

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0920**
15 Galloway Road, Waterloo
(Church Ward)

Proposal: Continuation of existing use of premises.

Applicant: Mr Steve Latham

Executive Summary

The application is for planning permission for the continuation of the existing use of the premises. The applicant maintains that the current use is as a House in Multiple Occupation (HMO). However, it is the opinion of the Planning Director that the accommodation in part constitutes self-contained flats. The site is a semi-detached property and the intensity of use is not considered to be acceptable in terms of the level of accommodation provided and the impact on the surrounding area. The application is recommended for refusal.

Recommendation(s) Refusal

Reasons

1. The proposal conflicts with Sefton UDP policies CS3, UP1, DQ1, MD2 and MD3, the SPG on New Housing Development and the IPG on New Housing in South Sefton, in that it produces a cramped layout with inadequate floor areas which will cause harm to existing and future occupants and to the character of the area and will be inconsistent with Housing Market Renewal Initiatives.
2. The developments results in an increased density of occupation adjoining a single family dwelling which would be detrimental to the residential amenities of neighbouring residents and conflict with UDP policies CS3, DQ1, MD2 and MD3.
3. The proposal fails to provide for the planting of 3 trees per dwelling on site and thereby fails to comply with adopted Sefton UDP policy DQ3.

Drawing Numbers

Location plan, Floor plan, Photographs, Supporting evidence

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/0922 & 0920
 15 Galloway Road
 Waterloo
 L22 4QX
 OSGR: 332293, 398814 Sheets: 108A Area: 196 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 3/8/2010
 Drawn By: EBERT on

Ward(s): Church
 Postcode Sector(s): L22 4
 Polling District(s): E3
 Parish(es): None Found

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The Site

The site forms a 2 and a half storey semi-detached Victoria house. It is positioned on the northern side of Galloway Road, with residential properties of similar style on either side and in the surrounding area.

Proposal

The continuation of the existing use of the premises.

History

Enforcement Notice issued. Hearing due to take place 4 and 5 November 2010

S/2009/0960 Retrospective application for the retention of a change of use from 2 flats and shared accommodation comprising 4 rooms, to 5 self-contained flats and shared accommodation comprising 3 rooms - Refused 3 December 2009

Consultations

None

Neighbour Representations

Last date for replies: 28 July 2010
None received

Policy

The application site is situated in an area allocated as Primarily Residential Area on the Council's Adopted Unitary Development Plan.

- CS3 Development Principles
- DQ1 Design
- H10 Development in Primarily Residential Areas
- AD2 Ensuring Choice of Travel
- DQ3 Trees and Development
- DQ4 Public Greenspace and Development

- MD2 Conversion to Flats
- MD3 Housing in Multiple Occupation
- H12 Residential Density
- UP1 Development in Urban Priority Areas

- SPG New Housing Development
- SPD Trees, Greenspace and Development

Comments

The building has been converted to a mixture of 5 self-contained flats and 3 letting rooms with shared kitchen and bathroom facilities.

The layout of the accommodation is summarised as follows:

Ground Floor	2 self-contained units / flats and one letting room with shared kitchen
First Floor	2 self-contained units / flats and 1 letting room sharing kitchen facilities at ground floor and living room and bathroom on first floor
Second Floor	1 self-contained unit / flat and 1 letting room with shared bathroom and kitchen facilities.

In total, the property comprises 5 self-contained flats and 3 letting rooms with shared kitchen and bathroom facilities.

Each of the self contained flats includes a combined bedroom / living area, with an 'Elfin' kitchen unit (a combined unit which contains water supply, sink, drainer, hob, microwave, fridge and extractor fan) and separate washroom facility. The washroom facilities typically contain a shower, toilet and what appears to be a sink. Each of these flats has its own lockable door. Occupants are single people, each with a separate tenancy agreement with the landlord.

The last lawful use of the premises was as a single family dwelling. Nevertheless, having examined Council tax records and records held by the Environmental Protection Department of the Council, it is apparent that the property has been used as 2 self-contained flats plus 4 letting rooms for over 4 years. It is recognised that the use of the property as 2 self-contained flats plus 4 letting rooms may be immune from enforcement action at this stage.

The current application is for the 'continuation of use as a house in multiple occupation'. However, the layout of the accommodation is not wholly as letting rooms in an HMO. Some of the rooms have all the facilities for day-to-day existence ie a self-contained bedroom area, kitchen and bathroom. It is considered that these constitute self-contained flats. The current use of the site is therefore as 5 self-contained flats and an HMO consisting of 3 letting rooms.

The application is therefore assessed on the basis of the existing accommodation and then as a proposal for use purely as an HMO. It must be noted that an application for the same development was refused on 3 December 2009 for the following reasons:

1. The proposal conflicts with Sefton UDP policies CS3, UP1, DQ1, MD2 and MD3, the SPG on New Housing Development and the IPG on New Housing in South Sefton, in that it produces a cramped layout with inadequate floor areas which will cause harm to existing and future occupants and to the character of the area and will be inconsistent with Housing Market Renewal Initiatives.
2. The developments results in an increased density of occupation adjoining a single family dwelling which would be detrimental to the residential amenities of neighbouring residents and conflict with UDP policies CS3, DQ1, MD2 and MD3.
3. The proposal fails to provide for the planting of 3 trees per dwelling on site and thereby fails to comply with adopted Sefton UDP policy DQ3.

Standard of Accommodation

As self-contained flats, the 5 self-contained flats at ground, first and second floors have a minimal level of amenities. The bedroom and living room area is combined and includes the kitchen area. As such each flat contains only one habitable room. This is an extremely low level of accommodation, minimal even for single occupation. It clearly fails to comply with the Council's guidance contained in Interim Planning Guidance: New Housing in South Sefton.

The size of the habitable area of each of these flats ie bedroom, living room and kitchen is typically approximately 31.5 sq metres. The minimum standard for habitable room set out in Interim Planning Guidance is 57 sq metres. Therefore not only does the number of rooms fail to comply with the minimum for flats in this area, the one room that is provided, fails to comply with even the minimum standard of a single habitable room.

Deviations from the standards set in the Interim Planning Guidance have not been justified in any way by the appellant. The mere fact that the development constitutes a conversion of any existing building does not warrant the wholesale disregard of these amenity standards and failure to provide for a minimum level of residential amenity.

SPG: New Housing Development also seeks a minimum garden area of 30 sq metres each for flats. This development would therefore require a minimum of $5 \times 30 = 150$ sq metres of private garden space. The appeal site, fails to meet this standard, by providing only 73.5 sq metres, a shortfall of 76.5 sq metres that is approximately *half* of the expected standard.

In addition to not providing for a minimal level of private amenity space, this shortfall can also be used as an indicator that the density of development is far too great for this site.

Character of the surrounding area

With regard to the density of development, without including the 3 shared rooms of the HMO, the 5 flats at the site constitute an approximate density of 250 dwellings per hectare (site area approximately 210 sq metres). Policy H12 states that developments with densities of more than 30-50 dwellings per hectare will be allowed in appropriate, central and accessible locations.

The development is far in excess of the recommended range of densities and is a clear indicator that the development represents an over-intensive use of the site, which constitutes over-development.

Recent advice from Government indicates the coalition Government's preference for lower density development where appropriate by removing the requirement for a minimum of 30 dwellings per hectare as a minimum.

The density and intensity of use, with a total of 8 separate households occupying a semi-detached property, is far in excess of the last lawful use as a single family dwelling and that which could reasonably be expected within this residential area.

Whilst the surrounding area does include some flats and HMO's, the overall character of the area is of single family dwellings. The intense use of 15 Galloway Road is regarded as detrimental to the character of the surrounding area, by its very nature, as a result of the comings and goings to and from the site at any time, the demand for facilities such as car and cycle parking and refuse disposal.

The occupation of 5 flats and 3 letting rooms by 8 separate households creates a far more intense use of the site than would be associated with the use of the premises as a single family dwelling, or as 2 flats and 2 rooms. The development will result in disturbance from comings and goings at any time of day and night. Also, from the occupation of habitable rooms immediately adjacent habitable rooms in the adjoining property. In particular, the juxtaposition of such small self-contained flats adjoining bedrooms of the neighbouring property is highly likely to cause disturbance to the neighbouring occupiers.

It is accepted that the Council is unlikely to be in a position to take enforcement action to secure the use of 15 Galloway Road as a single family dwelling and that the use as 2 flats and 4 letting rooms is immune from enforcement action. However, any increase in the number of residents or amount of residential accommodation is wholly inappropriate and will undoubtedly result in a loss of residential amenity for the neighbouring properties. This loss of amenity relates to the number of comings and goings to the site associated with occupation by 8 separate households, from both pedestrian and vehicular movements, during day and night time hours; noise and disturbance to habitable rooms in the adjoining property, 13 Galloway Road and noise and disturbance from rear yard / garden area.

Of particular concern is the effect of the development on the adjoining property, 13

Galloway Road. There are 4 rooms (2 at ground floor and 2 at first floor) immediately adjoining the neighbouring dwelling. Of these 4 rooms, 3 are occupied as self-contained flats and one at first floor is a room with en-suite shower and w/c facilities.

It is accepted that in any normal residential development, there may be some noise transference between walls dividing habitable rooms in any semi-detached house. However, the juxtaposition of 3 flats and 1 letting room immediately adjacent to the party wall between 13 and 15 Galloway Road will result in an unacceptable degree of noise and disturbance.

The single-roomed self-contained units in particular will be occupied for much longer periods than would normally be anticipated for habitable rooms forming part of a larger house or flat. These units represent living room, bedroom, kitchen and washroom. As such, whilst the occupant is at home, there is no time of day when the room would not be in use.

The occupant of a normal semi-detached house may reasonable expect to hear some low level of noise from one or two rooms of the adjoining property at any one time. However, the situation created by this development will result in a high level of noise and disturbance from all 4 adjoining rooms for extended periods. This results in a significant loss of residential amenity and a dramatic reduction in the ability of the residents of 13 Galloway Road to experience the quiet enjoyment of their own home.

Trees

Policy DQ3: Trees and Development requires that 3 trees are planted for each new dwelling. Where these cannot be planted on site, the procedure set out in the adopted SPD: Trees, Greenspace and Development requires the site owner to enter into a S106 legal agreement to secure a payment of £460 per tree (at current rates).

The total number of trees required to be planted relates to a net increase in the number of self-contained dwellings on site ie increase of 3 self-contained flats. The total number of trees required is therefore 9 (3 flats x 3 trees = 9 trees). At £460 per tree, the total cost of the commuted sum payment sought by the Local Planning Authority is £4,050. It is unlikely that any trees can be planted in the rear garden and as such the full commuted sum would be required in this instance.

The applicant has not indicated a willingness to enter into a S106 legal agreement. Consequently, the development fails to comply with adopted policy DQ3.

Use of Premises Solely As HMO

The occupation of the premises solely as a House in Multiple Occupation would also fail to comply with adopted policy MD3.

