

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning  
Date: | 06.02.2024  
Address/Location: | 55 Derby Road Gloucester GL1 4AA  
Application No: | 23/00895/LAW  
Ward: | Barton & Tredworth  
Expiry Date: | 30.12.2023  
Applicant: | Mr Norville  
Proposal: | Proposed conversion of residential dwelling to 6 bed HMO  
Report by: | Harriet Parker  
Appendices: | Existing and Proposed Site Plan  
Proposed Elevation Plan  
Proposed Floor Plan

## Site Location Plan



## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site of 55 Derby Road is a semi-detached property located adjacent to the highway of Derby Road within the Barton and Tredworth ward of Gloucester.
- 1.2 The property consists of the right-hand side of the pair of semi-detached properties, is two storey's in height with a pitched roof dwelling with no off street parking but does have a large rear private amenity space.
- 1.3 The property is currently in use a private dwellinghouse under use class C3.

The application seeks the issuing of a Lawful Development Certificate to confirm a change of use from use class C3 (dwellinghouse) to use class C4 (small HMO) is lawful under permitted development rights pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class L.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/13560/HIST	P/372/62:- CONVERSION OF SINGLE DWELLING HOUSE INTO 2 DWELLINGS	Z45APP	04.09.1962
44/13563/HIST	18193(517/63):- BATHROOM EXTENSION	Z45PDV	
13/00349/FUL	Demolition of existing single storey rear extensions and erection of rear conservatory	G3Y	03.06.2013
14/01325/PDE	Erection of single storey rear extension (depth: 5.9 metres from rear elevation of original dwellinghouse, maximum height: 3.85 metres, height of eaves: 2.3 metres)	ENOBJ	18.12.2014
23/00810/FUL	PROPOSED CONVERSION OF RESIDENTIAL DWELLING TO 6 BED HMO	APPRET	

## 3.0 RELEVANT PLANNING HISTORY

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

### 3.2 National guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015.

## 4.0 CONSULTATIONS

No consultation was undertaken.

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The ward councillor for Barton and Tredworth objected to the proposed application for Lawful Development Certificate and asked for this application to be taken to planning

committee for the following reasons:

- HMO is safety concerns and the noise pollution which is common with HMO properties.
- It will have an extreme effect upon the community.
- The number of occupiers will be overcrowding in densely populated area and lack of healthy living, also will decrease neighbours privacy.
- More people living in the property can produce a large amount of waste, some will choose to fly-tip their waste rather than pay to safely remove it.
- Multiple occupancy is unsuitable at 55 Derby Road as it is a busy road and will have a big impact on peaceful living.
- The conversion will affect highway safety and traffic as there is already a big issue with parking in the area.

The full content of all correspondence on this application can be viewed on:

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

## 6.0 OFFICER OPINION

### 6.1 Legislative background

The Town and Country Planning (General Permitted Development) (England) Order 2015.  
Schedule 2 – Permitted Development Rights  
Part 3: Changes of Use, Class L: small HMOs to dwellinghouses and vice versa.

Permitted development

*L. Development consisting of a change of use of a building—*

*(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*

*(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

**Development not permitted**

**L.1** Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

### 6.5 Assessment

Assessment of the application is limited to its compliance with legislation. No assessment is made upon any of the concerns raised by the ward councillor in the representations assessment section of this report.

The application site is considered to be in use as a dwellinghouse under Class C3 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The proposed change of use under permitted development to use class C4, a small HMO, is only permitted if it complies with conditions set under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class L.1.

The proposed site is a single dwellinghouse (C3) and does not propose to incorporate any additional dwellings in order to form the small HMO (C4) and so is deemed to comply with criteria L.1(a).

The application for a lawful development Certificate is deemed to comply with all criteria set within the The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class L and as such the proposed change of use from C3 to C4 is deemed permitted development.

#### 6.17 **Conclusion**

The development as indicated on the drawing Proposed Floor Plans (55DR-HMO-CG-002B) and Proposed Elevations (55DR-HMO-CG-003) received by the local planning authority on 03/11/2023 would constitute permitted development, as the works fall within the limits of permitted development by virtue of Schedule 2, Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### 7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 The proposal has been assessed against the above criteria and falls within the limits of 'permitted development' by virtue of Schedule 2, Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal therefore constitutes Lawful Development and as such a Certificate of Lawful Development can be issued.

**Person to Contact:** Harriet Parker (396753)