
APPLICATION DETAILS

Application No:	25/0280/COU
Location:	50, Outram Street, Middlesbrough, TS1 4EG
Proposal:	Change of use from dwelling (C3) to 3 bed HMO (C4)
Applicant:	Mr Stephen Gardiner
Ward:	Newport
Recommendation:	Refuse

SUMMARY

The application site is a two-storey, 2 bedroom, mid terrace property which is located on Outram Street, just off Parliament Road.

The application seeks planning approval to convert the existing dwellinghouse to a 3 bedroom HMO.

PLANNING HISTORY

No relevant planning history.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).
- Stainton and Thornton Neighbourhood Plan (2022)

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

Housing Local Plan (2014)

- H1 – Spatial Strategy
- H11 – Housing Strategy

Core Strategy DPD (2008)

- CS17 – Transport Strategy
- CS4 – Sustainable Development
- CS18 – Demand Management
- CS19 – Road Safety
- DC1 – General Development

Other Relevant Policy Documents

- Interim Policy on the Conversions of Residential Properties

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Councillor Jill Ewan

I wish to raise objections to the above planning application, based on the following grounds:

Impacts on area character or overall nature of scheme as a result of layout, density, design, visual appearance

This is a longstanding family area. The house is close to Glebe Recreation Area, a park used by local children. It has two upstairs bedrooms, one single and one double, a downstairs bathroom, and a long reception room, formerly two rooms, with a window looking straight out onto the street with no garden. There is a small kitchen and a downstairs bathroom. It is suitable for occupation by a small household and currently has a licence under the Selective Landlord Licensing scheme.

The proposal is to re-divide the two reception rooms, to make the front one into a downstairs bedroom facing straight onto the street, with no privacy unless the curtains are kept closed.

The small room sizes, small living area, small kitchen, one bathroom between up to six people and lack of a second toilet make this a low grade, undesirable development.

The house has only a very small amount of outdoor space, the length of the kitchen and bathroom, around 1m wide, for what could be up to six adults if the three double beds and six dining chairs in the plans are fully occupied. This would be insufficient for sitting outdoors, keeping bicycles, drying washing or keeping recycling and food waste or anything else prior to collection.

Highway issues: traffic generation, vehicular access, highway safety

Because of the nature of terraced houses opening onto the street, parking on the street is in short supply. In normal family use, households living in such a house might have an average of one car. With up to six adults in this house, there could potentially be up to six parking spaces needed, especially if in use as serviced accommodation such as an AirBnB with contractors as guests.

Overlooking and loss of privacy

The plans envisage a downstairs bedroom with its window directly onto the street, near to the park. This means that there will be no privacy for the occupants of the bedroom unless

they keep curtains or blinds closed all the time they are in their bedroom, which would be unpleasant and, unhealthy when using the rooms in daytime.

Capacity of physical infrastructure (roads/drainage)

Are the drains adequate for this increased occupancy?

Incompatible or unacceptable uses:

The house is in an area near to where prostitutes ply their trade. A downstairs double bedroom at the front might make the house desirable for them to rent.

Public Responses

Number of original neighbour consultations: 5

Total numbers of comments received: 0

Total number of objections: 0

Total number of support: 0

Total number of representations:

PLANNING CONSIDERATION AND ASSESSMENT

Overview

The application site is a two-storey, 2 bedroom, mid terrace property which is located on Outram Street, just off Parliament Road.

The application seeks planning approval to convert the existing dwellinghouse to a 3 bedroom HMO.

Policy

Local Plan Policy H1 supports new housing / provision in general terms but requires windfall development (being development change of an unallocated site) to be sited in the urban area and satisfy the sustainable development requirements set out in Policy CS4.

Policy H11 seeks to ensure that housing development contributes towards the delivery of a balanced and sustainable housing stock that meets the needs of Middlesbrough's current and future population.

Policy CS4 requires all development to contribute towards the achievement of sustainable development principles which includes making the most efficient use of land, with priority given to previously developed land.

Policy DC1 identifies that development proposals must have a minimal effect on the surrounding environment and the amenity of nearby properties.

Policies CS17, CS19, and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network.

Collectively, Policies CS4, CS18, and CS19 encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use.

The Council's Interim Policy on the Conversion and Sub-Division of Buildings for Residential Uses sets out a number of criteria that would be of relevance to the proposed development. For instance, the building should be capable of providing the number of units proposed to an acceptable standard of accommodation, with adequate levels of privacy and amenity, meeting the Government's Technical Housing Standards. In addition, there should be adequate provision and access to parking (cycle and/or vehicle), refuse storage and collection, and amenity space were deemed necessary.

Considerations

The existing floor plans do not label the rooms although based on the plans, it appears that the existing property comprises on the ground floor of a living room, dining room, kitchen and bathroom along with two bedrooms situated on the first floor. The property has limited outdoor private amenity space to the rear, being a very slender rear yard area and being a street terrace, has no front garden / parking associated with it.

The proposals show the ground floor will be partitioned to create a bedroom to the front (window directly onto the pavement), with the dining room, kitchen and bathroom to remain as communal space. A further two bedrooms will be located at first floor. None of these bedrooms will have en-suites, and the only bathroom will be the existing relatively small bathroom on the ground floor which is served directly off the existing kitchen. The Council's interim policy states that two and three storey dwellings must include enough space for one bathroom and one additional WC (or shower room), and as a result this is contrary to policy. The property also has a particularly small rear yard with an alleyway behind which allows rear access.

All bedrooms have windows and thereby served by natural light and rooms are presented and laid out well, with bedrooms large enough for basic furniture. However, it is noted that the kitchen is too small to act as a dining kitchen and the dining room is too small to also act as a communal living room, when taking into account movement space between doors. The lack of larger communal space or a separate communal living room places likely demands on the bedrooms also doubling as a living room / living space for each of the future occupiers and although they are of a suitable size for a single person's bedroom, they are considered to be too limited to also reasonably provide the function of a living room given the need for movement space within. In addition, the lack of a separate W.C and the bathroom being served off the kitchen is considered to be a relatively poor provision.

The proposed conversion is therefore considered to be lacking somewhat in these regards, being contrary to Local Plan Policy and contrary to paragraph 135a of the NPPF, which states that it should be ensured 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;"***

The ground floor bedroom is served by large bay window on the principal elevation. This bedroom is located at the front of the property, overlooking the footpath with no defensible space. Bedrooms at the ground floor and to the front of properties are likely to have curtains shut for long periods of time also whereas a living/communal room would create more of an active frontage, which is encouraged by the Middlesbrough Urban Design Guide. In this aspect, the proposal is contrary to the aspirational standards of the interim conversion policy.

The submitted plans do not depict the amount of communal yard space available, there is also no indication of refuse/recycling provisions, or cycle storage. It is noted that the alleyway located at the rear of the property gives access to communal bin storage and it is therefore assumed that there is no demand within the rear yard for bin store provisions. However, no cycle store provision is provided, which is contrary to Policies CS4, CS18, and CS19 which encourage developments to incorporate measures that will improve the choice of sustainable transport options available to people and promote their use. The Council's Interim Policy on the conversion and sub division of dwellings requires that ***"the proposed development will provide adequate provisions of, and access to, parking (cycle and/or vehicle, as appropriate), refuse storage and collection, and amenity space where deemed necessary"***. The property has no vehicle parking and it is accepted that vehicle parking requirements may be limited for a proposal of this nature in a relatively sustainable location. However, opportunity to use cycle's as a mode of transport is considered to be necessary, otherwise it would be contrary to this policy requirement. There is no ability within the limited yard space for such provision without unduly hampering use of the yard to give access to the back alley / refuse receptacles. Furthermore, any use of the rear yard for cycles would compromise the already minimal private amenity space that the property has and would render it largely unusable. Whilst it is noted that the proposed use is not necessarily increasing the number of people that might ordinarily be found within a 2 bed property, it is expected that, as a 3 bed HMO, there would be 3 unrelated adults living at the premises and use of communal space is therefore valued / used slightly differently to the family environment. Bringing cycles inside a family home may occur but this would be wholly unsuitable for a HMO property. Likewise, the proposal results in an increased burden on cycle store provision given the presence of 3 adults.

The lack of cycle storage and limited private amenity space are considered to be contrary to policy and although the use of the existing property as a dwelling will already have some unmet requirements in this regard, it is considered that the proposed use will intensify the use of this small property with limited amenity and to intensify it in this manner without adequate provisions is making a small property with limited provisions even more unable to provide for the future occupiers, the concept of which is generally contrary to the general thrust of both local and national planning policy / guidance. There are no material planning considerations which would suggest these policies / guidance should be set aside for this proposal.

No external changes are proposed to the property, as such the property will appear unchanged within the streetscene.

Privacy and Amenity

When properties are sub-divided, and the use intensified there is potential for noise transference between adjoining properties. It is a requirement of Building Regulations that adequate noise insulation measures are provided to attenuate noise transference. However, it is not anticipated that noise levels will significantly rise given that the occupant levels will only see a limited uplift. The proposal involves no external alterations to the building and as such will not alter the existing separation distances between the application site and the neighbouring properties.

With regards to HMO accommodation, the LPA are of the view that unless the bed space is big enough to act as a living room, a living room separate to the kitchen / diner space should also be provided so that occupants have somewhere to sit during the day / evening.

Occupants shouldn't be reliant on small individual bedrooms to sit and relax and therefore a separate living room is considered to be important.

The proposal would result in a ground floor bedroom to the front of the property, immediately off the public footway and served by a large bay window. This is considered to be inappropriate and poses privacy issues, regarding the movement of people both in and out the property and also from the general use of the street. Whilst this is an existing arrangement, the bay window would traditionally serve a living room thereby giving the occupiers the ability to move between rooms within the property to gain relief from the lack of privacy. This is less available in a HMO arrangement and the bay window is a particularly large opening in its own right thereby allowing notable views into the only private space for the occupier of that room. A bedroom to the ground floor front poses very limited ability to distance the occupants from any noise and disturbances associated with the street and its use. Natural surveillance is particularly important for a property in this location, as it is located close to a communal park/square that could attract anti-social behaviour. As a result an active frontage is important, and a bedroom is less likely to contribute to this as only one occupant will have access and curtains are likely to be shut through the day and night. The development is considered contrary to paragraphs 135d & f of the NPPF, which states that developments should create "attractive, welcoming and distinctive places to live, work and visit" that are "safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

The proposal will not provide any additional extensions or alter the existing window arrangements, and it is considered to have no additional significant impacts in terms of loss of privacy or loss of amenity to the neighbouring properties. However, the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space and usability and amenity, and is not considered to provide a level of accommodation suitable for long term accommodation.

Highway related matters

Concerns have been raised regarding an increase of parking pressures on Outram Street following the conversion. The Tees Valley Design Guide standards would advise that 2 car spaces are provided for the property. Currently no off-street parking is provided, and none is proposed. However, this property, along with others in the area, are heavily reliant on on-street parking, and the uplift in bedrooms is not considered to have a significant impact on this. As a result, the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

Conclusion

On balance, it is considered that the principle of development is appropriate in this area. However, the HMO accommodation does not meet the requirements of the Councils Conversion Policy in terms of size, space, usability and amenity, and does not provide a level of accommodation suitable for long term accommodation. It represents an intensification of the property (with regards to adult accommodation) and doesn't provide sufficient space for unrelated people to live harmoniously with adequate levels of space, amenity and other provisions. It would represent a reduced quality of accommodation for a property which is already very limited in its provisions. This is fundamentally against the Local Plan aspirations / policy expectations and the thrust of National Planning Guidance and there are no material planning considerations which would outweigh these matters. Legislation requires decisions are made in line with the Local Development Plan unless material planning considerations indicate otherwise and there are no matters which would

suggest a decision away from Local Policy are required and this scheme does clearly relate to a reduction in quality / provision of residential accommodation.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reason:

1. **Poor standard of accommodation**

In the opinion of the local planning authority the proposed HMO does not provide an acceptable standard of accommodation and adequate means of amenity contrary to the Councils Interim Conversion Policy, Local Plan Policies and para. 135 of the National Planning Policy Framework.

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to residential development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant.

The proposed development is not in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There are no matters relating to this application which relate to harassment, victimisation, or similar conduct or which would affect equality of opportunity or affect the fostering of good relations between people with and without protected characteristics.

Case Officer: Tom Luke

Committee Date: 4th September 2025

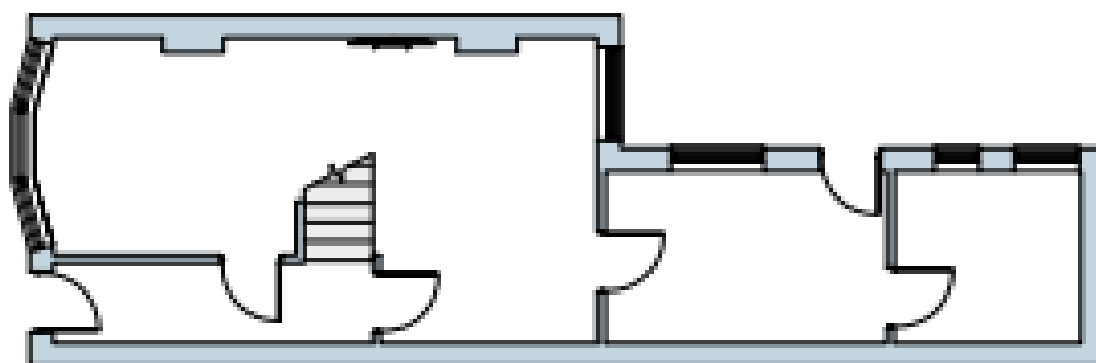
Appendices

Appendix 1: Location Plan

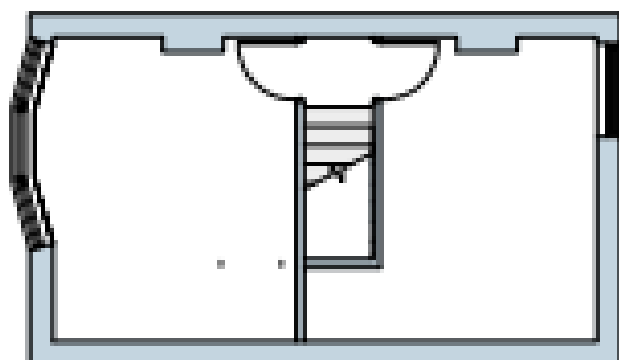


Appendix 2: Existing Floor Plans

Ground Floor Existing Layout
Scale 1:50

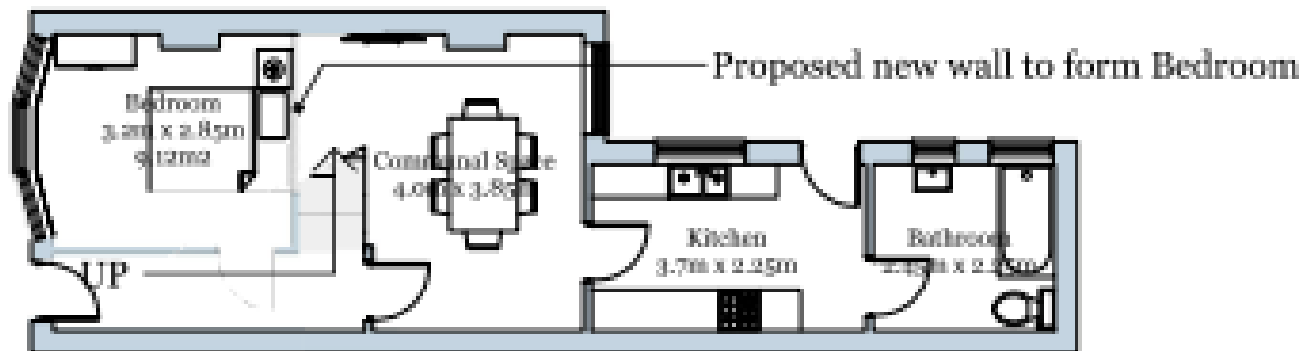


First Floor Existing Layout
Scale 1:50



Appendix 3: Proposed Floor Plans

Ground Floor Proposed Layout
Scale 1:50



First Floor Proposed Layout
Scale 1:50

