

Reference: 06/20/0426/F**Parish:** Great Yarmouth**Officer:** Mr R Tate**Expiry Date:** 11/12/2020**Applicant:** Mrs B Wheeler**Proposal:** Retrospective change of use from guesthouse to house in multiple occupation (12 bedrooms)**Site:** 110-111 Wellesley Road, Great Yarmouth.**REPORT****1. Background/History:-**

- 1.1 This application relates to a retrospective change of use of a guest house (which had been two units which have been combined at some point into a single guesthouse) to an HMO with in total 12 bedrooms. The accommodation is proposed to be laid out with a basement flat for the property owners with three bedrooms and over the floors above 12 HMO bedrooms. Currently the property is in use as predominantly a HMO and has been in this use for some time without planning consent.
- 1.2 The is extensive planning history on the site (please see below table). The first two applications were heard by committee with the most recent one being a delegated refusal. Applications 06/17/0485/F and 06/19/0260/F were both dismissed at appeal. The most recent appeal was dismissed with concerns about the oppressive and inadequate living conditions for occupants of rooms 5, 10 and 11, constrained rooms (by virtue of having sinks in the rooms), poor internal configuration and absence of noise mitigation measures – although the inspector did note that the additional comings and goings would not harms the living conditions of local residents.

06/19/0260/F	REF DIS	04-09-19 11-05-20	110-111 Wellesley Road Rhonadean	Retrospective permission for change of use - guesthouse to 13 bed HMO with alterations to form kitchen/dining rooms for tenants
06/17/0485/F	REF DIS	03-10-17 18-02-19	110-111 Wellesley Road Rhonadean	Change of use from Guest House to a 14 bedroom HMO with owner/manager flat contained in the basement

06/16/0809/F	WD	24-05-17	110-111 Wellesley Road Rhonadean	Retrospective change of use from guesthouse to house in multiple Occupation
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- 1.3 The applicants have received pre-app advice from the Local Planning Authority in an attempt to provide an acceptable internal configuration. The proposal has been altered from the previous application and is now for 12 HMO bedrooms with the following layout: (room sizes exclude en-suite measurements)

Ground Floor: Kitchen (14.27sqm)
Dining Room (9.74sqm)
Lounge (9.81sqm)
Bedroom 1 (9.6sqm)
Bedroom 2 (8.6sqm)
Bedroom 3 (13.2sqm)
Bedroom 4 (17.1sqm)
Bedroom 5 (16.7sqm)

First Floor: Bedroom 6 (11.6sqm)
Bedroom 7 (8.1sqm)
Bedroom 8 (12.2sqm)
Bedroom 9 (16.7sqm)
Bedroom 10 (7.99sqm)
Bedroom 11 (14.9sqm)
Bedroom 12 (11.1sqm)
Kitchen (8.3sqm)
Lounge (9.7sqm)

All bedrooms have an en-suite and since the pre-app the wash hand basins have been removed from the bedrooms. Instead combined wc/basins will be utilised.

- 1.4 The property is located within the secondary holiday accommodation area and is amongst buildings in a variety of uses including converted flats, guest houses, hotels and commercial buildings. The property is a corner property with a former hotel to the rear, and an adjoining flat conversion to the south. The property is close to the primary holiday accommodation area of along Princes Road and associated tourist areas. The site is within flood zone 2 and partially within flood zone 3.

- 1.5 The property is located in a Conservation Area. From the site visit it was clear that the owners maintained the property in a clean and tidy state.
- 1.6 Retrospective planning permission is sought by the current owners for the use of the building as a HMO with drawings that show there are 18 bedrooms over the upper two floors and also include details of the two bedroom basement flat occupied by the property owners. The site has no off-street parking, although it has been indicated that car parking could be provided off site. Bin stores would be as currently set out within the basement area external yard.
- 1.7 Since the most recent appeal was dismissed (attached to this report), the Draft Local Plan Part 2 has been submitted for Inspection. Policies with no unresolved objections can hold significant weight. Policies of relevance from the emerging plan include GY7 and H12 – the site is located in the Back of the Sea Front Area.
- 1.8 The property is subject to an enforcement notice requiring the use as an HMO to cease (served 22nd December 2017). This compliance period has been extended to the 5th January 2021. Members are advised to be aware of Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The cessation of the HMO use may give rise to particular considerations as to the impacts of such a loss which are different from, and greater than, the impact on other persons.

2. Consultations :-

2.1 Neighbours –

Following a consultation process in line with the General Development Procedure Order which included a site notice and letters to neighbouring properties. No letters of representation have been received.

2.2 GYBC Environmental Health –

The owner must ensure that the property complies with amenity levels and fire safety by liaising with the local authority Environmental Health Services. The local authority fire safety standards and amenity standard must be complied with.

2.3 NETI

The AIA is fit for purpose. No objections to this application from an ecological perspective.

2.4 Resilience Officer

As this is a retrospective application, can you confirm that:

- Water exclusion/entry strategy has been implemented
- Flood response plans have been prepared.
- Residents have signed up for flood warnings/alerts.

I am also concerned that the basement is also being used for accommodation which is not consistent with previous (06/19/0520/CU) which caused an issue with the EA.

Since these comments a FRP has been submitted covering these details. The manager's basement flat is not included in the application.

2.5 Norfolk County Council's Highways Authority.

No objection

3 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

3.1 Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007 and assessed again in January 2016. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

3.2 The Saved Policies listed have all been assessed as being in general conformity with the NPPF, and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

3.3 POLICY HOU23

THE CONVERSION OR CHANGE OF USE OF PROPERTIES TO BEDSITS
AND OTHER TYPES OF MULTI-OCCUPIED UNITS OF RESIDENTIAL

ACCOMMODATION WILL BE PERMITTED WHERE:

(A) THE SITE IS OUTSIDE AN AREA SHOWN AS 'PRIME HOLIDAY ACCOMMODATION' ON THE PROPOSALS MAP;

(B) THE CHARACTER AND AMENITIES OF THE LOCALITY WOULD NOT BE SIGNIFICANTLY ADVERSELY AFFECTED;

(C) THE SITE IS NOT IN AN AREA PREDOMINANTLY COMPRISING PROPERTIES IN SINGLE FAMILY OCCUPANCY;

(D) CLUSTERING OF PROPERTIES IN MULTIPLE OCCUPATION WOULD NOT OCCUR; *

(E) THERE IS NO PROPERTY USED AS A SINGLE UNIT OF FAMILY ACCOMMODATION DIRECTLY ADJOINING THE PROPOSED DEVELOPMENT;

(F) THE PROPOSED DEVELOPMENT AND ASSOCIATED FACILITIES COULD BE PROVIDED WITHOUT SIGNIFICANT DETRIMENT TO THE OCCUPIERS OF ADJOINING OR NEIGHBOURING BUILDINGS;

(G) THERE IS ADEQUATE ON-STREET CAR PARKING AND THE ONSTREET CAR PARKING REQUIREMENTS OF THE PROPOSAL WOULD NOT RESULT IN MORE THAN 70% OF THE AVAILABLE 'OVERNIGHT' ON-STREET RESIDENTIAL PARKING PROVISION BEING EXCEEDED UNLESS ADEQUATE ALTERNATIVE PROVISION IS MADE; AND,

(H) THE BUILDING IS 3 OR MORE STOREYS HIGH OR MORE THAN 95SQ M FLOOR AREA.

(*Note: Clustering constitutes 3 properties in multiple occupation forming a continuous group, or 50% of the length of any continuous frontage or sharing common boundaries.)

3.4 POLICY TR12

SUBJECT TO OTHER POLICIES IN THE PLAN, WITHIN SECONDARY HOLIDAY ACCOMMODATION AREAS, AS SHOWN ON THE PROPOSALS MAP, PROPOSALS FOR CHANGE OF USE TO A SINGLE DWELLING, SELF CONTAINED RESIDENTIAL FLATS, RESIDENTIAL HOMES OR NURSING HOMES MAY BE PERMITTED IF THE APPLICANT CAN DEMONSTRATE THAT:

(A) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY ON THE CHARACTER OF THE AREA;

(B) THE PROPOSED DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE RESIDENTIAL AMENITY OF THOSE LIVING IN THE AREA OR TO THE USERS OF ADJOINING PROPERTY OR LAND;

(C) PARKING AND SERVICING ARRANGEMENTS CAN BE PROVIDED IN ACCORDANCE WITH THE COUNCIL'S STANDARDS SET OUT AT APPENDIX (A) TO CHAPTER 3 OF THE PLAN; AND

(D) IN THE CASE OF AN ACCEPTABLE PROPOSAL FOR A CHANGE OF USE OF PART OF A PROPERTY, THE PROPOSED DEVELOPMENT WOULD RESULT IN AN IMPROVEMENT TO THE REMAINDER OF THE HOTEL, GUEST HOUSE OR PROPERTY.

3.5 POLICY HOU7

NEW RESIDENTIAL DEVELOPMENT MAY BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE PARISHES OF BRADWELL, CAISTER, HEMSBY, ORMESBY ST MARGARET, AND MARTHAM AS WELL AS IN THE URBAN AREAS OF GREAT YARMOUTH AND GORLESTON. NEW SMALLER SCALE RESIDENTIAL DEVELOPMENTS* MAY ALSO BE PERMITTED WITHIN THE SETTLEMENT BOUNDARIES IDENTIFIED ON THE PROPOSALS MAP IN THE VILLAGES OF BELTON, FILBY, FLEGGBURGH, HOPTON-ON-SEA, AND WINTERTON. IN ALL CASES THE FOLLOWING CRITERIA SHOULD BE MET:

- (A) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT;
- (B) ALL PUBLIC UTILITIES ARE AVAILABLE INCLUDING FOUL OR SURFACE WATER DISPOSAL AND THERE ARE NO EXISTING CAPACITY CONSTRAINTS WHICH COULD PRECLUDE DEVELOPMENT OR IN THE CASE OF SURFACE WATER DRAINAGE, DISPOSAL CAN BE ACCEPTABLY ACHIEVED TO A WATERCOURSE OR BY MEANS OF SOAKAWAYS;
- (C) SUITABLE ACCESS ARRANGEMENTS CAN BE MADE;
- (D) AN ADEQUATE RANGE OF PUBLIC TRANSPORT, COMMUNITY, EDUCATION, OPEN SPACE/PLAY SPACE AND SOCIAL FACILITIES ARE AVAILABLE IN THE SETTLEMENT, OR WHERE SUCH FACILITIES ARE

LACKING OR INADEQUATE, BUT ARE NECESSARILY REQUIRED TO BE PROVIDED OR IMPROVED AS A DIRECT CONSEQUENCE OF THE DEVELOPMENT, PROVISION OR IMPROVEMENT WILL BE AT A LEVEL DIRECTLY RELATED TO THE PROPOSAL AT THE DEVELOPER'S EXPENSE; AND,

- (E) THE PROPOSAL WOULD NOT BE SIGNIFICANTLY DETRIMENTAL TO THE RESIDENTIAL AMENITIES OF ADJOINING OCCUPIERS OR USERS OF LAND.

(Objective: To ensure an adequate supply of appropriately located housing land whilst safeguarding the character and form of settlements.)

* ie. developments generally comprising not more than 10 dwellings.

4 Core strategy – Adopted 21st December 2015

4.1 POLICY CS1 – FOCUSING ON A SUSTAINABLE FUTURE

For the Borough of Great Yarmouth to be truly sustainable it has to be environmentally friendly, socially inclusive and economically vibrant not just for those who currently live, work and visit the borough, but for future generations to come. When considering development proposals, the Council will take a positive approach, working positively with applicants and other partners to jointly find solutions so that proposals that improve the economic, social and environmental conditions of the borough can be approved wherever possible.

To ensure the creation of sustainable communities, the Council will look favourably towards new development and investment that successfully contributes towards the delivery of:

- a) Sustainable growth, ensuring that new development is of a scale and in a location that complements the character and supports the function of individual settlements
- b) Mixed adaptable neighbourhoods, which provide choices and effectively meet the needs and aspirations of the local community
- c) Environmentally friendly neighbourhoods that are located and designed to help address and where possible mitigate the effects of climate change and minimise the risk of flooding
- d) A thriving local economy, flourishing local centres, sustainable tourism and an active port
- e) Safe, accessible places that promote healthy lifestyles and provide easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport

- f) Distinctive places that embrace innovative, high quality urban design that reflects positive local characteristics and protects the borough's biodiversity, unique landscapes, built character and historic environment

Planning applications that accord with this policy and other policies within the Local Plan (and with policies in adopted Neighbourhood Plans, where relevant) will be approved without delay, unless other material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole
- Specific policies in that Framework indicate that development should be restricted

4.2 **POLICY CS2 – ACHIEVING SUSTAINABLE GROWTH**

Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel. To help achieve sustainable growth the Council will:

a) Ensure that new residential development is distributed according to the following settlement hierarchy, with a greater proportion of development in the larger and more sustainable settlements:

- Approximately 35% of new development will take place in the borough's Main Towns at Gorleston-on-Sea and Great Yarmouth
- Approximately 30% of new development will take place in the borough's Key Service Centres at Bradwell and Caister-on-Sea
- Approximately 30% of new development will take place in the Primary Villages of Belton, Hemsby, Hopton on Sea, Ormesby St Margaret, Martham and Winterton-on-Sea
- Approximately 5% of new development will take place in the Secondary and Tertiary Villages named in the settlement hierarchy
- In the countryside, development will be limited to conversions/replacement dwellings/buildings and schemes that help to meet rural needs

b) To ensure compliance with Policy CS11, the proportions of development set out in criterion a) may need to be further refined following additional work on the impact of visitor pressures on Natura 2000 sites

c) Ensure that new commercial development for employment, retail and tourism uses is distributed in accordance with Policies CS6, CS7, CS8 and CS16

d) Promote the development of two key strategic mixed-use development sites: the Great Yarmouth Waterfront area (Policy CS17) and the Beacon Park extension, south Bradwell (Policy CS18)

e) Encourage the reuse of previously developed land and existing buildings

To ensure that the Council delivers its housing target, the distribution of development may need to be flexibly applied, within the overall context of seeking to ensure that the majority of new housing is developed in the Main Towns and Key Service Centres where appropriate and consistent with other policies in this plan. Any changes to the distribution will be clearly evidenced and monitored through the Annual Monitoring Report.

5. Emerging Policies

5.1 Policy GY7: Great Yarmouth Back of Seafront Improvement Area

Within the 'Back of Seafront Improvement Area', as defined on the Policies Map, the aims will be to:

- a. improve the character, amenity and physical conditions of properties by encouraging existing and new uses and investment which strengthen its positive characteristics;
- b. improve the street scene through environmental improvements and the encouragement of the refurbishment and maintenance of properties;
- c. avoid uses which typically give rise to disturbance and loss of amenity; and
- d. Use available enforcement powers pro-actively to control developments adversely affecting the area.

In order to achieve those aims the following uses will be encouraged in the area.

- e. Self-contained dwellings (including houses and apartments).
- f. Hotels providing wholly or predominantly short term holiday accommodation.
- g. Offices and other B1 businesses uses.
- h. Health and related facilities.
- i. Professional services to visiting members of the public where the likely number and types of visits will not give rise to disturbance and are compatible with the limited on street parking in the locality.
- j. The development of further Houses in Multiple Occupation (and commensurate uses) within this area will be resisted, and such uses steered to alternative locations.

In determining applications for development in this area the following considerations will be given particular attention.

- k. Improvement to the physical condition and maintenance of properties will be encouraged.
- l. Resisting the infilling of curtilages to the rear of sides of existing properties.
- m. Provision of adequate, concealed bin storage for the intended use, of out sight from the street.
- n. Flexibility in the current parking arrangements.

5.2 Policy H12: Houses in multiple occupation

The provision of Houses in Multiple Occupation (including, but not limited to, those in use class C4 and related sui generis uses) will be permitted where these will support the well-being of their occupants and neighbours, and maintain and where practicable enhance the character and amenity of the locality.

New Houses in Multiple Occupation (HMOs) will not be permitted in the designated Seafront Area and Back of Seafront Improvement Area due to the need to protect the character and nature of these areas. New HMOs will also not be permitted in the designated Hall Quay Development Area due to the desire for specific types of high-quality re-development in this location.

The concentration of HMOs in a local area must not significantly imbalance the current mix of housing types there (i.e. use class C1 hotels, guest houses and related types and use class C3 dwelling houses). In particular, any proposal that would result in the 'sandwiching' of a single residential or tourist accommodation property between two or more sui generis HMOs will not be acceptable. For proposed sui generis uses, any proposal that would result in more than 20% of properties within 50 metres of the application site being sui generis HMOs will not be acceptable.

For all HMO proposals:

- a. there must be provision of adequate practical bin storage for the number of potential occupants out of sight from the street such as within the curtilage to the rear of the property, or in covered bin storage within a frontage curtilage, of a scale and of a design which maintains or improves the character and amenity of the area;
- b. the daily functional uses must not unacceptably harm the amenity of adjoining and nearby residents through visual and/or noise intrusion, and/loss of privacy (see Policy A1).

All applications for planning permission will need to state the number of rooms (bedrooms and shared living space), the space per room, and the number of people proposed to occupy each bedroom which will normally only be one or two. The number and size of kitchens and bathrooms must also be stated in the

application and must be adequate for the number of people proposed to be accommodated in the HMO.

Any HMO proposals will need to at least meet (but ideally exceed) the minimum room dimensions required to secure a licence from the Council's Environmental Services section under the Housing Act 2004 (or any amended or subsequent legislation), even in cases where a licence is not required.

The Borough Council will produce practical guidance for those considering converting premises to HMOs, which will clarify when planning permission, Environmental Health licensing and/or Building Regulations approval is required, and what the respective combined requirement for these means for each of the different types of HMO.

6. Assessment

- 6.1** Houses in Multiple Occupation (HMOs) play an important role in providing lower-cost accommodation in the Borough and the Council is keen to ensure that where they are proposed (and present) they are of a good standard. However, HMOs can impact on the amenity of both residents and neighbours alike and therefore the Council must ensure that HMOs are appropriately located and designed. Key considerations include: parking provision, bin storage and general amenity to ensure that the quality of the environment is maintained.
- 5.2** Saved Policy HOU23 sets out considerations for the change of use to HMO. This will, however, be replaced by emerging draft 'Policy H12: Houses in multiple occupation' which sets out how such proposals should be considered. Of most relevance to this proposal, is the prevalence of other HMOs in the immediate area to avoid sandwiching or over concentration, bin storage, amenity, occupancy, and room size. Emerging Policy H12 requires that no more than 20% of properties within 50 metres of the application site are large HMOs (in sui generis category).
- 5.3** The emerging Local Plan Part 2 has just completed Publication (Regulation 19) consultation and has been submitted to the Secretary of State for examination. Within this plan, 'Policy H12: Houses in Multiple Occupation', sets out the detailed requirements for considering HMO proposals. Also identified in the plan is 'GY7: Great Yarmouth Back of Seafront Improvement Area', of which Wellesley Road is located within. Policy H12 states that HMOs will not be permitted within the 'Back of Seafront Improvement Area' due to the need to protect the character and nature of the area. In accordance with paragraph 48 of the National Planning Policy Framework, significant weight can be applied to

emerging policies where there are no outstanding objections such as is the case with Policy H12 and Policy GY7. Consequently, this proposal will conflict with the emerging plan.

- 5.4** Draft Policy H12: Houses in Multiple Occupation outlines the minimum space standards (please see below table) to ensure that sufficient bedroom space is provided. If members are minded to approve against officer recommendation, it is recommended to include a condition restricting the occupancy of the rooms to one person per room.

Floor area of room	number of persons
10.2 sqm (110sqft) or more	2 people
8.4 sqm (90-110sqft)	1.5 people
6.5-8.4 sqm (70–90sqft)	1 person
4.6 sqm (50-70sqft)	0.5 person (i.e. child of 1-10 years old only)
Less than 4.6 (50sqm)	Not suitable as sleeping accommodation

Another issue to note would be the levels of amenity provided to residents. People who live in HMOs tend to have a more intense use of their private living areas, although adequate communal living areas should be provided as well.

- 5.5** The application provides rooms sizes that all fall within or above the minimum sizes outline in H12. A concern with previous applications has been the cramped form of living accommodation and the poor outlook provided to some bedrooms. This has been resolved by proposing that no windows would look into the rear yard area. There is still a concern that when you take into account the bathrooms and door opening spaces that usable space for some rooms (rooms 2, 7 and 10) would fall towards the lower end of that standard.
- 5.6** The proposal includes shared living accommodation on both the ground and first floor. Whilst not overly generous in size, these rooms would provide a shared cooking and living area where occupants could spend time outside their private bedroom spaces.
- 5.7** The use as an HMO does not benefit the character of the area, the use would be out of character with the larger flat conversions and tourist accommodation in the area. This over intense use would harm the amenity of neighbours through additional vehicle movements, increased visitor numbers and due to residents having to use the public footpath for outdoor amenity area due to lack of private spaces.

- 5.8** Due to the town centre location and close proximity to public transport links, some of the future tenants would use sustainable means of transport as has been indicated happens currently. However considering there is no space for the provision of secure cycle parking at the property, and a lack of off street parking as per saved policy HOU23 Part G requires, this issue goes towards the reason for refusal due to the potential impact upon the character of the area (vehicle movements) and lack of cycle parking.
- 5.9** The Inspector noted in the previous appeal decisions that the proposal would not conflict with HOU23 concluding that the proposal would not harm the living conditions on the surrounding area in terms of increased comings and goings or disturbance in the immediate surroundings and therefore would not be in conflict with Policy HOU23 (D).
- 5.10** The first appeal concluded that “In conclusion the development would be acceptable in terms of its effect on the character, appearance and amenity of the surrounding area, the amenities of adjoining occupiers and on-street parking. There is compliance with criteria (B), (F) and (G) of Policy HOU23. This is in addition to compliance with criteria (A), (C), (D), (E) and (H).”
- 5.11** The main considerations in this instance is the compliance of the proposal with the emerging policy. The sui-generis HMO use is located in a protected area (Back of Sea Front) where the emerging policies stress that HMOs will not be permitted due to the need to protect and improve the character of these areas.

6. Recommendation

6.1 Refusal

- 6.2** The application proposes an HMO in an area where Emerging Policies prevent this use. Consequently, the application is contrary to Emerging Policies GY7 and H12 from the Final Draft LPP2.



Great Yarmouth Borough Council

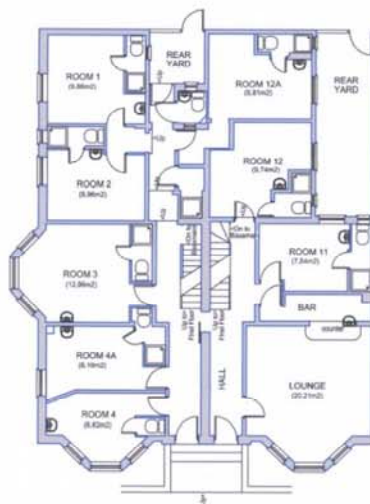
Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

Mapping Browser Export

1:500



EXISTING BASEMENT FLOOR PLAN - 1:100



EXISTING GROUND FLOOR PLAN - 1:100



EXISTING FIRST FLOOR PLAN - 1:100



SITE LOCATION PLAN - 1:1250



PROPOSED BASEMENT FLOOR PLAN - 1:100



PROPOSED GROUND FLOOR PLAN - 1:100



PROPOSED FIRST FLOOR PLAN - 1:100

NOTE
ALL MEASUREMENTS/AREAS
STATED ARE ROOM SIZES ONLY
AND EXCLUDE ENSUITE AREAS

THERE WILL BE NO WASH HAND
BASINS WITHIN BEDROOMS, ONLY
WITHIN THE ENSUITE (COMBINED
WC/BASIN UNITS AS SHOWN)

ALL ROOMS ARE 1 PERSON ONLY
AS PER GUIDANCE ROOMS NEED
TO BE BETWEEN 6.5-8.4M2 IN SIZE,
AND THUS ALL ROOMS COMPLY)

Contractors MUST check all dimensions on site.
Only signed dimensions are to be worked from.
Any discrepancies MUST be reported to architect BEFORE proceeding.
If in doubt ASK.
This drawing is copyright, and is NOT to be copied, scanned or reproduced
without the written consent.
Construction (Design & Management) Regulations 2015
It has been assumed that the 'designer' is the architect, as stated in the above (CDM
Regs) have either been taken on by the client or their chosen contractor.
This means that the person who prepared these detailed drawings for the
approved works has NOT been deemed to have been appointed as a 'designer'
(including principal designer) and therefore is NOT responsible for the various
duties placed on designers as set out in Regulation 9 and 10 of the above
regulations.

G	Ground and First Floor room changes.	GH	02.09.2020
F	Ground and First Floor room changes.	GH	21.05.2020
E	Room 16 changed to kitchen Room 15 changed to bedroom	G	16.12.2019
D	Rooms reduced to 12m. Kitchens and Dining rooms combined at First Floor	G	30.10.2019
C	Rooms reduced to 12m. Kitchens and Dining rooms added at First Floor	G	08.03.2019
B	Planning amendment Room numbers	G	08.08.2017
A	Client amendment	G	27.06.2017

Rev	Description	Initial	Date
Middleton & George Ltd Municipal Building Surveyors Architectural & Building Consultants Finsbury House Regent Street G1 Yarmouth NR30 1BB Tel: 01493 839243 e-mail: middletonandgeorge@gmail.com			
Issued For	Comment <input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Tender <input type="checkbox"/> Construction <input type="checkbox"/> Record <input type="checkbox"/>		
Client	B & M WHEELER		
Project	RHONADEAN 110 / 111 WELLESLEY ROAD GREAT YARMOUTH NORFOLK NR30 2AR		
Title	EXISTING & PROPOSED FLOOR PLANS & SITE LOCATION PLAN		
Info	Local Authority	GE YARMOUTH BC	Date Apprd
	Planning Ref	-	-
	Building Ctrl Ref	-	-
Date	JUNE 2017	Job No.	Dwg No.
Scale	AS SHOWN	101	02
Drawn By	G.		G



Appeal Decision

Site visit made on 10 February 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 11th May 2020

Appeal Ref: APP/U2615/W/19/3239810

Rhonadean, 110-111 Wellesley Road, Great Yarmouth NR30 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Barbara Wheeler against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/19/0260/F, dated 8 March 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described as: 'Retrospective permission for change of use - guesthouse to 13 bed HMO with alterations to form kitchen/dining rooms for tenants'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have used the description contained in the Council's decision notice as this accurately portrays what is proposed.
3. The proposal for change of use has already taken place. The Council refused planning permission for use of the appeal property as a 14 bed House of Multiple Occupancy (HMO) in 2017 and a subsequent appeal¹ was dismissed in February 2019.
4. Following the submission of this appeal, the appellant has submitted a revision to the proposed layout plan (Ref. 102 DWG 02 Rev D) following consultation with the Council. According to the appellant, the relevant officer indicated that if certain additional changes to the proposed building layout were undertaken, this would improve the acceptability of the scheme. The revised plan reduces the number of letting rooms to twelve in total and provides a greater level of communal space.
5. I have had regard to the revised plan in my assessment. It is understood that the basement floor would be for the personal use of the appellant, therefore it is not part of the assessment.

Main Issues

6. The main issues are the effects of the development on (1) the living conditions of the occupants of the appeal property, in respect of internal space provision,

¹ APP/U2615/C/18/3194940

and (2) the living conditions of occupiers of properties in the surrounding area, in terms of general disturbance.

Reasons

Living conditions of occupants

7. The appellant has sought to address the concerns of the Inspector at the previous appeal. These include an additional kitchen and a greater level of communal facilities, including storage for residents.
8. In the latest layout plan, the number of rooms would be reduced to twelve. Since the last appeal, the appellant has introduced several changes to the internal layout, including combining some of the rooms to form larger internal spaces or subdividing a large room in two smaller ones. Room 16, identified as having an inadequate configuration by the previous Inspector, has become an additional kitchen. Some rooms due to their reduced size would still present similar deficiencies in terms of configuration and inadequate living space as identified by the previous Inspector.
9. The windows of some rooms (rooms 5, 10, 11 and the ground floor lounge) face into the narrow communal area to the rear east of the property. This area is overshadowed within the rear parts of the building and the adjacent property and, therefore, does not provide sufficient natural light especially within room 5 and the lounge on the ground floor. The outlook of those rooms is towards the wall of the existing building to the south, thus creating an oppressive and therefore inadequate living condition for occupants. Since the occupiers of an HMO live independently of one another rather than as part of a household and, therefore, would use their bedrooms as their primary and long-term living space, such a bleak outlook would fail to provide satisfactory living conditions.
10. As pointed out in the previous application and ascertained during the site visit, the living space of several rooms, although exceeding the minimum room size for single occupancy (6.51 m²) set out in the Nationally Described Space Standards (NDSS), would still be constrained by door opening and access; in some cases, the presence of sinks or the unusual configuration resulting from room division and en-suite facilities restrict further the usable living space. The presence of communal areas does not adequately compensate for the lack of open outlook, lack of natural light and limited living and usable space identified above. Furthermore, from the appellant comments, it is understood that no measures have been adopted to mitigate noise in rooms adjacent to communal areas.
11. In summary, the latest proposed internal layout is still considered to be unacceptable in terms of configuration, outlook, poor natural light and actual usable space of several rooms and, together with the absence of noise mitigation measures, would result in detrimental living conditions for occupiers.
12. Therefore, I conclude that the proposal would conflict with point (e) of the Policy CS1 of the Local Plan Core Strategy that seeks promote healthy lifestyle. Paragraph 4.1.12 of the supporting text recognises the impact that poor housing conditions and design can have on health inequalities. These policies are consistent with paragraph 127 of the National Planning Policy Framework (the Framework), which seeks to promote health and wellbeing and create a high standard of environment for all existing and future occupiers of the site.

Living conditions in the surrounding area

13. The Rhonadean residence occupies a corner plot within a secondary holiday accommodation area and is within the Seafront Conservation Area. The property is surrounded by flats and guest houses to the south and west and is adjacent to HMOs to the north and east. In the previous appeal, the Inspector found that despite the intensive use of the property, offering at the time 18 units, there was little evidence that such occupation had resulted in unacceptable loss of amenity to local residents. I agree with that assessment.
14. It is understood that since the time of last appeal the number of permitted HMOs in the area has increased and the proposal may result in the creation of a cluster of HMOs in conflict with Policy HOU23 (D) of the Borough Wide Local Plan. However, the accesses and roads between the new HMOs do not constitute a continuous frontage and, therefore, do not qualify as a cluster according to the definition given in the policy.
15. Although the use of the appeal property as a HMO would lead to a higher level of disturbance, in terms of comings and goings, throughout the year rather than seasonal as in a guesthouse, there is a lack of evidence before me that the cumulative impact of the HMOs in the area would generate an over-intense area of dense living and disturbance detrimental to the local residents. Therefore, I conclude that the proposal would not harm the living conditions on the surrounding area in terms of increased comings and goings or disturbance in the immediate surroundings and therefore would not be in conflict with Policy HOU23 (D).

Other Matters

16. The main parties have not raised concerns about the appeal site being within Seafront Conservation Area. The proposal would preserve the character and appearance of the Conservation Area.
17. The parties agree that the Council is presently unable to demonstrate a five year housing land supply. Thus, whilst the appeal scheme would provide new housing within the Borough, it does not accord with the development plan and thus the route for applying the presumption in favour of sustainable development to the proposal is closed.
18. Notwithstanding, even if I were to consider that the provision of new housing would in part help address the shortfall in the five year housing land supply as suggested by the appellant and thereby constitute a benefit, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, as explained in paragraph 11(d)(ii).

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR