

Committee: **PLANNING**

Date of Meeting: **18 August 2010**

Title of Report: **S/2010/0921**
63 Handfield Road, Waterloo
(Church Ward)

Proposal: Continuation of the existing use of the premises

Applicant: Mr Steven Latham

Executive Summary

An application for the continuation of use as a House in Multiple Occupation. It is considered that the current use is not as a House in Multiple Occupation but as 5 self-contained flats and an HMO consisting of 4 letting rooms. Neither the existing use nor a proposal for use solely as an HMO is acceptable. Both uses would result in unacceptable noise and disturbance for neighbouring occupiers. An Enforcement Notice has been issued against the existing use and an appeal hearing is due to be held in November 2010.

Recommendation(s) Refusal

Reasons

1. The existing use of the premises as 5 self-contained flats and an HMO consisting of 4 letting rooms results in significant noise and disturbance to the neighbouring occupiers in the adjoining property and surrounding area. As such the proposal results in a significant loss of residential amenity and fails to comply with policies CS3, MD2 and MD3 of the adopted Sefton UDP.
2. The existing use fails to provide for trees and Greenspace, or a commuted sum paid in lieu of on-site provision and therefore fails to comply with policies DQ3 and DQ4 of the adopted Sefton UDP.

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/2010/0921 & 0923
 63 Handfield Road
 Waterloo
 OSGR: 332141, 398372 Sheets: 1066 Area: 206 sqm

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

Ward(s): Church
 Postcode Sector(s): L22 0
 Polling District(s): E3
 Parish(es): None Found

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The Site

The site forms a 3 storey terraced Victoria building, formerly occupied as a single family dwelling. It is positioned on the northern side of Handfield Road, with similar residential properties on either side and a school to the rear.

The character of the surrounding area is typified by 3 storey terraced residential properties, most of which are occupied as single family dwellings.

Proposal

The continuation of the existing use of the premises.

History

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

Consultations

Highways – Development Control – No objection

Neighbour Representations

Last date for replies: 29 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.

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

Interim Planning Guidance - New Housing in South Sefton

Comments

The last lawful use of the premises was as a single family dwelling. This use appeared to have ceased around September / October 2009 when it changed ownership.

The building has been converted to a mixture of 5 self-contained flats and 4 rooms with shared kitchen and bathroom facilities.

Whilst plans have been sought from the applicant on a number of occasions, none have been submitted. The information regarding the layout of the property is based on evidence submitted with the application for an HMO license in accordance with the Housing Act 2004 and the observations of the Environmental Protection Officer.

This accommodation is laid summarised as follows:

Ground Floor	3 self-contained units / flats.
First Floor	1 self-contained unit / flat and 2 letting rooms with shared bathroom and kitchen facilities.
Second Floor	1 self-contained unit / flat and 2 letting rooms with shared bathroom and kitchen facilities.

In total, the property comprises 5 self-contained flats and 4 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 it is assumed, 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 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 4 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.

Existing Use as Flats and HMO: Compliance with Policy

With regard to the use of the property as self-contained flats, in order to comply with policy MD2, any development must demonstrate that it would not 'cause significant harm to the character of the area' (criterion 1b) nor 'cause significant harm to the residential amenity of occupiers of the proposed dwellings or neighbouring occupiers' (criterion 1c). The number and layout of self-contained flats at 63 Handfield Road, Waterloo fails to meet these requirements.

The development is of very poor quality in terms of the level of amenity afforded to its residents.

As self-contained flats, the 5 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 mere fact that all facilities needed for day-to-day existence are crammed into one habitable room in itself provides a level of accommodation more akin to nineteenth century standards. The principle of the formation of self-contained flats in a single room provides a cramped, sub-standard and inadequate levels of accommodation for any resident.

The size of the habitable area of each of these flats ie bedroom, living room and kitchen ranges between approximately 16 and 24 sq metres. The minimum standard for a 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, falls significantly short of 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.

The development clearly provides a cramped, sub-standard level of accommodation to the detriment of the amenity of any resident.

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.

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

Of particular concern is the impact on the residential amenities of residents of the adjoining properties either side of the appeal site ie 61 and 65 Handfield Road, Waterloo.

The occupation of 5 flats and 4 letting rooms by 9 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, the last lawful use of the property. 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 properties. In particular, the juxtaposition of such small self-contained flats adjoining bedrooms of the neighbouring properties is highly likely to cause disturbance to the neighbouring occupiers.

With regard to the density of development, without including the 4 shared rooms of the HMO, the 5 flats at the site constitute an approximate density of 250 dwellings per hectare (site area approximately 200 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. Nevertheless, paragraph 6.83 supporting this policy states that:

‘In all cases, the Council wishes to encourage high quality development and, in order to achieve higher densities, an innovative approach to design may be needed’.

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.

Trees and Greenspace

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 therefore required to be planted is 15 (5 x 3 = 15 trees). At £460 per tree, the total cost of the commuted sum payment sought by the Local planning Authority is £6,900. 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 appellant has not indicated a willingness to enter into a S106 legal agreement. Consequently, the development fails to comply with adopted policy DQ3.

Furthermore, the proposal for 5 self-contained units necessitates a contribution towards the provision or enhancement of off-site Greenspace in accordance with Policy DQ4: Greenspace and Development and the supporting SPD: Trees, Greenspace and Development. This is in addition to the provision of on site private amenity space. Where Greenspace cannot be provided on site as part of a development, the SPD sets out the requirement for the site owner to enter into a S106 legal agreement with the Council to secure a commuted sum payment for the net increase in the number of new dwellings. The payment per dwelling is currently set at £1,734.50 and consequently the Council would require a commuted sum payment towards Greenspace of £8,672.50 in total.

The use of the property as converted represents a significant over-development of the site and a far greater intensity of use than would be granted planning permission, providing minimal levels of amenity for occupants and causing disturbance to neighbouring properties. As such, the continuation of the use of the premises as converted is not acceptable. Only a wholesale redevelopment of the property or the reversion of the use of the property to a single family dwelling would alleviate these failures to comply with Council policy and guidance. Further details on the manner in which the development fails to adhere to Council policy and guidance are detailed below.

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.

Policy MD3: Houses in Multiple Occupation requires the property *not* to share a party wall with another dwelling. As a terraced property, the site clearly shares two party walls. The intensity of the use of the premises as an HMO would inevitably result in noise and disturbance to the adjoining property, resulting in a significant loss of amenity.

Furthermore, the intensity of use of the premises would also result in significant increase in the number of comings and goings to and from the site far beyond that which would normally be expected from a family house. This will result in a loss of amenity for neighbours in the surrounding area.

As such, a proposed use as solely an HMO would result in noise and disturbance and a significant loss of amenity for adjoining neighbours and properties within the surrounding area.

Other Regulations

The fact that the applicant has complied with Building Control and Environmental Protection regulations does not imply that Planning regulations are fulfilled. Nor does it imply that the proposal is acceptable in planning terms.

Conclusion

In conclusion, the application as submitted is for the 'continuation as a house in multiple occupation'. The development as undertaken constitutes a change of use from a single family dwelling to 5 flats and 4 letting rooms, forming a House in Multiple Occupation.

The intensity of use; the extremely low level of amenities for occupants of the flats and letting rooms; the impact on the amenity of neighbouring occupiers; the failure to plant trees in accordance with policy DQ3 and the effect of the development on the character of the surrounding area, combine to produce a development which provides for cramped, sub-standard residential accommodation which has a significantly negative effect on the amenities of neighbouring properties and the character of the surrounding area.

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