an end-of-terrace house, sharing a party wall with the attached neighbour at No. 31 Louth Road. The proposed internal room layout avoids the introduction of lounges/reception/kitchen spaces into the upper floors, where they would be potentially adjacent to bedrooms at No 31 Louth Road. This is welcomed as it avoids potential conflict between room types.

UDP policy H5b) states that flats/shared housing are not permitted where an existing concentration of these uses would cause serious nuisance to existing residents. There is no evidence that the site's immediate surroundings feature a strong concentration of these uses. Louth Road is understood to include a total of approximately 80 separate properties, of which just 10 are occupied as a shared property. Similarly, there is also not evidence that a serious nuisance would be caused to existing residents by the proposed HMO.

On this basis, the proposed change of use to a Class C4 HMO would not cause any harmful impacts to surrounding occupiers sufficient to substantiate a reason for refusal.

A number of comments have been received around harmful implications of the proposed rear dormer window, the front elevation Juliet balcony and the newly inserted rear and side elevation windows.

As identified above, the rear dormer window is permitted development. As such, any perceived harmful impacts arising from overlooking and privacy impacts could not form grounds for refusal of the application. The initially proposed side glazing to the dormer (facing Carrington Road) has been removed from the amended drawings.

The front elevation Juliet Balcony has been removed from the drawings, and so no longer forms part of the application.

The additional rear window is at ground floor level. However, given the elevated nature of the property this is effectively at 1<sup>st</sup> floor when viewed from the rear, so may potentially lead to overlooking opportunities onto neighbouring gardens. However, planning permission is not needed for the insertion of such a window, and there would be no defensible grounds to resist the granting of consent due to the scheme's inclusion of a window in this location.

The proposed side elevation window is located at the attic level and would be sited within the gable. The amended drawings confirm that this window would be obscurely glazed and fixed up to 1.7metres above the internal floor level. These alterations ensure that the concerns regarding overlooking/privacy impact would not arise. Once again, this window is also permitted development, so there would be no grounds to resist the proposal in this case.

Overall, the proposal is considered to have acceptable impacts upon visual and residential amenities. It would also be considered to achieve acceptable living conditions for potential future occupants. As such, the application is acceptable in this regard, satisfying the requirements of the relevant policies.

### Highways Impacts

UDP Policies H5 (Part C) and H14 (Part D) require appropriate off-street parking provision.

The NPPF at Paragraph 109 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A large number of comments have been received about existing on-street parking difficulties, both adjacent to the property and in the surrounding roads.

In relation to the subject property, it is stated that the existing garage/off-street parking facilities are of inadequate width and so are not capable of use by modern cars.

The existing garage/off-street parking areas are served by door openings of 1.5 metres width (approx.). Given these width constraints it is considered that they are highly unlikely to be used for parking vehicles other than a motorcycle or cycles.

Further to this, comments have been received stating that there is no evidence that the kerb line adjacent to the garage/s are lowered, and so the legitimacy of use of the garage/s is questioned. Given the above point around width constraints this point is less relevant, however, whilst not being fully clear it appears that the kerbs fronting the garages/off-street spaces are marginally lower than some of the adjacent

kerbs.

In considering the impacts of the proposal on parking circumstances on the surrounding highways it is essential to factor in that whilst the previous occupier of the property did not own a vehicle, a different family occupying the property could well own several vehicles. The Council's Parking Guidelines for a 3-bedroom property, such as the subject premises currently, state that a maximum of 2 off street spaces would be required for the property.

The Parking Guidelines do not incorporate C4 uses, however, it is stated that 2 spaces are required for student housing featuring 4 to 8 bedrooms.

It is acknowledged that there are parking difficulties in the area, as it contains predominantly high-density housing with very little off street parking provision, and as a result the surrounding streets are regularly heavily parked, in common with similar locations across the city.

The site is however extremely sustainably located, within close reach of high frequency bus routes and local amenities/facilities. Given that the parking guidelines for a 3-bedroom dwelling and a 4 to 8 person shared house are the same, there is no reasonable justification for resisting the proposal on the grounds of a lack of off-street parking even if it were concluded that the existing garage space has limited use.

Overall, the proposal would not generate sufficiently harmful impacts upon existing highway and on-street parking circumstances to support a reason for refusal of the application. As such, the application is considered to be acceptable in these respects, and to meet the requirements of Policy H5b).

## RESPONSE TO REPRESENTATIONS

Most comments have been addressed in the above assessment section. Regarding the remaining items, the following points can be made:

-Comments have been raised that the floor layout plans imply that the property would be able to accommodate 5 or 6 bedrooms, rather than 4 as stated in the application. The incorporation of a 5<sup>th</sup>/6<sup>th</sup> bedroom would be likely to leave an inadequate provision of internal, communal amenity space. In such circumstances, it is considered that the living conditions of the proposed occupants, especially the front, attic bedroom in this scenario would be insufficient. It is therefore considered appropriate to include in any recommendation for approval a condition limiting the proposal to 4 bedrooms.

-Concern has been raised that the Council's Policy CS41 % data is acknowledged as an under-estimation of the actual position. Details from a website showing available spare rooms in the locality were provided by way of evidence.

Comment was also passed upon the Applicant's use of information dating from 2014 in this respect.

The above assessment acknowledges this. However, the unregistered HMOs are known to account for a relatively modest additional number, and given that the current figure is 13%, there would be no evidence that there are a further 7% of

unregistered HMOs within 200metres of the site. The data available to Officers is current and was most recently checked in June 2021. Any decision to refuse which was based on unregistered HMOs resulting in an exceedance of the 20% threshold would not be defensible at appeal, and it is considered that the Council would be considered to have acted unreasonably were it to move forwards in that way.

-Neighbour notification was undertaken in compliance with statutory requirements and the Statement of Community Involvement. Additionally, the level of response indicates that there is good, local awareness of the application.

-Errors within the initial, and subsequent, drawings have been corrected.

-Comments around the mental health implications of bed-sit accommodation and the difficulties of 'self-isolating' in such circumstances have been made. The proposal is considered to achieve a good quality of living accommodation. There would therefore be no basis in planning terms to resist the proposal based on these concerns.

-An Officer site visit has taken place.

#### SUMMARY AND RECOMMENDATION

The full planning application seeks planning permission for a change of use of the C3 dwellinghouse to a C4 House in Multiple Occupation including four bedrooms.

The use is acceptable in principle within a Housing Area and there is not a concentration of such uses that would result in conflict with policy H5 of the UDP or CS41 of the Core Strategy.

The proposed change is considered to provide appropriate living conditions for the potential residents, and also to avoid harmful impacts upon existing neighbours. Whilst acknowledging that there are existing issues regarding on-street parking locally, the sustainable location of the site results in the conclusion that any limited additional impacts would not be sufficiently significant to support a refusal of the scheme. As a result, the implications upon local highway safety circumstances would be considered acceptable. Lastly, the external alterations included within the scheme constitute permitted development, and so there is no capacity to resist the scheme because of these elements.

In conclusion, the application is acceptable and to meet the requirements of the relevant local and national policies. Consequently, the application is recommended for conditional approval.



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