

Planning Committee

08 October 2021

Agenda item number 7.1

BA/2021/0255/FUL, 39 Thorpe Hall Close, Thorpe St Andrew

Report by Planning Officer

Proposal

Retrospective change of use from dwelling to 9 bedroom House in Multiple Occupation (HMO)

Applicant

Mr Shah

Recommendation

Approval subject to conditions

Reason for referral to committee

Local objections raising material considerations of significant weight

Application target date

9 September 2021

Contents

1.	Description of site and proposals	2
2.	Site history	3
3.	Consultations received	3
4.	Representations	4
5.	Policies	6
6.	Assessment	6
7.	Conclusion	9
8.	Recommendation	9
9.	Reason for recommendation	10
	Appendix 1 – Location map	11

1. Description of site and proposals

- 1.1. The subject of this application comprises a 3-storey dwelling-house at the northern end of Thorpe Hall Close, effectively on the outside corner of the bend where the road turns 90 degrees to head eastwards to join up with Yarmouth Road (A1242).
- 1.2. Thorpe Hall Close comprises a cul de sac located just outside the eastern boundary of Norwich City. It is bordered by the River Yare to the south, Careys Meadow to the west, properties fronting Yarmouth Road to the north and Thorpe Hall to the east.
- 1.3. Thorpe Hall Close is accessed from Yarmouth Road and the road initially heads downhill parallel to Yarmouth Road, bordered by hedges and walls, for a distance of approximately 85 metres. As one moves downhill the subject property becomes increasingly apparent. At the foot of the downhill section the road turns at 90 degrees to the south, with the subject property on the outside of that corner.
- 1.4. The subject site is reasonably isolated from the rest of Thorpe Hall Close and maintains distances of 38 metres to the closest dwelling on the west side of the Close and 45 metres to the closest dwelling on the east side of the Close. To the immediate south of the site is an area of woodland adjacent to the road for a distance of approximately 35 metres. On the opposite side of the road is an area of garages which serve Thorpe Hall Close. Beyond this point Thorpe Hall Close appears as a fairly standard estate, comprising 3-storey town houses, 2-storey groups of flats, and 2-storey detached dwellings, with landscaping comprising hard-surfaced driveways, large area of closely mowed lawn, areas of bush and shrub planting, some hedgerows and the occasional tree.
- 1.5. The overall appearance is such that the subject dwelling does not appear an obvious part of Thorpe Hall Close in terms of its design, appearance, and siting. However, access to all Thorpe Hall Close properties is only obtained via the cul de sac road, so the application site is passed by anyone accessing the other properties.
- 1.6. The properties to the north of the subject site, fronting Yarmouth Road, are at a noticeably higher level than the subject property and are bounded by a tall retaining wall.
- 1.7. The subject property was originally approved in 1994 as a 2-storey, 4-bedroom property with a garage and store at basement level, lounge, dining room, kitchen, and bedroom at 'ground' floor level, and 3 further bedrooms at first floor level. At some point before 2001 the garage and store were converted to habitable accommodation and the ground floor extended to the full width of the dwelling, hence the current appearance as a 3-storey dwelling.
- 1.8. According to the application's supporting documents, the property was converted in 2015 to a House of Multiple Occupation (HMO) providing 9 bedrooms. Broadland

District Council has since confirmed that the property was licenced as an HMO in October 2018 as soon as mandatory licencing legislation was introduced. The current proposal seeks to regularise this use, as a 9-bedroom HMO falls outside of Use Class C3 (dwelling houses) and Use Class C4 (HMO up to 6 people) and is therefore Sui Generis.

- 1.9. The site is located within the Thorpe St Andrew Conservation Area. The site is located outside of Flood Zones 2 and 3. It is within the development boundary for Thorpe St Andrew.

2. Site history

- 2.1. In 1994 planning permission was granted for the construction of a house and garage (BA/1993/4655/HISTAP).
- 2.2. In 2001 planning permission was refused for a ground anchor support for escarpment below no.4 Yarmouth Road and integrated drainage system (BA/2001/4030/HISTAP).
- 2.3. In 2001 planning permission was granted for 1. Three storey extension, 2. Internal alterations, 3. Works associated with bank stabilisation (BA/2001/4043/HISTAP). The three storey extension was not constructed; it is not known if the bank stabilisation works were carried out.

3. Consultations received

Thorpe St Andrew Town Council

- 3.1. Strong objections to this application. The Council have significant concerns regarding the poor existing management of the site and the objections from neighbours relating to existing activity and flytipping nearby. There is also limited amenity and insufficient car parking.

Norfolk County Council (NCC) Highways

- 3.2. The parking provision shown is below current standards, however, I am minded given the location, the development is accessible to local services and public transport links and as such may result in a lower reliance on the private motor vehicle as the primary mode of transport. I consider therefore it would be difficult to sustain an objection on parking alone, nor to defend such a recommendation at appeal.
- 3.3. That being said, the parking provision shown is not appropriately accessible in that the dropped kerb vehicle access does not extend the full extent of the parking area. Likewise, I am minded that there is a lack of appropriate secure cycle parking provision, if provided would also help promote more sustainable travel choice, especially for local journeys.
- 3.4. Accordingly, whilst raising no objection, I would recommend conditions and informative note be appended to any grant of permission your Authority is minded to make.

Norfolk Fire and Rescue

- 3.5. I confirm that I have no observations to make regarding this matter.
- 3.6. I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 - Approved Document B (volume 2 - 2019 edition) as administered by the Building Control Authority.

South Norfolk Council Environmental Quality Team

- 3.7. Whilst we do not object to this application from an Environmental Quality point of view, the developer must make an HMO licence application in line with the Housing Act 2004 with Environmental Health.

Broadland District Council Licencing

- 3.8. To confirm, it has been an HMO since 2015 and became licenced in October 2018 as soon as mandatory licensing legislation was introduced. The owners have been informed and have applied to the Broads Authority for retrospective planning permission as there are six occupants or more (there are 9 in total at this property).
- 3.9. If they do not receive retrospective planning consent then occupancy will need to be restricted to 5 persons enforceable using planning legislation.
- 3.10. Rooms used for sleeping accommodation have minimum size requirements detailed in HMO licencing legislation for single (6.51m²), double (10.22 m²) and child only (4.64 - 6.5 m²) occupancy.
- 3.11. There are also room size requirements for kitchens and living rooms detailed in the Council's amenities and facilities standards, which all licenced HMO's must comply with.
- 3.12. 39/39A Thorpe Hall Close, Thorpe St. Andrew was inspected prior to licencing and all rooms measured and amenities and facilities provided taken into consideration in determining maximum occupancy. Properties are licenced with the maximum total number of occupants specified on the licence and maximum number of occupants permitted in each sleeping room specified in the licence conditions.
- 3.13. 39/39A Thorpe Hall Close has a licence with nine rooms detailed as sleeping accommodation, with all but one room permitted as double (2 person) occupancy. One room has single occupancy permitted only. The maximum total permitted occupants is 17. Some of the rooms have their own bathroom and cooking facilities.

CNC Building Control

- 3.14. We had a regularisation (retrospective) application for this development in 2016. It was for the conversion of the dwelling and basement to form an HMO. The application approved and signed off in 2017. We therefore have no comments to add.

4. Representations

- 4.1. 19 objections and one representation were received.

4.2. The 19 objections are summarised as follows:

- Excessive noise, including screaming and shouting and use of foul language;
- Police have been called to the house to resolve disputes on more than one occasion;
- Physical eyesore when entering the close;
- There is an adverse effect on the visual amenity of Thorpe Hall Close;
- An embarrassment to those living here;
- The property is run down, not in keeping with the rest of the close;
- Since it has become an HMO the residents no longer seem to have any interest in looking after the property or respecting the surrounding community;
- It materially affects the character of the Conservation Area;
- Negative impact on listed buildings including Thorpe Hall;
- Untidy land, particularly the refuse area;
- Dumping of unwanted appliances at rear of property;
- Waste bins are visible at all times with unsightly items being left beside them;
- Mattresses and other household items dumped outside;
- There is no provision for storage of bicycles or refuse bins;
- Calls made to environmental health due to infestation due to over flowing bins. And rats and other pests;
- Unnecessary location of additional accommodation;
- Inevitable increase in traffic generation;
- Insufficient parking;
- Cars sometimes parked on the bend;
- Cars regularly parked on the restricted road;
- Suggestion of land grabbing of area to south of the dwelling;
- Suggestion of drug and alcohol issues at the property;
- I think the HMO is in breach of the original covenants set out when Thorpe Hall Close was developed;
- Surprise the property has authority (a licence) in its current format;
- Too many people in a single property;

- Emergency vehicles need to be able to gain access to the close;
- Thorpe Hall Close should be the quiet place it was designed to be.

4.3. The one representation is summarised as follows:

- I note that this is a 'retrospective' change of use and that being the case there is little that will change internally and certainly externally.

5. Policies

5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).

5.2. The following policies were used in the determination of the application:

- DM21 - Amenity
- DM23 - Transport, highways and access
- DM35 – Residential development in development boundaries

6. Assessment

6.1. The proposal is retrospective for the change of a dwelling house (Use Class C3) to a House of Multiple Occupation (HMO) (Sui Generis). The main issues in the determination of this application are: the principle of development, the suitability of the accommodation, impact on amenity of neighbouring residents and parking provision and highways.

Principle of development

6.2. Due to the nature of the Broads and the general absence of built-up areas, the Local Plan does not contain specific policies relating to HMOs. Policy DM35 states that new residential development will only be permitted within defined development boundaries and that such development will be of an appropriate scale for the size of the site and settlement and appropriate to its context. Whilst this application is not for new residential development, it is for a different form of residential development and it is therefore useful to be mindful of the objectives of DM35.

6.3. On this basis, the site is within a development boundary and the principle of development is acceptable insofar as it contributes to a range of accommodation types and options, and provides varying volumes of accommodation to meet varying demands.

Suitability of accommodation

6.4. Space standards for rooms in an HMO are stipulated clearly by the Government. It is a legal requirement that HMOs are licenced and this is dealt with by the relevant district council (in this case Broadland District Council) who provided information to corroborate the licence situation. As part of the consideration of the licencing

application, the property was inspected and all rooms measured to ensure that they met the required standards. Along with this, the amenities and facilities provided at the property were taken into consideration and the combination of these two factors determines maximum occupancy. Properties are licenced with the maximum total number of occupants specified on the licence and maximum number of occupants permitted in each sleeping room specified in the licence conditions.

- 6.5. The subject property has a licence with nine rooms detailed as sleeping accommodation, and all but one room permitted as double (2 person) occupancy. One room has single occupancy permitted only. The maximum total permitted occupants at the property is 17.
- 6.6. Taking into account the fact that the property conforms to national standards and these have been rigorously checked through the licencing regime, it is considered that the accommodation provided is suitable and acceptable.

Amenity of residential properties

- 6.7. There has been a significant amount of interest in this application. The siting of the property at the foot of the downhill part of the cul-de-sac means that all Thorpe Hall Close residents must pass the subject property in order to reach their own property. It is a fairly prominent property and presents itself clearly, being sited on a corner plot without adjacent properties in the usual sense.
- 6.8. The main concerns which have been raised are in relation to noise disturbance, unsightly appearance, and parking issues. Putting these in such simple terms is not to understate their importance, but merely to allow consideration of the matters. A summary of the concerns is provided above and the full responses form part of the application documents. Please note that parking issues will be considered as part of the highways and parking section below.
- 6.9. With regard to noise, this has been described as excessive noise including shouting and use of foul language. It has been stated that this has led to the police being called on more than one occasion. Whilst the noise disturbance as described is unpleasant and undesirable, it is not possible within the realm of planning to control such issues as arguments and shouting, or the use of foul language; this is down to individuals and circumstance. Where arguments result in actions that members of the public consider requires police intervention, this is clearly upsetting and distressing but not an issue with the existence of the HMO per se, but about individuals who reside at the HMO. It is also not the case that such things only occur in HMO situations. It is accepted that a more intensive use can be a contributing factor, but that alone would be insufficient to justify refusing or restricting HMOs, which clearly provide a range of housing options to meet a variety of situations and need.
- 6.10. Where situations do not escalate such that police intervention is considered necessary, excessive noise complaints would be dealt with by the District Council's Environmental Health team. In this case, comments have been provided by the Environmental Health

team, but these made no reference to complaints having been made or a history of issues at the subject property. It is also noted that in considering noise in relation to Policy DM21, this is about planning uses, not the unsociable behaviour of individuals in a residential setting. On this basis, given the size of the property and the separation from neighbouring dwellings, there is no valid planning reason why the use of the premises as an HMO would be unacceptable.

- 6.11. The property has been described by local residents as a physical eyesore, having an adverse effect on the visual amenity of Thorpe Hall Close, and impacting on the character of the Conservation Area. They also present a situation of untidy land, particularly the refuse area where bins are visible at all times with unsightly items being left beside them.
- 6.12. The appearance of dwellings in occupation is down to the individual. Whilst it may be the case that ownership of a property results in a greater attention to its appearance, this is not always the case and there is no intrinsic reason why an HMO would have an adverse effect on the appearance of an area. A perception that an HMO would be untidy is not a material consideration when considering a planning application, furthermore, having visited the site I would not describe the property as unsightly, noting instead that overall it had a clean and tidy appearance. Certain alterations to the property have not helped its overall appearance, and the hard surfacing to the front does not help soften the appearance of the property, but such matters are not under consideration and are a matter of fact.
- 6.13. It is noted, however, that area where the bins are kept is unattractive. These are to the front of the house, very close to the public highway, and are fairly prominent in the street scene. It is accepted that this presents a poor appearance, exacerbated by the prominent location and number of bins required. It was also noted that a number of items had been left next to the bins including a microwave oven and over the course of a month these items remained. In terms of how this presents untidy land there are powers at district council level to investigate the dumping of unwanted items. The bins themselves are poorly located and not within an enclosure, such a requirement could reasonably be achieved through planning conditions. This would make a reasonable contribution to improving the overall appearance of the property
- 6.14. Taking into account the above points, it is considered that the use of the property as an HMO in itself would not adversely impact on the amenity of residential neighbours, with regard to Policy DM21 of the Local Plan for the Broads.

Highways and parking

- 6.15. Parking provision has been cited as an issue by a number of Thorpe Hall Close residents, with issues including insufficient and inadequate provision of parking on site, cars parked elsewhere on Thorpe Hall Close, cars sometimes parked on the bend where the subject property is located, and an increase in traffic generation.

- 6.16. NCC Highways has considered the proposals and whilst noting that parking provision is below current standards, it points out that the property is accessible to local services and public transport links, therefore reliance on private vehicles is not absolute. NCC Highways has not objected to the proposal, subject to conditions requiring the widening of the existing dropped kerb, and the formalisation of the parking area. It is also noted that there is a good provision of on-street parking within Thorpe Hall Close. Parking restrictions (double yellow lines) are only present on one side of the downhill section of the Close, and carrying on for approximately 25 metres following the 90 degree turn in the road. It is therefore considered that any vehicles in excess of the five able to park on site at the property could reasonably be accommodated on street.

Other issues

- 6.17. There is no dedicated cycle storage space, such as a covered area with provision of something suitable to lock a cycle to. NCC Highways has requested provision of such an area and this would be required by planning condition. There would appear to be suitable areas to the side of the dwelling to accommodate this.

7. Conclusion

- 7.1. The change of use from a dwelling to a 9-bedroom HMO is considered acceptable in principle and the accommodation provided is at a standard considered acceptable when assessed against Government regulations. The rooms have been measured and assessed and a licence obtained from the district council.
- 7.2. There has been a lot of interest in this application and a number of issues raised by local residents. Whilst there is every sympathy due to some of the incidents alleged to have taken place at the site, these are the sorts of disturbances or issues that are dealt with under separate legislation and do not reasonably form reasons for refusal of this planning application. The issues which are under planning control and require addressing would be dealt with through planning conditions, specifically in this context being the refuse storage area. The use of the property as an HMO is not considered to adversely impact on the amenity of residential neighbours.
- 7.3. The local Highways Authority has raised no objection to the change of use from a dwelling to a 9-bedroom HMO subject to conditions to improve the access, parking area and cycle parking provision.
- 7.4. The change of use from a dwelling to a 9-bedroom HMO is therefore considered acceptable with regard to Policies DM35, DM21 and DM23 of the Local Plan for the Broads.

8. Recommendation

- 8.1. That planning permission be granted subject to the following conditions:
- i. In accordance with approved plans

- ii. Widening of vehicular access
- iii. Details of access and on-site car parking area including layout, space demarcation, levels, surface, and drainage
- iv. Details of dedicated and secure cycle parking area
- v. Details of bin storage area

9. Reason for recommendation

- 9.1. The proposal is considered to be in accordance with Policies DM21 and DM23 of the Local Plan for the Broads, and the National Planning Policy Framework (2021) which is a material consideration in the determination of this application.

Author: Nigel Catherall

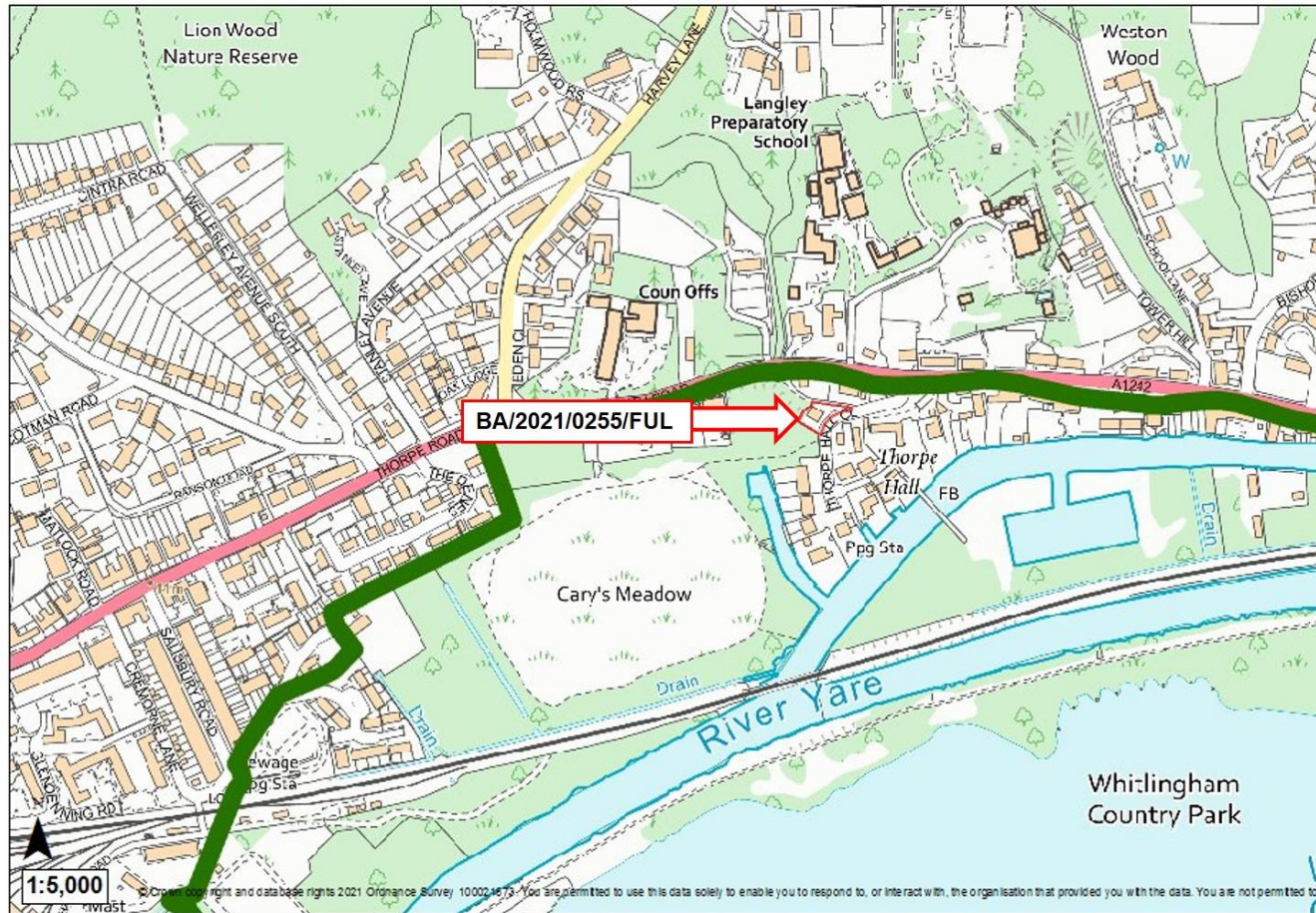
Date of report: 23 September 2021

Background papers: BA/2021/0255/FUL

Appendix 1 – Location map

Appendix 1 – Location map

BA/2021/0255/FUL - 39 Thorpe Hall Close, Thorpe St Andrew



© Crown copyright and database rights 2020 Ordnance Survey 100021573. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.