

COMMITTEE: DEVELOPMENT CONTROL

DATE: 25TH APRIL 2007

SUBJECT: 54 AND 56 DOWNS ROAD. UNAUTHORISED
CONVERSION OF 2-STOREY (PLUS BASEMENT)
TERRACED HOUSES TO SELF CONTAINED
FLATS. FILE REFERENCE NOS. 06/00132/UCU
AND 06/00133/UCU.

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: IAIN BLACKLEY 546305

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: SOUTH

PURPOSE

1. To inform Members of the unauthorised conversion of two adjoining terraced houses into a total of seven self contained flats, and to consider whether or not it is appropriate to institute enforcement action to return the properties to use as single family dwellings.

RECOMMENDATION(S)

2. It is recommended that, in view of the limited impact on the street scene and the character of the area, the lack of impact on neighbouring occupiers and the suitability of the accommodation for residential use, no action be taken.

BACKGROUND

3. The properties in question are the last two of a row of 9 modern terraced properties located towards the end of Downs Road, which is a cul-de-sac. Beyond these houses is a large block of purpose built flats and there is another smaller block of flats opposite. The houses are adjacent to, but outside, the Rothesay Conservation Area, which incorporates the majority of properties in Downs Road.

4. Both properties were previously 4 bedroom houses. Due to the steep slope to the site, there is 3 storey accommodation to the rear and two storeys to the front. Both properties previously had an integral garage, but these have been converted into living accommodation. Both properties also have off street parking facilities, each comprising a driveway space for two cars.

Previous Planning History

5. 56 Downs Road Only An application to change the use of the house to two 2 bedroom flats was refused on the grounds that it would result in unacceptable intensification of residential units on a site where there is insufficient parking and the quality of amenity space and outlook would be inadequate. (03/01597/COU).

6. 54 and 56 Downs Road An application for a Certificate of Lawfulness for the proposed use of the premises as houses in multiple occupation was refused on the grounds that this use does not fall within Use Class C3, the Lawful Use of the premises (05/00376/LAWP and 05/00269/LAWP).

7. 54 and 56 Downs Road An application for the change of use from a single dwelling house to a house of multiple occupation was refused on the grounds it would have an adverse effect, in terms of noise and general disturbance on the living conditions of neighbouring properties. Also, that it would set a precedent in the road that could lead to further similar applications and a further erosion of the living conditions enjoyed by remaining residents. (05/01280/COU and 05/01281/COU).

REPORT

8. A complaint was received in December 2004 alleging the unauthorised conversion of the properties into flats. An inspection of the site confirmed that the garages had been converted into additional living accommodation. It was also noted that both properties were unoccupied and that conversion works were being carried out to create a number of self contained units. Following a warning letter, the owner made two separate planning applications in respect of both properties, for the change of use of both properties to houses in multiple occupation, which were refused. (see history, paragraphs 6 and 7).

9. In April 2006, a further complaint was received that both houses, the subject of this report, had been converted into separate flats and that they were now occupied as such. Full inspection of both of the properties was carried out, which revealed that they were occupied as follows:-

- 54 Downs Road. Lower Ground Floor, one 1 bedroom self contained unit. Ground Floor, one 1 bedroom studio flat. First Floor, one 2 bedroom self contained unit. **Total of 3 dwelling units.**
- 56 Downs Road. Lower Ground Floor, one 2 bedroom self contained unit. Ground Floor, two 1 bedroom self contained units. First Floor, one 2 bedroom self contained unit. **Total of 4 dwelling units.**

10. Following the inspection, the owner of the properties undertook to make further planning applications to retain the flats. Despite these assertions and subsequent warning letters, no application has been received.

11. A site visit has subsequently been carried out, to assess the merits of the accommodation as now constructed. From the exterior of the building it is not immediately obvious that the properties have been subdivided. From what has been seen of the interior, the units themselves appear to have been constructed to a reasonable standard. The properties each have a rear garden, which is available to the occupiers and which provides amenity space in excess of the adopted standards.

12. The two houses are at the end of the row of terraces and are adjacent to an area of open car parking which is used in association with the neighbouring flats, thereby reducing any adverse impact on neighbouring residents.

13. The adjacent properties are purpose built flats as are those on the opposite side of Downs Road, meaning that the use of these properties as flats is not out of character with this part of the road.

14. Four on-site parking spaces are available, to be shared between the seven units. Given that the site is within walking distance of the town centre, and taking into account recent appeal decisions at 20 and 22 Downs Road, together with Central Government Guidance on the subject of parking, it is not considered that a requirement for parking at the maximum standard can be justified.

15. It is considered, therefore, that it would not be expedient to take enforcement action in respect of the unauthorised change of use and it is recommended that no action is taken in this respect.

16. Photographs of the site and floor plans showing the current use of both of the properties will be available for Members to view at the Meeting.

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

17. Planning Files, Reference: 03/01597/COU, 05/00376/LAWP, 05/00269/LAWP, 05/01280/COU and 05/01281/COU.

18. There are no other background papers relating to this report other than those which disclose exempt information within the meaning of Section 100A and Schedule 12A to the Local Government Act 1972.