

**06/01907/FUL**

**CHANGE OF USE FROM RESIDENTIAL TO HOUSE  
IN MULTIPLE OCCUPANCY (RETROSPECTIVE)  
AT 24 Porthleven Place, Fishermead, Milton Keynes  
FOR Mr Malcolm Oakley**

**INTRODUCTION**

This is a retrospective application to regularise the conversion of an existing single dwelling to a House in Multiple Occupation [HIMO], with the carport already converted to a habitable room, making 5 lettable rooms in total.

**CURRENT APPLICATION**

The dwelling has been converted to provide on the ground floor a shared kitchen/dining room, toilet and one lettable room. At first floor are 2 lettable rooms front and rear, with on the second floor 2 more lettable rooms plus a bathroom. There is insufficient space to park a vehicle in front of the property. There is shared parking either side of and in the central reservation. At the rear the garden is large enough to accommodate a bin store and a drying area.

**MAIN ISSUES**

- Do the proposals result in on-street car parking to the detriment of the amenities of the adjoining residents?
- Is adequate space available for bin storage and a drying area?
- Will the proposal result in noise disturbance that would adversely affect the amenities of adjoining residents?
- Will the proposal lead to an unacceptable concentration of HIMO's within the area?

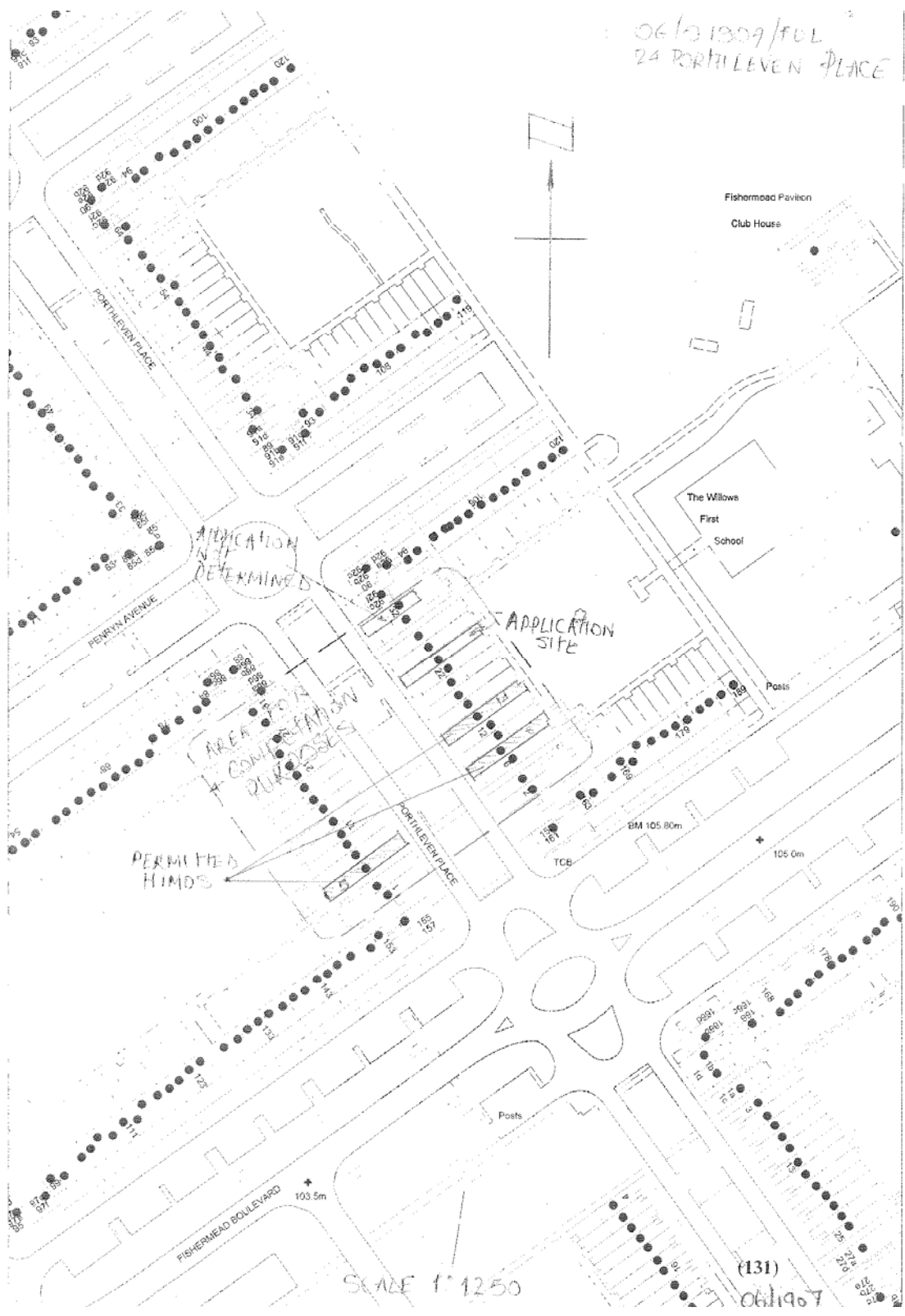
**CONSULTATIONS AND REPRESENTATIONS**

Chief Environmental Health Officer - The property will need to meet the requirements of the Housing Health and Safety Rating System [HHSRS]. Further advice on this matter should be sought from the Private Sector Housing Team.

The Engineer, Highways Development Control, has inspected the application site during the evening period and found there to be adequate parking spaces available in the communal parking area in front of the application site. He has no objection to planning permission being granted and has no recommendation to make.

Housing Strategy and Needs - to be reported.

06/13/1909/FUL  
24 PORTLEVEN PLACE



APPLICATION DETERMINED

APPLICATION SITE

AREA FOR COMPENSATION PURPOSES

PERMITTED HANDS

Fishermead Pavilion  
Club House

The Willows  
First  
School

Posts

BM 105.90m

105.0m

TCB

Posts

103.5m

FISHERMEAD BOULEVARD

(131)

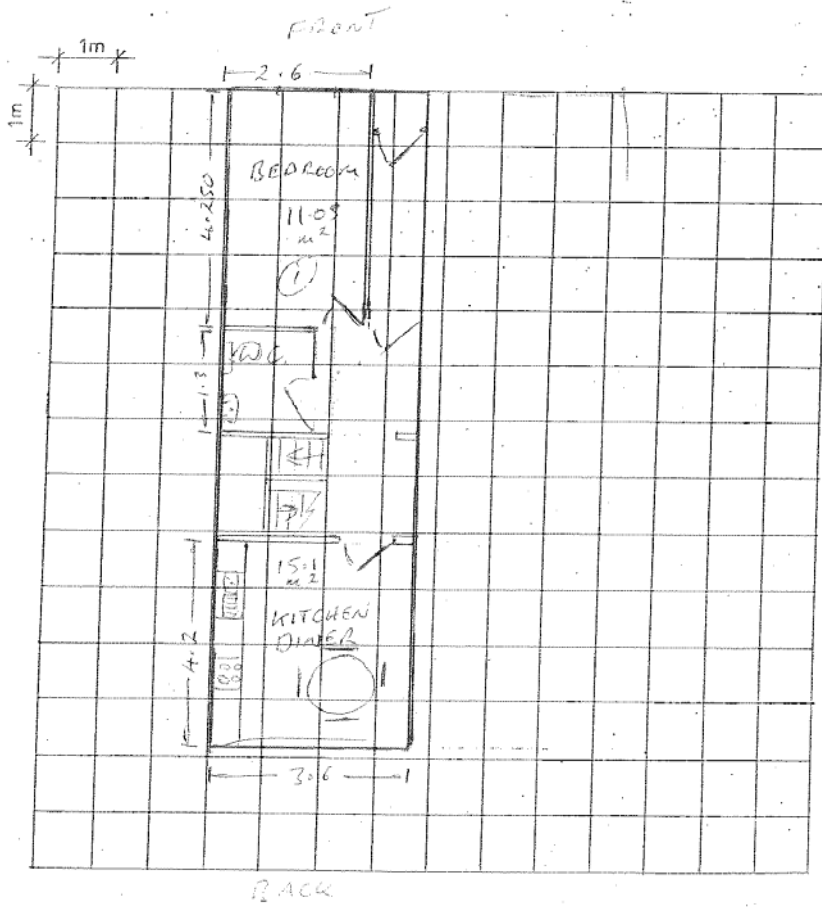
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









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| HD  | Heat Detector         |  | Roof Light                 |
| SD  | Smoke Detector        |  | Window                     |
| FD  | Fire Door             |  | Shower                     |
| <)) | Alarm Sounder         |  | Upward Direction of Stairs |
|     | Gas Boiler            |  | Number of Occupants        |
|     | Wash Basin            |  |                            |
|     | Dishwasher            |  |                            |
|     | Combination Microwave |  |                            |

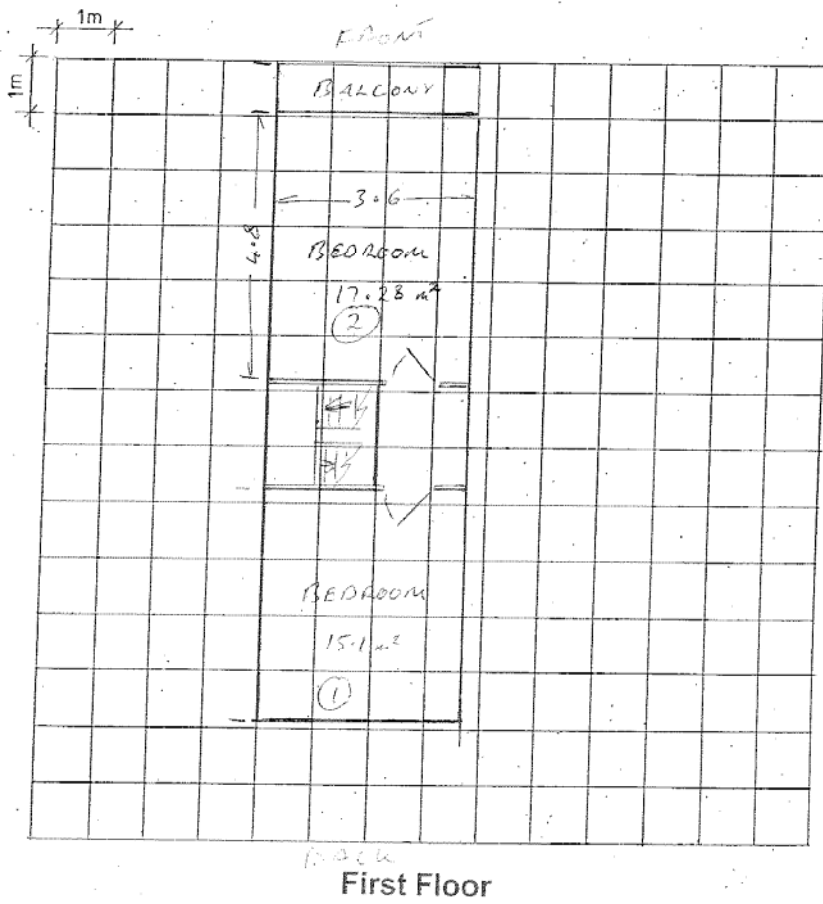


Ground Floor

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|---|-----------------------|---|----------------------------|
| HD  | Heat Detector         |  | Roof Light                 |
| SD  | Smoke Detector        |  | Window                     |
| FD  | Fire Door             |  | Shower                     |
| < )   | Alarm Sounder         |  | Upward Direction of Stairs |
|  | Gas Boiler            |  | Number of Occupants        |
|  | Wash Basin            |  |                            |
|  | Dishwasher            |   |                            |
|  | Combination Microwave |   |                            |

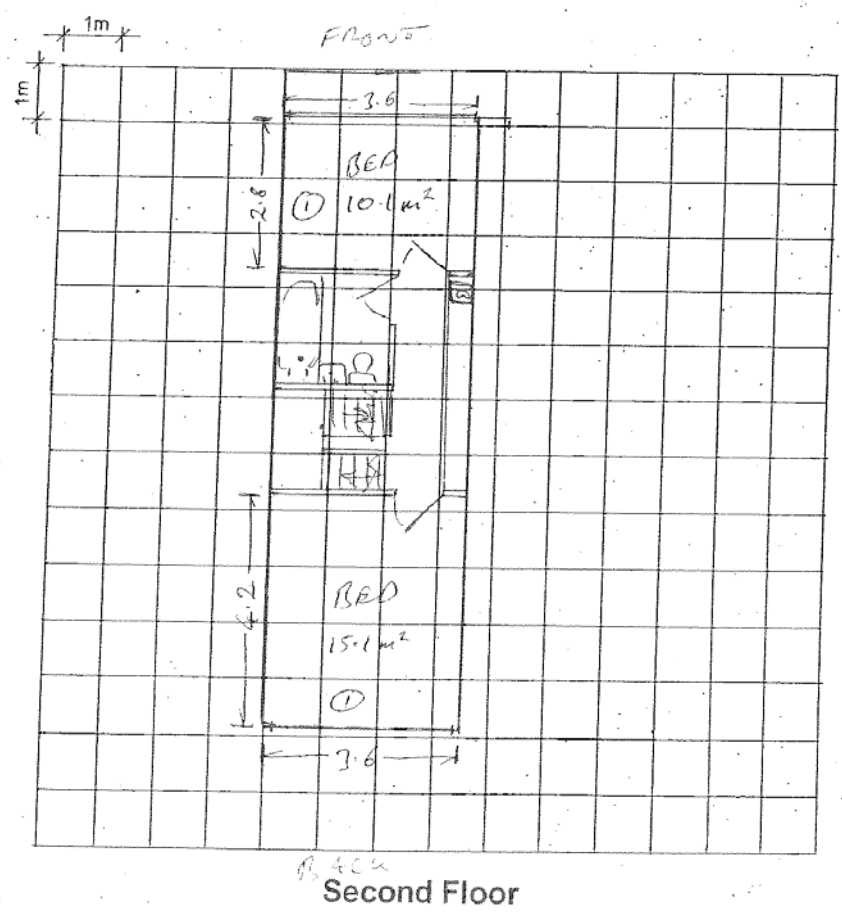


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Address 24 PORTA-VEVAI PANE MIK6 ZAT

- HD Heat Detector
- SD Smoke Detector
- FD Fire Door
- <)) Alarm Sounder
- ☐ Gas Boiler
- ☐ Wash Basin
- DW Dishwasher
- ☐ Combination Microwave
- ☐ Roof Light
- ☐ Window
- ☐ Shower
- ↑ Upward Direction of Stairs
- ① Number of Occupants



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Campbell Park Parish Council objects to the application and makes the following comments: -

- In Porthleven Place it is alleged 33% of the dwellings are HIMOs and in the block of 16 37% are HIMOs, which is an over-concentration of the use.
- Permission has been granted for 2 HIMOs in this block of houses plus one pending. The Parish Council considers that 2 HIMOs per block is the maximum that should be permitted before it changes the character of the area.
- Opposite it alleges there are 8 HIMO's in a block of 16, a 1 in 2 concentration.
- The application does not meet the Licensing standards.
- There are severe parking problems in the area.
- If Committee is minded to grant permission can conditions on the following points be imposed - the re-instatement of the garage, limited to 4 lettable rooms, adequate bin storage in the rear garden and the installation of adequate fire precautions.

The Parish Council note that there are 25 people registered to vote at number 24, can the relevant departments investigate? The electoral register indicates that the house is divided into flats, is the applicant applying for the right sort of permission?

#### RELEVANT PLANNING HISTORY

06/00542/FUL - Change of use to HIMO at 5 Porthleven Place 16/06/06  
05/01433/FUL - Change of use to HIMO at 8 Porthleven Place 15/11/05  
03/00408/FUL - Change of use to HIMO at 14 Porthleven Place CP 24/07/03

In respect of 8 Porthleven Place an appeal is pending on a subsequent decision on application (06/00421/FUL) which refused conversion of the integral garage into a fifth unit of living accommodation. The appeal decision at 188 Fishermead Boulevard also supported the retention of the garage as a non-lettable room.

#### RELEVANT POLICIES

D1 - Impact of Development Proposals on Locality.  
H10 - Subdivision of Dwellings and Houses in Multiple Occupation

## CONSIDERATIONS

The applicant was asked to reduce the number of lettable room to 4 and to re-instate the carport so as to accord with Members recent decisions. He has declined to amend the application, pointing to the many parking spaces in the vicinity and because none of his tenants have cars. He states that the loss of a bedroom would make the business unprofitable or the rents would have to be put up. He considers that he provides a good and necessary service to the town for which there is a continuing demand.

Car Parking - The Highway Engineer, that there is adequate parking in the vicinity.

Concentration - permission has been granted for HIMOs at numbers 5, 8 and 14 Porthleven Place. The application on 32 Porthleven Place has been yet to be resolved because the landlord will not reply to correspondence. It is necessary to gain access to the house at No 32 to see if there is sufficient space at the rear for a drying area, or that the owner provides a washing machine and dryer.

It is considered that the dwellings for computing the concentration of permitted HIMOs should be numbers 1 to 31 and 2 to 32 Porthleven Place. The ratio is therefore 4 in 32 or 1 in 8, which is considered to be an acceptable figure.

The concentration figures have to be based on relevant planning permissions in order to comply with Policy H10 of the Local Plan, and the Housing Act definition of a HIMO is not the same as the Planning definition of the use and cannot therefore be used for comparison purposes.

Bin Store & Drying Area - the rear garden is accessible to all occupants and is of sufficient size to accommodate a bin store and drying area.

Noise and Disturbance -Environmental Health and the Police are the relevant authorities to deal with any occupants who are excessively noisy. When Building Control consider the conversion of a property into flats the installation of sound proofing material would be required because new dwelling units are being created. HIMO's are considered in the same way as a group of people living together as a family or as a common lodging house and therefore not require any additional sound insulation.

Matters Arising - the Parish Council comments regarding the number of electors at number 24 Porthleven Place have been passed to the elections officer. However, whatever the reason for such a high number of apparent electors this is not proof of such excessive occupation levels and cannot be used as a factor to determine the application.

## CONCLUSION AND RECOMMENDATION

In view of the outcome of the committee consideration of an officer briefing paper on 19 January 2007 it is apparent that the Committee maintains its attitude that in this type of property and location a maximum of 4 lettable rooms only should be allowed. Also, in this part of Fishermead the Committee has recently refused applications on this basis, including that which is subject to a current appeal at 8 Portleven Place. In terms of consistency the Committee may therefore wish to refuse this planning application as the proposal for five lettable rooms would lead to an over-intensive use of the property and insufficient car parking.