

**Application Recommended for Approval FUL/2022/0709  
Rosehill with Burnley Wood Ward**

Town and Country Planning Act 1990

Change of use from dwellinghouse to HMO for more than 6 people (Sui Generis)

16 Tarleton Street, Burnley, Lancashire BB11 3HQ

**Site and Surroundings:**

The property is a corner plot three bedroom, two-storey stone and blue slate house of traditional construction but unusual layout, in an established residential area. It has an enclosed yard with a tall boundary wall and gate facing Clarence Street to the south.

The property is within Burnley Wood Conservation Area and is within the Urban Boundary of Burnley as defined by the adopted Local Plan.

A Site Notice was erected on 19<sup>th</sup> December 2022, and an advertisement placed in the local newspaper on 23<sup>rd</sup> December 2022. The expiry of the latter 21 days (and therefore the earliest the application can be determined) is 14<sup>th</sup> January 2023.

**The Proposal:**

Change of use of the dwelling into a HMO for more than 6 people. No external alterations are proposed other than bin storage in the yard. The only internal alteration of any relevance is creation of a shower room to allow use of the existing ground floor living room as an additional bedroom. The property will have four bedrooms in total and given the description it is assumed that they are to be treated as double bedrooms from the point of view of the NDSS calculation.

**Visuals:**

View from Clarence Street (east)



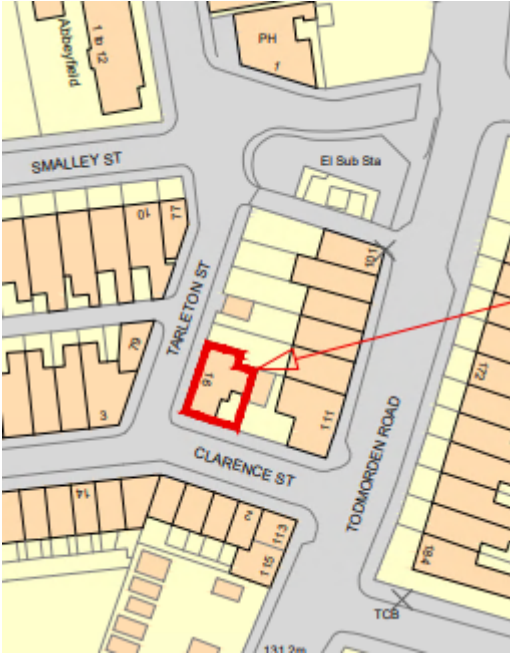
View from Clarence Street (west)



View from Tarleton Street (north)



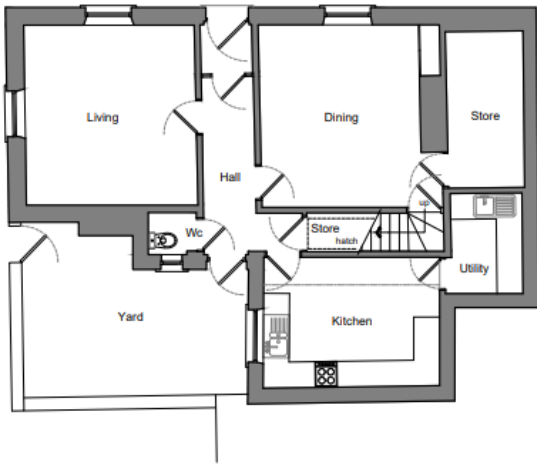
### Location Plan



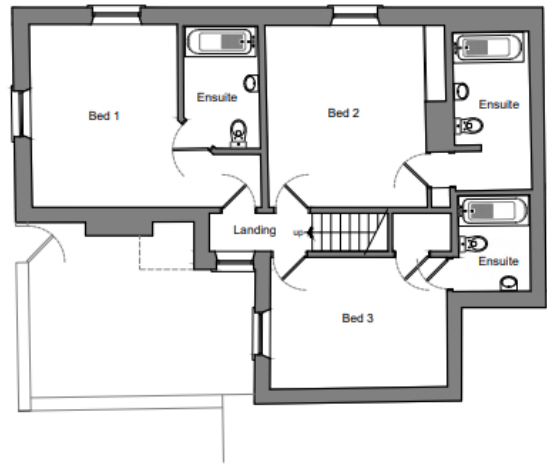
### Block Plan



### Existing Floorplan



EXISTING GROUND FLOOR PLAN  
SCALE - 1:100

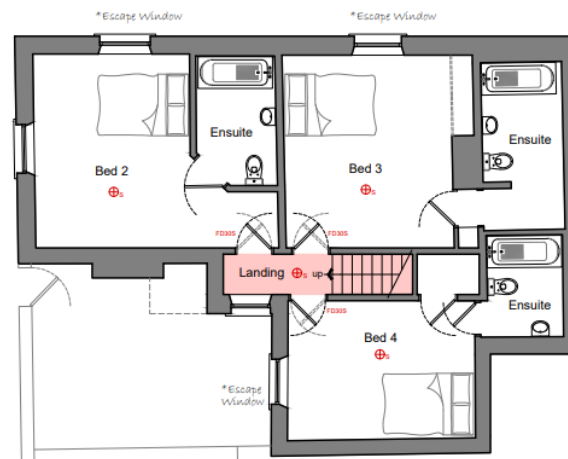


EXISTING FIRST FLOOR PLAN  
SCALE - 1:100

## Proposed Floorplan



PROPOSED GROUND FLOOR PLAN  
SCALE - 1:100



PROPOSED FIRST FLOOR PLAN  
SCALE - 1:100

Materials -  
Walls - Stonework finish to outerleaf.  
Doors - Upvc framed doorsets.  
Windows - White upvc framed double glazed units.  
Roof - slate finish.

## Relevant Policies:

Burnley's Local Plan (Adopted July 2018):

- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- HE2: Designated Heritage Assets
- IC1: Sustainable Travel
- IC3: Car Parking Standards

Burnley Houses in Multiple Occupation and Small Flats SPD, adopted April 2022. (The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use such as this proposal.)

Burnley Council Standards for Houses in Multiple Occupation 2018 (Referred to in Burnley's HMO SPD, with a Statement to the effect that it is desirable for a License to be sought in tandem with an application for planning permission in the event of a Large 'sui generis' HMO)

Technical Housing Standards – Nationally Described Space Standards 2015 (Burnley's HMO SPD states that where these are not met, a proposal may be contrary to Local Plan Policy SP5)

National Design Guide 2021 (Provisions incorporated into Burnley's HMO SPD)

National Model Design Code 2021 (Provisions incorporated into Burnley's HMO SPD)

NPPF 2021 Para.60 (Whilst the NPPF features no specific guidance on the subject of HMOs although Para.60 does require 'that the needs of groups with specific housing requirements are addressed'.)

## **Consultation Responses:**

Housing HMO – no objection. Proposal complies with Council HMO standards.

Highways – no objection subject to provision of secure bicycle storage. Which can be controlled with a suitable condition to provide this within the yard.

## **Objections:**

Two letters of objection from members of the public, points being:

- Concern expressed that the internal layout suggests an element of care, and that moving vulnerable people to this particular location 'is not really a responsible action'.
- No Letting Management Plan available.
- Would be better as a family home.
- No off-street parking and highway network cannot accommodate an increase in on-street parking.
- No bicycle storage proposed.
- Additional on-street parking will exacerbate existing dangerous situation for pedestrians.
- Enclosed yard insufficient for combination of bin storage, bicycle storage, amenity and drying space.
- Potential for increased noise and disturbance.

One objection from Ward Councillor Sumner, stating:

*'My objection to this application on the grounds of "detrimental to the residential amenity of the area" is based on the residential layout of the area.*

*As you will have concluded the area is predominantly small stone built terraced properties mainly privately owned with a small number of private rented.*

*The area has a good community base with residents who look after the elderly members of this close community.*

*The property in question is a former large stone-built family home, a property that would suit one of the large number of families presently under threat of section 21 no fault eviction.*

*I don't believe turning this property into HMO with more than 6 rooms would enhance the family and community feeling in the area presently enjoyed by the existing community residents.*

*Existing residents live in this area because it offers a good residential amenity something in my opinion all our residents are entitled to.*

*A substantial HMO in the area would in my opinion be detrimental to the area.'*

## **Article 35 Statement**

The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework by assessing the proposal against relevant planning policies and all material considerations. The nature of the proposal has not necessitated any liaison with the applicant prior to determining to grant planning permission in accordance with the presumption in favour of sustainable development.

## **Principle of Development:**

The HMO SPD states that no more than 10% of residential properties on a street within 100m of the application property should be HMOs. There is no evidence to suggest that this is the case here.

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to significantly boost the supply of housing. This proposal is for the change of use of the building from an individual dwelling to a large, sui generis HMO. HMOs make a contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock.

The application site is considered to be in a sustainable location being well located in relation to an adequate range of existing services and facilities; and accessible by public transport, walking and cycling. It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the following main matters:

- Impact on the character of the residential area
- Impact upon the character of the Conservation Area
- Impact on neighbouring amenity
- Amenity of future occupiers
- Waste (refuse and recycling) storage
- Highway safety and parking including cycle storage
- Compliance with the HMO SPD

### **Impact on the Character of the Residential Area**

NPPF 130 emphasises that developments should '*function well and add to the overall quality of the area*'. This is reflected in the strategic policies SP4 and SP5 of the Local Plan, which require developments to take account of the different roles and character of different areas as well as ensuring developments function well and relate appropriately to their context.

The property is located within an established residential area, characterised by two storey, terraced dwellings. The host property is typical of houses in the area in terms of age, however is somewhat unusual in terms of design.

The proposed change of use from a 3 bedroom dwelling to a 4 bedroom HMO with capacity for in excess of six occupants is very likely to lead to a material change in the density of occupation of the building. The 2021 Census revealed that 0.6% of households in the UK comprise 7 or more people, so the likelihood of occupancy as such is small. The proposal is for more than six adults to live at the property in four bedrooms, thus potentially operating as four separate households where one (albeit larger household) presently exists. This will almost certainly result in increased footfall and vehicular activity, and this would impact upon the character of the area, albeit in a minor and non-harmful manner given the positive consultation response from Highways, that the property is detached and has a tall stone wall around its external space.

### **Impact upon the Character of the Conservation Area**

It is difficult to define the likely impact upon the Conservation Area, as the proposed use remains residential, albeit in a more intensive manner. External alterations are not proposed. The impact upon the character is therefore limited to an undefinable potential increase in on-street car parking. Given that Highways hasn't objected on grounds of insufficient parking, it is not considered that the impact upon the character of the Conservation Area would differ greatly from the impact of a busy 'traditional' household, and in this sense the proposal accords with HE2 in that no level of harm is proposed. A condition is recommended to ensure that bins and bicycles are stored in the enclosed rear yard.

## **Impact on Neighbouring Amenity:**

Paragraph 130 of the NPPF states:

*(a) Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*

It is quite possible that the HMO will 'function well'. It is unlikely to 'add to the overall quality of the area' however, other than by provision of additional housing.

*(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*

No external alteration is proposed.

*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*

A continued residential use is 'sympathetic to local character and history'. A change in character of the residential use to a >6 bedroom HMO may not be, however the LPA is charged with 'not preventing or discouraging appropriate innovation or change (such as increased densities)'. The question is whether the proposal constitutes an 'appropriate' increased density, and using the 10% guide in the HMO SPD, it is considered that it would be.

*(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*

A continued residential use will maintain the existing sense of place.

*(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.*

Not applicable in this instance as the street layout will remain unchanged.

*(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

It is considered inappropriate to consider the potential for 'crime and disorder' within a planning application for a HMO.

In respect of consideration against Local Plan Policy SP5, it states that 'The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:

*2.g – 'Ensure that there is no unacceptable adverse impact upon the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.'*

No consultation response has been received from the CEHO in respect of potential disturbance to neighbouring occupiers. No additional overlooking will occur as a result of use of the existing living room as a bedroom, which is the only proposed change of significance.

*2.h – 'Not result in unacceptable conditions for future users and occupiers of the development'.*

Considered with reference to Standards for HMOs and NDSS below.

2.i – *‘Provide adequate and carefully designed storage for bins and recycling containers. These should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.’*

It is proposed to locate the bins in the enclosed yard, which will support the quality of the street scene.

### **Amenity of Future Occupiers:**

Paragraph 130 of the NPPF requires that planning decisions *‘create places that are safe, inclusive and accessible and which promote health and well-being’*. Similarly, Policy SP5 seeks to ensure that developments provide a good level of amenity for future occupiers. This requirement is further reinforced by the HMO SPD. This includes providing living accommodation that is of an appropriate size, offers appropriate outlook and adequate natural daylight, protects privacy and ensures an appropriate juxtaposition of rooms to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity space and adequate waste storage.

### Room sizes and facilities

The HMO SPD refers to a need for HMOs to accord with space standards for licensed HMOs which are defined within the Burnley Council Standards for Houses in Multiple Occupation 2018. It also refers to a need for HMOs to meet space standards identified within the Technical Housing Standards – Nationally Described Space Standards 2015, and states that non-compliance with either of these sets of standards can be considered contrary to SP5.

Under Nationally Described Space Standards 2015, double bedrooms are required to be a minimum of 11.5sq.m in floor area. Bed 1 is 13.8sq.m, Bed 2 is 17.2sq.m, Bed 3 is 16.4sq.m and Bed 4 is 12.4sq.m.

Minimum floor to ceiling heights of 2.3m across 75% of the gross internal area of a room are also required, and whilst heights aren't stated or shown within the application, there is also no suggestion that existing heights are to be altered. Given that the property is a substantial old dwelling, it is highly likely that existing heights exceed 2.3m.

Under NDSS, a 4 bedroom property with intended occupancy of 8 people in a 2 storey dwelling is required to have a gross internal floor area of no less than 124sq.m. This property when measured across all floors has a g.i.f.a of in excess of 134sq.m.

Note that the Housing HMO consultee states that the level of accommodation proposed does meet the Council's HMO Policy.

### Outlook and Daylight

All habitable rooms have windows and an outlook.

### Private outdoor amenity space

The enclosed rear yard is 5.0m x 3.5m (17.5sq.m), which whilst not large, is arguably sufficient private outdoor amenity space as it was the amount of space available to occupants when in C3 use. Note that it is proposed to store the bins in the yard (2.0sq.m for three 240l wheelie-bins) and that provision will have to be made for secure bicycle storage also (2.0sq.m per two bicycles), which will reduce available space further, however on balance acceptable as this is the space that is available currently in its form as a dwelling.

### **Waste (Refuse and Recycling) Storage:**



Policy SP5 requires the provision of adequate and carefully designed waste storage. Inadequate waste storage could represent a health hazard with the potential to attract vermin. Such a hazard would have an unacceptable risk to the health and wellbeing of neighbouring residents, as well as the future occupants of the property. If approved, a Condition is suggested requiring bin storage in the enclosed yard to at least meet the standards set out in Burnley Council Standards for Houses in Multiple Occupation 2018, which in the case of a 5-8 person HMO are 2 x 240l bins plus a white sack and a blue box.

### **Highway Safety and Parking including Cycle Storage:**

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards, the Local Plan allows for local circumstances to be taken into account including the accessibility of the site by public transport, walking and cycling and the availability of existing on-street or public parking.

In accordance with the parking standards, the proposal would generate a requirement for 3 parking spaces. The site is unable to offer any off-street parking however does make provision for secure cycle storage (subject to a Condition), which is required to maximise opportunities for the use of sustainable modes of travel in accordance with Policy IC1. As a three bedroom family house, it is reasonable to expect that the property placed a demand of at least 2 on-street parking spaces on the adjacent highway network. It is realistic to assume that this reflects the demands of neighbouring properties. This leaves an additional demand of 1 space arising from the proposed HMO.

A HMO is not typically heavily car-dependent, with occupants instead often utilising public transport, walking or cycling, however there is no control or predication that occupants will not own cars. This is the case particularly when occupants are in employment. However, the site is in a highly sustainable location with good access to public transport and within easy walking and cycling distances of local services including outdoor amenity space, places of education and community facilities, and future occupiers may therefore choose not to own a car.

The Highways Authority has assessed the application and does not object. If approved I would suggest a Condition requiring provision and retention of secure bicycle storage (sufficient for 4 bicycles) within the enclosed yard.

### **Conclusion:**

The application accords with Policies listed above, and as such is recommended for approval subject to Conditions including those related to bin and bicycle storage.

### **Recommendation:**

That the application be approved subject to the following Conditions:

1. The development must commence no later than the expiration of three years beginning with the date of this permission.

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

2. The development permitted shall be undertaken in accordance with the following Plans:

Drawing No. EX-01 – Location plan, received 06.12.2022  
Drawing No. EX-02 – Existing floor plan, received 06.12.2022  
Drawing No. PL-01 – Proposed floor plan, received 06.12.2022

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. Notwithstanding details shown on the approved plans, the building shall not be occupied until details of secure bin storage facilities have been submitted to and approved in writing by the Local Planning Authority. Bin storage facilities shall as a minimum be able to accommodate 2 x 240 litre bins plus a white sack and a blue box, in accordance with the Council's HMO Standards 2018.

Reason: To ensure that sufficient provision is made for the storage of bins, in accordance with Local Plan Policy SP5.

4. Notwithstanding details shown on the approved plans, the building shall not be occupied until details of secure bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall as a minimum be able to accommodate four adult-sized bicycles

Reason: To ensure that sufficient provision is made for the secure storage of bicycles, in accordance with Local Plan Policies SP5, IC3 and the NPPF.