

Recommendation: Conditional approval	
20201727	11 Franche Road
Proposal:	Change of use from house (Class C3) to house in multiple occupation for more than 6 persons(7 bedrooms) (Sui Generis); construction of dormer at front and rear; alterations(Amended plan received on 11/11/2020)
Applicant:	Mr Rob Whisson
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20201727
Expiry Date:	11 December 2020
SSA	WARD: Fosse



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Summary

- Application at committee as objections from more than 6 addresses
- 11 Objections including from Councillors Waddington and Cassidy on grounds of living conditions, fire safety, residential amenity, character, appearance, parking and road safety, anti-social behaviour, disruption from building works, impact on local services, setting a precedent, overdevelopment, impact on property values and potential trespassing.
- The main issues are principle of the use, design, living conditions of future occupants, neighbouring residential amenity, highway safety and parking.
- Recommended for approval.

The Site

The property is a two storey mid terrace house located within a predominantly residential area. It has small courtyard at the rear accessed via shared alleyway between rear boundary of 46, 48 Wentworth Road and 13 Franche Road. The site is also opposite Fosse Recreation Ground.

The property falls outside the designated area of the Article 4 Direction restricting permitted changes from house to small Houses in Multiple Occupation (HMO) within Class C4 (up to 6 persons).

The Proposal

The proposal is for the change of use of the property from a dwellinghouse (Class C3) to a House in Multiple Occupation for more than 6 persons (Sui Generis).

The existing plans show a living room, dining room and kitchen on the ground floor and three bedrooms on the first floor.

The proposed plans are for two en-suite bedrooms on the ground floor and a communal kitchen and sitting area. There would be three en-suite bedrooms on the first floor.

Two additional bedrooms would be provided in the roof space which would share a bathroom.

There would be a new dormer window at the front and a boxed dormer window at the rear to serve those bedrooms.

Amended plans show a revised design and position of the front dormer and enhanced internal layout for bedroom 6.

The rear courtyard will be used for waste bins and cycle storage.

Policy Considerations

National Planning Policy Framework (NPPF) 2019:

Chapter 2 'Achieving sustainable development'

- Paragraph 11 (presumption in favour of sustainable development and 5 year housing land supply)

Chapter 9 'Promoting sustainable transport'

- Paragraph 109 (severe impact on road network)

Chapter 11 'Making effective use of land'

- Paragraph 117 (effective use of land for homes)

Chapter 12 'Achieving well designed places:

- Paragraph 127 (high standard of amenity)
- Paragraph 130 (good design)

Development plan policies relevant to this application are listed at the end of this report.

City of Leicester Local Plan, Appendix 01 Parking Standards

Residential Amenity (Supplementary Planning Document)

Achieving well designed homes – Leicester City Guidance

Consultations

Environmental Health - Private Sector Housing :

The combined kitchen/dining room is only suitable to be used by a maximum of 7 people therefore the bedrooms are only suitable for single occupancy. The owner must apply for a licence for a house in multiple occupation for this property under the Housing Act 2004.

Representations

Objections were received from 9 City addresses and from Cllr Sue Waddington and Cllr Ted Cassidy on the following grounds:

- Loss of another family home in this neighbourhood
- Adding to excessive number of houses being turned into HMOs in the area
- Can cause increase in anti – social behaviour and litter
- Increase in noise and disturbance
- Unsympathetic design of front dormer
- Inadequate parking and exacerbate existing situation
- it would harm road safety because it is located on a dangerous corner and parking would further reduce visibility
- Increased parking on the street might block access to garages
- Parking problems would increase car insurance costs through residents having to park on a street away from their homes
- Devalue properties
- .Not adequate to house 7 residents with inadequate fire safety
- out of keeping with the typical family and elderly person-occupied nature of the area
- would harm the fabric of the community.

- It would attract transient occupiers, who may be young singles, or people with drink or drug problems. They would not fit in with the area, would not take a pride in the area, and might engage in rowdy, noisy or anti-social behaviour.

- occupiers may be dangerous and increase crime levels in the area.

- The property might be used as a bail hostel, or “half-way house” for convicted criminals, causing danger to residents of the street.

- It would set a precedent for similar changes of use in the area.

- The extensions (with their non-matching materials) and the removal of the front garden are out of keeping with, and harmful to, the character and appearance of the area
- The rear dormer overlooks neighbouring gardens and would be overbearing.
- Building works have caused disruption and noise starting before 7am until late in the day
- The builders have parked blocking the access to the garages at the rear, have been rude, threatened residents, and trespassed on private property.
- The property has already been extended, without obtaining planning permission.
- The investor does not live in the area or care about the impact on people in the area.
- Concerns about bin storage and litter which would be harmful to visual amenity, and to health.
- Gates have been installed in the rear boundary providing access to the garages at the rear. This compromises the safety of the garages, which are private property.

Consideration

The main issues are the principle of the use; standard of accommodation provided, residential amenity; highway safety; and representations. Flood issues

Principle of use

Core Strategy policy CS08 outlines the strategy to ensure that neighbourhoods remain sustainable places. As part of this strategy larger houses for family use should be retained and conversion to other types of accommodation resisted. Houses in multiple occupation will not be permitted where they result in local overconcentration.

Although there would be a loss of a family house, the property could be used for a House in Multiple Occupation (Class C4) for up to 6 occupants under permitted development rights.

HMO uses are an important part of the housing supply and such uses are acceptable as forming part of the range of types of homes within the overall housing supply.

I do not consider that the proposal would result in an over-concentration of houses in multiple occupation in the surrounding area.

I consider that the proposed change is acceptable in principle.

Character and appearance

The design and size of the front dormer as amended is acceptable.

The rear dormer will not be visible from the street.

Residential Amenity

The proposal is for a residential use in a residential part of the city and I do not consider that it will have a detrimental impact on neighbouring residential properties by way of noise. Similarly, I do not consider that the proposed use will necessarily threaten the safety and security of the area.

The rear dormer would not significantly impact on light, outlook or privacy for neighbouring houses.

As the footprint of the building and the position of existing windows will not be altered, I do not consider that the proposal will have an unreasonable impact on the light, outlook or privacy from neighbouring properties.

Level of Accommodation

A communal living area is provided, and occupants of the property share cooking facilities. Most of the principal room windows will face out to Franche Road or the rear garden of the host property. The outlook from the side windows to the kitchen/lounge area would be as existing. I consider that the outlook from all principal room windows is satisfactory. The principal rooms would range between 9 metres and 14 square metres which meets the requirements of HMO licensing.

There is private amenity space of approximately 30 metres² at the rear which is similar to the neighbouring terraces houses. I am satisfied that the available space would continue to be sufficient to meet the reasonable needs of the occupiers.

The bins storage area in the rear garden can be accessed via the shared alleyway between next to no. 13 and the host property.

Parking and Highway Safety

Appendix 01 of the Local Plan (2006) does not identify a specific car parking standard for HMOs, but it recommends two spaces for houses with two or more bedrooms and also specify a maximum of 1 space per 4 bed spaces for residential institutions. Applying this standard as a proxy, the HMO use generates a standard maximum requirement for 2 spaces.

The site has no on-site parking provisions. Bike and bins storage area is proposed at the rear yard. I consider that it is reasonable and necessary to secure the proposed cycle parking arrangements.

The site is in a sustainable location with access to local shops and public transport.

I consider that the proposed change is unlikely to result in significant additional parking demand above the existing use and that the proposal would comply with Core Strategy Policies CS15 and saved Local Plan Policies AM02 and AM12.

Other issues

The HMO licence, fire, health and safety and building regulations issues are covered by separate regulations.

Conclusion

I consider that the proposal would not result in an unacceptable concentration of such uses in the area.

The proposal allows for a satisfactory living environment for future occupiers.

The proposal would not have an unreasonable impact on the amenity of neighbouring residential properties.

There are no demonstrably severe highway safety impacts.

The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines.

I recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. This consent shall relate solely to the amended plans ref. no. 20105-P-102 - Rev B and 20105-P-103-Rev B received by the City Council as local planning authority on 22/10/2020. (For the avoidance of doubt.)

Policies relating to this recommendation

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.

2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.

