

## PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 06/04/2023

APPLICATION No. 23/00283/FUL

DATE RECEIVED: 07/02/2023

ED: GABALFA

APP: TYPE: Full Planning Permission

APPLICANT: Mr Kandola

LOCATION: 57 Inglefield Avenue, Gabalfa, Cardiff, CF14 3PY

PROPOSAL: CONSTRUCTION OF DORMER LOFT EXTENSION, AND  
CHANGE OF USE TO HOUSE OF MULTIPLE OCCUPATION (SUI  
GENERIS CLASS)

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**RECOMMENDATION 1:** That planning permission be **GRANTED** subject to the following conditions:

- 1 C01 – Statutory Time Limit
- 2 The development shall be carried out in accordance with the approved drawings received on 10/03/2023 numbered:
  - 23-0037 D03 REV1 – proposed floor plans;
  - 23-0037 D05 REV1 – proposed roof plan;
  - 23-0037 D07 REV1 – proposed elevations;
  - 23-0037 D08 REV1 – proposed section.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

- 3 Prior to occupation of the HMO hereby approved, refuse storage containers shall be provided externally and shall thereafter be retained.  
Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Local Development Plan.

- 4 Prior to occupation of the HMO hereby approved undercover and secure cycle storage shall be provided to accommodate at least 7 cycles in accordance with drawing received on 10/03/2023 numbered 23-0037 D03 REV1, and shall thereafter be retained.  
Reason: To ensure that secure and undercover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.

- 5 The external surfaces of the rear dormer shall be finished in materials which as far as is practicable match the appearance of the materials used in the equivalent element of the existing building.  
Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Local Development Plan.
- 6 The second floor window in the west side elevation shall be non-opening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.  
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Local Development Plan.
- 7 No more than 7 occupants shall reside at the property at any one time.  
Reason: To ensure a suitable level of internal and external amenity space is retained for future occupiers to use in accordance with Policy KP5 of the Cardiff :Local Development Plan 2006-2026 and advice contained within the Houses in Multiple Occupation Supplementary Planning Guidance.

**RECOMMENDATION 2:** The applicant be advised that the property is licensable under Part 2 of the Housing Act 2004 and in this respect they should contact Shared Regulatory Services on 0300 123 6696.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to change the use to a large house in multiple occupation (sui generis), and to erect a rear dormer extension and alterations. The scale, design and position of the development is illustrated in full on the submitted drawings.
- 1.2 A flat roofed dormer would project from the main rear roof by up to approximately 3.2m at a width of approximately 5.6m. A new door opening is proposed within the ground floor rear elevation, and a new window opening within the second floor west side elevation.
- 1.3 Internally the use would accommodate a lounge/kitchen and two bedrooms at ground floor, three bedrooms at first floor, and two bedrooms at second floor.
- 1.4 A recently demolished detached outbuilding structure is to be re-constructed, with a flat roof approximately 2.6m high.
- 1.5 The originally submitted drawings did not show full details of cycle storage or the outbuilding structure which is to be re-constructed, revised drawings were subsequently submitted.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises a two storey end of terrace dwelling, adjoined by a residential dwelling at no. 55. There is a secondary access lane adjacent

to the side and rear of the site.

### 3. **RELEVANT SITE HISTORY**

- 3.1 20/00735/MNR – planning permission granted on appeal for change of use from class C3 to class C4 house in multiple occupation at no. 23 Summerfield Avenue.

### 4. **POLICY FRAMEWORK**

#### 4.1 **Relevant National Planning Guidance:**

Planning Policy Wales (Edition 11, 2021)  
Future Wales - the National Plan 2040  
Technical Advice Note 12: Design

#### 4.2 **Relevant Cardiff Local Development Plan (2006-2026) policies:**

KP5 (Good Quality and Sustainable Design)  
H5 (Subdivision or Conversion of Residential Property)  
T5 (Managing Transport Impacts)  
W2 (Provision for Waste Management Facilities in Development)

#### 4.3 **Relevant Supplementary Planning Guidance**

Houses In Multiple Occupation (2016)  
Residential Extensions & Alterations (2017)  
Managing Transportation Impacts (Incorporating Parking Standards) 2018

### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation – No on site car parking is proposed as part of this planning application. On street car parking on Inglefield Street and surrounding streets is in a controlled car parking zone (C4) where all space on the carriageway abutting the kerb has either on street car parking for specific purposes (e.g. resident car parking permit bays) or is yellow lined to either maintain highway safety or to avoid the obstruction of passage along a narrow street by parked vehicles. A house in multiple occupation in regard to current on street car parking policy in Cardiff is considered to be one household and eligible for two resident car parking permits and one visitor car parking permit. On behalf of the Local Highway Authority I raise no concerns in regard to on or off street car parking provision. To meet the minimum requirement set out in Cardiff SPG Managing Transportation Impacts (Incorporating Parking Standards) adopted in July 2018 seven cycle parking spaces need to be provided. The backway is protected by gates residents are able to get alley keys by following the application process available on the Cardiff Council internet site.
- 5.2 Waste Management: The proposed area for the storage of waste and recycling has been noted. The property will require the following for recycling and waste collections: 1 x 240 litre bin for general waste; 1 x 240 litre bin for

garden waste; 2 x 25 litre kerbside caddy for food waste; Green bags for mixed recycling (equivalent to 240 litres). Of which the storage area must be sensitively integrated into the design. The storage area in the proposed plan appears to be acceptable. The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste. Refuse storage, once implemented, must be retained for future use. Please be advised that the developers of all new residential units are required to purchase the bin provision required for each unit. The bins must meet the Council's specifications. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via our bin order form located at [www.cardiff.gov.uk/wasteplanning](http://www.cardiff.gov.uk/wasteplanning). Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information. [www.cardiff.gov.uk/wasteplanning](http://www.cardiff.gov.uk/wasteplanning). The residents are responsible for presenting their waste kerb side on the day of collection.

- 5.3 Housing Enforcement: The property will require a mandatory licence and will need to be mindful of HMO of licensing fire safety and amenity standards. Bedrooms 6 & 7 being two floors away from the amenities is fine. Bedroom 7 as long as it does measure from a ceiling height of 1.5m, then 6.65m floor area will be acceptable.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None.

## 7. **REPRESENTATIONS**

- 7.1 The application was publicised by neighbour letter. A petition of objection was received, signed by 52 residents of Inglefield Avenue, all of which could reasonably be affected by the matter. Full details are viewable online.

- 7.2 Objections have been received from the following addresses:

- nos. 25, 40, 44, 47, 48, 50, 51, 52 & 60 Inglefield Avenue.
- nos. 14 & 37 Summerfield Avenue.

Full details are viewable online, their comments are summarised as follows:

- a) *Increased noise*
- b) *Excessive number of occupants and standard of accommodation for occupants;*
- c) *Breach of 10% threshold/cumulative impact of HMOs;*
- d) *Impact upon parking demand and highway safety;*
- e) *Precedent for further changes of use in the street;*
- f) *Impact upon sewer system;*
- g) *Inadequate consultation.*

7.3 Cllrs Ashley Wood and Rhys Taylor object to the application as follows:

*This application is does not appear to be consistent with Policy H5 of the LDP, that that any conversion to HMO or Flats will only be permitted where “The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.” This change would be out of keeping with the character of the area which is predominantly family housing.*

*We have concerns with developers buying family homes to convert to multiple occupation for profit at the detriment to the community and contributing to the housing crisis. Houses of multiple occupation, such as the application proposes, encourage transient tenants on short term contracts, this can be associated with poor compliance with waste policies, as well as negatively affecting community cohesion. There is concern based on experience of previous conversions in the area that additional houses of multiple occupation increase demands on parking, local amenities, and public services at the detriment of the existing community. Concerns which are described in the council’s own Supplementary planning guidance for Houses in Multiple Occupation (sections 4.3 to 4.8).*

*Based on similar properties across Cardiff it is reasonable to expect a proportion of tenants of HMO’s, despite provision for active travel, will own or operate cars. This will inevitably impact on the availability of parking for existing residents in an already saturated area. This concern is more likely to be realised as tenants who work or train in the medical and allied health professions, as described in the application as the intended tenants of this property, are commonly required to have access to individual transport as part of their employment/training. As such, we do not believe this proposal is consistent with Policy H5 of the LDP, that that any conversion to HMO or Flats will only be permitted where “iv) Does not have an adverse effect on local parking provision”.*

*The high density and small size of rooms in the property is not consistent with claims of providing high quality accommodation. The bedrooms, particularly on the top floor barely exceed the minimum given in the HMO SPG Appendix C of 6.5m<sup>2</sup> for single bedroom (Bedroom 6 & 7 on plans), furthermore these bedrooms (6&7) appear to be more than 1 floor away from the kitchen, which is not consistent with the space standards. The HMO SPG design guidance, section 6.1.3 refers to only headroom exceeding 1.5m being considered habitable room space, for Bedroom 7 on the plans approximately 1/3 of the room is below this height. Overall, we do not believe that this application is compatibility with LDP Policy H5, “i) The property is of a size, whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.”*

*The provision of en-suite facilities and indication in the application’s planning statement that tenants would have space for food storage in their rooms implies that the premises maybe operated as de facto flats.*

*We are concerned that this application will exceed the HMO saturation in the area, we are aware from previous applications in the vicinity that there are many houses in multiple occupation. We note that some of these may be unregistered HMO's, an issue highlighted in the rejection of a nearby HMO application on Summerfield Avenue (Ref:20/00735/MNR), whilst appealed, we trust the planning authority has since undertaken measure to ensure all properties used as HMO's are now sufficiently evidenced and able to be considered. This appears to be the case with a more recent application for conversion to HMO that was refused on Heathfield Road (Ref: 21/01234/MNR).*

*Finally, given the concerns raised by ourselves and residents of Inglefield Avenue, we request that this application is considered by the planning committee.*

## 8. **ANALYSIS**

8.1 The principal issues in the determination of this application concern the effect of the proposal upon the character and appearance of the area, the impact upon neighbouring occupiers, and upon highway safety.

### 8.2 **Land Use Policy and Cumulative Impact**

Conversion to Houses in Multiple Occupation is supported by Policy H5 of the Local Development Plan, subject to amenity, cumulative impact and parking provision considerations. The approved Houses in Multiple Occupation SPG provides a rationale for how the council will assess applications for planning permission to create new class C4 and *Sui Generis* HMOs. It aims to identify the threshold at which it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community. It is recognised that HMOs can provide an important source of housing, and it is recognised that demographic change has driven many of the changes that have seen traditional family homes become HMOs. HMOs are popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, in spite of the above, concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems. Having identified some of the issues caused by HMOs it is necessary to determine the threshold at which new HMOs may cause harm to a local area. This threshold resists further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold. A two-tier threshold is therefore applied to determine when an area has reached the point at which further HMOs would cause harm. In Cathays and Plasnewydd wards a figure of 20% is applied' and in all other wards 10%.

Having regard to the "cumulative impact" of such conversions, in respect of this application, an analysis has been made on the extent of HMOs (including those defined as such under Sections 254 to 259 of the Housing Act 2004)

against the threshold limits identified above. As the application site is located within the Gabalfa ward a 10% threshold limit is relevant and having undertaken such checks within 50m of the application site it has been found that although none are licensed HMOs, 5.1% of properties within 50m of the application site either have lawful HMO use or benefit from planning permission for HMO use. This is below the limit which triggers the active consideration of negative cumulative impact consequences. It is also noted that in this instance, the property has generally been occupied by at least 3 unrelated persons since 2013, therefore in planning terms it appears it was used as such on and since the date the class C4 planning use class was introduced (25<sup>th</sup> February 2016). Having regard to the above it is considered that change of use to a sui generis HMO would not adversely affect the character of the area.

Furthermore, appeals against refusals for change of use to HMOs have been allowed in recent years, including at no. 23 Summerfield Avenue. In that case costs were awarded against the Council on the basis that the Council's decision was unreasonable. Having regard to this recent appeal decision and award of costs it is considered that the Council will continue to be found to be acting unreasonably if applications for HMOs are refused in similar circumstances.

### 8.3 Impact upon the Character of the Area

Policy KP5 seeks to ensure that new development responds '*to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density. Colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals*'.

The scale of the extension and alterations, and their relationship with the existing building and that of neighbouring properties is considered acceptable. The re-constructed detached outbuilding would be of appropriate scale and height. The rear dormer is considered visually acceptable, as it would be set back from the rear elevation and finished in materials to match the existing building in accordance with the Residential Extensions & Alterations SPG. It should however be noted that the rear dormer extension would constitute development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 on the basis it would be constructed prior to use as a sui generis HMO.

### 8.4 Impact upon Neighbouring Occupiers

Policy KP5 seeks to ensure that 'no undue effect on the amenity of neighbouring occupiers' results from development and Policy EN13 seeks to ensure that no undue impact results as a result of sources of pollution.

It is considered that the rear dormer extension and alterations would not be overbearing or generally un-neighbourly to justify concern for the local planning authority.

It is noted that the second floor side facing window would be sited approximately 4m from the side boundary of nos. 18 & 20 Summerfield Avenue which is less than the minimum of 10.5m recommended by the Residential Extensions & Alterations Design Guide. Condition 6 is therefore considered necessary to ensure this window is obscure glazed and non-opening below an internal height of 1.7m. It should be noted that insertion of the second floor side facing window would constitute development permitted under Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 on the basis it would be obscure glazed and non-opening below an internal height of 1.7m and constructed prior to use as a sui generis HMO. Having regard to the above it is considered that the proposal would not have any unreasonable amenity impact.

#### 8.5 Amenity of Future Occupiers

The proposed internal layout complies with the amenity requirements of the Council's Private Sector Housing Service with regard to room sizes. An external amenity area of approximately 35 square metres would be provided at the rear, exceeding the minimum of 27.5 square metres recommended by the Houses in Multiple Occupation SPG.

#### 8.6 Impact on Highway Safety / Parking

Policies KP8, T1, T5 and T6 are relevant in respect of sustainable transport and ensuring there is no detrimental effect to the existing transport network.

The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies no car parking requirement and cycle parking at a ratio of 1 space per bedroom. The proposal is therefore considered to be car parking policy compliant. Details of satisfactory secure and sheltered cycle storage have been submitted indicating that cycle storage can be accommodated externally within the rear garden, capable of storing 7 cycles. Condition 4 is considered necessary to ensure the cycle storage is provided prior to beneficial use as a sui generis HMO and thereafter retained.

#### 8.7 Other Matters

Refuse storage containers can be satisfactorily accommodated as confirmed by Waste Management, condition 3 is considered necessary to ensure storage is provided prior to beneficial use as a sui generis HMO and thereafter retained.

#### 8.8 Representations

The representations received Cllrs Ashley Wood and Rhys Taylor, and from residents are noted. Specific issues are addressed as follows:

- a) Noise. The proposed use as a sui generis HMO complies with the threshold



identified by the Houses in Multiple Occupation SPG as detailed within the above analysis. It is considered that the proposal would not intrinsically result in adverse noise consequences. There are also statutory powers to control noise under the Control of Pollution Act 1990.

- b) Excessive number of occupants and standard of accommodation for occupants. The proposed use as a sui generis HMO is considered appropriate as detailed within the analysis. Housing Enforcement have confirmed that the internal accommodation complies with the HMO licensing requirements in terms of the distance from the second floor bedrooms to the ground floor amenities, and in terms of the internal dimensions of bedroom 7. The provision of external space is also compliant with the minimum requirements recommended by the Houses in Multiple Occupation SPG.
- c) Breach of 10% threshold/Cumulative Impact. It is considered that it would not be appropriate for the Council to refuse to grant planning permission for the use of the property as a sui generis HMO as detailed within the policy analysis and having regard to the appeal decision referred to.
- d) Impact upon parking demand and highway safety. The proposal is compliant with the Council's adopted Managing Transportation Impacts (Incorporating Parking Standards) SPG with no off street parking provision as detailed within the transportation analysis.
- e) Precedent for further changes of use in the street. Each application is considered on its own merits.
- f) Impact upon sewer system. The number of toilets within the property is not a matter that can be controlled by planning, and the application does not propose an increase in residential dwelling units. Disposal of foul and surface water would be a separate matter considered by the building regulations procedure.
- g) Inadequate consultation. The address which shares a common boundary with the application site was notified of the application by letter and the application was publicised via the Council's website. The consultation process was consistent with the advice contained in Paragraph 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 which is applicable to a non-major development of this category, and states that: *the application must be publicised by giving requisite notice— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier.* The Council has complied with the legal obligation to publicise the application by letter to the adjoining address in accordance with the statutory requirement.

## 8.9 Other Legal Considerations

*Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

*Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

*Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

#### 8.10 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

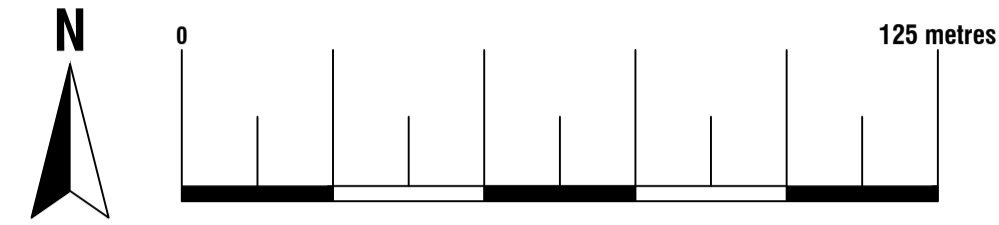


**Location Plan**

Scale 1:1250

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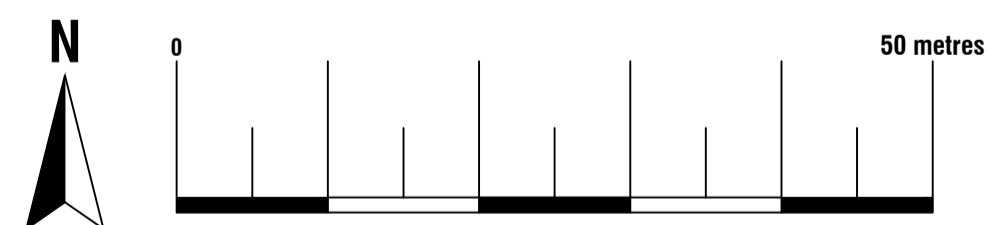


**Existing Block Plan**

Scale 1:500

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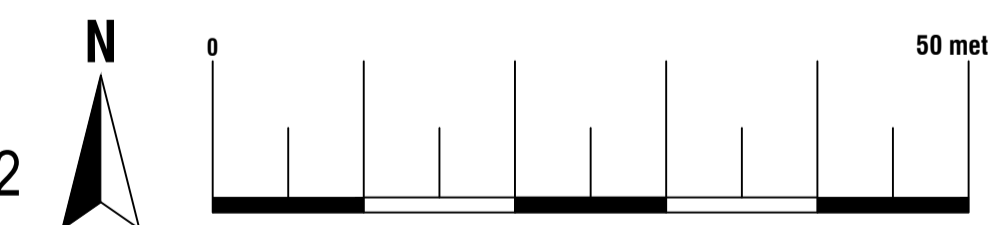


**Proposed Block Plan**

Scale 1:500

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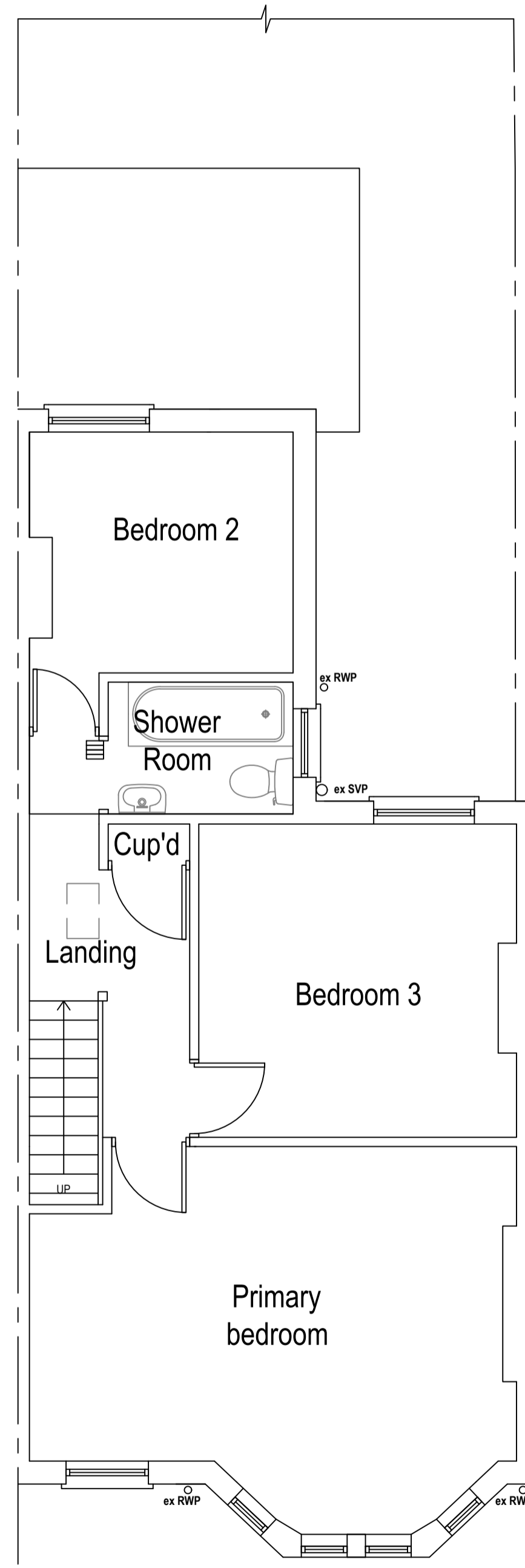


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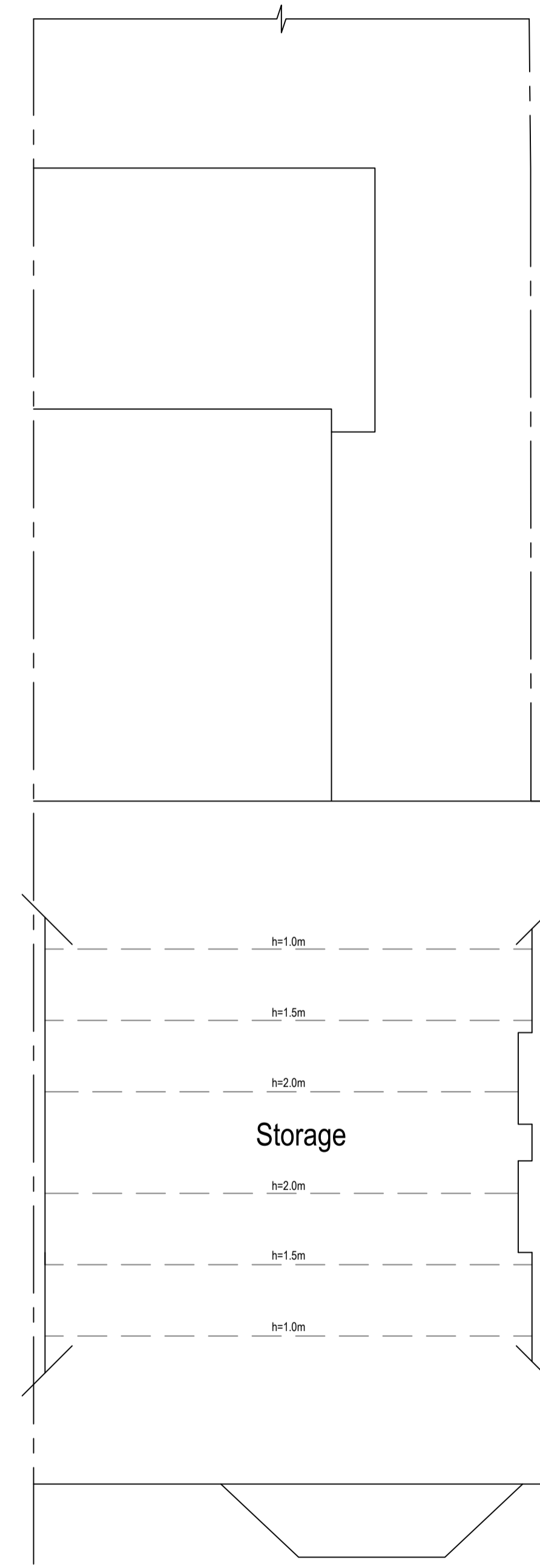
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<b>Title Number</b>	WA159260	<b>Scale</b>	As Shown@A1
		<b>Title</b>	As Shown



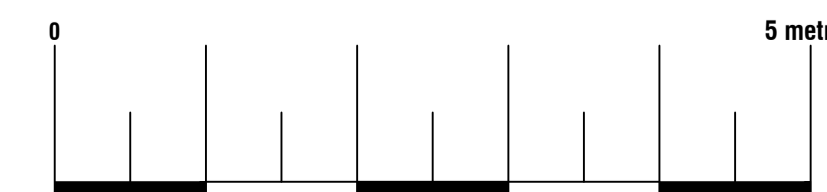
**Existing Ground Floor Plan**  
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Area ca. 59.00 m<sup>2</sup>



**Existing First Floor Plan**  
Scale 1:50  
Area ca. 51.11 m<sup>2</sup>



**Existing Loft Plan**  
Scale 1:50



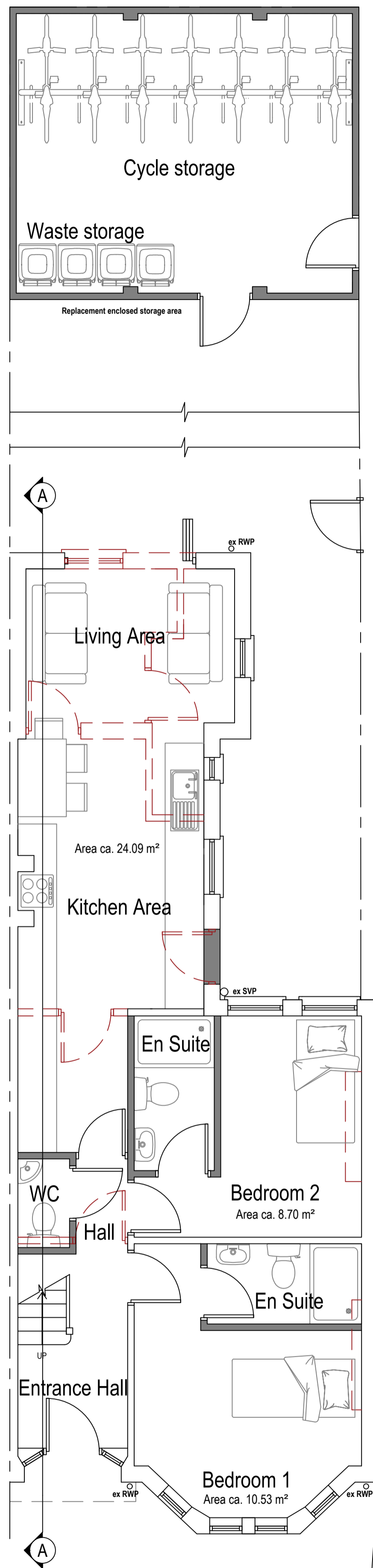
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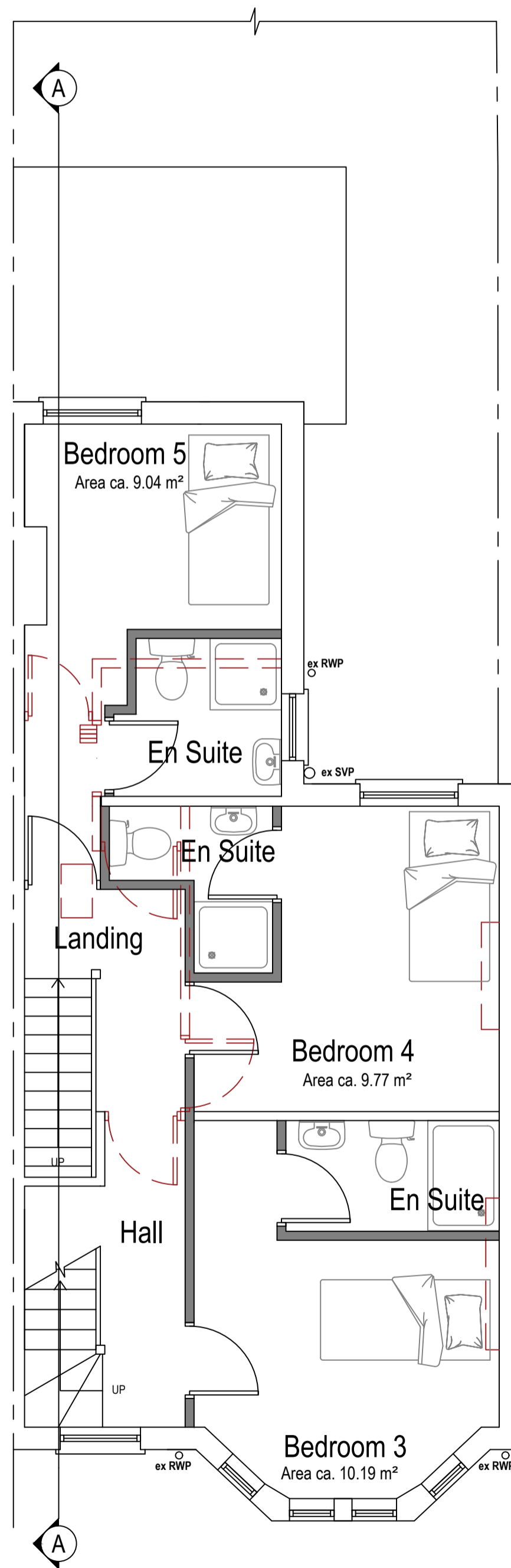
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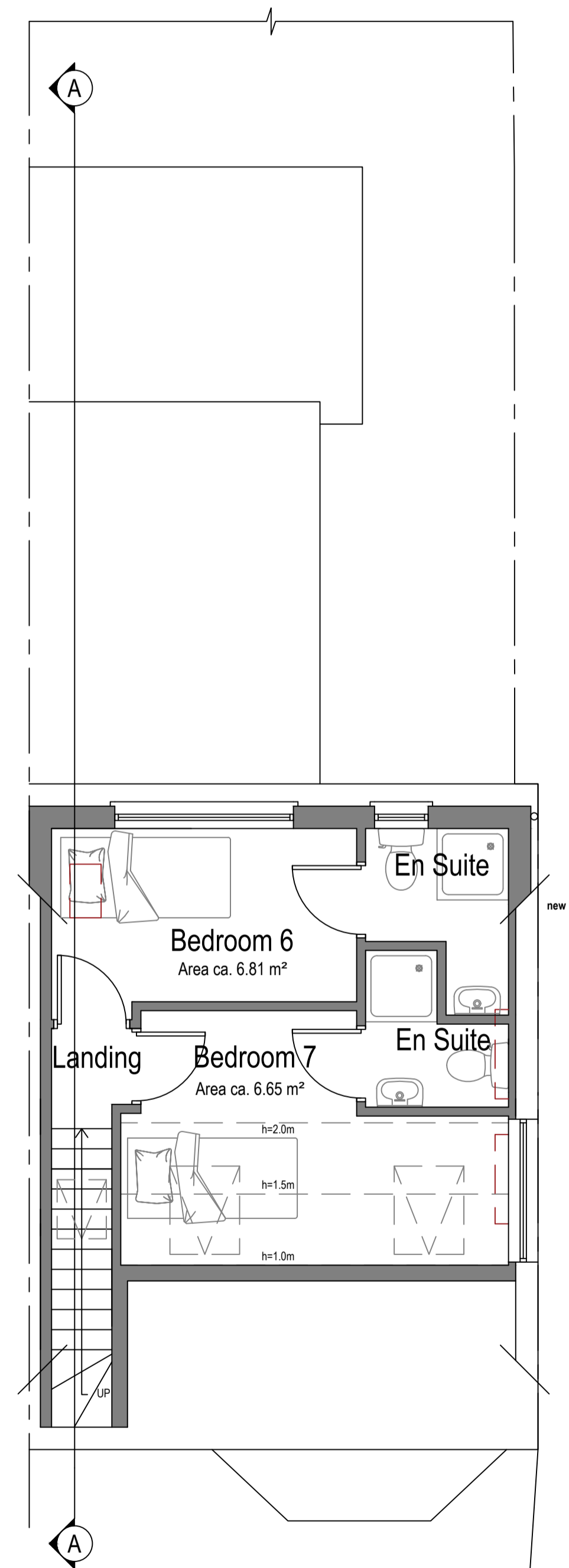
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- - - Demolished
- - - Details above



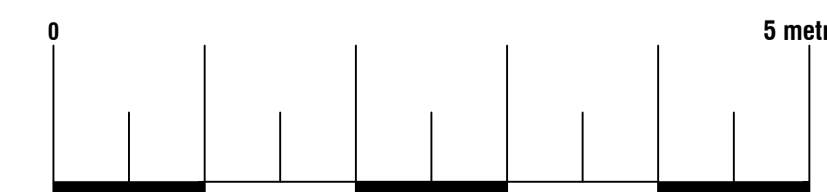
**Proposed Ground Floor Plan**  
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Area ca. 59.00 m<sup>2</sup>



**Proposed First Floor Plan**  
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Area ca. 51.10 m<sup>2</sup>



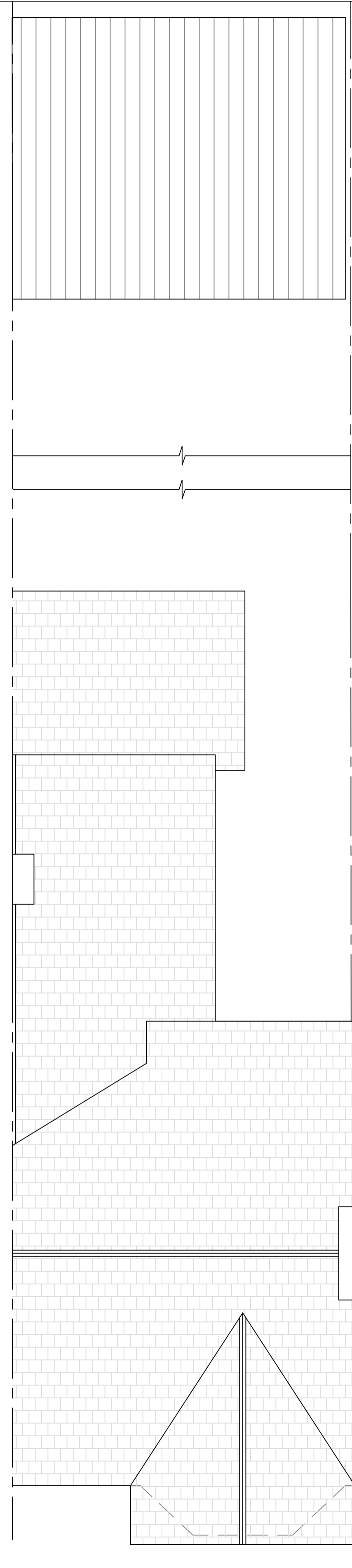
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Additional Area: 22.70 m<sup>2</sup>



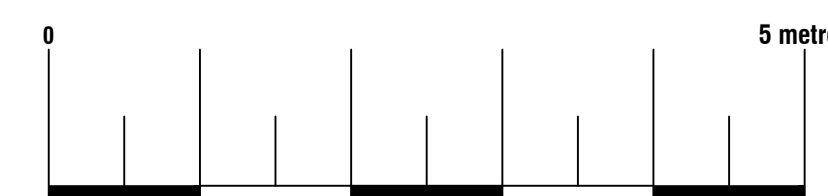
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**Existing Roof Plan**  
Scale 1:50



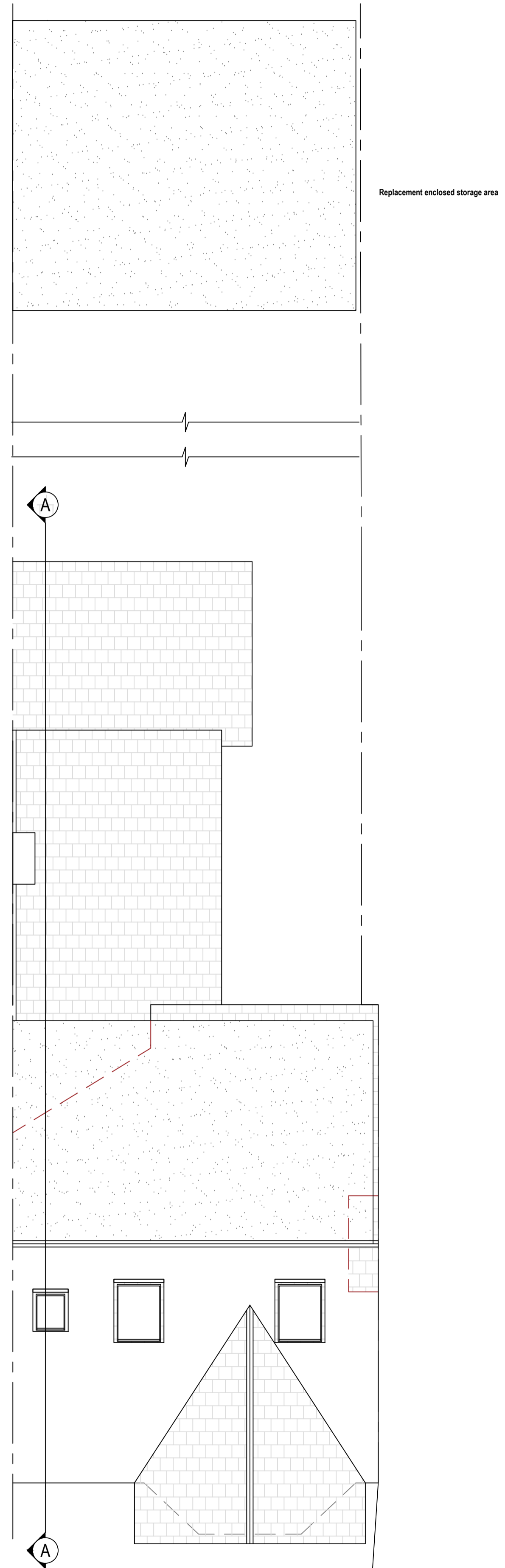
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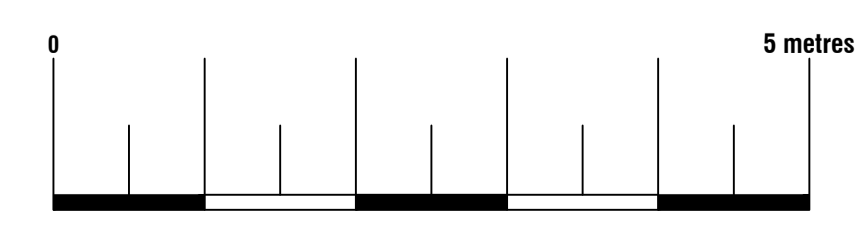
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**Symbol Key:**

- — — — — Boundary line
- - - - - Demolished
- - - - - Details above



**Proposed Roof Plan**  
Scale 1:50

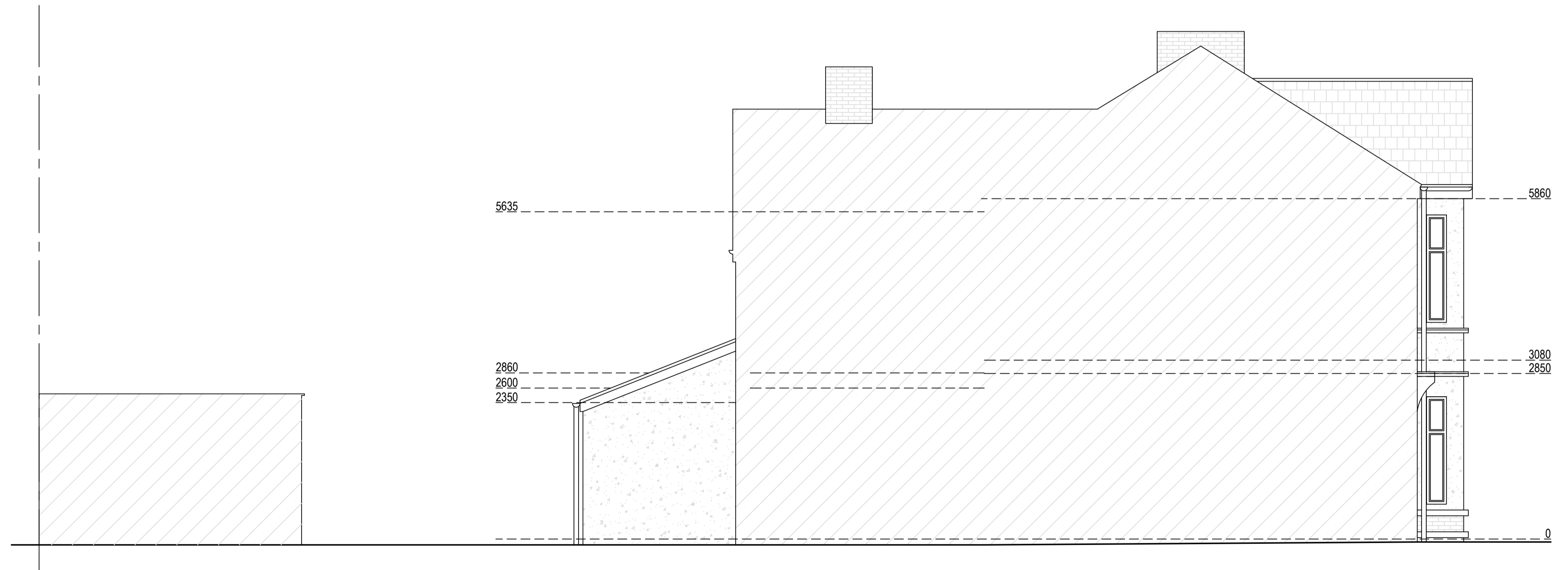


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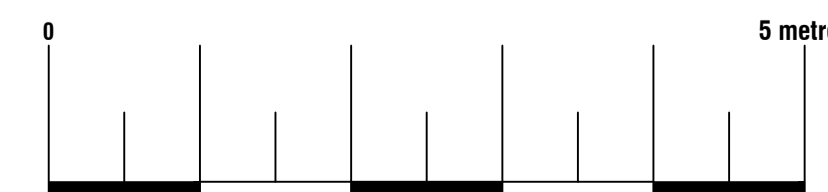
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<b>Title Number</b>	WA159260	<b>Title</b>	As Shown



**Existing North Elevation**  
Scale 1:50



**Existing East Elevation**  
Scale 1:50



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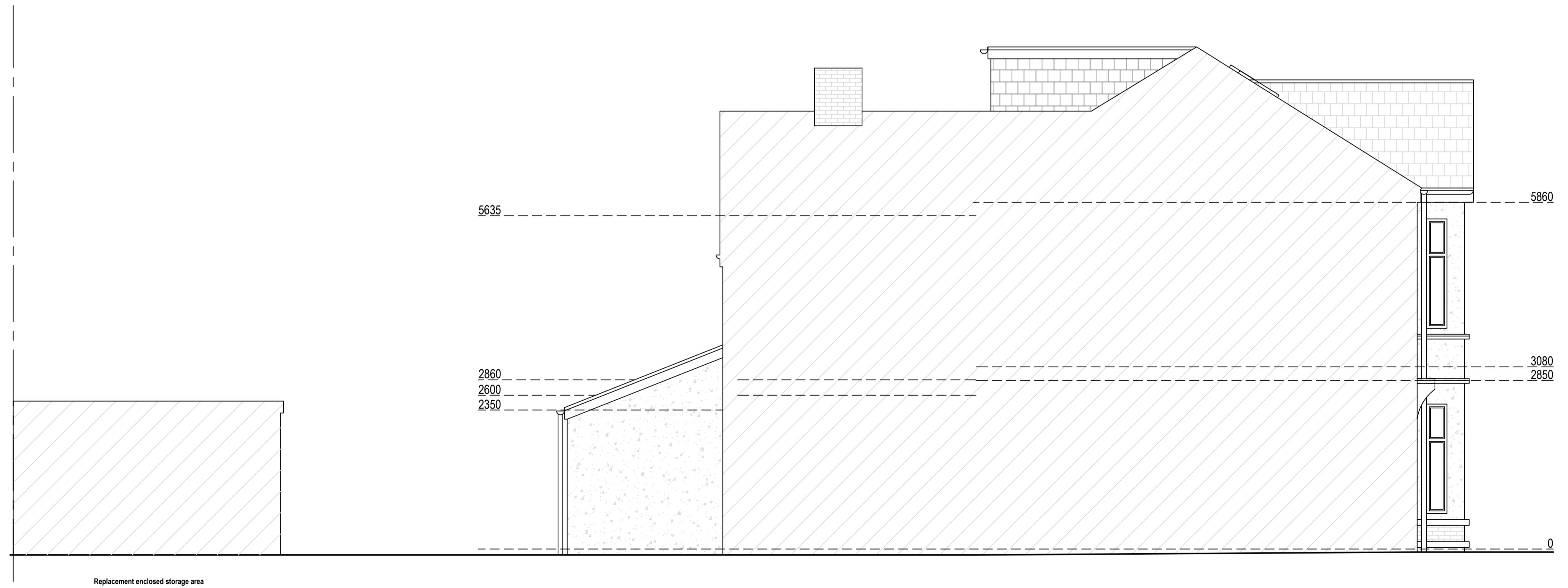
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		<b>Sheet</b>	23-0037 D06 REV 1
		<b>Job</b>	Loft Conversion
		<b>Scale</b>	As Shown@A1
<b>Title Number</b>	WA159260	<b>Title</b>	As Shown



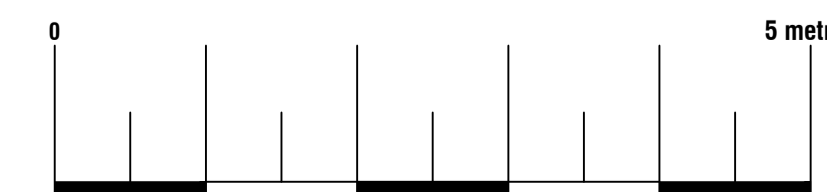
Proposed Materials:  
 Walls: Tile  
 Flat roof: Ply membrane



**Proposed North Elevation**  
 Scale 1:50



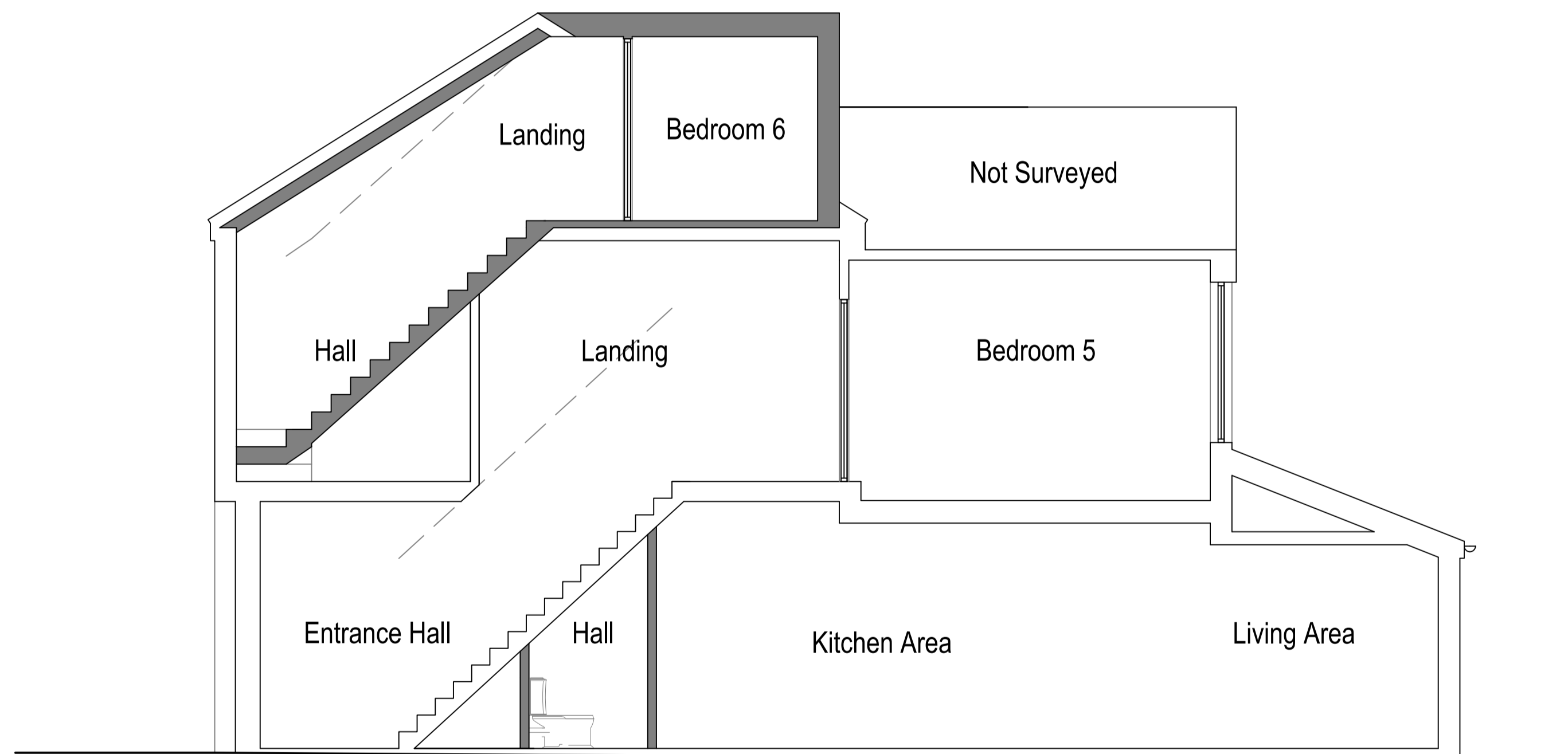
**Proposed East Elevation**  
 Scale 1:50



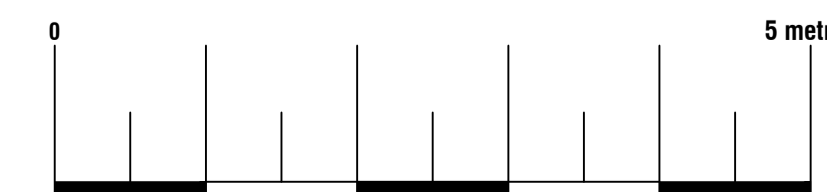
**Arkiplan**

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<b>Site</b>	57 Inglefield Avenue, Cardiff CF14 3PY	<b>Date</b>	25.01.2023
		<b>Sheet</b>	23-0037 D07 REV 1
		<b>Job</b>	Loft Conversion
		<b>Scale</b>	As Shown@A1
<b>Title Number</b>	WA159260	<b>Title</b>	As Shown



**Proposed Section A-A**  
Scale 1:50



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<b>Site</b>	57 Inglefield Avenue, Cardiff CF14 3PY	<b>Date</b>	25.01.2023
		<b>Sheet</b>	23-0037 D08 REV 1
		<b>Job</b>	Loft Conversion
		<b>Scale</b>	As Shown@A1
<b>Title Number</b>	WA159260	<b>Title</b>	As Shown