

GLoucester City Council - Development Control

Committee:	Planning
Date:	7 th June 2022
Address/Location:	50 Salisbury Road Gloucester GL1 4JQ
Application No:	22/00051/FUL
Ward:	Barton & Tredworth
Expiry Date:	3 rd February 2022
Applicant:	Mr Paul Butler
Proposal:	Erection of a single storey rear extension and rear dormer window to facilitate the use of the dwelling as a 6 bedroom HMO
Report by:	Nicola Bickerstaff
Appendices:	Site location plan Existing & Proposed floor layout plan Existing & Proposed Elevations

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 50 Salisbury Road is a two-storey terraced dwelling which currently benefits from a private rear garden.
- 1.2 The Victorian terraced property has been occupied as a single family home.
- 1.3 The proposal is to extend and convert the dwelling from a 3 bedroom dwelling to a six bedroom HMO.
- 1.4 To enable the occupation of the property as a HMO, the proposal incorporates a ground floor rear extension, an internal reconfiguration and the conversion of loft space to provide a sixth bedroom on a second floor
- 1.5 The reconfiguration includes inserting ensuite bathrooms in each of the 6 proposed bedrooms. The bedrooms which range in size from 8.6m² to 12.2m².

The ground floor extension creates the combined kitchen/living/dining area. The extension is 3m deep and 3.1m wide (to match the width of the existing outshot). The single storey extension is 2.5m to the eaves in height with a flat roof.

The second floor incorporates a dormer to the rear of the property, which is set below the ridge and above the eaves height to accommodate the sixth bedroom. The new rear dormer includes two windows.

- 1.6 The 6 bedrooms range in size as follows (excluding each ensuite):
 - Bedroom 1: 8.6m²
 - Bedroom 2 9.1m²
 - Bedroom 3 12.2m²
 - Bedroom 4 9.1m²
 - Bedroom 5 9.1m²
 - Bedroom 6 10.2m²

The accommodation comprises:

Ground floor

Combined kitchen/living /dining room 25m²

Bedrooms 1 and 2 with ensembles

Downstairs WC

First Floor

Bedrooms 3,4 and 5 with ensembles

Second Floor

Bedroom 6 with ensuite

1.7 External materials are to match the existing, with a flat roof system over the rear extension and dormer.

1.8 The property has sufficient amenity space to accommodate the extension.

1.9 The application is referred to the Committee because at the request of the ward Councillor.

2.0 RELEVANT PLANNING HISTORY

None

3.0 RELEVANT PLANNING POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SD4 – Design requirements

SD11 – Housing Mix & Standards

SD14 – Health and environmental quality

3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that '*...due weight should be given to (existing policies) according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Emerging Development Plan

Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The hearing sessions for the examination of the pre-submission version of the Gloucester City Plan (City Plan) have

concluded and the examining Inspector's post hearing letter has been received. The letter provides the inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required. The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

Relevant policies include:

A1 – Effective and efficient use of land and buildings

A9 – Extensions to existing dwellings

3.6 **Supplementary Planning Guidance/Documents**

Gloucester City Council; Home Extensions Guide 2008

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

4.1 The **Highway Authority** raises no objection.

Highways have responded as follows (06.05.22):

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

Application for Planning Permission. Town and Country Planning Act 1990. This application seeks permission for the conversion of existing 3 bed dwelling to a 6 bed HMO. The site is in a very sustainable location with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance. The existing walking, cycle and public transport infrastructure would therefore entirely support a 'car free' development in this location.

Existing on-street parking restrictions would protect the sensitive parts of the network and prevent unsuitable parking. GCC have no concerns regarding impact to the highway network. I have reviewed the latest personal injury collision data and can confirm that no incidents have been reported in the vicinity in the past 5 full years regarding incidents caused by vehicles parking on street. The existing highway Conduit Street is not within a controlled parking zone, however is controlled with a Traffic Regulation Order by way of double yellow lines therefore areas of parking on street is at a first come, first serve basis. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

1. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no. 6 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified by letter dated 9th March 2022, with an expiry date of 20th March 2022.

5.2 1 objection representation was received including a petition from 13 residents of Salisbury Road. The concerned residents raised several issues which may be summarised as follows:

- Increased traffic
- Parking concerns
- Noise
- Fly tipping
- Anti social issues
- Garden space is insufficient

5.3 An objection was also received from Cllr Sajid Patel and Cllr Shamsuz Zaman Litu, Barton & Tredworth ward

Several issues were raised in the objection, summarised as follows:

50 Salisbury Road is a Victorian terrace property in a narrow residential street. The property was a family home lived in by one person. Now the new owners wish to convert the 3 bedroom family house into a 6 bedroom hmo. The main reason for this is probably so that they maximise their returns/profits on their investment without any care for the other residents in the street or even the local community.

The garden and amenity space is not big enough to accommodate a 6 bed hmo with 6 different individual residents.

There is already a serious problem with flytipping on Salisbury Road. A hmo in the street will most likely result in exasperating this problem even further.

A 6 bedroom hmo could potentially lead to more noise and other anti-social problems. We are aware of lots of examples of crime, asb and loud noise related incidents on and around Salisbury Road over the past few years.

Parking is a major issue on and off Salisbury Road. There is very limited off road parking in the street.

This conversion application does not create any off road parking which will only exasperate the existing on street parking problem further. As you can imagine, this will inevitably result in more cars being parked illegally and dangerously on double yellow lines.

The Barton & Tredworth ward is already the most densely populated area and also has the least amount of open space in the city.

Granting consent for a hmo in this street will only create further short term and long term

problems for both the street and the area.

5.4 The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Barton & Tredworth ward.

6.0 OFFICER OPINION

6.1 ***Legislative background***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regard to this application are as follows.

- Principle of the proposal to extend the existing dwelling to accommodate a 6 bedroom HMO
- Effect on the character and appearance of the street scene and the existing dwelling
- Traffic, parking and transport
- Residential amenity

6.5 **Principle of the proposed extension to accommodate up to 6 people in a HMO**

The NPPF requires decisions to promote an effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.6 JCS Policy SD11 – Housing Mix & Standards and Policy A1 of the City Plan are relevant

6.7 JCS Policy SD11 concerning housing mix and standards states that it is important that local needs are addressed and there is a contribution to the creation of mixed and balanced communities. With an appropriate mix of dwelling sizes, types and tenures.

6.8 Development proposals are required to make effective and efficient use of land and buildings in accordance with Policy A1: Effective and efficient use of land and buildings.

6.9 A proposal should be of a suitable scale for the site and not have a significant adverse impact on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of the neighbouring properties.

- 6.10 As in accordance with paragraph 3.1.13 of the City Plan. Careful consideration is given within this report to the design and location of the proposal as well as to amenity space, parking, servicing and access arrangements. Any residential development, including the intensification of an existing dwelling, will be required to provide a suitable housing mix in accordance with SD11 Housing Mix and Standards of the JCS. A proposal should provide adequate off-street parking, access, covered and secure cycle storage which provides for the existing and proposed use.
- 6.11 Reference is made to Policy A1, however the more specific saturation criteria is not applicable to this proposal for a 6-bedroom HMO as this is under the threshold for assessment (i.e. it is not a conversion into flats or a large house in multiple occupation). City Plan Paragraph 3.1.13 states “Where it is proposed to intensify an existing building (by conversion into flats or large House in Multiple Occupation) it is important to ensure that the proposal would not have a significant adverse impact on neighbouring properties or the wider area including its character. When assessing whether a proposed intensification of a dwelling would impact the character of the area consideration will be given to the number of existing of intensifications in the area.
- 6.12 Guidance on minimum sleeping room sizes is contained within Government Guidance, Housing in Multiple Occupation and residential property licensing reform Dec 2018. It is noted that the application property has a shared kitchen/living/dining room, and each bedroom has an ensuite. The bedrooms all have a window outlook and range in size but are all larger than the minimum sleeping room floor areas (6.51m² for 1 person and only one is over 10.22m² for 2 people).
- 6.13 An important material consideration is Class L of the General Permitted Development Order. Class L allows for the change of use of a single dwelling (C3) to an HMO for up to 6 occupants. The proposal is an extension to an existing residential property intended to house six or less people as an HMO. As such the proposed use is permitted development and this establishes a fall-back position which needs to be considered when determining this application. Given that the applicant can lawfully use the property as an HMO for up to 6 people as allowed by the permitted development legislation the Council would be acting unreasonably if it were to withhold planning permission for the proposal.
- 6.14 Overall, when taking the established fallback position into account it is considered that the proposal complies with relevant policies for the proposed extension to accommodate up to 6 people and is acceptable in principle. The proposal accords with Policy SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policy A1 of the Pre-Submission Gloucester City Plan.
- 6.15 **Effect on the character and appearance of the street scene and the existing dwelling**
The NPPF states that good design is a key aspect of sustainable development, design should be sympathetic to local character while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate an appropriate amount and mix of development.
- 6.16 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting.
- 6.17 Policy A1 of the Pre-Submission City Plan requires overall improvements to the built and natural environment, preserving the character of the area and appearance of the streetscene, and appropriate bin storage..

6.18 The proposal would not be visible within the street scene and would be constructed using materials sympathetic to the host dwelling and single storey. The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with the NPPF, policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), policy A9 of the Pre-Submission Gloucester City Plan and the Gloucester City Council Home Extensions Guide SPD.

6.19 Overall, subject to conditions the proposal complies with the above policy context.

6.20 **Traffic and transport**

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

6.21 **Accessibility:**

The site is in a very sustainable location with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance.

6.22 **Parking:**

Highways have been consulted and advised as follows. *Existing on-street parking restrictions would protect the sensitive parts of the network and prevent unsuitable parking. GCC have no concerns regarding impact to the highway network.*

The latest personal injury collision data can confirm that no incidents have been reported in the vicinity in the past 5 full years regarding incidents caused by vehicles parking on street.

The existing highway Conduit Street is not within a controlled parking zone, however is controlled with a Traffic Regulation Order by way of double yellow lines therefore areas of parking on street is at a first come, first serve basis. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

6.23 Whilst the occupation of the application property is intensified and there is no objection from the highways authority. The site is in a very sustainable location with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance. The existing walking, cycle and public transport infrastructure would therefore entirely support a 'car free' development in this location. Existing on-street parking restrictions would protect the sensitive parts of the network and prevent unsuitable parking. A condition can be included as requested by Highways regarding providing cycle storage.

6.24 **Residential amenity**

The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life.

- 6.25 Policy SD14 of the JCS considers health & Environmental Quality, a proposal should cause no unacceptable harm to local amenity, including the amenity of neighbouring occupants. Furthermore Policy A1 of the City Plan includes criteria on the amenity of neighbours and future residents. There should be adequate off street parking, access, covered and secure cycle storage provided. Outdoor garden space should be at a level that reflects the character of the area and scale of development.
- 6.26 Parking has been addressed. It is acknowledged there are concerns in the objections regarding amenity space. 50 Salisbury Road benefits from a garden which, although reduced, will be available to future residents. Parking has been addressed elsewhere in the report and a condition has been recommended concerning cycle provision.
- 6.27 Impact on neighbours
52 Salisbury Road: Terraced property to the north
Overlooking: The proposal is a single storey rear extension and a loft conversion and there aren't overlooking issues with the proposed extension.
Overshadowing/loss of light/overbearing: The proposal would be single storey on the shared boundary between the dwellings. The maximum height is 2.8m closest to the neighbours boundary. No significant issues would be raised regarding the residential amenity of the occupiers of no.52.
- 6.28 48 Salisbury Road: Terraced property to the south
Overlooking: The proposal is a single storey rear extension and a loft conversion and there aren't overlooking issues with the proposed extension.
Overshadowing/loss of light/overbearing: The proposal would be single storey and is set off of the shared boundary between the dwellings. No significant issues would be raised regarding the residential amenity of the occupiers of no.48.
- 6.29 Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with SD4, SD14 and SD11 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), policy A9 of the Pre-Submission Gloucester City Plan and the Gloucester City Council Home Extensions Guide SPD and the NPPF.

6.30 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. There are objections in relation to the use of the property being intensified, the proposal is considered to be consistent with relevant policies and guidance in terms of the principle, design, residential amenity and traffic considerations. The proposal is acceptable and accordingly it is recommended that planning permission be granted.

In compiling the recommendation full consideration has been given to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters, warrant any different action to that recommended.

7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

7.1 That planning permission is **GRANTED** subject to the following conditions:

CONDITIONS & REASON

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 2040/PL03, 2040/PL04, 2040/PL05 and 2040/PL06 except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 3

The external facing materials to the development hereby permitted shall match in colour, form and texture to those of the existing building.

Reason

To ensure the satisfactory appearance of the development in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Condition 4

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no. 6 bicycles has been made available in

accordance with details to be submitted to and approved in writing by the LPA.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Nicola Bickerstaff (924926)

Planning Application: | 22/00051/FUL

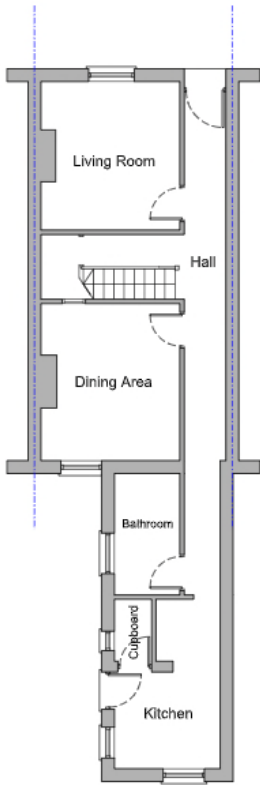
Address: | 50 Salisbury Road Gloucester

Committee Date: | 7th June 2022

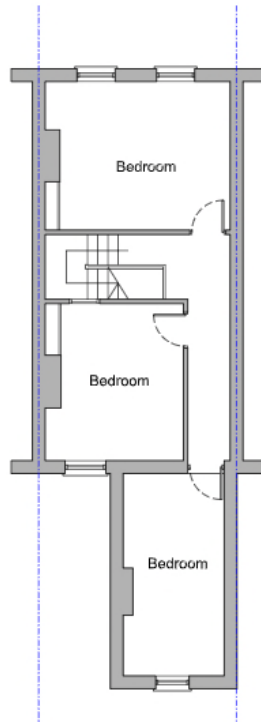
Site location plan



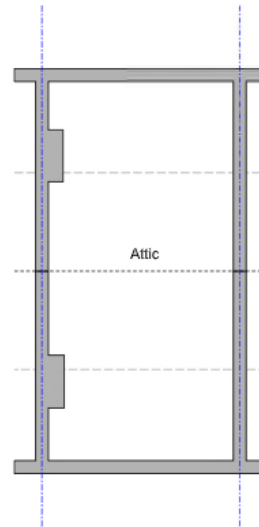
Existing floor layout plans



Existing Ground Floor Plan

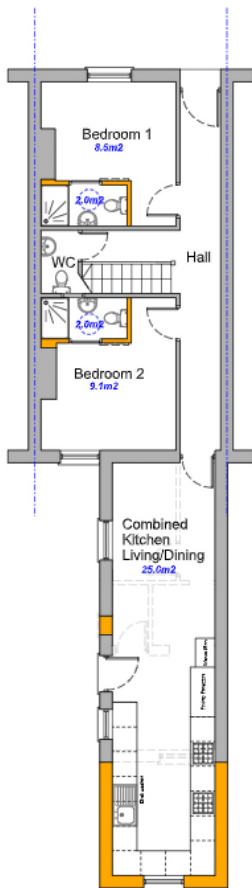


Existing First Floor Plan



Existing Second Floor Plan

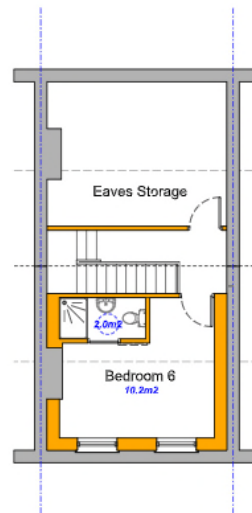
Proposed floor layout plans



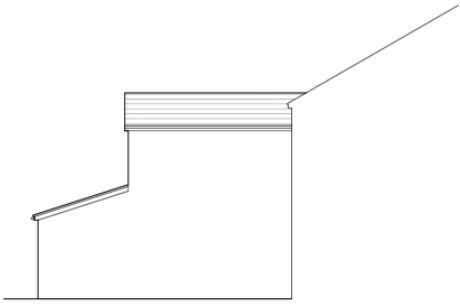
Proposed Ground Floor Plan



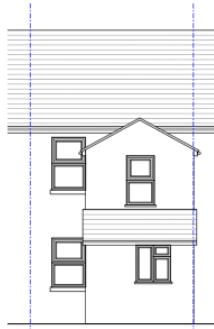
Proposed First Floor Plan



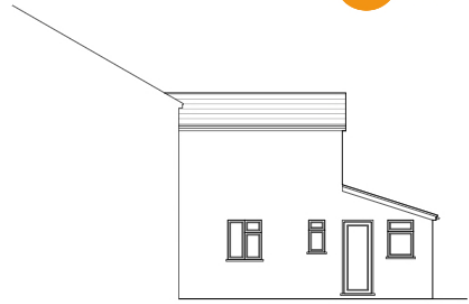
Proposed Second Floor Plan



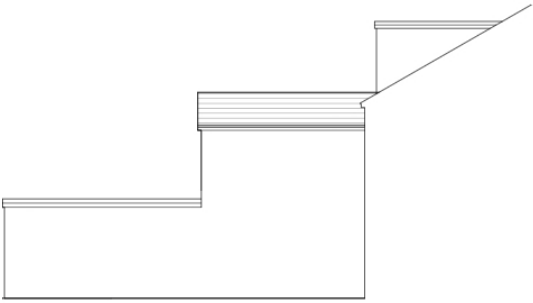
Existing Side Elevation



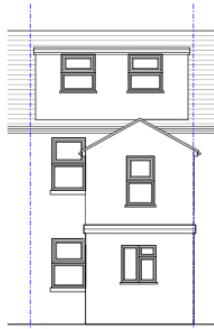
Existing Rear Elevation



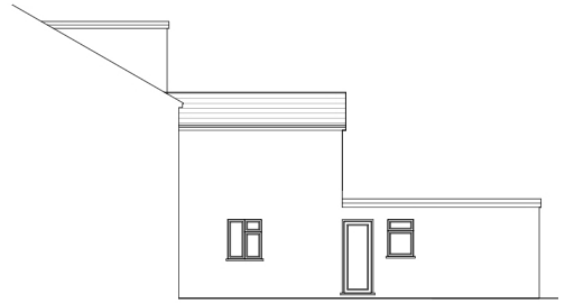
Existing Side Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation