



Mr J Dhinjan

**Change of use from 4-bed dwellinghouse
(Use Class C3) to a 4-bed House in Multiple
Occupation (Use Class C4)**

**62 Wathen Road
Leamington Spa
CV32 5UZ**

January 2024

Introduction

- 1.1 This Planning Statement accompanies the application by Mr J Dhinjan for retrospective planning permission for the *“change of use from a 4-bed dwellinghouse (Use Class C3) to a 4-bed House in Multiple Occupation (Use Class C4)”* at 62 Wathen Road, Leamington Spa, CV32 5UZ.
- 1.2 The application building comprises a semi-detached house within Wathen Road in north Leamington. The front and rear elevations of the property are shown within Photographs 1 and 2 below.

Photograph 1: Front elevation



Photograph 2: Rear elevation



- 1.3 The property has been in use as a 4-bed shared student house (Use Class C4) since 2017. Such a change of use from a single household dwelling (Use Class C3) does not normally require planning permission as it constitutes 'Permitted Development' (PD). However, the District Council implemented an Article 4 Direction in 2012 which withdrew PD rights for such changes of use within Leamington. Mr Dhinjan was unaware of the Article 4 Direction and did not know that planning permission was required.
- 1.4 Following a programme of research and investigation of all HMOs within Warwick and Leamington, Mr Dhinjan was subsequently notified by the District Council that he was required to make an application for retrospective planning permission. Mr Dhinjan was advised that:
- "the property is located within an area of low HMO concentration and a planning application for HMO use could be supported by the Planning Dept"*
- (WDC letter ref HMO 0244/22, dated 31st October 2023)
- 1.5 The current application therefore seeks to regularise the planning situation at the site.

Planning assessment

- 1.6 The most relevant Local Plan policy is Policy H6 'Houses in Multiple Occupation', a copy of which is set out below.

H6 Houses in Multiple Occupation and Student Accommodation

Planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400m walking distance of a bus stop;

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- c) the proposal does not result in a non-HMO dwelling being sandwiched between two HMO's;
- d) the proposal does not lead to a continuous frontage of three or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby -
 - i. the containers are not visible from an area accessible by the general public, and
 - ii. the containers can be moved to the collection point along an external route only.

Exceptions to a) may be made where the application site is located:

- on the campus of the University of Warwick or Warwickshire College or;
- on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)

Exceptions to e) may be made if alternative arrangements for the storage and movement of containers are agreed in writing by the Council's Contract Services section.

- 1.7 We address the requirements of Policy H6 below:

a) HMO concentration

- 1.8 The application is accompanied by a HMO Concentration Assessment which shows the licenced and unlicensed HMOs within a 100 m radius of the application property, as derived from the District Council's on-line database as at December 2023. It identifies the following five properties as in HMO use:

- 60 Wathen Road – student shared house
- 63 Wathen Road – student shared house
- 67 Wathen Road – bedsit
- 71 Wathen Road – shared house

- 13 Campion Green – student shared house.

- 1.9 The planning status of these properties is unclear.
- 1.10 Including the application site, itself, there are there six HMOs within a 100 m radius of No. 62.
- 1.11 It is difficult to precisely record the number of properties within the defined 100 m radius, but we estimate that it is approaching 100. On this basis, the concentration of HMOs is only approximately 6%, well within the guideline maximum threshold figure of 10%.
- 1.12 The application proposal therefore complies with part a) of Local Plan Policy H6.

b) within 400 m of a bus stop

- 1.13 The nearest bus stops are on Lillington Road, approximately 360 m away, within easy walking distance.
- 1.14 The application site therefore is accessible by public transport and the retrospective change of use complies with part b) of Policy H6.

c) the proposal should not result in a non-HMO being sandwiched between two HMOs

- 1.15 The proposal does not sandwich a non-HMO between two HMOs.

d) continuous frontage of no more than 3 HMOs

- 1.16 The HMO information obtained from the District Council's website shows that approval of the application would not result in three or more HMOs in a continuous frontage.

e) bin storage

- 1.17 Like most properties within the road, including those in use as a single household, bins are stored to the front of the property. However, there is a garage available for internal storage of bins, if required. In either case, there is no need to bring bins through the inside of the property.
- 1.18 In any event, it should be noted that the arrangements for bin storage are exactly the same as would be the case for resumed Class C3 use of the property.
- 1.19 Bin storage arrangements therefore comply with the requirements of Local Plan H6.
- 1.20 It is also worth noting that there is sufficient scope for bicycle storage both within the property and within the rear curtilage.

Other considerations

Impact on the street scene

- 1.21 The change of use does not include any external alterations and so would not have any impact on the character of the street scene.

Impact on neighbouring properties

- 1.22 The background work to Local Plan Policy H6 demonstrated that the concentration levels of HMOs within an area can contribute towards an unneighbourly impact. However, as demonstrated above, the existing area has a very low concentration of HMOs and therefore the change of use of this small property will not result in material harm to local residents.

Parking

- 1.23 In accordance with the Council's Parking Standards SPD, the existing parking requirement for a 4 bedroom house is 3 spaces and the requirement for the proposed 4-bed HMO is 2 off street parking spaces. The proposed change of use would therefore not result in an increase in the requirement for parking compared to the existing lawful use as a four bedroom dwelling. Even if occupied by 6 persons (the maximum under a C4 use), the parking requirement would not change from the current use as a 4 bed house.
- 1.24 The proposal therefore complies with Local Plan Policy TR3 and the associated SPD.

Conclusion

- 1.25 The proposal complies with the provisions of Local Plan Policy H6 '*Houses in Multiple Occupation*' and we therefore respectfully request that planning permission be granted.